

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

PLANNING APPLICATIONS COMMITTEE

25th January 2024

Application No:	SMD/2022/0199	
Location	Land Adjacent To Daisy Bank Farm, Uttoxeter Road, Upper Tean, Staffordshire	
Proposal	Reserved matters application and associated discharge of conditions 3, 11 and 13 pursuant to outline planning permission ref. SMD/2018/0509 for the residential development of 55 dwellings including the creation of a new access, car parking and ancillary landscaping.	
Applicant	Enzo's Estates Ltd	
Agent	Mr Luke Grattarola, Geriant John Planning Ltd	
Parish/ward	Checkley	Date registered 7 th July 2022
If you have a question about this report please contact: Bob Phillips e-mail planning@staffs Moorlands.gov.uk		

REFERRAL

The application is a large scale major application which is locally contentious.

1. SUMMARY OF RECOMMENDATION

DELEGATED AUTHORITY TO APPROVE WITH CONDITIONS

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 1.1 This committee report is prepared in support of a reserved matters application for *Reserved matters application and associated discharge of conditions 3, 11 and 13 pursuant to outline planning permission ref. SMD/2018/0509 for the residential development of 55 dwellings including the creation of a new access, car parking and ancillary landscaping.* The site has been the subject of an outline planning permission (Ref: SMD/2022/0509) which was granted permission in October 2019 with all matters, excepting access, reserved for subsequent approval. It is these reserved matters detail that is now presented as part of this application.
- 1.2 The three conditions that are specifically referenced to be discharged associated with this application can be summarised as follows:
- *Condition 3:* The submission of the remaining matters of detail reserved – this includes appearance, layout, scale, and landscaping. (Note – access arrangement has already been agreed)
 - *Condition 11:* Provision of updated information regarding tree protection, including method statements for the protection of retained trees on the site.
 - *Condition 13:* That the reserved matters application will be accompanied by a Ecological Management Plan (EMP) that deals with a range of ecological matters.

- 1.3 The application has been the subject of detailed responses from the community and statutory consultees regarding proposals to provide a footpath link alongside Uttoxeter Road which are focused on condition 17 which are submitted within the package of information. This application does not specifically seek to discharge this condition, however detailed feedback has been provided to ensure that the layout and landscape works approved as part of this scheme will allow the subsequent applications for this matter to be effectively addressed. Please note that any decision on this application does not result in discharge or otherwise of condition 17. A separate discharge of condition application will be required

Site description

- 1.4 The application site is a series of grazing pasture fields adjacent to Daisy Bank Farm, to the east Uttoxeter Road, which are to the south of the settlement of Upper Tean, Staffordshire. The application site comprises three fields and two smaller paddocks adjacent to the former farmstead. The fields are currently used for the grazing of livestock all of which about the former farm complex of Daisy Bank Farm. The paddocks, which are to the immediate north and south of the farmstead, are currently un-used with the northernmost paddock being significantly overgrown. Collectively the application sites wraps around the former farmstead meaning that the farm house and converted barns share three boundaries with the application site. The fields and paddocks slope upwards from the Uttoxeter Road east to west) and also rises marginally north to south, which means that the north-eastern corner is the highest part of the site.
- 1.5 The site is surrounded (except for the southern boundary) by a hedgerow which is of varying quality, some of which include several mature and semi-mature trees, although none are the subject of protection through a tree preservation order (TPO). The hedgerow to the Uttoxeter Road is perhaps the most complete and mature, especially to the south of the farmstead. The southern boundary is simply a post and wire stock fence between this land and the paddocks beyond.

Townscape and landscape surroundings

- 1.6 The settlement of Upper Tean sites to the north of the application site, with the site being a little separate from the village with a series of small plots and paddocks separating the application site from the surrounding townscape. To the west of the site the landscape falls away to the river valley of the River Tean as it runs south. As a result there are clear views and vistas from, and to, Uttoxeter Road across the landscape.
- 1.7 The nearest properties to the application site are indeed those that form part of the former Daisy Bank Farmstead, the original barns and milking parlours being converted to residential properties having been granted permission in 2013. These residential properties sit at a lower level to the fields that surround them, the application site being somewhere in the region of 2-3 metres higher than the land within their gardens. More recently the farmhouse has been granted permission for a domestic extension. Whilst the conversions and alterations have retained many of the features of the former farmstead, it now has a distinctive domestic appearance which includes garden areas characterised by residential paraphernalia and parking.
- 1.8 To the east a series of properties off Furlong Drive and Hawthorn Close present their rear gardens to the wider landscape and thus this site. The nearest dwellings are numbers 19 & 21 Furlong Drive which are 19m and 28m respectively from the site

boundary at their nearest point. Between the site and these residential properties are a series of smaller paddocks that are used for grazing purposes that once formed the track bed of the railway. One of these paddocks has recently been granted a certificate of lawful development to confirm its use as residential garden space associated with a dwelling off Hawthorn Close (Ref: SMD/2023/0474).

- 1.9 To the south there is a small paddock that runs along the southern edge of the application site and separates this from the residential property known as Westbourne. The paddock is the subject of a live planning application dating from 2019 (SMD/2019/0591) which seeks permission for its use for eight residential dwellings but itself remains undetermined. Beyond Westbourne runs a public footpath that connects with a wider network of routes that eventually connect back to Hawthorn Close.

Compliance and relationship with Outline application SMD/2018/0509:

- 1.10 This outline planning permission is the basis for this reserved matters application. The decision notice of this application was approved in October 2019, and is subject to 26 planning conditions split into the following sections: mix and size, trees and landscape/visual impact, biodiversity/ecology, highways, drainage, construction/demolition, contamination, validation, unexpected contamination, soil importation, waste management and sound insulation.
- 1.11 A number of conditions, regardless of this reserved matters application will remain relevant and require separate discharge. Application DOC/2022/0042 (see table below) includes a number of these conditions but it should be noted that there are some elements that are inextricably linked by virtue of the impacts of the layout that is approved as part of this scheme and as such are required to be considered as part of this application.
- 1.12 There are, however, several conditions that have direct relevance to this application, by virtue of their nature or requirements set out in the outline permission. A detailed assessment is provided within the officer assessment. They are listed below alongside how they relate or are satisfied by this application:
- Condition 2 requires that an application for reserved matters be made within three years of the approval – the LPA were in receipt of a valid application on 07 July 2022; which meets this requirement.
 - Condition 3 requires that details of appearance, layout, scale and landscaping be submitted to the LPA and are known as the ‘reserved matters’. This application includes information sufficient to satisfy all these requirements albeit their receipt does not necessarily mean that they are acceptable which is considered further in the officer assessment.
 - Condition 4 sets out a list of documents and plans that should be accorded with. These include the location plan (which establishes the site boundary) and a parameters plan (which sets the broad concept layout for the scheme) and the design and access statement which provides some outline details of the design and layout.
 - Condition 5 requires that the maximum height of the properties be limited to two storeys at 7.5m, however this was later amended as part of application NMA/2022/0009 to being no more than 8.4m.
 - Condition 6 sets out that no more than 55 dwellings should be built on the site. This application is for 55 dwellings.

- Condition 7 sets out that this application should be based on the Nationally Described Space Standards.
- Condition 8 sets out that the mix of units should reflect the Council's Strategic Housing Market Assessment.
- Condition 11 sets out that a reserved matters application should be supported by an updated tree protection plan and arboricultural impact assessment based on details supplied with the outline application. It is confirmed that these documents have been submitted accordingly.
- Condition 13 requires a Ecological Management Plan (EMP) to be submitted with the reserved matters application and address as series of key matters. It is confirmed that the Authority is now in receipt of a revised EMP that meets the requirements of this condition.

1.13 The outline planning permission was also the subject to a section 106 agreement covering a range of matters including:

- Affordable housing to be delivered on site as part of the development.
- Payment of a commuted sum for provision of sports pitches and play spaces.
- Payment of a commuted sum for the provision of education provision locally.
- Prior to submission to submit details of the public open space within the scheme and how it will be maintained and managed and transferred to a third party where required.

It is therefore considered that there is no requirement for a further legal agreement on this site, however, the requirement for the public open space scheme needs to be borne in mind when considering the landscape and layout of this scheme.

2. DESCRIPTION OF THE PROPOSAL

2.1 This proposal takes forward the outline planning permission granted in 2019 and provides the appropriate reserved matters detail to support the development of the site for exactly 55 residential dwellings, including associated access to Uttoxeter Road and the associated engineering and landscape works. For clarity and in the avoidance of doubt, having examined the scheme it is considered that these requirements of the submission as set out by the conditions of SMD/20190509 have been met.

2.2 The following paragraphs set out a summary of the application package and the detail that has been provided. Given the evolutionary nature of this application over a period of 21 months, a final list of drawings under each aspect is provided to aid the reader and to ensure clarity as to which plans, drawings and documents this assessment and the subsequent recommendation is based. The applicant and their agents have worked proactively with officers and statutory consultees to provide revisions and replacement during the application, however given the scale and nature of the changes proposed this has taken significant time and recourses.

