

Agenda Item:	5.1
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Site:	Lawns Farm, Branston Road, Tatenhill, DE13 9SB
Proposal:	Reserved matters application relating to P/2012/01467 for the erection of 201 dwellings including details of appearance, landscaping, layout, scale and means of access

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](#)

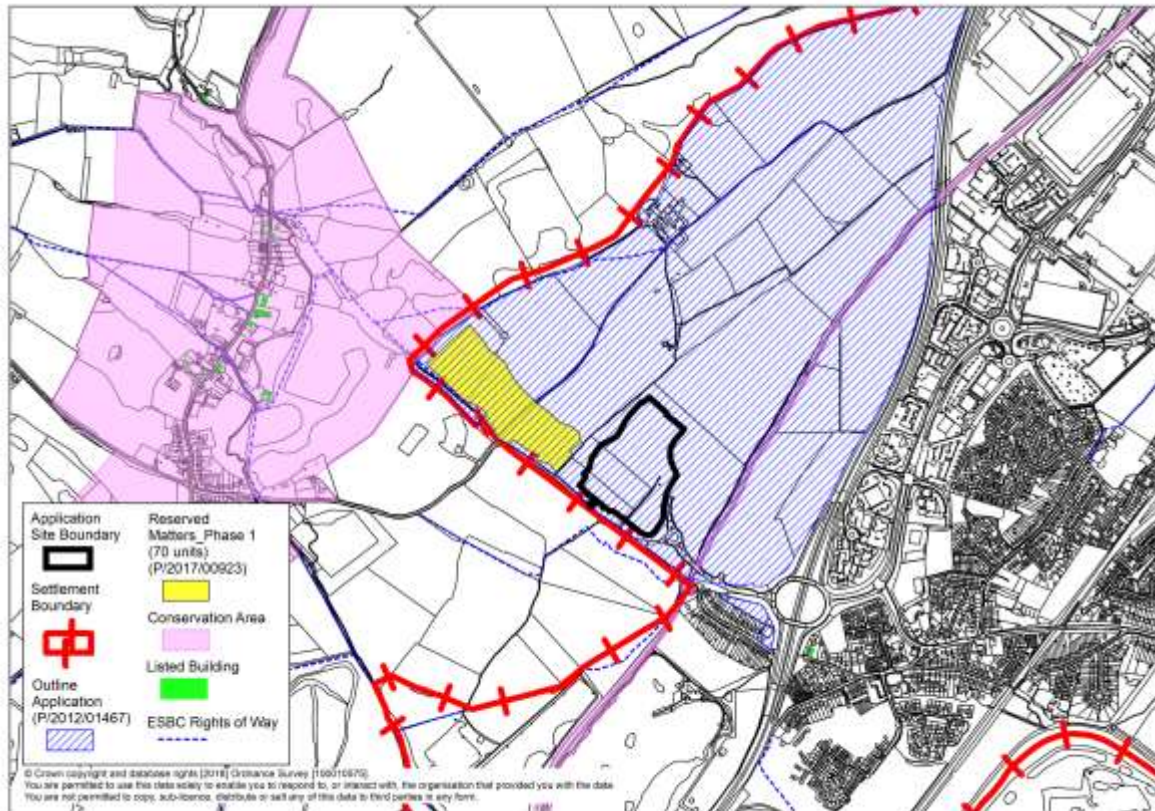
Application Number:	P/2018/00233	
Planning Officer:	Rob Duckworth	
Type of Application:	Reserved Matters	
Applicant:	Mr Elliot Ashton of Taylor Wimpey	
Ward:	Branston	
Ward Member (s):	Councillor M J Bowering Councillor Mrs P L Ackroyd Councillor R G W Grosvenor	
Date Registered:	20 March 2018	
Date Expires:	16 October 2018	

1. Executive Summary

- 1.1 The application site is Phase II of a larger site, known as 'Lawns Farm' or 'Branston Locks' which has been allocated as a Sustainable Urban Extension (SUE) in the Local Plan. Lawns Farm has outline planning consent for the erection of up to 2,500 dwellings, up to 92,900 square metres of employment floor space (Classes B1, B2 and B8), a local centre providing a mix of retail uses, up to 929 square metres of healthcare, a residential care home of up to 160 spaces, a new pub/restaurant, a primary school and a hotel of up to 80

bedrooms. This application forms the second phase of residential development and is the second reserved matters application to be submitted on the site.

