

Agenda Item:	6.4
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Site:	Land South of Forest Road, Burton upon Trent.
Proposal:	Reserved Matters application relating to outline planning permission allowed at appeal P/2012/01359 for residential development for 300 dwellings and associated garaging including details of appearance, landscaping, layout and scale.

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

[Hyperlink to Application Details](#)

Application Number:	P/2016/00321	
Planning Officer:	Charlotte El Hakiem	
Type of Application:	Reserved Matters	
Applicant:	Bellway Homes East Midlands and Marston Thompson and Evershed	
Ward:	Outwoods	
Ward Member (s):	Cllr Gaskin	Cllr Grosevnor
	Cllr Goodfellow	Cllr Bowering
	Cllr Ackroyd	Cllr McKiernan Cllr Ganley
Date Registered:	13 th April 2016	
Date Expires:	11 th July 2016	

1. Executive Summary

- 1.1 The application site is an area of greenfield land located to the south of Forest Road. The site covers an area of 17.16 ha and its existing use is agricultural land (Grade 3). The site is on the south side of Forest Road, which is typically a linear development of houses with a few exceptions of small housing estates including Oakley Grange, Aviation Lane and Henhurst Ridge. The site is bound to the north and west by dwellings and to the south and east further agricultural land. Within the site to the north there is a belt of ancient woodland.
- 1.2 The application site is known as Land South of Forest Road and the site was granted outline consent following an appeal in 2013. The application is Reserved Matters for the erection of 300 dwellings, including details of

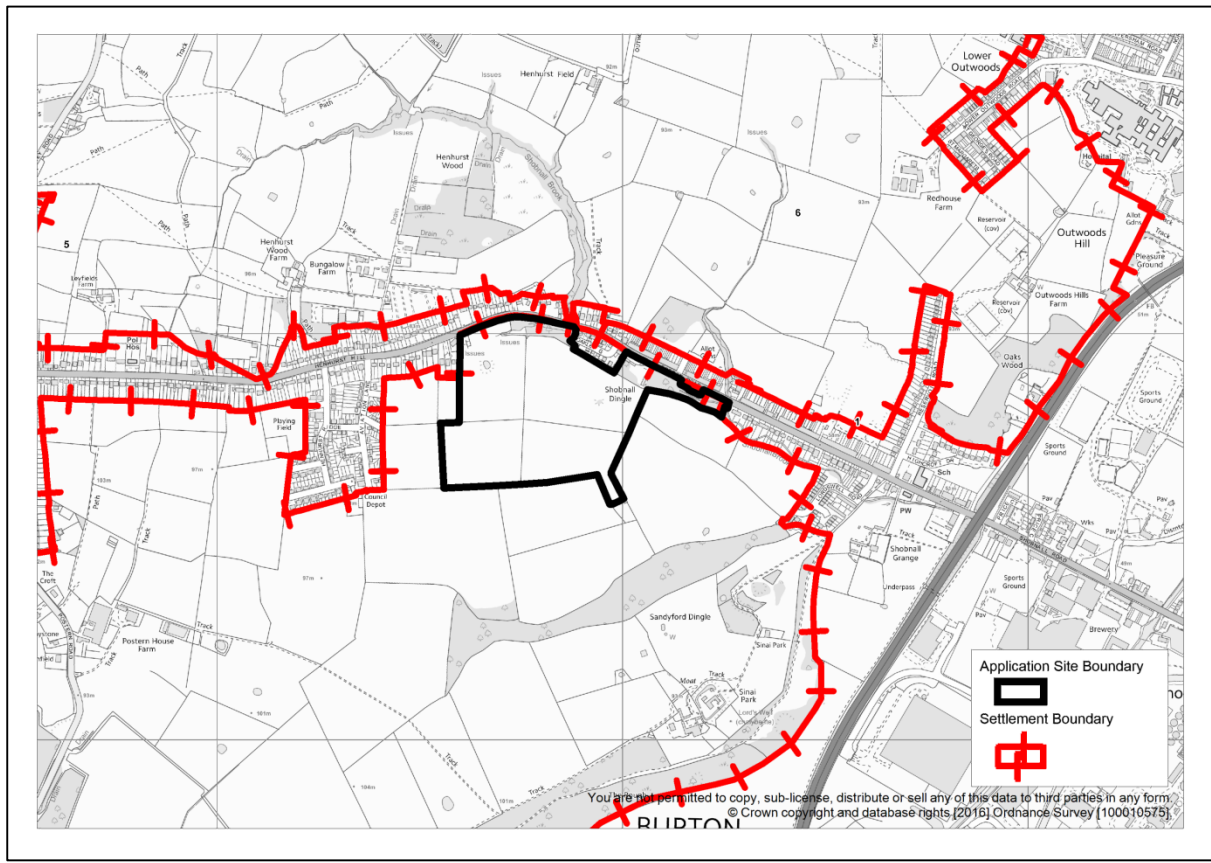
appearance, landscaping, layout and scale. Means of access were approved at the outline application stage via two accesses, one off Forest Road and one off Henhurst Hill.

