

Agenda Item:	5.1
Site:	Land South of Lichfield Road, Branston DE14 3EQ
Proposal:	Reserved Matters application relating to P/2013/00432 for the construction of 392 dwellings including details of access, layout, scale, appearance and landscaping (Phases 3 & 4)

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

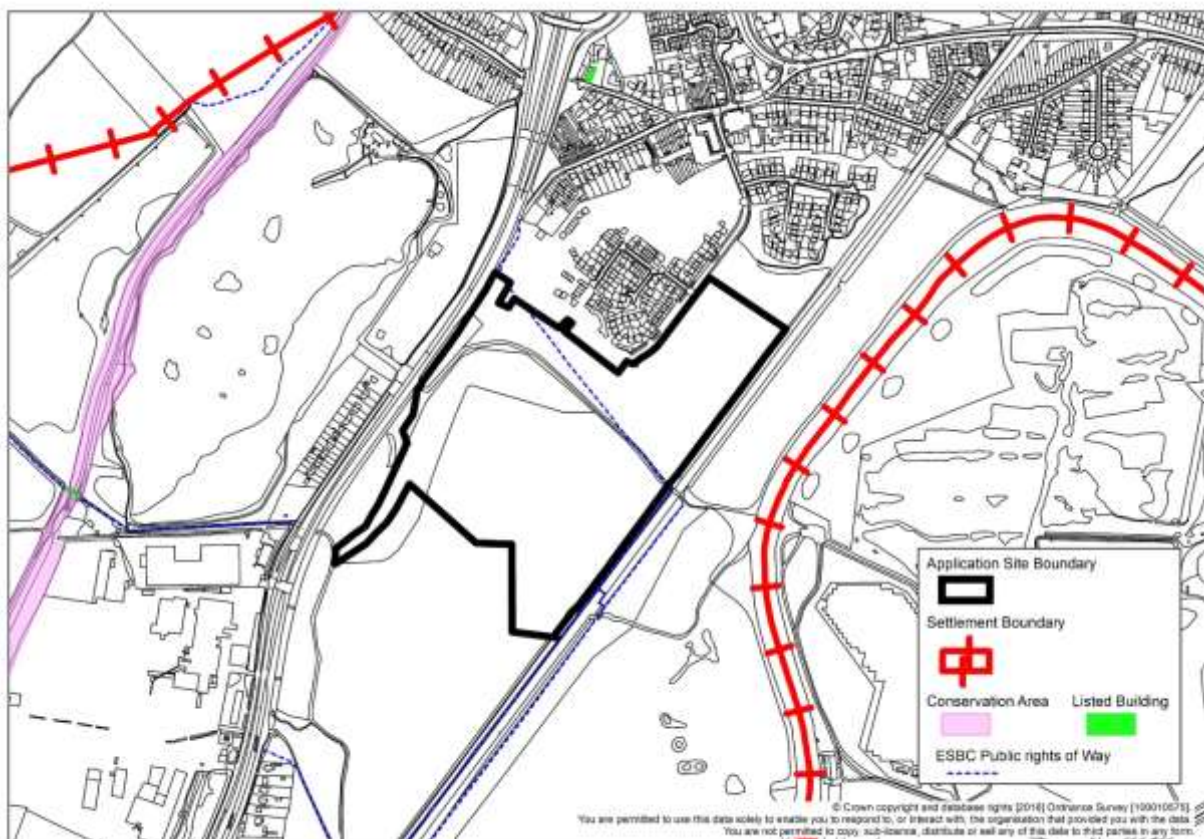
Application Number:	P/2018/00697	
Planning Officer:	Sachin Parmar	
Type of Application:	Reserved Matters	
Applicant:	St Modwen Developments Ltd	
Ward:	Branston	
Ward Member:	Councillor Mr M Bowering Councillor Mrs P Ackroyd Councillor Mr R Grosvenor	
Date Registered:	12 June 2018	
Date Expires:	Extension of time to 13 September 2018 has been agreed with the agent.	