- 1.2 The application is a reserved matters submission for the erection of 201 dwellings including details of access, appearance, landscaping, layout, and scale for consideration.
- 1.3 The wider site is a large farmstead situated to the west of Burton upon Trent. It is bounded on its eastern boundary by the Trent & Mersey Canal and the A38 dual-carriageway. On its most northern boundary, the site accesses Shobnall Road and on its southern/south-eastern boundary, the application site fronts onto Branston Road which has recently undergone significant improvement works to aid access from the A38 and to the new John Taylor High School. The north-western boundary extends to the foot of a long escarpment which forms part of the Tatenhill Conservation Area. The main vehicular access which will serve the bulk of employment and housing development within the site is accessed from a new junction created off the A38 Branston interchange, with smaller secondary accesses on Shobnall Road and Branston Road.
- 1.4 Statutory consultees have been in discussions throughout the entire process and are now satisfied with the proposals raising no objections that cannot be overcome through the imposition of appropriate planning conditions.
- 1.5 Local residents and Branston Parish Council have been notified of the application and a site notice posted. No representations have been received in respect of the proposals.
- 1.6 It is considered that the scheme is in line with the criteria of the outline planning approval, and its associated Section 106 Agreement, and compliant with the provisions of the relevant development plan policies and the National Planning Policy Framework. The broader development framework, the 'Design Guide for Branston Locks', has been amended with the character areas shifted, and the proposed primary school and village centre moved more centrally within the larger site; therefore, the application site here omits any primary school and has a unified character area of a medium density of dwellings for practical and viability reasons. The omitted school and village centre will be delivered at a later stage and provide the facilities originally intended.
- 1.7 The proposal would not adversely affect the amenities of occupiers of any nearby dwellings, and would provide an acceptable level of amenity for the occupiers of the new dwellings. The proposal will not have an unacceptably adverse impact on the wider existing highway network nor give rise to any environmental concerns. The scheme and the wider development would also provide necessary mitigation and compensatory measures in relation to flooding, protected species, biodiversity and the historic environment.
- 1.8 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site**2. The site description**

- 2.1 The wider site is a large farmstead situated to the west of Burton upon Trent. It is bounded on its eastern boundary by the Trent & Mersey Canal and the A38 dual-carriageway. On its most northern boundary, the site accesses Shobnall Road and on its southern/south-eastern boundary, the application site fronts onto Branston Road which has recently undergone significant improvement works to aid access from the A38 and to the new John Taylor High School. The north-western boundary extends to the foot of a long escarpment which forms part of the Tatenhill Conservation Area. The main vehicular access, which will serve the bulk of employment and housing development within the site, is accessed from a new junction created off Branston Road, with smaller secondary accesses on Shobnall Road and Branston Road.
- 2.2 The site the subject of this application is located to the south of the strategic site adjacent to the main strategic access route. The site partially fronts Branston Road continuing in a north-westerly direction. The site is 5.8 hectares (14.39 acres) in area.
- 2.3 The application site, along with the wider site the subject of the outline planning permission, is greenfield land currently in arable use. As would be expected on a site of this size, levels vary widely across the site. However, in relation to the site subject to this reserved matters application, the site is reasonably level. There are no public rights of way on the site.
- 2.4 Pursuant to the outline planning permission, the Design Guide and other approved strategies, the site is bound by strategic green infrastructure and contains a 'green finger' running through the site.

- 2.5 The main access to this phase will be gained from the strategic road through the wider site although a secondary access will serve the development to the south onto Branston Road.

3. Planning history

- 3.1 P/2012/01467 Outline application with all matters reserved and proposed a mixed use development comprising the erection of up to 2,500 dwellings, up to 92,900 square metres of employment floor space (Classes B1, B2 and B8), a local centre providing a mix of retail uses, up to 929 square metres of healthcare, a residential care home of up to 160 spaces, a new pub/restaurant, a primary school and a hotel of up to 80 bedrooms. Approved April 2015.
- 3.2 A number of planning conditions have already been discharged or part discharged from the outline consent as they relate to strategic conditions or provision of infrastructure. These include Conditions 7, 8, 9, 10, 11, 15 and 17 which have been satisfactorily discharged.
- 3.3 There are a number of applications running concurrently for the discharge of conditions both for this site, the Cameron Homes site (below) and the larger (outline) site. None of the conditions will impact the proposals presented here and are stand-alone issues. Drainage as part of Conditions 10 and 40 are causing a number of issues amongst the statutory consultees but through revised modelling the issues are resolved. The flooding and drainage matters tie in to the conditions only and inform the reserved matters; they are not dependent on their approval.
- 3.4 P/2017/00923 Reserved Matters application relating to P/2012/01467 for the erection of 70 dwellings, including details of access, appearance, landscaping, layout and scale, Approved.