2.3 *Layout:* For clarity and in the avoidance of doubt, the final layout plans that form this application comprise:

- Site Location Plan – Ref: E652-LP01 (Sauro Architectural Design)
- Site masterplan – Ref: E652-01 Rev F (Sauro Architectural Design)
- Site sections – Ref: E652-14 and 14a (Sauro Architectural Design)

- Proposed solar panels plan – Ref: E652-01 Rev A (Sauro Architectural Design)
 - Layout Plan (Engineering) – Ref: C1941-C-SK01 Rev G (CB3 Consult)
 - Layout Plan (Drainage Modelling) Ref: C1941-C-SK15 (CB3 Consult)
 - Landscape proposals (Full site) – Ref: 6838.07 Rev D (Trevor Bridge Associates)
- 2.4 The layout broadly reflects the illustrative masterplan that was submitted alongside the outline planning application and delivers all of the required elements detailed on the approved parameters plan – including the single access point (as approved at outline), landscape buffer around the edge of the development, open space and footpath connection adjacent to Uttoxeter Road to the south, and development of 55 residential units. It should be noted that the area of open space is smaller than that which was shown on the parameters plan although no specific scale or size parameters were agreed at outline stage. In this respect the layout can be considered to meet the provisions of the approved outline permission where this is relevant.
- 2.5 The layout itself has evolved during the applications determination following feedback from key consultees including those from an urban design, landscape and tree and highways perspectives. This has included an increase in the size of the dwellings and their plots, allowing for more space around the dwellings in the core of the site. The scheme now includes a central spine road that runs into the core of the site before being downgraded to a series of small routes and private drives that serve the individual dwellings. New properties are provided fronting these roads, with most houses provide with private drives to the side, although in some areas, small parking areas are provided to the front. A number of rudimentary urban blocks have been created to the southern end of the site coupled with a series of corner turning units proposed.
- 2.6 *Access and parking:* For clarity and in the avoidance of doubt, in addition to the layout plans listed previously, the highways and parking plans that form this application comprise:
- Highways Long Section – Ref: C1941-C-SK02 Rev C (CB3 Consult)
 - Fire Appliance Tracking – Ref: C1941-C-SK10 Rev B (CB3 Consult)
 - Refuse Vehicle Tracking – Ref: C1941-C-SK11 Rev B (CB3 Consult)
- 2.7 The scheme is essentially a cul-de-sac development which takes vehicular access from Uttoxeter Road just north of the Daisy Bank Farm. Within the development it is proposed that the adopted highway will extend into the core of the site, before being downgraded to private routes and drives that serve the individual dwellings and their parking areas. Vehicle tracking has been undertaken to demonstrate that the site can effectively be served by both a refuse vehicle and a fire appliance. The private routes and parking areas are all marked clearly and designed to be permeable to reduce runoff, with parking provision provided either on plot or where required in small frontage courts servicing up to three dwellings.
- 2.8 The principal pedestrian access point is adjacent to the main vehicle access point, however a second pedestrian access point from Uttoxeter Road to the south of the site. This connects with the existing footpath along Uttoxeter Road via the open space. Pedestrian access is provided throughout the development mainly in the form of footpaths alongside roadways or as shared surfaces on the private drives, however a non-vehicle routes connects the core of the site with Uttoxeter Road and the public open space running between plots 38 and 42 – 44.

2.9 *House types and affordable units:* For clarity and in the avoidance of doubt, in addition to the layout plans listed previously, the house type and architectural detailing plans that form this application comprise:

- House type A – Ref: E652.02 Rev B (Sauro Architectural Design)
- House type A1 – Ref: E652.03 Rev B (Sauro Architectural Design)
- House type B – Ref: E652.04 Rev B (Sauro Architectural Design)
- House type C - Ref: E652.05 Rev B (Sauro Architectural Design)
- House type D - Ref: E652.07 Rev A (Sauro Architectural Design)
- House type D1 - Ref: E652.08 Rev A (Sauro Architectural Design)
- House type E - Ref: E652.09 Rev A (Sauro Architectural Design)
- House type F - Ref: E652.10 Rev A (Sauro Architectural Design)
- House type G - Ref: E652.11 (Sauro Architectural Design)
- House type H - Ref: E652.12 Rev A (Sauro Architectural Design)
- House type I - Ref: E652.13 Rev B (Sauro Architectural Design)
- Solar panels plan - Ref: E652.16 Rev A (Sauro Architectural Design)
- Proposed materials schedule – Ref: E652-15 (Sauro Architectural Design)

2.10 The scheme includes 9 different house types (two which have a variation to allow for either handing of the unit or to provide additional fenestration patterns) which are a mixed of 1, 2, 3, 4 and 5 bedroomed properties, which are proposed to be mixture of small apartments, semi-detached and detached properties, all of which are delivered as 2 storey properties although the largest of these properties (Type A / A1) does make some use of the roof space for additional accommodation. All these dwellings, as revised during the course of the application, are now designed to meet the National Described Space Standards (NDSS). The drawings indicate where 2KW solar panels arrays will be mounted on the properties and this is supported by a plan showing these within the various roof planes.

2.11 The Layout masterplan (Ref: Drawing E652-01 Rev F) provides an accommodation schedule that can be summarised as follows:

Property type / size	Number of units	Percentage of mix
1 bedroom apartment	2	4%
2 bedroomed terraced house	8	16%
2 bedroomed semi-detached house	26	47%
4 bedroomed detached house	6	11%
5 bedroomed detached house	12	22%
TOTALS	55	100%

2.12 The application also proposes the delivery of 18 affordable units (33%) which are split evenly between social rented properties and intermediate housing. All properties are either 1 or 2 bedroomed and are spread throughout the site as shown on the layout masterplan. At the time of writing there is no affordable housing provider agreed, however, detailed discussions are ongoing with the LPA housing officers and the provision is legally agreed as part of planning obligation agreed for the outline planning permission.

2.13 A material schedule has been submitted alongside these plans that proposes that the dwellings will be constructed in red brick with Staffordshire blue roof tile and trim. It is also identified that further detailing of the elevations would be provided by contrasting

brick and stone detailing. All windows are to be multipaned uPVC units to the designs shown on the house type drawings.

2.14 *Landscape and trees*: For clarity and in the avoidance of doubt, in addition to the layout plans listed previously, the landscape and planting plans and reports that form this application comprise:

- Arboricultural Impact Assessment & Method Statement Ref: 6838/AIA&AMS/Rev D) (Trevor Bridge Associates)
- Tree Protection Plan – Ref: 6838.02 Rev D (Trevor Bridge Associates)
- Landscape proposals (Sheet 1) – Ref: 6838.03 Rev D (Trevor Bridge Associates)
- Landscape proposals (Sheet 2) – Ref: 6838.04 Rev D (Trevor Bridge Associates)
- Landscape proposals (Sheet 3) – Ref: 6838.05 Rev D (Trevor Bridge Associates)
- Landscape proposals (Sheet 4) – Ref: 6838.07 Rev D (Trevor Bridge Associates)

2.15 Further details on the external hardscape materials are provided as part of the materials schedule Ref: E652-15 (Sauro Architectural Design)

2.16 The landscape proposals have been designed to reflect the parameters plan that was agreed as part of the outline permission, specifically the retention of hedgerows and trees towards the edges of the development, and the enhancement of this through a 5m wider buffer planting strip using a mix of native and native hybrid species. The only area where this has not been delivered is along the northern boundary, where the development edge is provided simply by a close boarded fence. These drawings include details of the planting methodologies, planting and species schedule and short-term management to ensure that the landscape becomes established.

2.17 This is coupled with a detailed tree survey and impact assessment which details any impact on the trees that are on the site, and method statement for how the development would be delivered to minimise and mitigate impact on the mature trees on the site. Of the 35 identified trees on the site, 8 will be removed or partially removed to accommodate the development. The layout has been amended during the processing of this application to ensure that any impacts that require mitigation are minimised. A tree protection and removal plan has been prepared to demonstrate how it is anticipated that the retained trees and other vegetation will be protected during the delivery of the development.

2.18 *Ecology*: For clarity and in the avoidance of doubt, in addition to the layout plans listed previously, the ecology plans and documents that form this application comprise:

- Extended Phase 1 Habitat Survey - March 2022 (Rachel Hacking Ecology)
- Biodiversity Impact Assessment 2023 – Rev B (Rachel Hacking Ecology)
- Biodiversity Net Gain (BNG) Matrix V3.1 – dated 10 October 2023
- Ecological Management Plan Ref: RHE.3340.01 (Rachel Hacking Ecology)

2.19 Collectively these documents demonstrate a comprehensive assessment both the impact on protected species, but also on the ability of the site to accommodate a net gain in biodiversity.

