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| Agenda Item: | 5.1 |
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| Site: | Land North Of, Lynwood Road, Branston , DE14 3HZ |
| Proposal: | Outline application for the erection of up to 25 dwellings with all matters reserved |

Report of Head of Service (Section 151 Officer)

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

[Hyperlink to Application Details](#)

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| Application Number: | P/2017/01376 | |
| Planning Officer: | Graham Northern | |
| Type of Application: | Outline Planning Application | |
| Applicant: | East Staffordshire Borough Council | |
| Ward: | Branston | |
| Ward Members: | Councillor M J Bowering Councillor Mrs P L Ackroyd Councillor R G W Grosvenor | |
| Date Registered: | 08 November 2017 | |
| Date Expires: | 06 February 2018 and an extension of time has been agreed until 31 st July 2018 | |

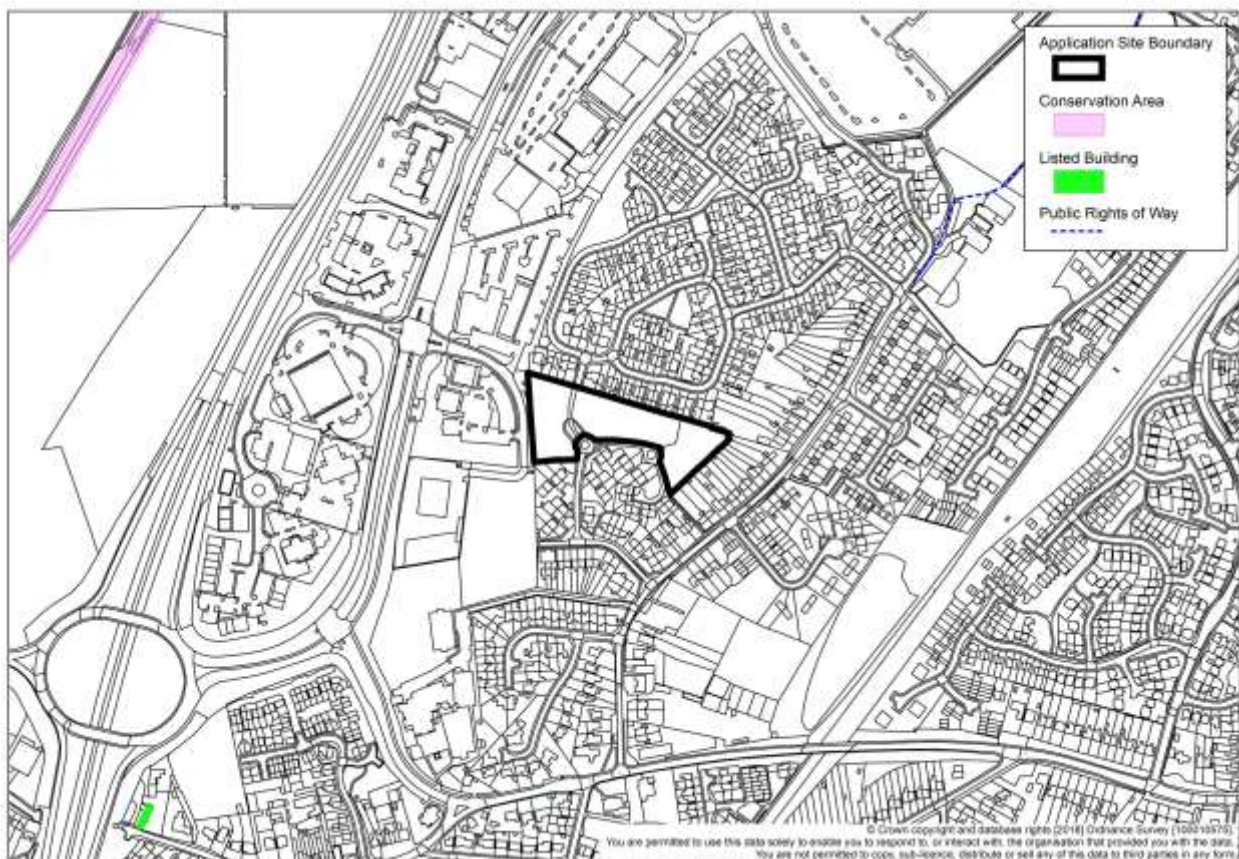
1. Executive Summary

- 1.1 The site equates to 0.96 hectares.
- 1.2 The application is submitted in outline and proposes the erection of up to 25 dwellings with all matters reserved.
- 1.3 Statutory consultees have raised no objection that cannot be overcome at reserved matters or by way of planning conditions.
- 1.4 There have been 14 objections received from local residents.
- 1.5 The site is located within the settlement boundary of Burton upon Trent. The development would contribute positively towards meeting the boroughs requirement to provide additional housing to meet the needs of present and future generations. The proposal is situated close to existing services and facilities it is therefore considered a sustainable location for development and

meets the requirements of Local Plan policies, overall aims of sustainability including criteria from SP1.

- 1.6 Flooding and drainage considerations can be resolved by the imposition of suitably worded conditions in line with the requirements of the submitted FRA.
- 1.7 Whilst a protected species has been identified as having an active presence on site, supporting reports have identified a strategy to mitigate impact and given the scheme is “for up to 25 dwellings” it is considered that a designated wildlife area can be facilitated within the site, along with green corridors around the developments periphery to allow the species to move safely through the site.
- 1.8 The proposals will provide affordable housing and contributions towards open space, education and green infrastructure, the level of which will be determined when a detailed layout is designed.