4. The proposal

- 4.1 The application is a reserved matters submission for the erection of 201 dwellings, including details of access, appearance, landscaping, layout and scale. The outline application was approved in April 2015 following consideration of the scheme at Planning Committee in January 2014 and subsequent completion of a S106 Agreement.
- 4.2 The residential accommodation comprises:
- 39 no. 2 bedroom dwellings including 6 affordable
 - 98 no. 3 bedroom dwellings including 9 affordable
 - 64 no. 4 bedroom dwellings
- 4.3 The proposed dwellings are all detached and all two storey. In terms of the proposed facing materials these comprise red and buff (lighter red) brickwork, ivory render or timber boarding and grey or brown roof tiles; certain combinations have been proposed that complement.
- 4.4 A landscaping scheme has been submitted with the application and consists of tree planting mainly to front gardens, specimen shrub and shrub planting and a 'green finger running SE to NW through the middle of the site. A number of trees and hedges are to be removed from the site to facilitate the development.
- 4.5 Proposed boundary treatments consist of a mixture of post and rail fencing, estate fencing, close boarded fencing and walling.

- 4.6 Amendments have been negotiated since the original submission to address initial officer concerns regarding the layout, planting, use of public areas and access. Additional consultations were carried out on these amendments. Changes have included increased parking capacity, increasing separation distances, improving the ‘green finger’ and the units facing, rearrangement of a number of areas to facilitate an improved layout and access and increased verge planting by the side of the internal estate roads.

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 & Tatenhill Parish Councils	No representations received.
5.3	SCC Highways	No objection subject to conditions
5.4	SCC Flood Risk Team	No objection subject to conditions
5.5	Inland Waterways	No representations received.
5.6	Environment Agency	No objection.
5.7	Severn Trent Water	No objection subject to conditions
5.8	Canals & Rivers Trust	No representations received.
5.9	The National Forest	No objection but the layout should be changed to provide more of a feature
5.10	Architectural Liaison Officer	No objection but some concerns over the security of side and rear boundaries.
5.11	East Staffordshire Clinical Commissioning Group	Contributions required. Not possible as this is the reserved matters application.
5.12	Highways England	No objections
5.13	National Forest	No objections but increased tree planting would be welcomed.
5.14	ES Clinical Commissioning Group	Contributions sought (Contributions only possible at outline so not possible with this application.)

Internal Consultees		Response
5.15	Environmental Health	No objection subject to conditions

6. Neighbour responses

6.1 No representations received.

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
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP25 Historic Environment
- SP26 National Forest SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP32 Outdoor Sports and Open Space
- SP33 Indoor Sports
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology

Branston Neighbourhood Plan

- B1 – Integrating New development with Existing Communities
- B2 – Design
- B4 – Local Landscape Character

- B6 – Landscaping and Protecting Biodiversity
- B7 – Open Space in New Development
- B8 – Sustainable Homes
- B9 – Housing Type and Mix
- B10 – Safer Roads and Streets
- B11 - Car Parking provision

Supplementary Planning Documents/Guidance

- East Staffordshire Design Guide
- Parking Standards
- Waste Storage and Collection Guidance for New Developments

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; or
- 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 this Framework that protect areas or assets of particular importance provides a clear reason 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.

9. 5 Year land Supply

9.1 The most recent calculation uses figures as at March 31 2018 and concludes there is 6.06 years of supply. Therefore, the policies in the plan are up to date.

10. Local Plan

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

10.2 The principle of the development of the site has been established with the approval of the outline planning permission. This reserved matters application deals with the appearance, landscaping, layout, scale and means of access for this phase only but will be subject to the requirements of the conditions and the Section 106 Agreement attached to the related outline planning permission. These provisions are referenced where relevant in the following sections of the report.

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

- 11.1 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.
- 11.2 Local Plan Policies SP1 and SP24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 11.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 11.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.
- 11.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
 - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
 - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
 - (d) Repetitive house types should be avoided;
 - (e) The cramming together of large numbers of detached properties should be avoided.