1. Executive Summary

- 1.1 The application site is within a Major Sustainable Urban Extension (SUEs) allocation where a development scheme was granted outline approval in July 2013 under permission ref: P/2013/00432. The outline approval provides for a mixed use scheme of up to 660 dwellings, major employment floorspace and a local shopping centre. Within the masterplan associated with the outline permission the application site area was identified for residential development. Therefore, it is considered that the principle of housing development at the site is already established under the host outline permission.
- 1.2 This application is for 392 dwellings and relates to the details of all reserved matters which in this instance is for Access, Appearance, Landscaping, Layout and Scale.

- 1.3 The housing element of the outline scheme was for up to 660 dwellings and is being delivered in phases. 'Phase 1' related to 64 dwellings which have already been completed. 'Phase 2' related to 204 dwellings which are currently in construction phase. This combined Phase 3 and 4 reserved matters application is for 392 dwellings which adds up to the overall figure of 660 dwellings.
- 1.4 All technical matters including details of contaminated land surveys, noise/vibration assessments, dust mitigation, surface water drainage and road construction would be covered by pre-commencement conditions that are attached to the host outline permission ref: P/2013/00432 and would still need to be complied with or discharged separately at a later date.
- 1.5 Statutory consultees and relevant council departments who have been consulted have all raised no objections to the application. It is considered that full details for each reserved matter has been provided and an acceptable layout has been designed to bring forward a variety of housetypes that would achieve a high standard of appearance in built form.
- 1.6 Accordingly, it is considered that the scheme is in compliance with the aims and criteria of policies from the Branston Neighbourhood Plan, the Local Plan, the Council's SPDs and the National Planning Policy Framework 2018.
- 1.7 **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.**

Map of site



2. The site description

- 2.1 The application site is a section of vacant land covering 17 hectares that sits between the busy A38 highway to the west and a railway line which is beyond a brook to the east. The site is accessible via the new internal road (Acacia Lane) which has already been constructed to serve the earlier phase of housing which is immediately to the north. There are no notable features within the central area of the application site and the topography is generally an even profile which gently falls across from west to east. There is some greenery and vegetation towards boundaries which helps to screen both the A38 highway and the railway line.
- 2.2 Map 6 from the Branston Neighbourhood Plan identifies nature conservation assets which is also a Site of Biological Importance which forms a corridor alongside the A38. Part of this designated area falls within the application site along the boundary with the A38.
- 2.3 The application site is within the settlement boundary of Burton upon Trent and is also identified as part of a Major Sustainable Urban Extension (SUE) under Strategic Policy 7 and on the policies map. The site is also identified on Map 2 of the Branston Neighbourhood Plan as a development site.

3. Planning history

- 3.1 The application site is part of a development scheme which was granted outline approval in July 2013 under permission ref: P/2013/00432. The outline approval provides for a mixed use scheme of up to 660 dwellings, major employment floorspace and a local shopping centre.
- 3.2 The following clauses/contributions were agreed under a Section 106 Agreement which is linked to outline permission ref: P/2013/00432:
- To provide an Affordable Housing Contribution equivalent to 15% of the dwellings across the development or with the agreement of the Council payment of an affordable housing sum in lieu of on-site affordable housing. No occupation within any phase of development without having first paid the affordable housing sum for that phase to the Council.
 - New tree planting within the Forest Area of the site. The National Forest Company has advised that this planting has already been completed.
 - Transfer of the open spaces and play areas to either the Council for future maintenance or to a Management Company. If transferred to the Council then a commuted sum for future upkeep and maintenance of the public open space areas would be paid. This commuted sum would be a calculation in accordance with the Councils Open Space SPD and is based on the number and mix of dwellings.
 - Sport England contribution of £40,000 index linked towards leisure facilities.
 - Secondary Education Sum of £698,124 index linked.

- Improvement works carried out to a school comprising new buildings or construct a new one form entry primary school having first secured all necessary consents.
- Highways Sum of £688,424 for the purpose of implementing the Burton Integrated Transport Strategy.
- Distribution of bus ticket vouchers up to a maximum of £12,500 per annum over a period of 4 years to a maximum value of £50,000 total.
- On occupation of the 200th dwelling or first occupation of the employment development whichever is earlier to procure provision of the bus service to link the land south of Branston and Burton upon Trent Town Centre.
- Highways Agency Sum to fund the highway scheme in relation to improvement of the A38 Barton Turn junction.