- 1.9 Overall, the scheme is considered to be in accordance with the NPPF, the Local Plan and the ‘Made’ Branston Neighbourhood Plan.

Map of site



2. The site description

- 2.1 The site measures 0.96 hectares in area, and is located 500 metres from the centre of Branston (Main Street) which provides the nearest services and facilities. The site is presently undeveloped greenfield land with a hard paved footpath passing through the centre in a north to south direction.
- 2.2 The site is dominated by unmanaged grassland with patches of scrub and the occasional tree.

2.3 The site is surrounded by residential properties and small gardens to the north, east and south and developed land comprising of 2 restaurants and a brewery offices and car sales outlet to the west.

2.4 The properties located on Lynwood Road are single storey semi-detached properties.

3. Planning history

3.1 No planning history associated with the site.

4. The proposal

4.1 The application is submitted in outline for the erection of up to 25 dwellings with all matters reserved.

List of supporting documentation

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

- Site location Plan drawing 2360 -004
- Proposed Site Plan drawing 2360 - 003
- Design and Access Statement dated October 2017
- Planning and Sustainability Statement October 2017
- Statement of Community Involvement dated October 2017
- Preliminary Ecological Appraisal dated November 2016
- Bat Activity/ Transect Survey Report dated October 2017
- Affordable Housing Statement dated October 2017
- Open Space Statement dated October 2017
- Arboricultural Impact Assessment dated October 2017
- Protected Species Survey Report dated October 2017
- Flood Risk Assessment dated December 2016
- Phase 1 Geo – Environmental Assessment dated October 2017

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

5. Consultation responses and representations

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

| Statutory and non statutory consultee | | Response |
|---------------------------------------|----------------|---|
| 5.2 | Parish Council | Raise concerns in relation to overdevelopment They would be seeking a financial contribution of £18,750 which would be used for maintenance of nearby open spaces owned by the Parish Council, should permission be granted. |
| 5.3 | SCC Highways | No objection subject to conditions including the submission of a construction management plan, a master plan, details of site accesses and temporary access to be used during construction, and provision of a pedestrian crossing. |