- (f) High proportions of frontage car parking will not be acceptable.
- 11.6 Detailed Policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible. 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.
- 11.7 Policy B2 of the Branston Neighbourhood Plan requires high quality design which should reflect local distinctiveness.
- 11.8 The outline application had a Design Guide approved for future phases of development to adhere to. The approved Design Guide sets out that subsequent applications for reserved matters need to demonstrate how they conform to the criteria set out by the approved parameter plans and design principles set out within the Design Guide. The Design Guide forms an important component of the outline planning permission, with Condition 4 on the outline stating a requirement that each application for reserved matters shall include a statement demonstrating compliance with the principles of the approved Design Guide for that phase. This Design Guide has been amended through the process to allow for some changes within the wider site such as the primary school moving more centrally and the same for the Village Centre Character Area. This has had significant implications for the phase being considered here which is now of medium to high density and does not contain any village services, mixed character nor a school. The overall aims of the outline are not undermined though, just certain elements offset to later phases and in different areas. The scheme presented here is considered compliant with the Design Guide as revised.
- 11.9 The outline planning application also set other criteria for design, with Condition 6 setting out minimum width of green buffers separating various elements. Of particular relevance to this application is a requirement that 35 metres is retained between facing elevations of dwellings and the outline application site boundary to Branston Road. This has been achieved.
- 11.10 The site is accessed from a new roundabout junction on Branston Road and the main strategic road through the site up to Shobnall Road and smaller secondary lanes within the development. Within the site there are also short private driveways accessing no more than five properties. There will also be a secondary access to / from the site onto Branston Road which was not originally planned. This has been assessed thoroughly by SCC Highways who have no objections to its inclusion as it would not undermine the efficacy of the highway or strategic network subject to suitable visibility splays and access geometry.
- 11.11 The site has an outward looking layout with all areas of open space having natural surveillance. The layout provides a well planted periphery and well-greened main routes through the site to maintain a softening of the development. A green finger through the middle of the site helps to link the strategic green fingers, public open spaces and other phases of development.
- 11.12 Each plot is provided with sufficient off-street car parking to meet the requirements of the Design Guide and Staffordshire County Council's standards for car parking. Car parking is provided either within driveways, integral garages or detached garages. A condition will be applied to ensure that these are maintained for their intended purpose.

- 11.13 The original outline application divided up the large site into smaller character areas, each with their own set of parameters and design framework. The application site falls within the character area called 'Hillside View', as set out within the approved Design Guide. The vision for 'Hillside View' is to 'provide a low density, informal residential area set in a natural landscape'. The vision in the design guide was for 'dwellings to be typically two storey, detached and larger than in the wider site, with separate garages and set in their own landscaped plots'. This part of the wider site and in particular this part of the Hillside View character area was planned to take larger detached 'aspirational' housing. The wider site will deliver a wider housing mix. The remaining part of the character area to the north west of the larger site will also deliver further 3, 4 and 5 bedroom properties. When considered with the approved Cameron Homes Scheme on Phase I also within the Hillside View Character Area which had 11.65dph, the density of this phase is 35dph which accords with the aims of the character areas of the Design Guide (stating 30-40dph is acceptable) and provides perimeter blocks for cohesion and a sense of place. It is therefore submitted that the housing mix proposed of 4 and 5 beds for this second phase accords to the outline and is acceptable in design terms and the application complies with Local Plan Policies, SP24, DP1, DP3 and SP16, Branston Neighbourhood plan.
- 11.14 The proposed development consists predominantly of two storey with several two-and-a-half to three storey properties mixed in, the latter being townhouse style dwellings. Whilst plots will vary, eaves heights are typically 5 metres and ridge heights 8.5 metres, although some properties will reach just over 10m. The range of houses has been designed by Taylor Wimpey and employs timber frames, rather than just blockwork, to improve the sustainable credentials of the site which will then act as a key site within their portfolio. The number of house types allow for variation and follow a similar theme to ensure a coherent design across the site whilst avoiding repetition. It is considered that the scale of development proposed is consistent with the design requirements and outcomes set out within the approved Design Guide.
- 11.15 The building materials and colours used within the development are kept to a minimum to avoid a cluttered appearance. The variations chosen are considered appropriate and complementary and will result in an attractive form of development to work well with adjacent developments and as one of the gateway sites for the wider Lawns Farm / Branston Locks development.
- 11.16 A landscape plan is submitted in support of the application (revised following numerous amendments) which details the proposed planting regime and anticipated species for areas within and at the immediate edge of the development. Key structural landscaping is provided around the perimeter of the site in accordance with the approved open space and green infrastructure strategies. The design of the green infrastructure has taken into account future development proposals to the north-east, with all spaces afforded good natural surveillance. Planting has been located so as not to result in visibility issues for streets and parking.
- 11.17 The landscaping proposals accord with the requirements of the approved open space and green infrastructure strategies, the Design Guide and the obligations within the Section 106 Legal Agreement. Moreover, they are complementary to the character of the development and the boundary treatments proposed throughout. Conditions can be applied to ensure the most