- 1.3 The principle of residential development was approved for up to 300 dwellings under Outline consent P/2012/01359.
- 1.4 Statutory consultees have raised no objections. The Parish Council has no comment on to the scheme. 7 letters of objection have been received from local residents, but none of the matters raised constitute material considerations sufficient to justify refusal of the scheme.
- 1.5 It is considered that the development is of sufficiently high quality design within its context to comply with the parameters set by the outline planning permission and the provisions of relevant development plan policies and the National Planning Policy Framework.
- 1.6 The proposal will also not adversely affect the amenities of occupiers of existing nearby dwellings, and will provide an acceptable level of amenity for occupiers of the new dwellings.
- 1.7 The proposal will not have an unacceptably adverse impact on the existing highway network.
- 1.8 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Key planning considerations

- Principle of the development
- Design and impact on the character and appearance of the area
- Highway matters
- Impact on the amenities of nearby residents
- Other matters including Heritage Assets and Archaeology, Flooding and
- Ecology

Map of site



2. The site

- 2.1 The application site is an area of greenfield land located to the south of Forest Road. The site covers an area of 17.16 ha and its existing use is agricultural land (Grade 3).
- 2.2 The site is on the south side of Forest Road, which is typically a linear development of houses with a few exceptions of small housing estates, Oakley Grange, Aviation Lane and Henhurst Ridge. The site is bound to north and west by dwellings and to the south and east further agricultural land. Within the site to the north there is a belt of ancient woodland.
- 2.3 The site is outside, but immediately adjoining, the development boundary for Burton upon Trent, and is classified as greenfield land.

3. Planning history

- 3.1 OU/17377/001 Develop 46.421 ha of land for residential purposes Refused 11/01/1988
- 3.2 P/2012/01359 - Outline application for the erection of up to 300 dwellings, including means of access. Refused at Planning Committee for two reasons; 1. Outside the Development Boundary. 2. Significant landscape and visual impact. Approved at appeal (APP/B3410/A/13/219367) due to the conclusion that the adverse impacts of the proposal including harm to the character and appearance of the area and non compliance with the Development Plan would not

significantly and demonstrably outweigh the benefits of the proposal. The appeal was allowed subject to conditions.

4. The proposal

- 4.1 The application is a Reserved Matters submission for the erection of 300 dwellings following approval at appeal in February 2014 (APP/B3410/A/13/219367) of the Outline application with including means of access for up to 300 dwellings. The development includes a scheme of Green Infrastructure, which will comprise landscaping, public open space, Sustainable Urban Drainage solutions, earthworks and other ancillary and enabling works to facilitate the development.
- 4.2 The dwellings are proposed to occupy 17.6 hectares (42.40 acres) within the site at an average density of 32.9 dwellings per hectare based on the developable area of 9.10ha. The land adjacent to Forest Road is not developable as this area has localised ground conditions and topographical issues.
- 4.3 The dwellings are proposed to be a mixture of designs and layouts being mostly two-storey but with some 2.5 storey at landmark positions. There are also bungalows and maisonettes proposed.
- 4.4 The scheme proposes 45 affordable dwellings (15%) which would include four bungalows and 8 maisonette dwellings.
- 4.5 The site proposes a full range of 1-5 bedroom units.
- 4.6 The site was granted outline permission with means of access with two accesses one off forest road and one off Henhurst Hill.
- 4.7 The majority of parking is proposed either off-street in front of or to the side of the dwellings. A minimum of two spaces per dwelling is achieved across the site.
- 4.8 A pathway/cycle link is proposed to the main open space which is located in an accessible location at the northern part of the site side. Other smaller pockets of open space are provided within the site along with a community orchard to the south east of the site. Landscaping of the open space will improve biodiversity in the area and a landscaped buffer extending parallel will assist in providing an effective screening and barrier to the existing adjacent dwellings on Oakley Grange.
- 4.9 Landscaping throughout the rest of the site consists mainly of shrubs within the front gardens, but also a number of heavy standard trees along the outer boundaries of the site and dotted within the development particularly along the spine road.

List of supporting documentation

- 4.10 The following documents have been provided as part of the application:
- 4.11 The following documents have been provided as part of the application:
- All drawings and documentation associated with planning file
 - Location Plan dated as received 24 March 2016
 - Landscape Masterplan (GL0547 01) dated as received 29 February 2016

- Phasing Plan (PC/0318PHASE PLAN) dated as received 11 April 2016
- Planning Layout (EMS277003 SHEET No:0 REV F) dated as received 7th June 2016
- Planning Pocket Parks East (GL0547 03) dated as received 29 February 2016
- Pocket Parks West (GL0547 02) dated as received 29 February 2016
- Roof Plans (EMS2770_08 SHEET No.- REV-) dated as received 29 February 2016
- Detail – External Works – 1.8m Close Boarded Fence (SD-9-02) dated as received 29 February 2016
- Detail – External Works – 1.8m Screen Wall (SD-9-03 REV D) dated as received 29 February 2016
- Proposed boundary Detail – Decorative Screen Timber Fence Detail (SD-9-04) dated as received 29 February 2016
- Statement of Compliance, March 2016
- House Type Pack dated as received 24 March 2016
- House Type Pack 201 dated as received 10th June 2016
- Illustrative Street Scenes (EMS2770_009 SHEET No - REV-) dated as received 29 February 2016

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

5. Consultation responses and representations

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

Statutory and non statutory consultee	Response
5 Parish Council	None.
5 SCC Highways	<p>No objection subject to conditions:</p> <ul style="list-style-type: none"> • Where a private access falls toward the public highway a surface water drainage interceptor, connected to a surface water outfall, shall be provided across the access immediately to the rear of the highway boundary • The integral garages indicated on the approved plans shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the local Planning Authority • No dwelling hereby permitted shall be commenced until the 10No. parking spaces served by the eastern access have been provided in a bound material with the parking bays clearly delineated all in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority which shall thereafter be retained at all times for their designated purpose.