3.3 A reserved matters scheme of 204 dwellings (Phase 2) is currently in its construction phase having been approved under application ref: P/2016/00822. Phase 1 of the housing is already complete and was for 64 dwellings approved under reserved matters permission ref: P/2015/00025.

4. The proposal

- 4.1 This application is for 392 dwellings and relates to the details of all reserved matters which in this instance is for Access, Appearance, Landscaping, Layout and Scale.
- 4.2 The scheme of 392 dwellings would be delivered by two different housebuilders and the application site has therefore been split into sections. These two sections are referred to within the application and this report as two phases and are named as Phase 3 and Phase 4.
- 4.3 Phase 3 is the section of land to the southeast of Acacia Lane which also backs on to the railway line. 113 dwellings are proposed on Phase 3.
- 4.4 Phase 4 is the remainder of the application site to the south bounded by the A38 to the northwest and the railway line to the southeast. 279 dwellings are proposed on Phase 4.
- 4.5 Although the housing is proposed to be delivered in phases this reserved matters application considers the details for the phases in combination as 392 dwellings.

List of supporting documentation

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

- Site Location Plan
- Proposed Site Layout Plan
- Housetype Elevations and Floorplans
- Proposed Street Scenes
- Proposed Landscaping Plans (including detail planting specifications)
- Proposed Trees Plan

- Proposed Materials Plans
- Proposed Boundary Treatment Layouts
- Storey Heights Plan
- Proposed Pedestrian Routes

4.7 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	Branston Parish Council	No response received
5.3	Highways England	Confirmed no comments
5.4	SCC Highways	Raise no objections
5.5	SCC Lead Local Flood Authority	No comments as details for dealing with surface water drainage would be dealt with under separate discharge conditions application.
5.6	The Environment Agency	Raise no objections
5.7	Network Rail	Comments made in relation to protection of railway safety. Requested conditions should be attached to any decision.
5.8	Severn Trent Water	Requested that the original drainage related pre-commencement condition should still be complied with.
5.9	The National Forest Company	Requested further landscaping details.
5.10	The Ramblers Association	Confirmed no observations
5.11	Police Architectural Liaison Officer	Support the intention to provide an overall 'back to back' arrangement and outward looking layout. Comments also made offering guidance with regards to reducing opportunities for crime. <i>This advice has been forwarded to the developer.</i>

Internal Consultees		Response
5.12	Environmental Health Division	Advised that technical information will be required with regards to contaminated land, air quality and noise impact assessment.
5.13	Environment Manager	Comments relating to refuse container provision.

6. Neighbour responses

6.1 12 objection letters were received. The concerns raised within objections are summarised below:

Neighbour responses	
Impacts upon Residential Amenity	<ul style="list-style-type: none"> • Additional houses will result in increased levels of pollution including disturbance to the land causing more fly ash to be released into the air. • Increased traffic pollution and fumes • Diggers are currently on site causing disruption and dust • Houses are proposed too close to the railway line • The site has no space for kids to play
Visual Amenities	<ul style="list-style-type: none"> • More landscaping is required • Lack of open space areas and trees within this phase • Some trees have already been removed in earlier phases
Highways Impacts	<ul style="list-style-type: none"> • Traffic concerns - local road network cannot cope with this level of additional development • Highways safety concerns for pedestrians, cyclists and children • New traffic for this phase should enter from the A38 • Increased road surface damage
Flood and Drainage Impacts	<ul style="list-style-type: none"> • The attenuation pond is of an inadequate size to protect from potential flooding. • Housing will exacerbate flooding issues in the area • Land should be kept as part of flood defenses • Houses are too close to the existing balancing pond
Other Matters Raised	<ul style="list-style-type: none"> • Residents were sold their houses under the impression that there would be no development on the section of land to the east which backs onto the railway line. • Lack of lampposts • Loss of views • Impacts upon property values
Ward Members	No formal comments received in writing

7. Policy Framework

National Policy

- National Planning Policy Framework 2018
- National Planning Policy Guidance

Local Plan

- Principle 1 Presumption in Favour of Sustainable Development
- SP1 East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP3 Provision of Homes and Jobs 2012-2031
- SP9 Infrastructure Delivery and Implementation
- SP10 Education Infrastructure
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- 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 & DP6 Heritage Assets
- DP7 Pollution and Contamination
- DP8 Tree Protection