publicly visible trees are more substantial upon planting to ensure that there is some greening and maturity to the site despite its infancy.

11.18 The proposals have been reviewed by Councillors Jessel and Jones who suggested changes and commented on various aspects of the scheme. Following the comments, some amendments were made to the proposals to ensure that the accesses had increased greening and that the general development would have an improved appearance and functionality but generally the Councillors were accepting of the changes that had already been negotiated throughout the course of the application such as the increased green finger through the middle of the site, reduction of car parking and hardstanding in this area and breaking up of blocks of parking areas.

12. Residential Amenity

12.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.

12.2 The Borough Council's Design SPD sets out separation distances required. It concludes that there are no set standards specified in terms of separation distances between buildings. The performance of development will be considered in terms of its acceptability in design terms with regard to overlooking. It is considered that the proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them unacceptable loss of light or privacy. The minimum separation distances, back to back are 18m but the average is around 21m. Whilst these distances are in some instances less than normally advised it is not considered they would give rise to undue overlooking or privacy issues particularly as this is a wholly new development were prospective purchasers will be aware of the potential impacts from neighbours. The gardens of the properties with reduced separation are typically slightly larger than others in the estate. The scheme is therefore compliant with the provisions of Local Plan Policies DP1 and DP3.

12.3 The density of the development gives rise to adequate front and back gardens although front gardens only provide for street 'greening'. There are no set garden size requirements in any adopted policy or SPD. The floor layout plans indicate a good level of residential accommodation and therefore it is considered that the proposals would result in a good standard of living accommodation for future residents.

12.4 The nearest existing dwelling is over 200 metres away from the proposed residential development. Therefore it is not considered that there would be any material adverse impacts on residential amenity in accordance with Local Plan Policy DP3.

12.5 Given the separation distances between dwellings throughout the development it is not considered that the removal of permitted development rights for the erection of garden structures would be justified in this instance.

12.6 The houses flanking the main access corridors have been identified as having improved acoustic performance with the installation of specialist bedroom windows with acoustic trickle ventilators to achieve an in 35db noise reduction helping to mitigate the potential noise disturbance from heavy traffic flows.

- 12.7 The development will be served by superfast broadband not tied to any particular provider giving residents an up to date communication infrastructure network.
- 12.8 In conclusion, therefore, the proposed layout shows that 201 No. dwellings can be accommodated on the site without compromising the reasonable amenities of existing occupiers or the future occupiers of the development, allowing for sufficient outdoor private amenity space and satisfactory integration with the existing and proposed adjoining built form, again complying with the provisions of Local Plan Policies DP1 and DP3.

13. Sustainability (energy efficiency and low carbon)

- 13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. A number of criteria apply to ensure sustainable development.
- 13.2 The proposed dwellings will be constructed using modern and efficient methods resulting in buildings that are well insulated and energy efficient. This phase by Taylor Wimpey will be an exemplar development showcasing timber framed houses in a bid to improve the sustainability of the development and their portfolio as a whole. Whilst there is no specific design for solar gain it is considered that the proposed dwellings will be much more energy efficient than those in the vicinity and will not result in a significant increased carbon footprint. It is therefore considered that the proposals would accord with policy SP2 of the Local Plan.

14. Highway Matters

- 14.1 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.
- 14.2 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.
- 14.3 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.
- 14.4 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.