		<ul style="list-style-type: none"> No dwelling hereby permitted without access to a garage shall be occupied until a secure weatherproof cycle storage facility has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
5	SCC Education	No objections subject to the payment of education contributions.
5	SCC Flood Risk Team	No comments received
5	SCC (all other departments)	No comments received
5	Environment Agency	<p>No objections.</p> <ul style="list-style-type: none"> Surface water issues are dealt with by SCC as Lead Flood Risk Authority Developer to observe an 8m easement distance from the main river culvert to the start of the proposed development in line with Water Resources Act 1991 and Midlands Land Drainage Byelaws. This is so that there is access to for maintenance and emergency works.
5	Severn Trent Water	No comments received
5	Natural England	No comments received
5	Burton Civic Society	No comments received
5	Ramblers Association	No comments received
5	Staffordshire Wildlife Trust	No comments received
5	The National Forest	No objections. Detailed planting plans and a woodland management plan for the retained woodlands should be requested from the applicant.
5	Architectural Liaison Officer	No objections.
5	Historic England	No objections, providing the Reserved Matters do not further impact upon buried remains beyond what was considered acceptable at the outline stage.

Internal Consultees		Response
5	Environmental Health	<ul style="list-style-type: none"> No comment on air quality. A noise condition is required to assess the potential impact from construction/demolition noise following the principles of BS5228-1 Noise from Construction and open sites.

		<ul style="list-style-type: none"> • A contaminated land condition is required to ensure that a site assessment is undertaken and approved by the Local Planning Authority prior to the commencement of development. • Conditions are also required relating to ground gases and imported soil materials.
5	Housing Strategy	The proposed mix is acceptable to the Council.
5	Open Spaces	Unless there have been any significant changes, I don't have any further comments.

6. Neighbour responses

6.1 7 number were received

Neighbour responses	
Principle	<p>The proposal is to build on Greenfield land which we were assured would not happen.</p> <p>Adds to the urbanisation of the area. It does not take into account the impact of the other proposed developments in the area and their affect on the locality.</p>
Impacts on Amenity	<p>The impact of the site layout on 46 Henhurst Hill. The proposal site is higher and new occupants would be able to look into lounge, kitchen and bedroom windows. Bungalows should be built in this location.</p> <p>Type, style, density of trees and foliage between the existing properties and the access road on the north aspect. Will it block out my sunlight?</p> <p>The development is so high above Oakley Grange, the impact of reduced light and other connected issues will be huge.</p>
Highways Impacts	<p>Increased traffic both on Forest Road and the Henhurst Hill which in turn will affect the flow of traffic into and out of Burton town centre. Busy with heavy lorries traveling through. With the on road parking in Forest Road it is very hazardous and traffic from this site will make it worse. The access points will be dangerous. Roads will be gridlocked.</p> <p>The wider infrastructure needs to be looked at whereby the developer is required to include improvements to the road infrastructure to link the development to main networks within the town. Another suggestion is to by-pass Forest Road (opposite Henhurst Farm) by including a road to the south of the existing roadside trees/copse and the edge of the new development. This would allow to consider the whole of Forest</p>

	Road to cope with the increased traffic and maintain the access route from the hospital to the ambulance station
Flood and drainage impacts	<p>Who will be responsible for unblocking, possible diversion and maintenance of the culvert (from north aspect of site under existing gardens) prior, during or after the build? And what steps will be taken by the developer to ensure no surface water enters my property post build?</p> <p>The balancing ponds – are these to be above or below ground? Who will be responsible for the consequences of flooding if the storage pools prove to be insufficient? Who will be responsible for their maintenance? What steps are being taken to ensure that such maintenance will take place?</p> <p>The proposed balancing ponds are actually built on the properties of houses on Oakley Grange. This is due to the fact that the hedge is not the boundary.</p>
Biodiversity	There is a large oak tree which has been repeatedly been cut back by Marstons – who will take on this work going forwards?
Character	The height and size of the development will dominate the whole towns vista and be seen from huge distances away.
Ward Member	No response however Branston and Shobnall Ward Members were able to make comments in a consultation meeting with the Planning Officer and Developer.

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1: Role of Neighbourhood Plans
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- SP4 Distribution of Housing Growth 2012 – 2031
- SP6 Managing the Release of Housing and Employment Growth 2012 – 2031
- SP7 Sustainable Urban Extensions
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding

- SP29 Biodiversity and Geodiversity
- SP32 Outdoor Sports and Open Space
- SP34 Health and Wellbeing
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology

'Made' Neighbourhood Plans

Branston

- B1 – Integrating New development with Existing Communities
- B2 – Design
- B3 – Protection of Local Heritage Assets
- B4 – Local Landscape Character
- B5 – Health and Wellbeing
- B6 – Landscaping and Protecting Biodiversity
- B7 – Open Space in New Development
- B8 – Sustainable Homes
- B9 – Housing Type and Mix
- B10 – Safer Roads and Streets
- B11 – Protection of Local Green Space

Supplementary Planning Documents/Guidance

East Staffordshire Design Guide
Parking Standards
Waste Storage and Collection Guidance for New Development
Community Infrastructure Levy (CIL) Regulations 2010

8. Principle of Development

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

8.2 Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

9. 5 Year land Supply

9.1 The most recent calculation uses figures as at 31st March 2016 and concludes there is 5.72 years of supply. Therefore the policies in the plan can be considered up to date.

10. Local Plan

10.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

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

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

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

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

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

10.4 The plan identifies a number of sustainable urban extensions which are expected to meet a variety of principles set out in Strategic Policy 7.

10.5 The principle of the development was established by outline application P/2012/01359 which was refused at Planning Committee but allowed at Appeal. The Inspector concluded that as the Council could not demonstrate a 5 year supply of deliverable housing sites, relevant policies for the supply of housing were not to be considered up-to-date. Therefore the presumption in favour of sustainable development was applied. The Inspector concluded that the proposal would inevitably have an adverse effect however, given that the quality of the landscape is one that has been identified for enhancement, the Inspector was satisfied that the proposal would recognise the intrinsic character and beauty of that part of the countryside, as required in paragraph 17 of the Framework, by the provision of areas of open space and new woodland planting and landscaping to mitigate the effect of the proposed buildings. The principle has now been accepted and considerations of the remaining reserved matters are addressed below.