- 2.20 The Phase 1 Habitat Survey confirms that there will be no impact on protected species. Chapter 5 of that document makes a series of recommendations to ensure the protection of species on the site including possible bat roosts, breeding birds and the eradication of invasive species. Recommendations include new bird and bat boxes, additional native planting to include flowering species.
- 2.21 The Biodiversity Impact assessment sets out that there is a biodiversity net gain (based on the current layout) of both habitats' units and hedgerow units in excess of 10% over the current site. This is mainly achieved through the establishment of the boundary planting (see landscape section above) and the establishment of the 55 new urban trees within the street scene.
- 2.22 The ecological management plan was a requirement of the outline permission. This has been prepared and meets the requirements of the outline permission (when read alongside the lighting strategy – see comments below). This includes a detailed schedule of management for the new landscape planting. It also confirms that there are no impacts from an ecology perspective resulting from the proposed street lighting.
- 2.23 *Other documents and matters:* For clarity and in the avoidance of doubt, in addition to the layout plans listed previously, the house type and architectural detailing plans that form this application comprise:
- Lighting Impact Assessment – Ref: MMA17930 (MMA Lighting)
 - Proposed Lighting Horizontal Luminance Plan – Dated 20 April 2023 (MMA Lighting)
 - 2No. Outdoor lighting reports – dated 26 April 2023 (MMA Lighting)
 - Sustainability Statement - Ref: E652 dated 14 February 2023
 - Planning Statement – dated October 2023 (Geraint John Planning)
 - Design and Access Statement - Ref: E652.17 (Sauro Architectural Design)
- 2.24 The material submitted as part of the lighting strategy only covers the lighting for the roads within the site. It demonstrates that there will be minimal light spillage from the lampposts and luminaires beyond the road and the public areas. There are no details of lighting that will be installed within the property boundaries.
- 2.25 The application is also supported by a planning statement, short design and access statement and a sustainability statement to assist with demonstrating how the applicant considers the development complies with the relevant policies of the development plan and an appropriate design solution. These documents were last updated in October 2023. These matters will form part of the assessment against the relevant matters in the officer comment (Section 6 of the report)
- 2.26 Details of the application scheme, along with comments and representations can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=160687>

3. **PLANNING HISTORY**

Recent planning history

Planning ref	Location	Description	Decision and date
SMD/2007/0236	Daisy Bank Farm, Uttoxeter Road, Upper Tean, Staffordshire Moorlands, ST10 4LJ	Erection and installation of small wind turbine generator at land adjacent to Daisy Bank Farm	Refused 23/05/2007
SMD/2018/0509	Land Adjacent To Daisy Bank Farm Uttoxeter Road Upper Tean	Outline permission with details of access (all other matters reserved) for residential development of up to 55 dwellings including creation of a new access, car parking and ancillary landscaping	Approved 15/10/2019
NMA/2022/0009	Land Adjacent To Daisy Bank Farm Uttoxeter Road Upper Tean	Non material amendment relating to SMD/2018/0509	NMA-APP
DOC/2022/0042	Land Adjacent To Daisy Bank Farm Uttoxeter Road Upper Tean	Discharge of conditions 12, 15, 18, 19, 20, 21 & 26 relating to SMD/2018/0509	Under determination

3.1 This application was not the subject of pre-application discussions with the Authority prior to its submission. As a result, the original application package was not sufficiently detailed or comprehensive and was, following appraisal by officers, required to be completely overhauled during late 2022.

3.2 **Note:** the application site is also the subject of a series of other 'live' application to discharge conditions set by the outline permission, however these remain undetermined pending the outcome of this reserved matters scheme as they will need to respond to the layout that is the subject of this assessment.

4. PLANNING POLICIES RELEVANT TO THE DECISION

4.1 For the purposes of this planning application, the development plan comprises of the Staffordshire Moorlands Local Plan (2020).

4.2 The following Local Plan policies are relevant to this application:

- SS 1 – Development Principles
- SS 8 – Larger villages strategy
- SD 1 - Sustainable Use of Resources
- SD 5 – Flood Risk
- H 1 – New Housing Development
- H3 – Affordable Housing
- C 1 – Creating Sustainable Communities
- C 2 – Sport, Recreation and Open Space

- C 3 - Green Infrastructure
 - DC 1 – Design Considerations
 - DC 2 – The Historic Environment
 - DC 3 - Landscape and Settlement Setting
 - NE 1 - Biodiversity and Geological Resources
 - NE 2 - Trees, Woodland and Hedgerows
 - T 1 - Development and Sustainable Transport
- 4.3 Please note that Checkley Parish Council have submitted a draft Neighbourhood Plan <https://democracy.highpeak.gov.uk/documents/s32754/Appendix%201.pdf> for independent examination in 2023, which was the subject of an independent examiner's report. As the report recommended that, under the Neighbourhood Planning regulations, the draft Plan could only be taken forward to referendum stage if it is first subject to a number of recommended modifications (to policy wording, other text, images etc) consequently the draft Neighbourhood Plan should only be afforded 'limited' weight in development management determination (as per section 70(2) TCPA). The referendum is anticipated to occur on 2nd May 2024.
- 4.4 The following draft policies are considered relevant from the Checkley Neighbourhood Development Plan (Regulation 16 Submission Draft 2023):
- HSG 1: Housing and Site Allocations
 - HSG 2: Housing Mix
 - COM 1: Community, Sport and Recreational Facilities
 - DES 1: Design
 - DES 3: Landscape and Rural Character
 - TRA 1: Transport
- 4.5 The following documents are material considerations:
- The National Planning Policy Framework (NPPF) (December 2023)
 - The National Planning Practice Guidance (NPPG)
 - The Staffordshire Moorlands Design Guide SPD (2018)
- 4.6 Please also note that whilst this application was submitted prior to the publication of the latest version of the NPPF for the most part it will be considered against the national policy and guidance as it stands at present. This means that in most cases the application should be considered against that version. However, under the transitional arrangements set out in paragraphs 224-226 of the latest version, the operation of the titled balance (paragraph 11) for local authorities that are unable to demonstrate a five-year housing land supply should be implemented under circumstances as outlined in the previous version (as amended earlier in 2023). This means that regardless of the additional protections afforded to local authorities under the new NPPF against the 'titled balance' where they have a recently published Local Plan (as outlined in footnote 8 on page 6) they do not apply when considering this application.

5. CONSULTATIONS CARRIED OUT

Outline of consultation and engagement

- 5.1 A Site Notice has been displayed and the application advertised in the press as per the authority's standard practice and procedure. The application has been the subject

of three formal rounds of consultation given that the scheme has evolved since submission. Details of these consultation were as follows:

- Initial consultation following submission in Summer 2022 with consultation responses received from statutory consultees and the general public.
- Spring 2023 consultation based on a revised scheme, which was the subject to a full new period of consultation where feedback was received from statutory consultees and the community. Previously respondents were contacted to advise that further detail had been provided.
- Autumn 2023 (October) technical consultee consultation, although there have been some further comments from members of the public.
- January 2024 final detailed discussions and consultation with key technical consultees – highways, flood risk, trees / landscape, and ecology.

5.2 The applicant has prepared and re-submitted a new comprehensive package of information on two separate occasions in response to direct feedback from officers which have initiated the requirement for further rounds of consultation. On the first occasion the original application package was not considered to meet either the requirements set by the conditions attached to the original outline permission, and on the second occasion based on comprehensive and detailed feedback from several technical consultees.

5.3 During the determination of this application officers have engaged at length with several local residents to assist in both their understanding of the application and its status, but also in helping them to shape their comments and feedback on the application. This engagement has been outside of the typical 21-day consultation periods but given the nature of this application it was considered important to ensure that they were fully informed.

5.4 The applicant did not seek formal pre-application advice on this application; however, LPA officers did provide limited advice and support prior to the submission of the application. The application has been the subject of a planning performance agreement (PPA) and the applicant, officers and consultees have engaged positively with this process.

Outline of the public comments

5.5 8 letters of objection have been received in 2022 raising the following two specific matters:

- A neighbouring landowner has highlighted that the boundary for plot 1 is on his land, the removal of hedge and path widening (as a result of delivering the improved footpath connection to the village) between his property and main road will lead to security issues for properties backing on to their property and loss of natural habitat.
- The development requires the removal of approx. 200 yards of mature hedge. This will result in increased noise pollution for the residents of Furlong Drive and will reduce the security to the back of the properties.

5.6 Within these submissions were also several general matters raised in objection, which can be summarized as:

- There has been no process of consultation (it is unclear whether this was pre-application by the applicant or by the authority)

- The landscape, established trees, hedges, wildlife will be destroyed
- The development will stress the already overstretched services.
- The development would have a significant impact on neighboring properties.
- Only one very busy access to site could be harmful in an emergency.
- Adding a new access road will cause more traffic & opportunities for accidents, on an already very busy road
- The pedestrian access to the village is via a narrow pavement on a busy road
- Concerns about impact of housing on their animal farm nearby.

5.7 7 letters of objection have been raised in 2023 raising the following specific matters:

- Plots 2,3 and 4 blocking views from adjacent properties (21 Furlong Drive), impacting privacy with numerous windows overlooking their property.
- The removal of the hedgerow to provide the footpath connection to the village (north of the site) is not within the highways ownership as suggested and is in private ownership. It has always been maintained by adjacent landowners. They have requested more information that proves that the LHA have ownership and the scheme can be delivered without the need for third party land or the removal of the hedgerow that is within the objector's ownership.
- Along the rear of Plots 1 and 2 there was a requirement to maintain the boundaries, including the hedges, the ownership of which was included in the purchase.
- The development and adjoining side boundary of the development will have sycamore, hawthorn and a mixed species hedge removed (24-5T.28G). This will result in increased noise pollution and visual impact to the houses on Furlong Drive and surrounding areas, and also increasing the risks to home security. There will be a loss of wildlife habitat due to the loss of hedgerows.

5.8 Within this submission there also been several general matters raised in objection to the scheme which can be summarized as:

- Difficult to see where the new scheme has improved.
- The scale of development is too intense for the location between two small villages.
- The access is in the wrong place.
- The development removes all the mature hedging to enable a footpath to be built.
- The development will affect the community and local business.
- The path to Lower Tean will not be available during construction and access to adjoining land during installation of services will cause disruption to neighbouring land.