- 14.5 Policy B11 requires four bedroom houses to have 2 off road parking spaces and 3 off road spaces for 5 bedroom houses.
- 14.6 This phase of development is to be accessed from the main strategic route through the wider site and onto the improved Branston Road. The latter will be a secondary access. Visibility splays and tracking of refuse vehicles has been submitted with the application.
- 14.7 The application accords with Condition 23 of the outline planning permission which calls for details of the access to the principle routes, street layouts with methods of limiting speeds to 20mph, footpaths, and sufficient parking and cycle provision.
- 14.8 The Parking Standards SPD also requires 1 secure cycle storage unit per property to encourage an increase in the number of journeys made by bicycle. The proposal would enable the safe and secure storage of bicycles for each property via garaging of an appropriate size and therefore this requirement of the SPD has also been met. A condition can be applied to ensure compliance.
- 14.9 There is adequate parking servicing each plot, regardless of the size of the property. Many of the larger properties also have additional parking in the form of either standalone garages or integral garages. It is also recommended that a condition be put in place removing permitted development rights for garage conversions retaining the future use of the garages for the parking of vehicles. Parking is situated close to properties to facilitate easy access for residents to the housing and the proposed integral garages to properties have a width and length of 3m by 6m respectively. The parking requirements therefore conform to the Borough Council's updated Parking Standards SPD.
- 14.10 The Parking Standards SPD requires the ability to provide electric charging points within some of the properties. Most of the properties will have mains plugs within the garaging providing a suitable point for installation.
- 14.11 The County Highway Authority has no objections to the layout proposed, subject to appropriate conditions, most dealing with technical aspects of the development.
- 14.12 It is not therefore considered that the proposal would prejudice the safe or efficient use of the highway network in compliance with Local Plan Policies SP1 and SP35 and the Parking Standards SPD adopted in October 2017.
- 14.13 There are no public rights of way or bridleways across the site.
- 14.14 Cycle routes across the strategic site will also be improved and delivered as part of a wider network.
- 14.15 There will be a perimeter footpath around the Taylor Wimpey site and around the entire Lawns Farm site meaning access to and from the housing to the schools and public open spaces will be safe and efficient. These routes will also be appropriately illuminated. This is the case for cycle paths which will be strategically linked throughout the whole site along the green fingers.
- 14.16 A Strategic Construction Management Plan was requested as part of condition 11 of the outline permission and this details construction vehicular routes, dust suppression, mitigation of noise and vibration and hours of work which should aid in any issues arising as part of the construction phase of the development.

15. Historic Environment

- 15.1 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.
- 15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 15.3 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, the case of Barnwell Manor Wind Energy Ltd established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.4 Policy SP25 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. 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.
- 15.5 Policy DP5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Policy DP6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as the setting of important historic landscapes.
- 15.6 The edge of the Tatenhill Conservation lies to the north west of the application some 484m away and covers most of Battlestead Hill and Tatenhill itself. The Trent and Mersey Conservation Area lies 335m to the east and tightly follows the line of the canal.
- 15.7 The nearest listed building is located by the Bridge Pub and is a Grade II Canal Milepost, 175m south east of the site.
- 15.8 It is not considered to harm the setting of the conservation areas or the listed buildings due to factors including; degree of separation, topography and restricted visibility and the retention of the architectural and historic character of the conservation areas.

- 15.9 Given these separation distances and the form of existing built development, it is not considered that the proposal would have an impact on views into, or those out of these conservation areas nor would any Listed Building or its setting be affected and therefore the statutory duties under Sections 66 and 72 are fulfilled.
- 15.10 There is evidence of archaeological interest in the area and there is a condition on the outline permission P/2012/01467 to ensure that any impacts are suitably recorded and considered. It is therefore not considered that the proposal would unacceptably affect archaeological interests and is suitably dealt with under the original conditions.
- 15.11 It is considered that the statutory duties under Section 66 and under Section 72 have been considered and addressed as part of this application.

16. Flood Risk and Drainage

- 16.1 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.
- 16.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 16.3 The site falls within Flood Zones 2 and 3 with the elements in Flood Zone 3 concentrated around the south east corner and perimeter of the site. The applicant and wider land owner have undertaken significant modelling of the flood zones in this location and the general site, and have proposed significant remediation measures that seek to ensure that the proposal will not be at risk from, or add to flood risk off site.
- 16.4 The Environment Agency and Local Lead Flood Authority have been involved in discussions since early on in the application and this has resulted in significant changes to the modelling and how the application site and the wider site are delivered. Having undertaken significant works to remediate the issues the EA and LLFA now do not raise objection in principle to the current scheme as the issues are dealt with via the conditions of the outline permission. The scheme needed the remodelling to ensure it was a viable scheme; if it was not correct it may have resulted in significant layout changes owing to a regrading of the site.
- 16.5 Detailed foul and surface water details are required to be submitted in due course under the requirements of the conditions of the outline approval (and will need to be approved in conjunction with the Local Lead Flood Authority).