Branston Neighbourhood Plan

- Policy B1 – Integrating New Development With Existing Communities
- Policy B2 – Design
- Policy B4 – Local Landscape Character
- Policy B5 – Health and Well-Being
- Policy B6 – Landscaping and Protecting Biodiversity
- Policy B7 – Open Space in New Developments
- Policy B9 – Housing Type and Mix
- Policy B10 – Safer Roads and Streets
- Policy B11 – Car Parking Provision

Supplementary Guidance

- Housing Choices SPD
- Revised Car Parking Standards SPD

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 11 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with an up to date development plan without delay; and
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reasons for refusing the development proposed; or
- 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

8.2 Annex 1 of the NPPF states that 'existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework (July 2018). Due weight should be given to them, according their degree of consistency with the NPPF. The closer the policies in the plan to policies in the framework, the greater the weight that may be given'.

8.3 The application site is part of a mixed use development scheme which was granted outline approval in July 2013 under permission ref: P/2013/00432. The outline approval included a housing element for up to 660 dwellings. Reserved matters details have already been granted for 268 houses on the wider site which are being delivered in phases. It is considered that the principle of the development of a further 392 dwellings is acceptable as in conjunction with earlier phases the overall number of dwellings would not exceed the 660 of the outline permission.

9. Local Plan

9.1 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.

9.2 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. Under Policy SP2 development will be directed towards the most sustainable locations in accordance with the settlement hierarchy. The application site is within the settlement boundary of Burton upon Trent where new development should be concentrated.

9.3 The site is earmarked for housing development and an outline permission is already in place. There is desirability for the site to be delivered in order to play a part in meeting the boroughs housing requirements and achieving sustainable growth. It is considered that the layout as proposed can suitably accommodate

the required number of dwellings as approved in outline. The general principles for sustainable development can be integrated within the layout and are discussed further in the assessment below.

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

- 10.1 The NPPF expects the creation of high quality buildings and places, which are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities. 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.
- 10.2 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.
- 10.3 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.
- 10.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.
- 10.5 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.

- 10.6 Policy B2 of the Branston Neighbourhood Plan states that all new development will be of a high design quality and should reflect local distinctiveness through the careful use of materials. High quality contemporary designs will also be supported. Building heights are expected to reflect the predominant character of the area. While development is expected to be predominantly two storeys or less, development higher than two storeys may be acceptable in certain locations where this would harmonise with the character of the area and the site's surroundings and be acceptable with regard to design and other considerations.
- 10.7 Policy B6 of the Branston Neighbourhood Plan states that consideration should be given in landscaping schemes to the treatment of urban edges in new developments. Landscaping schemes should provide suitable screening and a "softening" of the interface between rural and more urban areas.
- 10.8 The 'layout' reserved matter relates to the way in which buildings, routes and opens spaces within the development are provided, situated and orientated to each other and to buildings and spaces outside the development. The 'scale' reserved matter relates to the height, width and length of each building proposed within the development in relation to its surroundings.
- 10.9 As outlined in Section 4 of this report the overall number of 392 dwellings would be accommodated in two phases. Phase 3 is for 113 dwellings and Phase 4 is for 269 dwellings. Each phase has been designed to make efficient use of available land in order to create back-to-back garden relationships and for houses to front new internal roads. Each plot has also been designed with sufficient rear garden areas of at least 9 metres in depth and frontage gardens whilst gaps between buildings and the incorporation of side detached garages would help to ensure that visual breaks are perceived between buildings which in turn helps to develop a street scene rhythm.
- 10.10 Along the southeast boundary the layout ensures that an easement of minimum 5 metres is maintained to the brook beyond which is the railway line. To the northwest landscaped swales would provide a buffer to the A38. There are landscaped swales within the layout which would serve as open space areas in addition to an attenuation pond and a formal area of public open space that is easily accessible and has passive surveillance from nearby houses. Generally, the layout would be a continuation of the built form which has already been accepted within earlier phases. In line with Policy B2 from the Neighbourhood Plan the houses are also predominantly of 2 storeys. The housetypes which are greater than 2 storeys do not dominate the layout and have been purposely located to address corner locations or to enable smaller units whilst also adding to the overall variety of building designs. Overall, it is considered that the scheme as proposed would achieve an acceptable standard of design in terms of the layout and scale of individual housetypes and there would be positive impact upon the character and appearance of the area.
- 10.11 The 'appearance' reserved matter relates to the aspects of the buildings within the development which determine the visual impression of the place including the external built form, its architecture and materials. The housetypes within Phase 4 would reflect the architectural design which has already been accepted within earlier phases. There are some revisions which includes brick detailing and changes to cladding which would help the proposed houses within Phase 4 to be perceived as an 'update' to what has already been constructed