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| 5.4 | SCC Education | The education contribution for a development of this size would be as follows; 25 Primary School places (25 x 3,295 = £82,375), 3 High School places (3 x £16,622 = £49,866) and 1 Sixth Form places (1 x £18,027 = £18,027). This gives a total request of £150,268 for up to 25 houses |
| 5.5 | SCC Flood Risk Team | No objection subject to conditions requiring the following information; <ul style="list-style-type: none"> - Limit discharge from the site to a maximum of 5l/s and provide an appropriate volume of surface water attenuation storage on the site - Ensure the surface water system follows Sustainable Drainage principles - Confirm which responsible bodies will maintain the system over its lifetime - Ensure access to proposed surface water system will be possible for maintenance purposes |
| 5.6 | Environment Agency | No objection subject to condition requiring the submission of a remediation strategy that deals with the risks associated with contamination of the site. |
| 5.7 | Severn Trent Water | No objection subject to conditions requiring the submission of drainage plans |
| 5.8 | The National Forest | The NFC requests that the S106 agreement includes a clause to require either on site provision of 20% of the site area to be woodland planting and landscaping which would equate to 0.19ha or for a financial contribution to be made in lieu. This financial contribution should be calculated at £35,000 per hectare and would equate to £6,650. |
| 5.9 | Architectural Liaison Officer | No objection |
| 5.10 | Highways England | No objection |

| Internal Consultees | | Response |
|---------------------|----------------------|--|
| 5.11 | Environmental Health | No objection |
| 5.12 | Housing Strategy | This is a Greenfield site within Burton which would require 33% of the housing to be affordable, which would amount to 8.25 affordable units in total. This could be rounded down to 8 units provided that the difference is calculated as an affordable housing sum which would be calculated as $8.25 - 0.25 = .25 \times £40,000$ giving £10,000 to be paid to the Council. The minimum requirement on site according to the Local Plan / Supplementary Planning Document is 13%, equivalent to 3.25 properties which would be rounded up to |

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| | | a minimum of 4 affordable properties being required. I would suggest that a condition be added that the affordable housing mix should be as set out on Page 25 of the 2016 SPD. If 4 affordable homes were provided on site, the resulting Affordable Housing Sum would be $8.25 - 4 = 4.25 * £40,000 = £170,000$. |
| 5.13 | Open Spaces | The offsite contribution for 25 homes equates to £18,750, in line with the request from the Parish Council who maintain the nearest open space. |
| 5.14 | Waste Management | <p>The developer will be required to provide the appropriate external storage containers for refuse and recycling collection (in accordance with the Council's specification) or pay a financial contribution to the Council for their provision via a Section 106 Agreement. If a Section 106 Agreement is not appropriate, this should be referenced by way of a suitable condition. This will be based on £75 per dwelling.</p> <p>The developer must ensure that all containers are provided to residents prior to occupation and prior to the commencement of the Council's collection service. A detailed specification of all container types may be obtained from the Environment section.</p> |

6. Neighbour responses

6.1 14 objections have been received raising the following concerns:

| Neighbour responses | |
|---------------------|---|
| Principle | <ul style="list-style-type: none"> - The area does not have enough facilities to support the development - Unnecessary to build more houses |
| Impacts on Amenity | <ul style="list-style-type: none"> - Noise and disturbance to existing residents due to the people who will occupy these houses - Noise from additional vehicles given quiet cul de sac - Highway safety issues - Increase in anti-social behaviour - Impact on privacy - Overlooking - Inconvenience to senior citizens if pedestrian access disappears - Will block sunlight into garden resulting in replanting of |

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| | <p>garden with plants that like shade</p> <ul style="list-style-type: none"> - Increase in light pollution from headlights - Devalue house prices |
| Highways Impacts | <ul style="list-style-type: none"> - Additional traffic will be to an unacceptable level with heavy school traffic already experienced - Removal of pedestrian access between the three areas - Would become a rat run - Problems for bin lorries and emergency services struggling down road |
| Ecology | <ul style="list-style-type: none"> - Existing wildlife eradicated - Draw attention to protected species being present on site. - Comments relating to bats need to be taken on board - Consideration should be given as to how tree removal will impact on soil conditions - We do see bats regularly in our garden - There are bats, birds, mice and frogs that use the natural habitat - We recommend that a 5m buffer is retained on site boundaries to provide foraging routes - Request that T26 is retained as it is of good quality |
| Other | <ul style="list-style-type: none"> - Do not believe that land contamination works have been carried out - Site notices are too small and can't be seen - Were only given two days to make comments on the application. |