17. Affordable Housing and Housing Mix

- 17.1 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. Policies SP16 and SP17 along with the guidance set out in the Housing Choice SPD respond to this requirement.
- 17.2 Policy SP16 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.
- 17.3 It continues to state 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 recommended to secure provision of the standard for some dwellings.
- 17.4 This first phases of development, within the wider permitted outline site, do not need to include provision of affordable housing. The Section 106 Legal Agreement sets out at 2.1.1.4:-
- “The number of affordable housing units to be provided in each of the phases for the first 1,250 dwellings shall be at the discretion of the owner SUBJECT ALWAYS to the requirements that overall;*
- a) 5% of the first 500 of those dwellings shall be affordable housing units and;*
 - b) Not less than 7.52% of those 1,250 dwellings shall be affordable units and;*
- Affordable housing shall be dispersed so that no more than 30% of the dwellings permitted or built in a phase shall be affordable housing units.’*
- 17.5 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. Whilst this site does not provide that mix of house types, the wider site will deliver the variation in house types across the remaining dwellings. The composition of the mix proposed in this second phase is therefore acceptable.
- 17.6 The scheme is within the first 500 dwellings proposed and as presented offers 15 affordable units, in two clusters of 8 and 7 with a range of house types. The clusters are separated from each other by a number of market dwellings and satisfies the requirement of SP17 in that they should not be in groups of more than eight and dispersed throughout the development. The provision of affordable housing on this phase equates to 7.46% of this phase of the development and 5.54% of proposed dwellings to date (i.e. including the first phase of 70 dwellings) which is in accordance with the S.106 agreement.
- 17.7 The location, layout and mix of dwellings is considered appropriate for the development and is looked upon favourably. The arrangement of the cluster of eight affordable houses has been amended following comments from the case officer but solely to improve the quality of the green finger running though the site that was formerly dominated by car parking and hardstanding. Four of the

affordable units now no longer face the green finger but the benefit to the green space and the general layout of the site is considered significant.

18. Green Infrastructure and National Forest

- 18.1 The outline indicative layout showed the provision of a significant level of open space and green infrastructure running through the site; these form green fingers through the site allowing glimpses from the canal to Battlestead Ridge, whilst also supplying high quality greenspace for the development. The site that forms part of this application sits adjacent to these green fingers and therefore the setting of the site will be softened by this green infrastructure. A green finger will run through the site as discussed above and improvements have been made to this including the increased provision of trees, revised layouts to improve the aspects of the space and reduction in hardstanding and car parking areas occupying some of the land. Planting has been proposed so as to avoid visibility splays whilst providing as much greening as possible.
- 18.2 Branston Neighbourhood Plan Policy B6 looks for development proposals to protect existing nature conservation assets such Biological Alert Sites and Sites of Biological Importance on and adjacent to the Lawns Farm site. 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. Policy B7 promotes a green infrastructure approach for all new public open space in order to promote community access. It is considered that the proposed green infrastructure in the wider site complies with the provisions of Policy B6 and B7 of the Branston Neighbourhood Plan and the proposed green finger contributes to those aims.
- 18.3 Throughout negotiations the street planting has been increased and significantly so along the green fingers. The submitted landscape plans demonstrate the level of planting which will aid in maturing and softening the development whilst meeting the requirements regarding National Forest Identity.

19. Open space

- 19.1 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.
- 19.2 The outline permission requires the provision of equipped play areas, sports pitches and amenity open space and recreational parks and gardens. The condition requiring an overall open space strategy for the whole Lawns Farm site has been discharged and sets the overall strategy for informal and formal play areas. This application accords with the overall open space strategy.
- 19.3 The open space (Local Equipped Areas of Play (LEAP)) is located on the edge of the development, outside the red line, in accordance with the Open Space SPD and open space strategy agreed under condition 8 of the outline permission and, given the scale of the proposed housing development, would be easily accessible by all residents. It would also encourage residents out towards the countryside, making the most of the location of the site on the edge of the settlement. Additional open space, including play areas and green links to the rest of the site will be provided on future phases.