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

11.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 11.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 11.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 11.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.
- 11.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
 - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
 - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
 - (d) Repetitive house types should be avoided;
 - (e) The cramming together of large numbers of detached properties should be avoided.
 - (f) High proportions of frontage car parking will not be acceptable.
- 11.6 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.7 The site lies on the south side of Forest Road and sited to opposite a mixture of terrace and predominately detached 1930's dwellings. Forest Road and Henhurst Hill is principally a traditional linear development facing onto a main arterial route. Forest Road and Henhurst Hill are characterised by predominantly two-storey red brick detached and terraced dwellings of varying styles of design, while the Aviation Lane estate to the west is a post-war estate of predominantly semi-detached dwellings. Immediately to the north of the site is a modern housing development called Oakley Grange. The open rural context of the land beyond the application (to the south) site is also relevant to the design of the proposed development in this locality as any new buildings must be assimilated into these surroundings in such a way that they would enhance this rural edge of the settlement and keep the visual impact to a minimum.

- 11.8 The developable site is irregular in shape, being situated to the south side of Forest Road (and Henhurst Hill). The site wraps around small recently constructed development (Oakley Grange) resulting in two direct frontages with the main highway. The peripheral boundaries to the east, west and south are defined by existing hedgerows which are proposed to be retained. The site is generally split into quarters by hedge-lines running in a north-south and east-west direction. Shobnall Dingle runs in an easterly direction (albeit culverted below the Oakley Grange development). Dense ancient woodland planting also exists across the site frontage. A major constraint of the site is its topography. From a relatively level platform on entering the site, the land slopes upwards for approximately half the site's depth before the overall gradient eases towards and beyond the southern boundary.
- 11.9 The layout shows a relatively low density of approximately 32 dwellings per hectare, which is considered appropriate in this semi-rural context. The development is arranged around an access road with a loop street with a shared surface arrangement. Streets have been set out to a hierarchy in accordance with the East Staffordshire Residential Design Guide. Some private drives are also proposed, serving a limited number of dwellings at the edges of the site and at the end of streets. The building line varies according to the street typologies, such that higher order streets are generally of a wider cross section with deeper frontages providing opportunities for planting. Greater enclosure is achieved on lower order streets where the building line is set closer to the back of the footpath.
- 11.10 The layout also shows the provision of a significant level of open space to the north and north-east and north-west of the site. This covers an area of approximately 4ha and provides amenity woodland; the scheme proposes to retain existing ancient woodland and includes an integrated sustainable drainage feature. It is considered that a lot of consideration has gone into the provision the woodland and amenity woodland to the north of the site, landscaping, provision of amenity play space and retention and utilisation of existing of hedging. For instance, the visual amenity of the hedging will be retained in parts in public view due to the orientation of buildings. It is agreed that the proposed green infrastructure would provide benefits to landscape character and assist with screening of the development.
- 11.11 The applicant has submitted a Statement of conformity with the outline application that gives key development principles. The strategy for distribution of height across the detailed proposals is concerned with keeping taller buildings off the highest point of the site and using taller buildings to form landmark buildings, gateways and vista-stops. Bungalows have been located at the edge of the site and such that the reduced height does not detract from the success of the streetscene. The tallest 2 storey dwelling proposed is 8.8m high (to ridge). Single garages will be no more than 4.4m tall and double or shared garages will be no more than 4.6m tall.
- 11.12 The proposed development is arranged around a main access road with tributaries. The dwellings are generally sited facing onto the highway which provides a degree of enclosure to the street; parking is shown to be provided within the curtilages, or within small parking courts where the units are smaller. The proposed layout presents a strong frontage to the main access roads, with further internal development arranged around estate roads. Key focal points are highlighted with larger scale buildings and specially designed corner or end houses. Within the site, the proposal attempts to establish a new character area

which contributes positively towards the varied character of the wider area. Buildings have been consciously arranged to provide vistas both looking into and within the site, with consideration given to the provision of active frontages, especially on corner plots. The proposed internal roads feature varying widths and short straights with buildings sited to restrict visibility providing a degree of traffic calming inherent in the proposed layout. The development predominantly proposes on plot car parking either to the side or frontage of properties. Garages are provided for most of the larger dwellings. Through discussions with SCC Highways and the Planning Agent the car parking spaces have all been increased to a standard size of 3m x 6m.

- 11.13 The street layout is characterised in two ways. Firstly, most of the adopted roads will take the form of a traditional street with houses fronting the road with front gardens and parking to either the front or side of the property, there is a clear definition between the public and private realm. Secondly, private drives will serve some of the residential area often where houses are set back from or to the rear of the main access roads.
- 11.14 There is a good mixture and distribution of size of properties to add variation to the street scene. The majority of the properties are two storey with a few of examples of 2.5 storey in landmark positions. There will be several two and half stories sporadically located to provide interest and there are a couple of bungalows proposed in discrete locations. It is agreed that the layout is not untypical of the general area and will still contribute to a sense of local distinctiveness, due to the use of high quality design of dwellings and materials.
- 11.15 The design of the dwellings will be split into two main styles more traditional cottage style and some Georgian influence. The variety is created through the use of;
- Open eaves
 - Dentil course eaves
 - Brick arch window heads
 - Flat arch brick window heads
 - Cottage style windows
 - Mock-sash windows
 - Pitched timber door canopies
 - Georgian-style door surrounds
- 11.16 It is considered that the mix of styles creates two zones for the site which allows for character areas as identified in the East Staffordshire Design Guide.
- 11.17 Structural landscaping surrounds the proposal with significant landscaping works around an attenuation pond to the west of the main housing development. This will include a contoured area of open space with encircling pathway, dense tree and shrub planting. There will be two other smaller open spaces, one to the east of the site and one in the west. A scheme new tree planting is proposed across the proposal to soften the appearance of the new development and to introduce biodiversity improvements to the area. Landscaping is integral to the open space provision which will be multi functional including recreational and community orientated and comprise of a variety of habitats and activities.
- 11.18 The areas of strategic open space will incorporate a play area of natural design, wet meadows, an attenuation pond. The attenuation pond will be

surrounded by planted and grassed banks and will seek to incorporate reeds so improve biodiversity and assist in cleansing the surface water discharges in accordance with the National Forest Guidelines.