whilst still achieving a contemporary appearance due to in part to the simple massing and windows styles.

- 10.12 Within Phase 3 the housetypes are more traditional with architectural elements such as bay windows and chimneys. Excessive detailing which draws attention has been avoided. Phase 3 would be separated from other phases by Acacia Lane and by attenuation features and swales so that it would have its own separate identity. This would help Phase 3 appear as a counterpoint to the appearance of the houses within other phases which would add to the character of the area and establish a sense of place. By ensuring separation of Phase 3 the different house design can be appreciated and the merging of different architectural styles within one street which could lead to a confused and unrelated appearance has been avoided. Overall, the external facing materials has been suitably clarified for both phases and it is considered that the scheme would achieve a good standard of appearance in built form.
- 10.13 The 'landscaping' reserved matter deals with the treatment of land other than buildings and has the purpose of enhancing the amenities of the site and area in which it is situated. This includes screening by boundary treatments, the planting of trees, hedges, shrubs or grass, the laying out or provision of gardens and other amenity features. Full landscaping plans have been submitted which outlines new planting within the site and turfed open frontages to plots which can help to support an element of green within the street scenes. There is a focus on landscaped swales that would serve as important green spaces whilst also providing relief between new cul-de-sacs. A swale would also serve as a green corridor along the boundary with the A38.
- 10.14 New tree planting has been prioritised within the layout and is focussed along new roads, within plot frontages and within open space areas. It is considered that the details for landscaping on Phase 3 are acceptable in principle and would help to enhance the experience of the new housing area. In the interests of ensuring landscaping is completed efficiently a condition should be attached to any decision which requires planting to be completed for that respective plot prior to first occupation and managed, not only during the construction phase of the development, but into the initial phase of the lifetime of the development.
- 10.15 In light of the initial comments of The Green Infrastructure Officer from The National Forest Company additional landscaping planting is presently awaited from the developers on Phase 4 and an update will be provided on the late items sheet.

11. Residential Amenity

- 11.1 Policies DP1 and 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.
- 11.2 With regards to neighbouring amenity it is considered that the scheme as proposed would not result in any significant adverse impact. The nearest neighbouring properties are located within the earlier Phase 2. A separate site visit has also been completed in order to check the nearest properties within Phase 2 that have been constructed and are occupied in order to ensure that these residents have been consulted on the application. The nearest properties are located along Acacia Lane, Rowan Drive and The Knights however they

would be separated from the proposed new phases of housing either by the adopted highway of Acacia Lane or by landscaped swales and open spaces. New buildings would not therefore be in direct close proximity to any established nearby properties and therefore it is considered that there would be minimal loss in daylight/sunlight to neighbours. Furthermore, as the adopted highway and landscaped swales provide a sufficient degree of separation of Phase 2 from the proposed new phases it is considered that the scheme would not give rise to unacceptable invasion of privacy or undue overlooking to neighbouring occupiers.

12. Highway Matters

- 12.1 The NPPF in section 9 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 users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 12.2 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.
- 12.3 The Council's Parking Standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses. Policy B11 from the Branston Neighbourhood Plan also outlines minimum parking spaces which are the same as the Parking Standards SPD.
- 12.4 The 'access' reserved matter deals with accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding network. The housing development would be accessed via Acacia Lane and in order to improve circulation the existing Phase 2 would also link into the proposed new Phase 4. The internal roads would be of adoptable standard that would allow emergency vehicles or the Council's refuse vehicles to safely service each plot. The main internal roads would also include pedestrian footways whilst pathways are proposed to provide links through public open space areas and around the landscaped swales. The County Highways Authority has raised no objections to the layout, internal roads and access arrangements from a highways safety point of view. With this technical opinion to mind it is considered that the scheme would not prejudice the safe or efficient use of the highway.