20. Section 106 Compliance

- 20.1 As set out in this report insofar as the matters are relevant to this second phase of the development of the Lawns Farm strategic site, the proposals are in line with the requirements of the Section 106 attached to the outline approval and no more contributions can be sought.

21. Conclusions

- 21.1 This proposal will result in the development of Phase II of the green-field strategic site known as Lawns Farm upon which the principle of development has previously been established by the granting of outline planning permission in 2015.
- 21.2 The submitted details for this reserved matters application demonstrate that the development will fit acceptably into the context of adjoining existing and proposed built form by way of its siting, scale, massing and design. The proposed layout shows that separation distances between existing and proposed dwellings are such that the site can be developed without having any material harm on the reasonable residential amenities of any existing or proposed occupiers. The Highway Authority has confirmed that there are no issues in relation to highway safety arising from the proposals and it is considered that the surface water and flooding issues relating to the site have been satisfactorily resolved, subject to appropriate conditions.
- 21.3 The change in the character and appearance of the area, the benefits of the proposal including the provision of housing, alongside the economic benefits associated with new development mean that the benefits of the scheme clearly outweigh any specific concerns that are raised in relation to the proposal. The proposal is therefore considered to be in line with the outline approval and with the aims of the policies of the Local Plan and the National Planning Policy Framework.
- 21.4 The development will result in changes to the wider setting of heritage assets but this will not result in any harm to the setting or significance of the conservation areas, nor will any listed buildings or its setting be affected. The statutory duties under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are therefore addressed by the proposals.

21.5 RECOMMENDATION

APPROVE RESERVED MATTERS, subject to the following conditions:-

1. Compliance with the approved plans (Standard Condition No. 0002).
2. Details of disposal of foul and Surface Water drainage and outfall for areas in private ownership to be provided prior to commencement of development and shall be undertaken prior to occupation. (Bespoke)
3. Details of properties to be delivered to the M4(2) Building Regulations standard (Bespoke)
4. Construction of access to Branston Road to meet SCC Highways specification before occupation of any dwellings. (Bespoke)

5. Roadways and footways to be surfaced in bound material before occupation of any dwellings.
6. Cycle storage facilities provided in accordance with details to be submitted before occupation of any dwellings. (Bespoke)
7. Construction Vehicle Management Plan including method of and regularity of clean-up of debris from the development and vehicles accessing it to be submitted prior to commencement of development (Bespoke).
8. Visibility splays shall be provided for a number of specified plots and nothing shall obstruct those approved splays (Bespoke)
9. Details of surfacing of areas in private ownership prior to commencement of development (Bespoke).
10. Parking and turning facilities to be provided before each dwelling is first occupied (Standard Condition No. 00004a).
11. Garages to be retained as being available for parking at all times and cycle parking is to be provided within. (Bespoke)
12. Any soakaways to be sited a minimum distance of 5.0 metres back from the edge of the highway. (Bespoke)
13. All landscaping works to be undertaken in first season post completion and thereafter retained for at least 5 years and public trees to be heavy gauge (Bespoke)
14. Construction with the ability of installation of electric charging points to garages. (Bespoke)
15. The noise mitigation as specified shall be installed prior to occupation (Bespoke)
16. A scheme of dust and construction noise mitigation to be submitted and approved prior to commencement (Bespoke).

Informatives

1. Standard Engagement informative.
2. Notification of outline permission conditions addressed by the reserved matters submission and which remain outstanding.
3. Standard Pre-commencement conditions informative
4. Contact ESBC Waste Management in relation to provision of bins.
5. The developer is reminded to ensure there is safe access at all times for users of the public right of way which runs through the site.
6. The site layout will need approval under Staffordshire Act 1983 and Highways Act 1980
7. The Branston Road access requires off site works and therefore a legal agreement will be needed.
8. Any soakaway needs to be 4.5m rear of the adopted highway

22. Background papers

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

- Papers on the Planning Application file reference: P/2012/01467 and associated Section 106 Agreement
- NPPF
- NPPG
- ESBC Local Plan
- Branston Neighbourhood Plan
- All documents on file P/2018/00233

23. Human Rights Act 1998

23.1 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.

24. Crime and Disorder Implications

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

25. Equalities Act 2010

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

For further information contact: Rob Duckworth

Telephone Number: 01283 508729

Email: rob.duckworth@eaststaffsbc.gov.uk