- 11.19 The landscaping scheme proposed is of an acceptable level, and will result in the significant 'greening' of the development. There are also a number of trees proposed to line the streets which would be conditioned to be larger set trees to provide coverage to the area within a shorter time period. It is considered that the landscaping details are in accordance with the requirements of local and national planning policy.
- 11.20 Boundary treatment in individual plots consists of either walling or traditional closely boarded fencing. Public realm areas are not defined by any boundary treatments keeping an open and organic feel and allow successful surveillance. This approach to landscaping accords with Local Plan Policy SP23.
- 11.21 It is considered that the design and overall layout of the site is cohesive and is in compliance with Local Plan policies DP1, DP3 and SP24 along as Neighbourhood Plan Policy B2.

12. Residential Amenity

- 12.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 12.2 Principally the site only borders residential properties to the north of the site on Oakley Grange and to the west of the site off Henhurst Hill. The site has been designed so that only new residential development borders on the west side of the site. The shift away from Oakley Grange due to the topography of the land has ensured that these residents have a significant buffer of green public open space between their dwellings and new residential units. The proposed layout features mostly 2 storey dwellings which have been located around the site in general compliance with the advice given within the East Staffordshire Design Guide. The two and half storey dwellings are only proposed in landmark positions to provide variation to the rooflines and not close to the boundaries of the site. Nevertheless, these houses would not have an adverse relationship with surrounding dwellings due to the relationship of orientation of properties. With reference to the adjacent dwellings to the site an objection has been raised that on the indicative layout on the outline there was green space adjacent to their property. Whilst it is appreciated that this occupier has the prospect of built form next to their property, the development has been designed so rear gardens abut the boundary and the property directly next to the boundary is gable end on to the neighbouring garage as a consequence there would be no direct overlooking.
- 12.3 The minimum distance between the principal windows of proposed dwellings is approximately 20m, and almost all properties are supplied with at a minimum rear garden distance of 10m (some of the smaller units have much smaller gardens but are considered acceptable based on current housing trends and the numbers of these units are limited). These separation distances are considered sufficient to avoid unacceptable overlooking or a loss of light, and there will be no overbearing impact upon existing dwellings. It is considered that the proposal will not unacceptably affect the amenities enjoyed by the occupiers of

neighbouring dwellings. The proposal therefore accords with Policy DP3 of the East Staffordshire Local Plan in this respect.

- 12.4 With regards to residential amenity during the construction process, the submission of a construction management plan has been secured by the outline consent to require the routing of construction traffic into the site to be agreed. This will minimise the use of local roads by construction traffic, ensuring that at peak times.
- 12.5 In conclusion the proposal is likely to lead to an element of additional noise and disturbance through increased activity and comings and goings. However, it is not considered that this would unacceptably affect the amenities enjoyed by the occupiers of neighbouring dwellings therefore complying with Local Plan Policies SP24 and DP3.

13. Sustainability (energy efficiency and low carbon)

13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:

- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
- incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
- use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
- incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in 'Biodiversity by Design' or future revisions;
- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;
- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

13.2 Whilst the proposal does not propose to incorporate any renewable energy sources or specific green construction techniques it does propose the incorporation of a Sustainable Urban Drainage System (SUDS). The proposed dwellings will be constructed using modern and efficient methods resulting in buildings that are well insulated and energy efficient. Whilst there is no specific design for solar gain or other such highly sustainable design technique it is considered that the proposed dwellings will be much more energy efficient than those in the vicinity and will not result in a significant increased carbon footprint.

Sustainable drainage and biodiversity through the creation of new habitats also assists with mitigating the impact of proposals in relation to climate change. Policy DP2 is complied with. Policy B8 of the neighbourhood plan is also complied with.

14. Highway Matters

- 14.1 The two new vehicular access points into the site from Forest Road were unreserved as part of the approved Outline Planning Application. The detailed scheme therefore retains both the location and form of these access.
- 14.2 The street also that connects the two vehicular access points through the site has been designed to accommodate potential future bus penetration, as proposed in the Residential Travel Plan submitted as part of the Outline Planning Application. Safe and direct pedestrian links are provided to the existing bus route via the streets and a central pedestrian link. These connections also provide links to the new street that has been designed to accommodate future bus movement.
- 14.3 The internal highway layout has been designed to accommodate the swept path requirements of the appropriate design vehicles. The detailed scheme has been designed with reference to the Staffordshire Residential Design Guide and ensures the delivery of a movement network that achieves a 20mph design speed.
- 14.4 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe
- 14.5 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 14.6 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 14.7 The Branston Neighbourhood in policy B11 sets out the following minimum parking standards:

1	Bed/House/Flat	1 off road car parking space
2	Bed/House/Flat	2 off road car parking space

3	Bed/House/Flat	2 off road car parking space
4	Bed/House/Flat	2 off road car parking space
5	Bed/House/Flat	3 off road car parking space