- 12.5 The outline permission ref: P/2013/00432 includes pre-commencement conditions which relate to the technical approval for all road construction, street lighting, drainage outfalls and details for off-site highway works. These details would be agreed in consultation with the Highway Authority under separate discharge of conditions applications in due course.
- 12.6 From a parking point of view each plot has been designed with appropriate off-street parking spaces in accordance with the Council's Parking Standards guidance and Policy B11 from the Neighbourhood Plan. In order to ensure adequate off-street parking exists to serve the development and to avoid excessive numbers of vehicles parking on the road and obstructing the free flow of movement of traffic, a condition will be attached to any decision which removes permitted development rights for converting garages.
- 12.7 By negotiating with the developers details have been put forward for vehicle electric charging points. The provision on Phase 3 would be to all detached dwellings and on Phase 4 to all properties with double garages. The charging points would be internal installations and the details as proposed are in accordance with the Council's Parking Standards. A condition would require the vehicle electric charging points to be installed prior to the first occupation of the relevant dwellings.

13. Historic Environment

- 13.1 Paragraph 184 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, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 13.2 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law (Barnwell Manor Wind Energy Ltd) 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.
- 13.3 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.
- 13.4 The housing development would be over 1.6 km away from the nearest Conservation Area within the Borough which is in Tatenhill. There is no inter-visibility between the application site and any Conservation Areas. As a result it is considered that there would not be no demonstrable harm upon the characterful aspects and appearance of any Conservation Areas or their setting.
- 13.5 The nearest Listed Building to the site is Court Farmhouse which is a 17th century Grade II Listed Building. The house and attached wall sit within their

own setting over 750 metres away to the north separated by existing urban built form. The proposed development would not therefore affect the experience or route past any Listed Buildings and there are no Listed Buildings in close proximity to the application site. Therefore, it is considered that the character, significance and setting of heritage assets within Branston would not be harmed.

- 13.6 It is considered that the statutory duties under Section 66 and under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been considered as part of this application and are not engaged by it.

14. Flood Risk and Drainage

- 14.1 Section 14 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 risk 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.
- 14.2 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.
- 14.3 The host outline permission ref: P/2013/00432 includes a range of pre-commencement conditions in relation to flood risk and drainage. The majority of the site falls within Flood Zone 2 with some parts within Flood Zone 3. However, the Environment Agency has raised no objections as some significant work on ensuring that the wider scheme is appropriately flood resilient has already been completed as part of an overall strategy which includes earlier phases. Details of the surface water flows to serve the present proposals would be subject to separate discharge of conditions applications to be progressed in due course in consultation with the County Council - as the Lead Local Flood Authority (LLFA) - and Severn Trent Water Ltd.
- 14.4 Overall, it is considered that the development scheme which was approved in outline does give priority to a sustainable drainage system and this phase of the development would be subject to compliance with the same flood risk and drainage related pre-commencement conditions as previously approved phases.

15. Proximity to Railway

- 15.1 Beyond the southeast boundary the immediate feature is a brook which provides a separation to the railway line. The layout has been designed in order to ensure that plots are positioned with a separation distance to the southeast boundary with this brook/railway line. Within Phase 3 this would include a 5 metre wide embankment to the boundary whilst beyond this a 5 metre easement to the brook would be maintained as agreed with the Environment

Agency. Within Phase 4 the nearest plots would be separated from the southeast boundary by a shared access drive in addition to a 5 metre wide landscaped easement. The scheme has therefore taken into account the relationship to features including the brook and railway line which are beyond the southeast boundary.