Officer assessment of the public comments

5.9 These matters raise several points that require clarification.

- The footpath connection that is the subject of the land ownership disputes is a requirement of condition 17 of the outline permission. It is not a requirement that it be agreed or signed off as part of the reserved matters, although the applicant would like consideration of it at this stage. This has been the subject of detailed discussions between officers and the local highways authority who have confirmed that the applicant does not have ownership over the hedgerow

and that they consider that there is insufficient space within the highways boundary to accommodate the work that was originally proposed. No notice has been served to landowners. As a result, this application cannot consider whether condition 15 can be discharged at this time but detailed views from the highways authority are detailed below and are considered in full as part of the officer assessment.

- There are several comments which are raised in objection in principle towards a development of this scale (impact on local services, impact on business and residents, the development is too intensive). It should be noted that the outline permission from 2019 established the acceptability in principle of this development, in this location for up to 55 dwellings.
- Comments about the impact on the highways network, and the access point have already been approved by virtue of the outline permission in 2019. This reserved matters application cannot consider any further highways or access matters since they are already agreed.
- Whilst it is acknowledged that the applicant did not take any pre-application consultation, the LPA have thoroughly and conscientiously delivered the requirements for consultation and engagement – full details have been provided above.

5.10 There are several other matters raised that are relevant considerations as part of this application specifically those relating to the existing landscape and vegetation on the site, and the likely impacts on neighbouring properties from an amenity and privacy perspective. These matters are considered in depth within the officer assessment.

Technical consultees

5.11 The following table provides a summary of technical consultee responses. Comments regarding matters of urban design and architecture have been undertaken by officers as part of the assessment of planning balance and as a result there are no specific comments included here. In the main these comments are on the most recent layout and package of information submitted and consulted upon post-25th January 2023 (unless otherwise stated):

Consultee	Comment
Checkley Parish Council	<p>Objection on the basis that the application does not provide for all reserved matters.</p> <p>Further applications are necessary before work can commence and draws attention to page 52 of their Neighbourhood Development Plan which makes provision for play space and green space. Further objection in July this time on the basis that the outline has 'expired' and that the scheme does not have a CEMP. Received 13/07/23.</p>
Local Highways Authority	<p>No clear objection but there are several matters to be addressed.</p> <p>The main concern is to widen the footway within highways land to the north of the site and to note that the proposed 3m footway has been measured incorrect. It would be preferable for a more</p>

	<p>traditional impervious carriageway and above surface SUDS to be provided which may allow adoption of the access road. Received 09/11/23.</p> <p>Note: Further information has been provided from the applicant and final comments are immediately awaited from the LHA. The LHA have confirmed that they are now broadly happy with the approach as of 12 January and will issue final comments shortly. Further information will be provided shortly.</p>
Environmental Health Officer	<p>The Environmental health team have assessed the scheme and consider that the conditions imposed on the outline application will be sufficient to ensure that any concerns are effectively considered. As a result, there is no objection to this reserved matters application.</p> <p>Note: It is considered that there is no need to further assess an environmental health element of the scheme</p>
Lead Local Flood Authority (Latest update following multiple responses)	<p>No clear objection but there are several matters to be addressed as the layout approved will be tied to the overall drainage approach. The LLFA requested further details and specifications to ensure that the layout was workable. Further information has been received 07/11/23.</p> <p>Note: This information has been provided to the LLFA and final sign off from the LLFA is still awaited, however they have confirmed informally that they are now satisfied with the design approach subject to confirmation of one or two minor matters which the application is currently preparing. As of 17/01/23 the LLFA have confirmed that the scheme now proposed is far superior to the original proposals.</p>
Severn Trent Water	<p>Objection on the basis that the submitted layout indicates all surface water is proposed to discharge to the public surface water sewer at a discharge rate of 3.1 litres/second.</p>
Tree Officer	<p>Broadly satisfied with the proposals but was concerned about the encroachment of private drives into the RPA of trees on the front and the rear. The front drive also included a drainage run that was likely to cut straight through the roots. They request consideration of some reorientation. Concern was also expressed about lack of northern boundary (adjacent to plot 1). Discussed the species and the planting that was proposed seemed sensible and appropriate. Received</p>

	<p>03/11/23.</p> <p>Note: The tree officers concerns over some of the root protection areas were considered as far as possible by the applicant in the final round of changes (Dec 2023) which minimize the impacts on the trees through rerouting drainage.</p>
Staffordshire Wildlife Trust	<p>Holding objection as of 19 July 2023, and request for more information received on matters of landscape and the ecological management plan (EMP) that is provided. This document is considered to be generally good but required some additional information. There was a desire to increase the biodiversity net gain from the levels set out in proposals received in summer 2023.</p> <p>The response confirms that there will be no impact on nearby wildlife sites. No concerns were raised as to the impact on protected species as part of their responses.</p> <p>Note: The applicant has now submitted all of the additional information required, and it is considered that all these matters have been addressed. We are still awaiting final comments from the SWT having requested these in October 2023.</p>
Public Open Space Officer	<p>Originally the officer sought the provision of a LAP to be included in the new revision of the plan, however this matter was already covered by provisions for off-site contributions under the planning obligation associated with the outline permission. As a result, there is no objection to the scheme but comments were provided on the quality and useability of the open space fronting Uttoxeter Road seeking to ensure that it is assessable and is not hidden away. There was also a desire to see if the open space could be more integrated into the heart of the development.</p> <p>Note: These comments have been taken forward as part of revising the layout.</p>
Environment Agency	No comments at this reserved matters stage.
SCC School Organisation Team	No objection, subject to delivery being in line with s.106 agreed at the outline stage.
NHS Integrated Care Board	No comments at this reserved matters stage.
Staffordshire Police	No objection – however the response only focused on the original 2022 submitted scheme. Highlights areas for possible improvements to design to

	enable safer scheme, which are largely not applicable to most recent May 2023 scheme. Note: In revising the layout of the development officers have been mindful of the comments raised by the Police ALU, in order to ensure that changes do not undermine the approach advocated.
Waste operational services	No objection or concerns expressed.

6. OFFICER COMMENT AND PLANNING BALANCE

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Authority is required to determine this application in accordance with the policies of the Development Plan unless material considerations indicate otherwise. NPPF paragraph 11 states that applications that accord with policies within an up-to-date Local Plan should be approved without delay.

Principle of development

6.2 The principle of residential development on this site has already been agreed as part of the granting of the original outline planning permission (Ref: SMD/2018/0509) dated 15 October 2019.

6.3 The following impacts will therefore be assessed, all of which are clearly linked to development plan policies and specific requirements within the Framework:

- Design and layout
- Housing mix and types
- Amenity
- Trees and landscaping
- Ecology and biodiversity
- Highways and access
- Drainage and flood risk

Design and layout

6.4 The Framework is very clear that design is an important part of achieving good planning and creating beautiful places. It also makes it very clear that development that is not well designed should be refused (Paragraph 139). It goes on to set out that significant weight should be given to local design policies and guidance, which in this case comprise policies DC 1 (Design considerations) of the Local Plan and the Staffordshire Moorlands Residential Design Guide SPD.

6.5 Policy DC 1 includes 11 criteria which are set out in the table below and have been used to appraise the scheme as they effectively address those matters also required by the Framework and includes a range of matters relevant to the overall design approach and the layout of the development. Whilst this assessment identifies some areas where the scheme does not deliver fully on these criteria, the criteria have all be met in part. Matters of design will always result in a compromise or balance, and it is important to determine if this 'balance' has been effectively achieved.

Summary of policy DC 1 criteria	Proposed development assessment
<p>Criteria 1: High quality details and material reflective of the areas character</p>	<p>The house types proposed have a sensible palette of materials that are reflective of the local character and features. The approach of the red brick with stone detailing – that is used throughout – is acceptable in this regard. The dwellings are detailed reasonably well with the pattern of windows and doors adding interest and articulation to the elevations. When considered against the more specific guidance in the Design Guide SPD the architecture is considered to be an acceptable reflection of the local vernacular-built style. Whilst a greater number of terraced dwellings would be required for a direct response to the Upper Tean vernacular, the overall mix includes pairs of semi-detached ‘villa’ type properties and large properties.</p> <p>The materials used externally appear to be modern in context, but there is a strong focus on permeable materials which is supported. The final details of the materials will be subject to a condition to ensure that the final finishes of walls, roofs, and other detailing is acceptable.</p>
<p>Criteria 2: Respect surroundings and identity through scale, height, density, layout, siting, landscaping, character and appearance</p>	<p>The layout is considered to broadly comply with the parameters plan that was set out at the outline stage and the height and scale parameters set by the associated conditions. The layout and approach taken has several strong urban design techniques including the creation of strong building lines, the use of urban blocks to maintain public and private spaces. As noted, the materials and the architecture have made reasonable attempts to reflect the surrounding built vernacular.</p> <p>In terms of the scale of the buildings, all the dwellings proposed are broadly 2 storeys in height, except for a limited number that use the roof space. This is reflective of the local area which is predominantly 2 storeys in height. The roof space is used in key locations - such as corners – to aid legibility. All the properties comply with the condition set out within the outline permission (and varied under the NMA) for a maximum height of 8.4 metres.</p> <p>Whilst it is acknowledged that the density of the development exceeds that of the immediately adjacent housing estates, the density in dwellings per hectare (DPH) remains relatively low at 24 dph. Whilst this is higher than surrounding very low-density housing areas on the edge of the settlement (often between 18 and 20 dph) it is considered that this is an acceptable approach given the requirement in national policy to make the most efficient use of land. In this respect the density of the development is considered appropriate and acceptable.</p>