- 14.8 The County Highway Authority in relation to the local road impact has confirmed that the provision of accesses onto Forest Road and Henhurst Hill is acceptable.
- 14.9 The Highway Authority advised that a raft of improvements to the highway network would be necessary and these were conditioned as part of the outline application.. A contribution of £255,000 will also be paid towards a wider transport strategy, and will alongside contributions from other major developments in the town contribute to highway schemes and improvements throughout the town. A capital contribution of £36,000 towards traffic calming on Forest Road and a contribution of £ 6,200 towards the monitoring of a framework travel plan will also be required from the development.
- 14.10 It is recognised that Shobnall and Forest Road are raised as an issue in the Branston Neighbourhood plan, however members have to be mindful that the impact of the development cannot be addressed as part of the reserved matters application. Subject to the imposition of the necessary conditions recommended by the Highway Authority, the completion of the necessary off-site highway works and the payment of the necessary contributions, it is considered that while there will inevitably be an impact on the local highway network, this impact will not result in significantly increased danger to users of the adjoining local roads.
- 14.11 Amendments have been sought by the Highway Authority to ensure adequate parking spaces for each dwelling to comply with the Branston neighbourhood plan policy B11 and also to increase the garage sizes. All garages are a minimum size of 6m x 3 and the Highway Authority have recommended a condition removing permitted development rights for garage conversions retaining the future use of the garages for the parking of vehicles. Parking is situated close to properties to facilitate easy access for residents to the housing. The parking requirements conform to the Borough Council parking standards. Secure and weatherproof cycle storage is also recommended to be provided before first occupation.
- 14.12 When the original outline application considered the impact of the development particularly on neighbours opposite the Forest Road and the loss of the pre fabricated garages was considered and whilst the structures have now been demolished, it is now proposed to provide a controlled car park. It is appreciated that this attempt of relieving on street parking is a positive approach. A condition is recommended to control the details of how this car park is enforced and controlled.
- 14.13 Safe and direct pedestrian links are provided to the existing bus route via the street and a central pedestrian link. These connections also provide links to the new street that have been designed to accommodate future bus movement.
- 14.14 Streets have been set out to a hierarchy in accordance with the East Staffordshire Residential Design Guide. Some private drives are also proposed, servicing a limited number of dwellings at the edges of the site and at the end of

streets. The internal highway layout has been designed to accommodate swept path requirements of the appropriate design vehicles.

- 14.15 The detailed scheme has been designed with reference to the Staffordshire Residential Design Guide and ensures the delivery of a movement network that achieves a 20mph speed limit. The design and layout of access, roads and pedestrian permeability complies with Local Plan policy. The layout also complies with Neighbourhood Plan policy B1 which seeks to integrate development walking and cycling routes to minimise car journeys.
- 14.16 Section 4 of the NPPF promotes the use of sustainable transport. It states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel, and that Local Planning Authorities should support a pattern of development which facilitates the use of sustainable modes of transport. The application site is considered to be in a sustainable location, and is within walking distance of local amenities and bus stops, while the provision of the residential Travel Plan will seek to ensure that future occupiers are aware, and make full use, of sustainable means of transport. The S106 agreement requires the provision of a bus service.
- 14.17 14.15 The proposal complies with the SPD and the Branston neighbourhood plan policies B10 and B11.

15. Historic Environment

- 15.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to preserving or enhancing the setting of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for Section 66 referred to above, this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 15.5 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect

other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.

- 15.6 The nearest listed building is a milepost (Grade 2) located at the entrance of the site on Forest Road, some 5m to the west of the approved access to the site. Shobnall Grange is located 620m to the east of the site and Sinai Park (Grade 2) which is also a Scheduled Ancient Monument is located 540m to the south. The nearest conservation area is the Trent and Mersey Canal Conservation Area which is located approximately 1193m to the East. There will be an impact on the setting of the listed milepost given its proximity to the site. However it is considered that the impact on the structure has been reduced given that there is no proposed built development next to the structure as was proposed on the indicative layout on the outline. It is considered that the residents' car park proposed is not dissimilar to the relationship of the existing parking arrangement and it will actually be visually improved from its unkept appearance. However, a condition is recommended to control the construction and treatment of the car park, including boundary treatments. This will ensure that any visual impact on the structure will be controlled. It is important to note that the means of access to the site was determined at outline stage and the Planning Inspector did not consider that the impact on the milepost to be significant enough to outweigh the planning balance.
- 15.7 Located between the proposal site and Shobnall Grange there are a number of buildings and due to the topography that means that there is no inter visibility. The topography of the land between the proposal site and Sinai Park also results in there being no inter-visibility.
- 15.8 There will be an impact on the listed milepost located on Forest Road given the proximity to the proposal but also because of the access road which is located in the vicinity of the structure.
- 15.9 There will be no impact on the view into or out of the canal conservation area owing to the separation distances and the intervening development and uses.
- 15.10 The impact of the proposal on heritage assets is limited to the milepost located at the entrance to the development and as such Section 66 of the relevant legislation is engaged and needs to be considered in the planning balance.
- 15.11 The proposal is also felt to comply with neighbourhood plan policy B3 which seeks to protect and enhance heritage assets.