- 15.2 Network Rail has commented on the application and suggested a number of conditions which would aim to protect the operation of the railway and a condition is proposed to this approval to control the design of lighting adjacent to the railway having regard to safety issues. However, it is considered that other requested details relating to drainage, noise/soundproofing and vibration are already covered by pre-commencement conditions associated with the host outline permission which would have to be complied with and will be subject to discharge conditions applications in due course. In terms of Phase 3 the boundary treatments plan clarifies that a new fence would be erected to screen the embankment with the brook. In terms of Phase 4 the proposed landscaping and existing vegetation with the brook would remain as existing.
- 15.3 Network Rail has also requested that a condition should be added which monitors potential trespass over a user worked crossing. This crossing, however, does not carry any public right of way and as such it is considered that this is a matter which falls under Network Rail's own safety remit. Furthermore, given the context of the proposed layout and separation distance to the railway it is considered that pre-commencement conditions in relation to the security of the railway, excavations/earthworks near railway structures and encroachment to railway are also unreasonable to impose.
- 15.4 The comments raised by Network Rail have been passed on to the developer in order to ensure that they are aware of the safety and operational needs of the railway.

16. Housing Mix and Affordable Housing

- 16.1 Section 5 of the NPPF expects Local Authorities to 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.
- 16.2 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.
- 16.3 Policy B9 of the Branston Neighbourhood Plan states that all development defined as major for planning application purposes will be expected to deliver a range of housing from smaller starter units to larger, more expensive properties. A mix of tenures and house types should support a sustainable neighbourhood to meet the needs of a diverse range of household types and incomes and foster community cohesion.
- 16.4 The Housing Choice SPD expects the market housing mix for Burton as shown below in the table. A column has been included which includes how the proposed scheme compares; along with the figures for the overall site the

subject of the outline approval. The Phase 3 & 4 scheme includes the following open market homes (350 total houses):

- 4 x one bed houses
- 67 x two bed houses
- 113 x three bed houses
- 154 x four bed houses
- 12 x five bed houses

	Burton	Proposed Scheme (Phases 3 & 4)	Overall Site combined (Phases 1, 2, 3 & 4)
1-bedroom homes (flats, houses or bungalows)	3%	1%	1%
2-bedroom homes (flats, houses or bungalows) and Housing for Older People	27%	19%	21%
3-bedroom houses	32%	32%	33%
4-bedroom houses	26%	44%	41%
5-bedroom houses	11%	3%	4%

16.5 The scheme would bring forward a range of housing from smaller starter units to larger more expensive properties. The outline approval pre-dated the adoption of the Housing Choices SPD, nevertheless, in line with the aims of Policy B9 of the Neighbourhood Plan it is considered that both the current scheme, and the overall development, would provide a reasonable mix of tenures and house types which in turn can provide the opportunity to support a sustainable neighbourhood and foster community cohesion.

16.6 The Section 106 Agreement associated with the outline permission requires an Affordable Housing Contribution equivalent to 15% of the dwellings across the development or with the agreement of the Council payment of an affordable housing sum in lieu of on-site affordable housing. Policy SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.

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

16.8 The proposed layout includes 42 affordable units which would be managed by a social registered landlord. The affordable housing mix would be 10 four-bed houses, 10 two-bed houses and 22 one-bed apartments/maisonettes. It has been ensured that the affordable houses are spread within the site in different locations in clusters of no more than 5. This would ensure compliance with Strategic Policy 16. It is considered that the provision of 42 affordable units on

the site is in accordance with the Section 106 Agreement linked to the host outline permission and in overall terms across the whole site (as per the outline site boundary) a reasonable balance has been achieved in delivering 11% of the housing as affordable units in addition to an off-site affordable housing sum.

16.9 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 and the standard should be applied to a range of properties. Additional information has been submitted which confirms that 50 of the houses have been designed to meet the Building Regulations M4(2) standard meaning that they may be more easily accessed and adaptable should the need arise in future.

17. Biodiversity

17.1 Paragraph 175 of the NPPF 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.

17.2 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.

17.3 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.

17.4 The host outline permission ref: P/2013/00432 includes a number of pre-commencement conditions in relation to ecology. This includes the requirement for ecological update survey checks for badgers and otters and a scheme for the provision of bat and bird boxes. An Ecological Management Plan would also be required for this new phase of development. Within the scheme layout there are opportunities for new habitats and fauna would be created with the proposed native tree/scrub planting, landscaped swales and pond edge habitat.