	<p>The 5-metre buffer planting around the edge of the development, including a significant proportion of existing hedgerows and trees, will aid in visually screening the development but also improve the sites ability to be assimilated in to the wider landscape mosaic. Internally the development itself is somewhat harder and a softer, green infrastructure led approach would have been more suited. However, the public realm is broken up by planting of trees and vegetation within the front gardens to soften the appearance.</p>
<p>Criteria 3: Create appropriate and attractive public and private spaces (including green infrastructure)</p>	<p>In accordance with the parameters agreed at the outline stage, two areas of open space are provided as part of this development. An area of planted space is created at the vehicular gateway, and a larger public open space that provides a amenity space for residents and other local people. The amenity space is well overlooked by houses and integrates existing trees and the hedgerow. The open space officer has confirmed that the approach to amenity space is acceptable to them.</p> <p>As previously noted, there is a strong green infrastructure component around the edge of the development. Discussions with the developers during the application sought to provide additional green infrastructure within the heart of the site in the form of a new space (two spaces are shown on the illustrative masterplan) however, given the sites design and layout this was not possible given the demands of parking and highways infrastructure.</p>
<p>Criteria 4: Incorporate sustainable construction techniques</p>	<p>The design of the houses is based around a low carbon and energy efficient design which would not use gas to heat the homes. Rather, the use of enhanced insulation within the fabric of the building, the inclusions of integrated solar panels and low energy light fittings the scheme will reduce both the demand of electricity and reduce CO2 emissions.</p>
<p>Criteria 5: Protect amenities and create a healthy and safe environment in terms of residential amenity</p>	<p>A comprehensive assessment of this matter has been undertaken later in this document; however, it is considered that internally the layout and design have an acceptable level of amenity with all the properties provided with sufficient internal and external space. Externally, relationships with other nearby properties are acceptable and there will be no impacts from loss of light, overbearing design or overlooking.</p> <p>From a safety perspective, the Policy ALU have assessed the initial scheme and made some recommendations which have been integrated into the revised layout. The layout and design approach means that all streets, spaces and parking areas are clearly defined, and well overlooked with a clear definition of public and private space. The key pedestrian routes are also well overlooked by properties, and it is commended that</p>

	<p>several of the house types have been amended to provide dual frontages.</p> <p>Detailed lighting for routes and spaces beyond the main access routes (i.e. parking areas, the pedestrian routes etc) will need to be provided in order to ensure that these are able to be effective and safe after during the hours of darkness.</p>
Criteria 6: Maintain and enhance biodiversity and geological heritage	<p>As noted, full landscape planting plans have been provided with this application, including a full suite of ecological assessments. The landscape plans include a sensible range of native species, with most of the planting and enhancement provided within the 5m buffer around the edge of the development. New tree planting, including fruit trees and flowering species are designed to provide enhanced habitats for birds and insects (including specifically bees). Collectively the biodiversity net gain assessment submitted with the application provides more than 10% gain over the current site score. Further details as to the impacts and detailed assessment on protected species is considered later in this report.</p>
Criteria 7: Safe and satisfactory access and parking arrangements	<p>Parking provision has been delivered on the site in accordance with the local standards set out in the local plan (2 spaces up to 3 bed units and 3 spaces 4 or more bed units). The design and location have been the subject of detailed discussions with the officers and the highways authority. The revised layouts presented are considered to provide sufficient provision for the dwellings, but also ensures that the layout and streets are not overly dominated by car parking. It is good to see that in the main parking in the frontage has been avoided.</p> <p>Access for deliveries (parcels, online retailing, supermarket home delivery etc) can be provided to all units, with sufficient parking provided in the surrounding streets for additional visitor parking. Tracking has been provided for both a fire appliance and a refuse vehicle to demonstrate that this can be achieved safely.</p>
Criteria 8: Integrated for car, pedestrian and cycle use and access to sustainable transport	<p>This is a comparatively small residential scheme and as such specific provision and segregated provision of public transport and cycle infrastructure would be inappropriate, especially since in principle this site is sustainably located following the grant of outline planning permission. Bus services run to Upper Tean, along the Uttoxeter Road connecting the site with both Hanley (Stoke) and Uttoxeter.</p> <p>Turning to cycling, the streets and spaces appear to have been designed to make cycling more comfortable. Pedestrian connections to Uttoxeter Road are provided in two locations, and the proposed improvements to the</p>

	footpath link to the north (see comments on this elsewhere) will mean that walking is a realistic prospect.
Criteria 9: Ensure that there is appropriate surface and waste water drainage on the site	The scheme also incorporates sustainable drainage to ensure that the site will not increase surface water runoff. (note that the final drainage scheme is subject to a separate approval by condition). The approach to this has been designed and agreed with the LLFA to ensure that the layout can easily accommodate this provision and it is not 'retrofitted' following approval.
Criteria 10: Provides access for all sections of the community	Whilst this development is of a size and nature that would not normally attract those from the wider community, there is no impediment to those wishing to enter the proposed development. Level access can be provided throughout the development and to each property, with 2m wide footpaths provided on the heavily used vehicular routes, and shared surface spaces provide elsewhere. The public open space is provided alongside Uttoxeter Road which means that they can be easily accessible and used by new and existing residents alike.
Criteria 11: Served by high speed broadband	This is a very specific technical matter and connection to broadband will be possible to this site. A strategy to deliver this prior to occupation can be placed on this application to ensure that this criterion is agreed.

6.6 Whilst there are matters which are not delivered to the full extent, on balance, it is considered that this application demonstrates a strong response to the achieving good urban design. Whilst it would be improved through the provision of additional green infrastructure within the heart of the development, the landscape treatment of the edges and the desire to deliver a well, considered logical layout mean that this would be difficult to achieve.

6.7 As a result, Taking the above into account it is considered that the scheme is acceptable in design and layout terms subject to the imposition of the following conditions:

- Full details and a specification of all external materials (including those associated with detailing and external works, including any finishes where this is required) should be provided and agreed with the LPA prior to any of these being used on site
- A strategy for external lighting for areas off the principal access roads – parking courts, alongside footpaths, within individual plots - should be submitted to, and approved in writing and then implemented in accordance with this strategy.
- A strategy for delivery of broadband to every property should be provided and agreed in writing with the LPA, and then delivered for each property prior to the occupation of each property occupation.

Housing mix and types

- 6.8 Policies H1 and H3 of the adopted local plan deal with matters of housing mix and type. H1 clearly sets out that developments of this scale should provide a mix of different types of dwelling and size. Turning to the most recent Strategic Housing Market Assessment (SHMA, 2017) this sets out that the prevailing need up to 2031 will be towards smaller dwellings, and recommends strongly that developments seek to deliver 60% of their units as either one or two-bedroom units. Of course, policies also identify that there would need to be a balance struck here between character, density and design quality in achieving this.
- 6.9 The proposed development includes nine different house types of different sizes and designs. The housing schedule (outline earlier in this document) clearly shows that this development delivers the aspiration of the provision of smaller homes. Over 60% of the dwellings proposed are of 1 and 2 bedroomed (the most prevalent being 2 bed terraced and semi-detached homes with gardens), with 33% of properties being of 3 or more bedroomed. In this respect it is clear that this development delivers on the range and mix of units envisaged by the Local Plan policies, and the mix clearly delivers a predominance of smaller dwellings. As already stated, whilst the density is a little higher than some of the surrounding estates it still is considered appropriate, especially since the NPPF encourages developments to be higher density and make more efficient use of land.
- 6.10 Turning to affordable housing policy H3 sets out that affordable housing should amount to 33% of the houses on major schemes (criterion 1) split between social rented (60%) and intermediate housing (40%) (Criterion 2). The scheme provides 18 affordable units which is exactly in line with the policy requirement. The delivery and retention of these is secured via a legal agreement which runs with the outline permission and as such no further provision is required as part of this application. Of these 18 units, 10 (55%) are social rented and 8 (45%) are intermediate housing (shared ownership). This not entirely in accordance with the provisions of the policy and has been the subject of detailed discussions with the applicant and their specialists. The planning obligation associated with the outline permission sought a split of 70/30, subject to detailed discussions and negotiations. Given the split set out in policy H3 (2) then it would seem sensible that the provision should now be in line with the policy. Whilst this mix does not entirely accord with the policy, the overall provision and broad approach to the mix of affordable types is broadly in line with the policy. As a result this is considered in the planning balance to be acceptable.
- 6.11 The policy also sets out that affordable houses must be tenure blind and indistinguishable from the market homes in the development (H3 criterion 4). Having examined the design, materials and placement within the layout, these matters appear to have been effectively met. Properties are to be constructed using similar materials, all with appropriately sized garden areas and dedicated parking and will be 'pepper potted' within the development. In this respect it is considered that this requirement of the policy has been met.