16. Flood Risk and Drainage

- 16.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

- 16.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 16.3 The area around Forest Road / Henhurst Hill has suffered from significant surface flooding in the recent past. It is shown to be outside the Environment Agency's (EA) fluvial flood map (from rivers) but within an area designated as partially within the "More Vulnerable" classification for pluvial (rainfall) events. The flooding is linked to the flowing together of Shobnall Brook and the watercourse adjacent to Forest Road and the immediate culverting of this watercourse under Oakley Grange.
- 16.4 In order to mitigate surface water flooding, site drainage will be provided by the inclusion of a sustainable drainage system that would ensure that surface water is dealt with on site, and does not increase flood risk off the site. The provision of a on-site flow control and associated attenuation in the form of extensive ponds and channels will protect downstream assets, which currently suffer from flooding/capacity issues. It is considered that the proposed development would not be at an unacceptable risk of flooding, or that the proposal would increase the risk of flooding in the surrounding area.
- 16.5 The drainage provision accords with the outline permission. They are located on the lower ground to the north of the site and to the west at the site entrance. The SUDS have been incorporated into the structural planting and been made into a feature which enhances biodiversity. Subject to the conditions applied at outline stage by the Environment Agency and Severn Trent Water Ltd in respect of drainage, it is considered that the scheme accords with the relevant policies and sustainability requirements of the NPPF. The maintenance of these features will be by a private management company.

17. Affordable Housing and Housing Mix

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

	Burton		
1-bedroom homes (flats, houses or bungalows)	3%		
2-bedroom homes (flats, houses or bungalows)	2%		
	Branston	Angelsey	Brizlincote
	Burton	Horninglow	Stapenhill

	Eton Park	Shobnall	Winshill
	Outwoods	Stretton	
Housing for Older People**	11%	20%	50%
2-bedroom houses	14%	13%	8%
3-bedroom houses	32%	29%	17%
4-bedroom houses	26%	23%	14%
5-bedroom houses	11%	10%	6%

17.3 The actual number of residential units to be delivered is the following mix.

- 8 x 1 bed apartments (2.6%);
- 18 x 2 bed houses (6%);
- 104 x 3 bed houses (34%);
- 143 x 4 bed houses (47%); and
- 27 x 5 bedroom houses (9%).

17.4 Whilst it is not in strict accordance with the SPD table it will meet identified needs for the Borough. This mix was discussed and agreed with Ward Members during meetings held.

17.5 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(2) relating to accessible and adaptable dwellings. Further guidance has been prepared setting out how this policy will be applied. The guidance states that the standard will be expected on 10% of major applications. This commitment has been made by the Applicant including on the affordable units. This can be conditioned.

The level of affordable housing was agreed at the outline stage including the on-site/off-site split. The Housing Choice SPD provides guidance on the expected affordable housing mix of sites.

17.6 The affordable housing mix proposed is shown in the table below

Affordable Units			
Type	Beds	No. Units	% of Total
Desford	1	2	
Kettleby	1	2	
Type A (GF)	1	2	
Type A (FF)	1	2	
Total 1 Beds		8	3%
Thornton	2	2	
Burleigh	2	2	
Tilton	2	8	
Darwin	2	6	
Total 2 Beds		18	6%
Somerby	3	4	
Selwood	3	7	
Total 3 Beds		11	4%
Croxton	4	3	
Type E	4	3	
Kinver	4	2	
Total 4 Beds		8	3%

- 17.7 This mix of affordable housing was negotiated with the Council's housing team to provide a greater range of on site affordable housing, specifically more four bed units.
- 17.8 SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings. The affordable units are interspersed across the site and in clusters of no more than 8 which are accessed off totally independent roads and separated by a mature hedge. It is therefore considered that the application is in compliance with Local Plan Policies SP16 and SP17.

18. Green Infrastructure and National Forest

- 18.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.
- 18.2 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet.
- 18.3 Strategic Policy 26 supports the National Forest Strategy expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines.
- 18.4 The application proposes a large amount of public open space to the north of the main residential area. The area of woodland landscaping and habitat creation is supported. A landscape master plan has been provided and this is broadly in accordance with the advice of the National Forest Company. Through control of outline conditions relating to management of the woodland and open space this will ensure ongoing maintenance and enhancement of this green infrastructure. It is considered that the application adequately complies with Neighbourhood plan policy B6 relating to landscaping and biodiversity.

19. Landscape

- 19.1 One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. The NPPF states that local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside.
- 19.2 Strategic Policy 30 states that development proposals will be expected to demonstrate that they have taken into account the Landscape Character Assessment for Staffordshire and consist of a scheme which reflects the landscape character and where possible enhances the landscape quality.

- 19.3 The original application was accompanied by a Landscape and Visual assessment. The site is defined by its agricultural characteristics and has an uneven topography, but however does not have any statutory designation. The layout of the site has been designed around the constraints of the topography and its assets such as the existing woodland planting. It is agreed that the proposed woodland planting to the north of the site would be logically located, as it would provide a direct extension to existing green infrastructure of the site and provide screening of the development from sensitive receptors to the north. The retention of existing hedgerows and the provisions of pocket parks will also encourage relief from the built form and retain the historic field pattern. It is considered that the application complies with Neighbourhood Plan Policies B4 and B6.
- 19.4 Whilst it is recognised that the impact on the landscape will be quite considerable, particularly over the short term. The landscape has no statutory designations for landscape protection. The scheme is green infrastructure led and it is considered that it has been well designed despite the constraints of the site. On balance it is therefore considered that the benefits of the scheme outweigh the harm in this circumstance which was established in the approval of outline permission P/2012/01359.

20. Biodiversity

- 20.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 20.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 20.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 20.4 The outline application was been accompanied by an ecological assessment which advised that the site is dominated by arable fields delineated by hedgerows. It is worthy of note that the scheme has incorporated the retention of the grid of mature hedgerow and the existing mature trees throughout the site. .
- 20.5 The recommendations made within the ecology report, in relation to the management of the open spaces and the need for further survey work in respect of bats and badgers were considered reasonable and were included on the outline permission. Subject to compliance with these conditions, the development should result in a net gain for bio-diversity in the area and not impact adversely on any European protected species. The proposal therefore satisfactorily meets the sustainability requirements of the NPPF in respect of ecology.
- 20.6 The area shown as retained woodland is classed as ancient woodland, this is a non statutory designation, however the trees are covered by a group tree

preservation order. The Local Planning Authority is satisfied that the appropriate measures would be taken to protect the health and amenity of these trees.