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
- SP3: Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP24 High Quality Design
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- 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
- DP7 Pollution and Contamination
- DP8 Tree Protection

'Made' Branston Neighbourhood Plan

- B6 – Landscaping and Protecting Biodiversity
- B10 – Safer Roads and Streets

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'.

5 Year land Supply

8.3 The most recent calculation uses figures as at September 2017 and concludes there is 5.23 years of supply. Therefore the policies in the plan can be considered up to date.

Local Plan

8.4 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.

8.5 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.

8.6 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.

8.7 The proposal for 25 dwellings and falls within the settlement boundary of Burton on Trent, and as such adheres to the settlement hierarchy as set out in Strategic Policy 2 which encourages development to be focussed to the main towns.. The site as such forms part of the windfall allowance within Burton on Trent as an infill development.

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

9.1 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.

9.2 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.

9.3 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.

9.4 Policy B2 of the Branston Neighbourhood Plan requires high quality design which should reflect local distinctiveness. Policy B4 of the Branston Neighbourhood Plan states that development should respect the local environment, taking account of the local landscape character and its historical development.

9.5 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.

- 9.6 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.
- 9.7 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible. Policy B8 of the Branston Neighbourhood Plan states that developers will be encouraged to build new homes to the highest possible sustainability standards in terms of energy and resource efficiency.
- 9.8 The proposal is in outline only so specific details regarding sustainability would come via a reserved matters application if approved. It is quite reasonable to presume that the dwellings could be sustainably constructed and energy efficient based on current national targets and requirements of the building trade.
- 9.9 The application for development is submitted in outline with all matters reserved for subsequent approval. However, the following plans and documents have been submitted to set out how the site may accommodate up to the level of development proposed and that a suitable design and layout can be achieved at reserved matters:-
- An indicative layout feasibility plan
- 9.10 Whilst the indicative layout shows 25 plots any reserved matters application will need to account for some of the site area as ecological mitigation, as a result the number of dwellings deliverable is likely to be reduced, however this remains within the parameters of the description of development which is for *“upto 25 dwellings”*.
- 10. Residential Amenity**
- 10.1 The National Planning Policy Framework and policies 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.

- 10.2 Whilst an indicative layout has been submitted, details of the design and position of windows of the proposed dwellings have not been included at this stage, however, the illustrative layout plan demonstrates that there is sufficient space within the site to accommodate the number of dwellings proposed.
- 10.3 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.
- 10.4 The key elements of residential amenity will be fully considered at reserved matters stage, however at this stage the submitted information is considered sufficient to show that the site can be adequately developed for the purposes applied for without being detrimental to the amenities of neighbouring residents, whilst providing acceptable living conditions for future residents. It is therefore considered that the proposal satisfactorily accords with the aforementioned policy and would meet the sustainability requirements of the NPPF by providing acceptable living conditions for both new and existing residents.

11. Highway Matters

- 11.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 11.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 11.3 Branston Neighbourhood Plan Policy B10 requires all developments for roads and streets to be defined by careful use of materials and shared surfaces and for foot and cycle routes through sites to be retained and where possible preserved and enhanced.
- 11.4 Policy B11 requires 1 bedroom dwellings to have 1 off road parking space, 2 – 4 bed properties to have 2 off road spaces and 3 off road spaces for 5 bedroom houses.
- 11.5 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.

The proposal is in outline and as such matters such as layout and access are reserved matters, however it is considered that a layout can be devised which provides sufficient space for the parking of vehicles and the manoeuvring of vehicles to meet the requirements of the SPD. Suitable access can also be designed with the indicative layout showing unadopted roads off Lynwood Road into the site and a new adopted road connecting Lynwood Road with Harwood Avenue.