Amenity:

- 6.12 When considering all planning applications, especially those for residential development, it is important that there be a consideration of the likely impacts of a development on the privacy of nearby uses and dwellings, as well as a consideration of any other amenity impacts as a result of noise, light, overshadowing or overbearing impact. The amenity of future occupiers of the proposed dwellings is also a consideration. In this case, the LPA space standards are largely met within the

scheme. Some small relaxation is considered to be acceptable, as discussed below, where justified on design grounds. The Councils standards seek 22m between facing elevations with principal windows and 14m where an elevation with principal window faces a blank elevation - such as at a corner. The space standards need to be applied having regard to level changes, vegetation, the scale of the buildings proposed, and considered against the desire to make efficient use of land and achieve appropriate character and design (as set out in paragraph 124 and 125 of the Framework) – see comments on this under layout above.

- 6.13 *Internal amenity*: The proposed site layout has only a limited number of locations where the placement of buildings requires consideration from an amenity perspective. All the properties are provided with appropriate private garden space to the rear which is welcomed. Front to front distances vary throughout the scheme ranging from 16m to 22m. As previously discussed, the layout approach taken is to ensure that there are strong building lines, that provide enclosure to the streets and spaces. In this regard and taking account of development plan policies and the guidance in the Framework this is appropriate.
- 6.14 Two typical urban blocks are created in the heart of the site (Plots 12-22 and Plots 38-45) are therefore the focus for this assessment, where corners and back-to-back distances require examination. The use of the urban block is a sensible and appropriate form of development from a design perspective allowing for rear garden spaces to benefit from safety, security and privacy, whilst providing an active and engaging frontage to the main streets and spaces. In this respect, their use as a design tool is supported from an amenity perspective.
- 6.15 Turning first to the urban block created by plots 12-22, the amenity guidelines set out above have been broadly adhered to, however the distances are to the lower end of the broad acceptable standards measuring approximately 20 metres. The two corner turning units (Plots 16 & 19) have a relationship with adjacent properties and blank or inactive gable walls at approximately 15m which is also acceptable in distance terms and should be supported as it allows the urban block to function as set out above. Nevertheless, whilst these properties ensure that efficient use of the land is delivered, and good design principle are adhered to, it is clear that the implementation of certain permitted development rights for rear extensions and conversion of roof space would likely cause amenity issues from loss of privacy and overlooking.
- 6.16 Turning to plots 38-45, these properties are arranged, broadly in two lines running north south. Many of the properties in this block have a series of rear outriggers of either one or two storeys. The distance between these outriggers is somewhat less than the 20-22 metres sought however, the housetypes are designed without habitable rooms in the facing elevation. This has the added advantage of moving habitable windows outwards providing a range of different corner turners providing surveillance over the public realm (plots 36 and 42 are good examples of this approach). In this respect, the urban block is able to function adequately but as with the adjacent urban block, the use of permitted development rights would almost certainly result in impacts on the privacy and overlooking of the private amenity space.
- 6.17 In this regard it is considered that permitted development rights for extensions and alterations to dwellings (Part 1 Class A, B and C of the GPDO 2015 as amended or any subsequent replacement document) and the use of the roof space for any

residential accommodation (a restriction on elements of Part 1 Class A) should be removed from plots 12-22 and plots 38-45, which would be done via a condition.

- 6.18 *External amenity*: As noted the nearest properties to the site are the converted barns that form part of the Daisy Bank Farmstead. This relationship is shown on the applications site sections drawing as section E. As noted previously the application site sits above these properties. The proposed development proposes new dwellings, that will result in a distance of 25m between habitable rooms. In pure distance terms this would seem acceptable to avoid amenity impacts even considering the modest change in levels. The boundary treatment erected as part of the conversion of the properties (including planting and a close boarded fence) is now well established and further foils any impacts of lighting, noise and enhances privacy in the garden spaces. As a result it is considered that the relationship between the proposed development and the converted barns is acceptable in amenity terms.
- 6.19 There have been several public comments from the residents on Furlong Drive regarding the possible impacts on their privacy and amenity as a result of the proposed development. This relationship is shown on the applicants site section drawing as section F. As previously noted, these properties, whilst being some of the closest to the application site, are well over 30m away from the proposed properties (habitable windows to habitable window distance at the closest point of 35m) This by far exceed what would typically be considered to be appropriate amenity distances.
- 6.20 Furthermore, the scale of the proposed dwellings will be lessened by the requirement to terrace the site in the north-eastern which means that properties are between 0.5 metres and 2m lower than the existing ground level (this make more difference to the relationship with 21 Furlong Drive), and the preservation and enhancement of the planted boundary to the edge of the site which would mean that there was a mixed native hedgerow of to a depth of 5m between the properties. As a result, there is considered to be no impact on amenity of residents on Furlong Drive as a result of privacy, overbearing or overshadowing.

Trees and landscape

- 6.21 Policy NE2 of the Local Plan seeks the protection of existing trees and hedgerows on a site. The LPA tree officer has been fully involved in discussions regarding the overall landscape approach. As noted from their comments they have been broadly supportive of the approach taken with the retention and removal of the trees on the site - the mature and a highest values trees and hedgerows on the site have been retained - and officers are collectively satisfied that as far as is possible in accordance with the approach taken to using the hierarchical approach of avoid impacts, manage impacts and mitigate loss or disruption. Whilst some lower value trees will be removed as a result of the development the landscape scheme more than mitigates for this loss through additional planting of native species within the 5m buffer planting around the edge of the development and new tree planting within front gardens.
- 6.22 Whilst there will be some limited impacts on some of the trees through the provision of drainage and parking areas within the root protection areas this can effectively be managed. These retained trees will be safeguarded if the advice and guidance set out in the Arboricultural Impact Assessment and Method Statement (AIA&MS) and Tree Protection Plan is followed. This can be secured by way of a condition requiring

compliance with the guidance in these document and plan. As a result the impacts on trees and other existing vegetation is considered in accordance with policy NE2 of the Local Plan.

- 6.23 Turning to the wider landscape itself, the outline permission fully considered the wider landscape and visual impacts of the developments and found that subject to the 5m buffer planting being delivered and managed accordingly this would be acceptable – this was to ensure compliance with landscape and visual impact as now considered by DC 3 of the Local Plan. Policy NE2 sets out that new development should provide appropriate soft landscaping that is complementary to the overall design of the development. The application is supported by detailed landscape proposals, including planting plans, and management proposals. As previously noted the landscape plans propose a strong planted buffer in line with the parameter from the outline permission.
- 6.24 The one drawback of this landscape proposal is that the northern boundary does not include a soft planted boundary along its length. Whilst this is disappointing, the parameters plan that was tied to the outline permission also shows that there would be no buffer or boundary in this location. Whilst officers have sought to address this with the applicant the proposals still do not provide a planted boundary in this location. Officers consider that this detracts from what is otherwise a strong landscape proposal, however given the parameters agreed at outline stage this cannot be addressed any further.
- 6.25 Overall, and on balance, it is considered by officers that these landscape plans will ensure that the approach outlined in policy NE2 is delivered, and as a result the provisions of policy DC 3 are also reinforced. These plans will need to be secured by way of a condition to ensure that they are delivered.
- 6.26 Whilst full details have been given as to how the site will be graded and retained to allow for the construction of the proposed properties (see layout plan – engineering) there are few details as to the nature and quality of the internal boundaries between properties. In some cases there have been comments from the neighbours as to the details of these boundaries. In the main these are likely to be close boarded fences to provide effective safety and security, however, where these are in visible locations then they are proposed as walls. Poor quality boundary treatments can impact negatively on the character and appearance of a development and as such a condition should be imposed to seek the submission and agreement of all boundary treatments within the site (including the finish of any retaining structures) prior to their use on the as part of the development.

Ecology and biodiversity

- 6.27 Policy NE1 requires that applications be accompanied by sufficient information to consider the impact on any protected species and habitats. There is a requirement that appropriate assessment is undertaken by local authorities to understand and where necessary mitigate impacts on protected species as set out in the Habitats Regulations (2017). Comments on this application have been made by the Staffordshire Wildlife Trust to aid the officers decisions, however, no feedback has been provided on the submission since July 2023. The applicant has responded to feedback from the Staffordshire Wildlife Trust provided originally in 2022 and in more detail during the summer of 2023. The outstanding matters of concern relate

specifically to the Ecological Management Plan (EMP) and the the biodiversity net gain metric, and not to any protected species or any ecological designation or site.