21. Open space

- 21.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 21.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 21.3 SP32 sets out the requirements of open space provision across the Borough.
- 21.4 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.
- 21.5 At the outline stage the proposal met all of the open space provisions necessary for the scheme to be compliant with the Open Spaces SPD. The majority of the development's open space is located to the north of the residential area as this area of the site is already populated by woodland and lends itself to further landscaping enhancement, which is proposed. This area is intended for recreational use, for walkers and a trim trail. There are also number of pocket parks and open green spaces sporadically placed around the development to allow for ease of access for young children and natural surveillance from surrounding properties. The dotting of smaller areas of open space intersperses greenery around the development which helps to break up the built form. A community orchard is proposed at the south edge of the site which is proposed to be planted with fruit trees and have public access.
- 21.6 The Locally Equipped Play Area (LEAP). The age of the play area is aimed at 2-12 year olds. The play area strategy which was agreed at the outline stage. Play spaces will be to a high standard with the emphasis on quality equipment which will be stimulating and educational. The LEAP is located on the western side of the site meaning natural surveillance and being close to the main area of housing. The LEAP is a suitable distance from the nearest dwelling and its positioning is considered acceptable. This accords with NDP Policy B7 which seeks to provide open spaces which are accessible to all and promote connectivity.
- 21.7 The open spaces have been designed as multifunctional areas incorporating drainage features, surfaced paths, tree, hedgerow, woodland and shrub planting, areas of amenity grass, species rich wildflower and grass mixes wetland planting for amenity and biodiversity. It is considered that the public open space provided would meet the requirements of Neighbourhood Plan Policy B7.
- 21.8 The Branston Neighbourhood Plan highlights the connectivity to the site with the Sandybrook Dingle, whilst there is public open space abutting the boundary of the site to the far south of the site. The Local Planning authority is unaware of

any permissive footpaths that the site could link up with and therefore unfortunately cannot see this as achievable.

- 21.9 The open space provision contributes to SP34 and a community's health and wellbeing.

22. Education

- 22.1 There is a need for education facility provision in East Staffordshire, particularly at Burton Upon Trent. The need is for both primary and secondary education. Strategic Policy 10 identifies areas where new schools will be expected in Uttoxeter and Burton Upon Trent. In addition, the policy describes how proposals for education facilities will be assessed. Applications will be required to demonstrate that the location is accessible for the need for which it is intended to meet.
- 22.2 The development will have a significant impact on the provision of both primary and secondary education in the Borough, and negotiations have been ongoing with the Education Authority to ensure that the requirements for school places resulting from this proposal are met. The payment of £1,487,427 towards primary and secondary education has been requested and is secured through the S106 agreement.

23. Conclusions

- 23.1 This proposal will result in the development of a green-field site upon which the principle of development has previously been set by the granting of outline planning permission in 2013 by appeal APP/B3410/A/13/219367.
- 23.2 The submitted details demonstrate that the development will fit acceptably into the context of adjoining built form by way of its siting, scale, massing and design and generally accord with the outline design and access statement . The proposed layout shows that separation distances between existing and proposed dwellings are such that the site can be developed without having a significant detrimental impact on the reasonable amenities of neighbouring properties. The Highway Authority has confirmed that there are no issues in relation to highway safety.
- 23.3 The impact of the proposal on heritage assets is limited to the milepost located at the entrance to the development and as such Section 66 of the relevant legislation is engaged.
- 23.4 Whilst the scheme will undoubtedly change the character and appearance of the area and have an impact on the listed milepost, the benefits of the proposal including the provision of housing, including affordable, alongside the economic benefits associated with new development weigh heavily in support of the application, and on balance the benefits of the scheme are considered to outweigh the considerable importance and weight which has to be given to the preservation and setting of the listed building pursuant to Section 66 of the

Planning (listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered to accord with policies in the East Staffordshire Local Plan, the Branston Neighbourhood Plan, the National Planning Policy Framework, and all other supplementary planning guidance.

23.5 This scheme is immediately deliverable and the applicant, if granted approval by members, is looking to begin works on site very quickly, subject to the conditions of the outline permission being discharged.

23 RECOMMENDATION

23.1 For the reasons set out in the above report then **APPROVE RESERVED MATTERS** subject to the following conditions:-

1. Compliance with the approved plans
2. Garages to be made available for parking at all times with permitted development rights removed where applicable
3. Details of construction of residents car park and boundary treatments
4. Finer details of how the car park on Forest Road will be controlled to be submitted prior to first occupation.
5. Tree planting on main routes through the site and on peripheries of open spaces shall be whips of 150mm diameter or semi-mature specimens.
6. 10% of all dwellings to meet building regs M4 (2) standard.

Informatives

1. Standard engagement informative.
2. The applicant is advised to note and act upon as necessary the attached comments of the Police Architectural Liaison Officer. However, where there is any conflict between the recommendations of the Architectural Liaison Officer and the terms of the planning consents the latter take precedence.
3. Notification of outline permission conditions addressed by the reserved matters submission and which remain outstanding.
4. Pre-commencement conditions standard informative.
5. Where a private access falls toward the public highway a surface water drainage interceptor, connected to a surface water outfall, shall be provided across the access immediately to the rear of the highway boundary.

24 Background papers

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

24.2 The Local and National Planning policies outlined above in section 7

Papers on the Planning Application file reference P/2016/00321 and P/2012/01359 and Appeal APP/B3410/A/13/219367

25 Human Rights Act 1998

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

26 Crime and Disorder Implications

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

27 Equalities Act 2010

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

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