The Parking Standards SPD states that development proposals must consider the provision for electric charging infrastructure in new developments and that major developments should ensure that electric infrastructure is sufficient to enable the supply to be provided. This issue will be considered further at the reserved matters stage.

12. Flood Risk and Drainage

- 12.1 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.
- 12.2 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 green field run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 12.3 The supporting Flood Risk Assessment outlines that the site lies within Flood Zone 1 and as such as a low probability of flooding. Residential development is considered acceptable within Flood Zone 1.
- 12.4 Due to the proximity of the EA modelled floodplain for the River Trent to the east of the site, it is recommended that finished floor levels are set a minimum of 47.5 metres AOD to provide a 600mm freeboard above a 1 in 100 year plus 30% flood level.
- 12.5 The Lead Local flood Authority have raised no objection subject to a condition requiring discharge from the site be limited to 5 litres/ second and that appropriate attenuation storage be provided on site.
- 12.6 A site specific water drainage strategy will need to be produced and agreed and implemented, which will be conditioned, subject to this the proposals are considered in accordance with Strategic Policy 27.

13. Affordable Housing and Housing Mix

- 13.1 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.

13.2 Strategic Policy 16 states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence.

13.3 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 |
| <i>Housing for Older People**</i> | 11% |
| 2-bedroom houses | 14% |
| 3-bedroom houses | 32% |
| 4-bedroom houses | 26% |
| 5-bedroom houses | 11% |

13.4 Policy B9 of the Branston Neighbourhood Plan aims for all major development to deliver a range of housing from smaller units to more expensive housing to support sustainable neighbourhoods and deliver a diverse range of household types

13.5 Local Plan 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. The standard should be applied to a range of properties and not just those larger properties. A condition is included requiring the submission of details to meet this standard.

13.6 Strategic Policy 17 states that housing-led residential development that will provide 4 or more dwellings or on a site of 0.14 hectares or more shall provide up to 40% of affordable housing. The policy states the following percentages:

- On previously developed land within the built up areas of Burton and Uttoxeter; 25%
- On greenfield sites within and on the edge of Burton and Uttoxeter; 33%
- On other land; 40%

- 13.7 SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.
- 13.8 The Housing Choice SPD provides guidance on the expected affordable housing mix of sites.
- 13.9 The proposal is in outline with up to 25 dwellings as such and as such the detail of house types, including sizes and tenure is a reserved matter and will be considered at the later planning stage where compliance with the SPD can be assessed, this will also be secured within the affordable housing requirement of the section 106 agreement..

14. Green Infrastructure and National Forest

- 14.1 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.
- 14.2 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 any green infrastructure is expected to meet
- 14.3 The proposals will be required to provide green corridors around the periphery of the site to allow the protected species to enter/exit the site safely, this will be secured via condition.
- 14.4 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.
- 14.5 A contribution for National Forest planting forms part of a future section 106 agreement, to meet the National Forest Planting Guidelines, should no planting be incorporated in the detailed layout at reserved matters stage.
- 14.6 . Policy B7 of the Branston Neighbourhood Plan promotes a green infrastructure approach for all new public opens space in order to promote community access.

15. Biodiversity

- 15.1 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.

- 15.2 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.
- 15.3 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.
- 15.4 Branston Neighbourhood Plan Policy B6 looks for development proposals to protect existing nature conservation assets such Biological Alert Sites and Sites of Biological Importance . The Policy requires consideration to be given in landscaping schemes to the treatment of urban edges to provide suitable screening and a softening of the interface between rural and urban areas
- 15.5 A Preliminary Ecological Survey was submitted with the application and an additional Bat Scoping Survey of the Trees was also submitted. It must be noted that the contents of Badger Surveys are strictly confidential and are not available for public viewing.