- 6.28 A Phase 1 habitat survey is specifically mentioned as being a requirement in criterion 1 of policy NE1. In addition to a phase 1 habitat survey this application is also supported by a Biodiversity Impact Assessment. Policy NE1 (criteria 2, 3 and 4) sets out that developments should not impact on any designated biological resource (for example SSSIs), however, this matter was fully considered as part of the outline permission and as such is considered to have been effectively addressed. The latest comments from the SWT have also confirmed during consultation on this specific reserved matters application that there would be no impacts on any protected site.
- 6.29 Turning to the Phase 1 Habitat report, Section 5 that report includes several recommendations which will need to be conditioned. Each of the recommendations are considered below, and considered against the provisions of the outline permission as well as the details included in the EMP:
- The erection of bird and bat boxes on the site (number and location), to be be implanted – full details of the location and types of this are included within the EMP, but the implementation of these will need to be conditioned within six months of occupation of the development
 - A condition that sets out that the reasonable avoidance measures (RAMs) for bat protection set out in section 5 be followed exactly unless otherwise agreed with the local planning authority (please note that bat works are covered by other regulatory provisions)
 - Sets out that no works effecting the removal or management of any hedgerow or tree be allowed to occur within the bird breeding and nesting season (March – August) unless accompanied by a survey by a qualified ecologist. However, this is already covered by condition 9 of the outline permission.
 - That a condition be included for a strategy for the removal of Japanese Rose be submitted to, and agreed in writing, prior to commencement of any groundworks. This is not covered by any other condition.
- 6.30 Criterion 5 sets out that it is expected that all developments will deliver a net gain in biodiversity. Following an assessment it has been demonstrated that in excess of 10% biodiversity net gain has been achieved for this site. Criterion 7 of policy NE7 sets out that applications should seek to maintain, enhance and restore biodiversity. This application achieves this objective effectively through the additional landscape planting around the site and the preservation of many of the green infrastructure elements on the site.
- 6.31 To protect this position in the long term, the EMP has been prepared by the applicants ecologist which sets out how this planting will be maintained and managed for the benefit of biodiversity and monitored closely over a period of ten years to ensure that this becomes effectively established. The implementation of this EMP, working in concert with the landscape plans, can be conditioned to ensure that the biodiversity enhancements are protected and safeguarded in the long term. It is the exact details of this, and how it relates to the landscape and BNG assessment that are still awaiting agreement from the SWT. As such it is recommended that if Members are minded to approve the application that delegated authority is given to the Head of Planning in conjunction with the Chair to negotiate and determine this prior to the issuing of any formal decision on this application. It is not considered by Officers that this will pose further issues.

Highways and access:

- 6.32 As noted, vehicular access to the site has already been approved at the outline stage and as such the assessment can only consider the highways and parking within the site boundary. The highways authority made details and comprehensive responses as part of the original submission in 2022, and as a result the highways layout and design has evolved during this application. This included delivery of a much clearer hierarchy of streets and spaces and ensuring that these were accompanied by a sensible refuse collection strategy. From the perspective of the overall design and appearance of the scheme the highways and parking layout are now considered acceptable.
- 6.33 Whilst the highways authority have considered the highways and access plan and consider that it is functionally acceptable they are somewhat surprised at the amount of unadopted highways that is proposed within the development. Final informal comments from the highways authority notes that the roads proposed on the site will require technical approval under S7 Staffordshire Act 1983. There is no guarantee that permeable surfacing will be acceptable. This design will be at the developers own risk but given that there are other legislative and regulatory process that would control this there is considered to be no further need to consider this further at this planning application stage.
- 6.34 However, the long term management of the non-adopted streets and spaces is something that will need to be carefully controlled, and therefore a condition should be imposed to ensure that this is effectively considered. The condition should require that prior to installation of any of the external works, that a management plan is provided to the LPA for approval and then implemented as such for the life of the development. A final update on these matters will be provided following the formal highways response (which is imminent) as part of the late letters.
- 6.35 Finally, under highways matters, the provision of the footpath connecting to the centre of the village is also subject to a separate condition (condition 17 of the outline application) and whilst it is sensible from a deliverability perspective to consider it at this stage, the determination of this reserved matter application does not imply approval or otherwise for that route. In broad terms the local highways authority remain of the view that an improved footpath could be delivered within highway land without the need to remove any hedgerows or use any third party land and permissions for this could be provided under a section 278 agreement for works within the highway boundary. Whilst this provision may not amount to the full 2m original promoted there was no requirement for this as part of the original condition, it is considered that it will still offer some of the benefits through improved connection to the shops and services within Upper Tean.
- 6.36 The comments and concerns from adjacent land owners as to their exact ownership, and the impacts of the proposed footpath link on this, are not a matter for the planning system to consider, there are other legal and legislative requirements that would control this. They have however been forwarded to the applicant and their agent for their information. From a planning, perspective, the requirement for the condition requiring the implementation of the footpath link prior to occupation ensures that development would be delivered with the original aspirations set out at the outline stage. The applicant has been encouraged to continue to liaise with the highways authority over the delivery of this link.

Drainage and flood risk:

- 6.37 As noted much of this matter will be the subject to approval as a result of an associated discharge of condition application. As a result, the comments set out here are simply designed to ensure that the layout and broad strategy that is proposed will allow the drainage solution to be effectively discharged. This ensures that there is no inconsistency between the planning approval and the drainage details and is an approach advocated by the LLFA and planning officers.
- 6.38 Both the SWT and the LLFA have both sought a less 'hard' surface water drainage solution using swales and balancing ponds for this site, however the application has set out that this is not possible. Whilst this is disappointing, it appears that the project engineers have effectively followed the guidance in the drainage hierarchy to ensure that the greenfield runoff rate is maintained for this site. It has been confirmed by the LLFA (as of 17/01/24), that for the purposes of this application, they remain of the opinion that a workable drainage solution, tied to this layout can be agreed. Final minor details will be provided by the applicant. Given that permission for the drainage solution is the subject of a separate condition there is no need for further consideration or conditioning beyond tying in the layout plan (engineering) and drainage modelling layouts.
- 6.39 A final update will be provided on this matter within the late letters.

7. PLANNING BALANCE

- 7.1 It should be noted that there is a risk of assessing this scheme, and the planning balance, as if it were a fresh full planning application, however on this occasion, many of the planning matters have already been assessed and considered acceptable as part of the outline permission granted in 2019. As a result, the principle of developing this site for up to 55 dwellings is considered acceptable. In this respect the access to the site, its overall sustainability and the impact on the landscape and visual amenity have already been accepted in principle.
- 7.2 This reserved matters application has therefore carefully considered at the detailed elements of the development of the development itself including appearance, landscape, layout and scale, and whether these meet the requirements of the policies within the development plan and the conditions set out at the outline planning stage. The above paragraphs have set out the details of the very comprehensive assessment undertaken by officers considering several specialist matters. The design and layout that is presented is considered to, on balance, meet the provisions of the development plan, specifically policy DC1 and NE1 / NE2, as well as the Design Guide SPD.
- 7.3 Furthermore, the authority lacks a five-year housing land supply which would add further support to such a housing scheme coming forward. The 'tilted balance' as outlined in paragraph 11 of the Framework is enacted which means that decision takers should grant permission unless *"the adverse effects of doing so would significantly and demonstrable outweigh the benefits when assessed against the policies in this Framework as a whole."* With paragraph 11 enacted, any decision to refuse the application needs to be evidenced by a 'significant' shortcoming in the proposed development when measured against the Frameworks policies.

- 7.4 As already mentioned, there is a strong relationship between the Local Plan policies and the Framework's policy aspirations meaning that notwithstanding the language of the Framework the Local Plan is entirely relevant in arriving at this planning judgement.
- 7.5 Counting in favour of the development proposal is that it delivers 55 homes which include the requisite affordable housing percentage (33%), using a range of different sizes and types of dwelling – including a large proportion of smaller units which helps meet the identified need in the borough. In line with the guidance in the NPPF this matter should be afforded significant weight in any decision. The layout is well considered and exhibits several features of good urban design including strong urban blocks, creation of strong building lines and street frontage, providing passive surveillance over key routes and spaces and including appropriate private spaces that are well secured and delineated. There is a strong hierarchy of routes and spaces, including the provision of a new publicly assessable open space. Turning to the landscape approach, there is a strong new green infrastructure network provided by a 5m planted buffer around much of the site, which includes native planting. This ensures that there will be a notable net gain in biodiversity more than the minimum 10% sought by legislation.
- 7.6 Counting against of the development proposal are some limited technical concerns over the acceptability of the highways design solution, given the sustainable drainage within the road space although this has not been sufficient to draw an objection from either the highways officer or the LLFA, with both the LLFA and the SWT seeking a softer drainage solution. The poor quality (indeed absence of) planting along the northern boundary is also a minor drawback from what is otherwise a high-quality landscape solution. Additional green infrastructure in the heart of the site would also be beneficial but the front gardens and planting in these locations does in some way seek to overcome this drawback. The scheme provides the required number of affordable housing units in line with policy and the S106 entered into at the outline stage, although the tenure mix provided is somewhat different to that which was set out in the original planning obligation and policy H3. Nevertheless, on balance, the overall the proposed tenure mix is found to be acceptable. There are also some minor impacts on the existing retained vegetation and trees on the site, however this can be effectively managed and mitigated.
- 7.7 The positive aspects of this development clearly outweigh the drawbacks. It is not considered that any of the negative aspects of this scheme amount to sufficient justification to refuse the application, especially in the absence of a five-year housing land supply. Given that this is in the context that the outline permission established the acceptability of the wider principle of the development in this location. For all of these reasons it is recommended that planning permission be granted subject to the conditions detailed in this report and set out below.