17.5 Overall, it is considered that the development scheme which was approved in outline does give priority to achieving biodiversity gains and this phase of the development would be subject to compliance with the same ecology pre-commencement conditions as previously approved phases.

18. Open space

18.1 The NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

18.2 SP32 and SP33 set out the requirements of open space provision across the Borough.

- 18.3 The Council's Open Spaces SPD states that sustainable urban drainage systems (SUDS), which are considered to take large areas of land, could also be counted against open space typologies where an appropriate dual use, such as water storage and informal recreation is suitable, so long as SUDs are designed safely and it is made clear who would be the maintaining authority would be.
- 18.4 Policy B7 of the Branston Neighbourhood Plan states that new developments will be required to provide a mix of private space and open space uses which meet local need, including children's play areas, sports pitches, allotments and amenity green space in accordance with the most up to date Open Space Standards and Guidance adopted by East Staffordshire Borough Council. It should be noted that the S106 accompanying the outline application was agreed in advance of the making of the Neighbourhood plan, however, the layout includes suitable provision for public open spaces within both formally designated areas and informally around attenuation features and landscaped swales. It is considered that the scheme does give priority to open spaces for the benefit of the local community and they are located in areas that would be accessible and encourage activity.
- 18.5 The Section 106 Agreement associated with the host outline permission requires the open spaces to be provided prior to the occupation of any dwellings immediately adjacent or adjoining the public open space areas in accordance with approved landscaping plans. A commuted sum for future upkeep of open spaces would also be paid to the Council within a reasonable time period after the landscaped open space areas have been completed. The commuted sum would be a calculation in accordance with the Councils Open Space SPD and is based on the number and mix of dwellings.

19. Section 106 Contributions

- 19.1 Paragraph 56 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.
- 19.2 As set above in this report the scheme is compliant with the requirements of the Section 106 Agreement dated 17th July 2013 which is linked to outline permission ref: P/2013/00432.

20. Conclusions

- 20.1 The site is allocated in the development plan for housing development and there is an outline permission already in place. There is desirability for a scheme to be delivered on the site in order to play a part in meeting the boroughs housing requirements and achieving sustainable growth. It is considered that the details submitted in respect of each reserved matter are acceptable and the layout as proposed integrates the principles for sustainable development. The housetypes as arranged would also achieve a high standard

of appearance in built form which would also help to establish a sense of place for the area.

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

20.3 Accordingly, it is considered that each of the reserved matters details are acceptable and the layout as proposed would achieve good design bringing forward a housing scheme as per the terms of the host outline permission and in compliance with the aims and criteria of policies in the Branston Neighbourhood Plan, the Local Plan, the Council's SPD's and the National Planning Policy Framework 2018.

20.4 **RECOMMENDATION**

20.5 **APPROVE RESERVED MATTERS** subject to the following conditions:

1. Time limit for commencement of development not later than 2 years in order to comply with the outline permission (bespoke)
2. Approved Plans (00002)
3. External facing materials in accordance with approved plans (bespoke)
4. Prior to first occupation ensure landscaping is carried out for that respective plot (bespoke)
5. Prior to first occupation ensure boundary treatments are erected for that respective plot and retained/repared as such (bespoke)
6. Prior to first occupation ensure driveways, parking and turning areas are provided for that respective plot (bespoke)
7. Installation of electric vehicle charging points prior to occupation within specific plots as agreed unless other details are first submitted to and agreed with the LPA (bespoke)
8. Remove permitted development rights for garage conversions (Bespoke)
9. Lighting details adjacent to the railway to be agreed. (Bespoke)

Informatives

1. Standard Engagement informative.
2. Standard informative to advise which conditions on the outline approval have been complied with.
3. Draw attention to the comments of Network Rail.

21. Background papers

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

21.2 The Local and National Planning Policies outlined in the report above.

21.3 Papers on the outline planning application file ref: P/2013/00432, reserved matters application's ref: P/2016/00822 (section 73), P/2015/00849, P/2015/00025 (section 73) and P/2014/00550.

22. Human Rights Act 1998

22.1 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.

23. Crime and Disorder Implications

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

24. Equalities Act 2010

24.1 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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