Reptiles

- 15.6 A valid survey for reptiles was conducted in the summer of 2017, during the seven survey visits no reptiles were recorded and therefore the report confirms that reptiles are likely absent from the site and no further mitigation measures are considered necessary.

Bats

- 15.7 A daytime survey of trees (26/10/17) within the site noted that several contained potential bat roosting habitats, recommendations within the report include tree climbing surveys to further investigate the presence of bats prior to any felling activities.
- 15.8 Activity surveys for bats were conducted across the site between April and September 2017. During these surveys low numbers of four species of bat were identified foraging across the site, with common pipistrelle being the most frequent species recorded. Important commuting features such as hedgerows on the south eastern boundary and towards the western side of the site and behind housing being particularly well used. Gardens which include a number of habitats also provide foraging and commuting habitats.
- 15.9 Habitats within the site are clearly valuable on a local level to low numbers of bat species, commuting corridors such as hedgerows and garden boundaries provide valuable linkages to the wider site and possible roost locations for crevice dwelling bats such as pipistrelle. Whilst the development of the site would lead to a loss grassland habitat, landscaping works to include new gardens and hedgerows would provide alternative habitats. Where possible existing hedgerows and mature trees should be left in situ or compensated by alternative replacements, maintaining connectivity to the wider site is important for bats and these corridors should be protected from impacts associated with external lighting.

- 15.10 It is therefore considered that impacts to foraging bats can be mitigated for by securing a suitable landscaping scheme and requesting the submission of an external lighting scheme via planning condition, enhancement measures such as the installation of bat boxes onto or within the fabric of new buildings, which is to be conditioned.

Protected Species

- 15.11 The site has the presence of a protected species and the necessary surveys have been provided to demonstrate that appropriate measures can be taken to secure mitigation. The surveys show the species main habitat and foraging area is in the eastern area of the site and as such recommends that this area is designated as a wildlife area. Green corridors are then recommended around the periphery of the site to allow the species to move safely in and out of the designated wildlife area. A license from natural England may also be required dependant on further survey work prior to development commencing.

Nesting Birds

- 15.12 Habitats within the site such as grassland, scrub, hedgerows and mature trees may provide suitable nesting habitat for bird species, it is therefore recommended that any vegetation clearance is undertaken outside of the main bird nesting season (March to August inclusive) unless carried out under supervision of a suitably qualified ornithologist or ecologist, should any active nests be found, these should be secured until the young have fledged. The addition of bird boxes within the site will provide additional nesting areas and this is secured via condition.

Summary

- 15.13 The applicant has put forward several ecological reports which provide detailed surveys of the site in relation to the above species and it is considered that an appropriate detailed design incorporating a suitable mitigation strategy can be incorporated at reserved matters stage in accordance with policy SP29 Biodiversity and Geodiversity.

16. Open space

- 16.1 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.
- 16.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 16.3 SP32 and SP33 set out the requirements of open space provision across the Borough.
- 16.4 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.

- 16.5 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document
- 16.6 There is open space in the surrounding area within walking distance which is managed and maintained by the parish council, the proposals as such afford a contribution of £18,750 which will be transferred to the parish council to uphold and maintain the open space areas around Branston.

17. Education

- 17.1 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.
- 17.2 The financial contribution secured through a future section 106 agreement is considered to secure the additional need for school places in the local area.

18. Section 106 Contributions

- 18.1 Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 18.2 National Planning Practice Guidance states that when CIL is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy. The contributions below are solely for the purpose of providing infrastructure for those dwellings.
- 18.3 As the Council are the land owner and applicant they cannot enter a section 106 agreement with themselves and as such a Grampian condition will be included such that the future developer/land owner shall enter into a section 106 agreement to provide the following contributions:

| Item | Planning Obligation | Cost (where applicable) |
|--------------------|---|--|
| Education | Primary, secondary and sixth form provision. | £150,268 for 25 houses, subject to change dependant on final numbers. |
| Refuse Containers | Contribution to provide refuse storage containers | £75 per dwelling |
| Open space | Maintenance of existing Parish Council managed open space nearest to the site | £18,750 |
| Affordable Housing | To be confirmed at reserved matters, for 25 dwellings, 8.25 affordable units required with a minimum of 3.25 (13% on site) but dependant on total dwelling numbers. | Dependant on final dwelling numbers at reserved matters and level of on-site vs offsite. |
| National Forest | 20% of site planted or equivalent woodland planting and landscaping contribution. | £6,650 towards off site woodland planting if none to be provided on site |