8. RECOMMENDATION

- 8.1 **That delegated authority be given to the Head of Planning in consultation with the Chairman to APPROVE the application subject to final confirmation and ratification of the details within the ecological management plan (EMP) and subject to the following conditions:-**

General matters:

1. **The development hereby permitted shall be carried out in accordance with the following approved plans:**
 - a. **Site Location Plan – Ref: E652-LP01 (Sauro Architectural Design)**
 - b. **Site masterplan – Ref: E652-01 Rev F (Sauro Architectural Design)**
 - c. **Site sections – Ref: E652-14 and 14a (Sauro Architectural Design)**
 - d. **Proposed solar panels plan – Ref: E652-01 Rev A (Sauro Architectural Design)**
 - e. **Layout Plan (Engineering) – Ref: C1941-C-SK01 Rev G (CB3 Consult)**
 - f. **Layout Plan (Drainage Modelling) Ref: C1941-C-SK15 (CB3 Consult)**
 - g. **Landscape proposals (Full site) – Ref: 6838.07 Rev D (Trevor Bridge Associates)**
 - h. **Solar panels plan - Ref: E652.16 Rev A (Sauro Architectural Design)**
 - i. **Proposed Lighting Horizontal Luminance Plan – Dated 20 April 2023 (MMA Lighting)**

Reason: For the avoidance of doubt and in the interests of proper planning.

2. **The dwellings hereby approved shall be constructed in accordance with the following list of approved housetype plans:**
 - i. **House type A – Ref: E652.02 Rev B (Sauro Architectural Design)**
 - ii. **House type A1 – Ref: E652.03 Rev B (Sauro Architectural Design)**
 - iii. **House type B – Ref: E652.04 Rev B (Sauro Architectural Design)**
 - iv. **House type C - Ref: E652.05 Rev B (Sauro Architectural Design)**
 - v. **House type D - Ref: E652.07 Rev A (Sauro Architectural Design)**
 - vi. **House type D1 - Ref: E652.08 Rev A (Sauro Architectural Design)**
 - vii. **House type E - Ref: E652.09 Rev A (Sauro Architectural Design)**
 - viii. **House type F - Ref: E652.10 Rev A (Sauro Architectural Design)**
 - ix. **House type G - Ref: E652.11 (Sauro Architectural Design)**
 - x. **House type H - Ref: E652.12 Rev A (Sauro Architectural Design)**
 - xi. **House type I - Ref: E652.13 Rev B (Sauro Architectural Design)**

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **Notwithstanding any details shown on the approved plans, no above ground works are to be carried out until full details and samples of all external materials and finishes and hard surfacing to be used in the construction of the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To ensure a high-quality external appearance of the development and to protect the character and appearance of the area and the wider landscape character.

4. **Prior to occupation of any of the dwellings hereby approved, details of all external lighting (including location, fixtures and shades, lux levels and horizontal luminescence) associated with the individual properties, parking courts or areas, and any pedestrian routes shall be submitted to, and approved in writing by the local planning authority. Hereinafter the all lighting should be installed in accordance with those approved details**

Reason: In the interest of protecting residential amenity, ensuring appropriate safety and security, and protecting habitats and wildlife from unnecessary light spillage.

5. **Prior to occupation of any of the dwellings hereby approved a strategy shall be submitted to, and approved in writing, to the local planning authority, providing full details as to how each property is to be served by broadband and other communications infrastructure. The connections detailed in this strategy shall be installed prior to the occupation of any of the dwellings (singularly or cumulatively).**

Reason: In order to comply with the requirements of policy DC 1 of the Local Plan and to ensure that properties have effective services and facilities.

Highways and access:

Prior to occupation of any of the dwelling hereby approved the internal roads and routes, including footways, kerbs and manoeuvring spaces, which shall be delivered in complete accordance with the site masterplan (Ref: E652-01 Rev F), and to the specifications set out in the following detail highways drawings:

- a. **Highways Long Section – Ref: C1941-C-SK02 Rev C (CB3 Consult)**
- b. **Fire Appliance Tracking – Ref: C1941-C-SK10 Rev B (CB3 Consult)**
- c. **Refuse Vehicle Tracking – Ref: C1941-C-SK11 Rev B (CB3 Consult)**

Reason: In the interest of ensuring that safe and convenience vehicle access is provided to all the proposed properties, and that appropriate servicing can be provided in accordance with policy T1 of the Local Plan

6. **Prior to the installation of any highway or external works approved as part of this development, a strategy shall be submitted to, and approved in writing, to the local planning authority which details how the non-adopted highways, parking areas and private drives will be managed in in perpetuity. This strategy should include the following details:**
 - a. **Specific areas that will be covered by this strategy**
 - b. **Of the maintenance and repair of surfaces and finishes**
 - c. **The management / maintenance of below ground services and infrastructure.**
 - d. **How trees and other vegetation within the street will be managed.**
 - e. **Specific details of who would be responsible for the maintenance.**

Reason: In the interest of ensuring that long term access is provided to all of the properties and that there is a clear management and maintenance regime for non-adopted infrastructure

Landscape and trees:

- **Within six months of first occupation of any of the dwellings hereby approved all landscaping and planting hereby approved must be implemented in accordance with the following approved landscaping plans and reports:-**

- **Arboricultural Impact Assessment & Method Statement Ref: 6838/AIA&AMS/Rev D) (Trevor Bridge Associates)**
- **Tree Protection Plan – Ref: 6838.02 Rev D (Trevor Bridge Associates)**
- **Landscape proposals (Sheet 1) – Ref: 6838.03 Rev D (Trevor Bridge Associates)**
- **Landscape proposals (Sheet 2) – Ref: 6838.04 Rev D (Trevor Bridge Associates)**
- **Landscape proposals (Sheet 3) – Ref: 6838.05 Rev D (Trevor Bridge Associates)**
- **Landscape proposals (Sheet 4) – Ref: 6838.07 Rev D (Trevor Bridge Associates)**

Once implemented landscaping on the site should be managed in accordance with approved Ecological Management Plan (EMP) (Ref: RHE.3340.01 - Rachel Hacking Ecology) and the planting guidance provide as part of the approved landscape drawings.

Any new planting, trees or other vegetation that either fails or dies within the first two planting seasons after implantation of the scheme hereby approved, should be replaced to the same standards and specifications unless it is agreed in writing with the local planning authority that an alternative approach would be preferable.

Reason: To ensure an appropriate landscape solution is delivered and that the replacement trees and planting are delivered and maintained and ensure the development is in line with policies NE2 and DC 3 from the Local Plan.

7. **Prior to the installation of any boundary treatment or other means of enclosure (including the finish to any retaining structures) as part of the development hereby approved, full details including the materials, height and finish shall be first submitted to, and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the agreed details**

Reason: To ensure that appropriate design and amenity considerations are met regarding boundary treatments that reinforce the local character and ensure adequate safety and security in line with Local Plan policy DC1

8. **All the works to the trees and hedgerows on the site shall be in complete accordance with the details set out within the Arboricultural Impact Assessment and Method Statement (AIA&MS) (Ref: 6838/AIA&AMS/Rev D - Trevor Bridge Associates) and Tree Protection Plan (Ref: 6838.02 Rev D – Trevor Bridge Associates)**

9. **Reason:** To ensure compliance with policy NE2 of the Local Plan which seeks to protect existing vegetation on any development site, and to link effective with condition 11 of the original outline permission.

Biodiversity and ecology:

10. **Within six months of first occupation of any of the dwellings hereby approved the bird and bat boxes (number and location as detailed within the accompanying Ecological Management Plan (Ref: RHE.3340.01 - Rachel Hacking Ecology) shall be installed within the development and hereby retained for the lifetime of the buildings.**

Reason: In order to comply with the requirements of the original outline permission, the recommendations of the Phase 1 habitat Survey and to ensure biodiversity enhancement for breeding birds as required by Local Plan policy NE2.

11. **The development hereby approved will be carried out entirely in accordance the recommendations set out within section 5 of the Phase 1 Habitat Survey (dated March 2023 and prepared by Rachel Hacking Ecology), including the methodology for the reasonable avoidance measures to ensure that there are no impacts on any protected species on the site.**

Reason: In order to ensure that protected species on the site are protected during the delivery of the development in accordance with Local Plan policy NE2.

12. **Prior to the commencement of development hereby approved (with the exception of any ground investigation works) a strategy for the eradication of any Japanese Rose on the site shall be submitted to, and approved by, the local planning authority. Thereinafter the development should, be delivered in accordance with this approved strategy.**

Reason: In order to eradicate invasive species that are present on the site, and to ensure that the works to deliver the site do no further contribute to the spread of the invasive species, in order to protect native biodiversity in accordance with Local Plan policy NE2.

Amenity:

13. **Notwithstanding the provisions of General Permitted Development Order (GPDO, 2015 as amended) or any subsequent replacement document, the following properties shall not be extended or enlarged to provide additional residential accommodation, including alterations to the roof or roof space:**
 - a. **Plots 12 – 22**
 - b. **Plots 38 – 45**

Reason: To preserve the amenity of proposed new properties, to ensure that in exercising permitted development right homeowners will not impact on neighbouring privacy through extension or enlargement. This condition does not remove the ability of homeowners to modify or maintain their houses under the other provisions of Part 1 of the GPDO.

Drainage and flood risk

14. **Any drainage scheme submitted (under condition 18) of the original outline planning permission should be in complete accordance with the drainage layout**

and engineering drawings submitted with this application, specifically Layout Plan (Engineering) – Ref: C1941-C-SK01 Rev G (CB3 Consult) and Layout Plan (Drainage Modelling) Ref: C1941-C-SK15 (CB3 Consult)

Reason: In the interests of proper planning in order to ensure that the discharge of conditions related to flood risk and drainage the outline planning permission are effectively linked to the layout and design matters

B. In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee’s decision