19. Conclusions

- 19.1 The development would contribute positively towards meeting the boroughs requirement to provide additional housing to meet the needs of present and future generations. The proposal is located within the settlement boundary of Burton on Trent and is situated close to existing services and facilities it is therefore considered a sustainable location for development and meets the requirements of Local Plan policies including SP2 and SP4 and the overall aims of sustainability including criteria from SP1.
- 19.2 Flooding and drainage considerations can be resolved by the imposition of suitably worded conditions in line with the requirements of the submitted FRA.
- 19.3 Whilst a protected species has been identified as having an active presence on site, supporting reports have identified a strategy to mitigate impact and given the scheme is “for up to 25 dwellings” it is considered that a designated wildlife area can be facilitated within the site, along with green corridors around the developments periphery to allow the species to move safely through the site. Conditions are therefore recommended to adhere to the report submitted and its requirement to provide additional reports, with a strategy included at reserved matters to ensure suitable layout, design and landscaping. Any minor impacts on ecology are considered to be outweighed by the social and economic benefits that would arise from development of the site for residential purposes.
- 19.4 Whilst there are some negative impacts from the sites development, in relation to the disturbance caused during construction on both ecology and the amenity of residents, however this is a temporary disturbance that can be managed by

suitable mitigation measures. The proposals will also provide affordable housing and contributions towards open space, green infrastructure and tree planting which the level of which will be determined when a detailed layout is designed.

- 19.5 Overall, the scheme is considered in accordance with the NPPF, the Local Plan and the Branston Neighbourhood Plan.

RECOMMENDATION

- 19.6 For the reasons set out in the above report then PERMIT subject to the following conditions:-

1. Time limit for commencement (2 years from last reserved matters) (0001d)
2. Time limit for reserved matters (3 years from this permission) (0001b)
3. Details of all reserved matters to submitted and approved. (0001c)
4. Samples of external materials to be approved. (0002F)
5. A construction management plan shall be submitted and approved. (00016g)
6. Scheme for disposal of foul and surface water. (0005a)
7. Reserved matters to have due regard to the protected species survey and its recommendations in its design and layout. (bespoke)
8. Reserved matters to include scheme for surface water limiting discharge to 5 l/ s (bespoke)
9. An up to date assessment of protected species on site and adjacent, prior to any commencement. (bespoke)
10. Details of the incorporation of features for nesting birds and bats to be submitted and agreed. (bespoke)
11. No site clearance between 1st March and 31st August (bespoke)
12. Details of hard and soft landscaping (bespoke)
13. Details of external lighting (bespoke)
14. Slab levels (00016b)
15. Remediation strategy (land con) (bespoke)
16. Protective tree fencing (0003c)
17. Soil imported to be screened (00010c)
18. PD rights for extensions, structures and flood lights removed. (00012a)
19. Working hours of on-site works restricted. (bespoke)

20. Details of access, visibility splays, parking, surfacing materials, traffic calming and street lighting. (bespoke)

Grampian Condition

- No development to commence on any phase of the scheme until the future owner / owners of the site enter into the Section 106 agreement substantially in the form appended to the planning decision notice. (bespoke)

20. Background papers

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

20.2 The Local and National Planning policies outlined in the report above.

20.3 Papers on the Planning Application file reference P/2017/01376

21. Human Rights Act 1998

21.1 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.

22. Crime and Disorder Implications

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

23. Equalities Act 2010

23.1 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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