

<b>Agenda Item:</b>	5.1
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<b>Site:</b>	Land off Aviation Lane, Burton-upon-Trent,
<b>Proposal:</b>	Erection of 128 no. affordable dwellings and construction of vehicular 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](#)

<b>Application Number:</b>	P/2018/01291	
<b>Planning Officer:</b>	Kerry Challoner	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	Partner Construction LTD	
<b>Ward:</b>	Branston	
<b>Ward Member (s):</b>	Councillor A Clarke Councillor Mrs P L Ackroyd Councillor R G W Grosvenor	
<b>Date Registered:</b>	24 October 2018	
<b>Date Expires:</b>	22 January 2019. An extension of time has been agreed with the agent until 19 July 2019.	

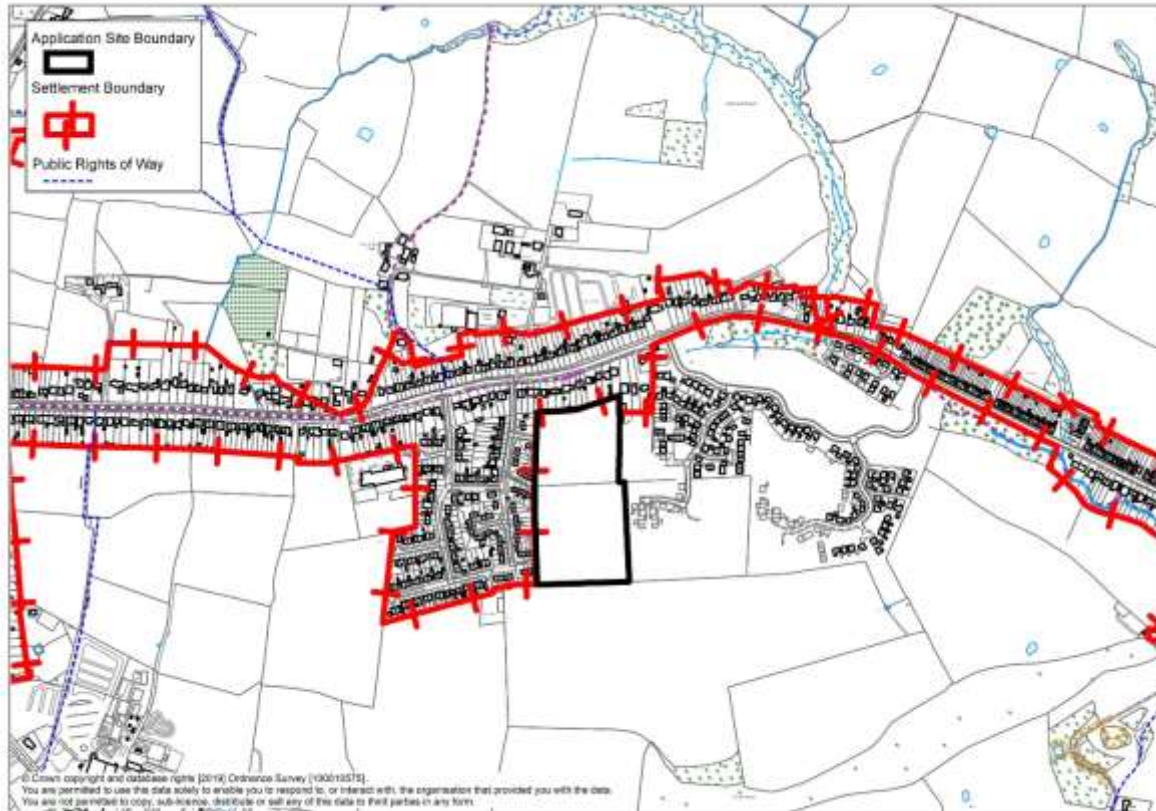
## 1. Executive Summary

- 1.1 The application site is an area of greenfield land located to the south of Henhurst Hill. The site covers an area of 3.98 ha and its existing use is agricultural land. The site is on the south side of Henhurst Hill, which is typically a linear development of houses with a few exceptions of small housing estates including Henhurst Fields, Aviation Lane and Henhurst Ridge. The site is bound to the North, East and West by dwellings and to the south there is further agricultural land. The site is located outside of the settlement boundary as defined in the Local Plan for Burton upon Trent.
- 1.2 This application is a detailed application for 128 affordable dwellings including vehicular access, associated landscaping and community open space. The

tenure of the properties is proposed to provide 37 Shared Ownership (28%) and 91 dwellings for Affordable Rent (72%).

- 1.3 Statutory consultees have raised no objections that cannot be addressed via planning conditions. The Parish Council have raised objections on the grounds of overdevelopment of the site, the negative impact on the locality and amenities, the overall design and layout of the site and lack of connectivity with surrounding development and Highway safety in relation to recent changes made to implement a one way system on Henhurst Ridge/ Aviation Lane.
- 1.4 There have been 64 letters of objection received from local residents over the course of two periods of consultation, raising concerns with the development, which include the overall principle, loss of countryside, highway safety and exacerbation of congestion in the area, impact upon residential amenity, biodiversity and increased flood risk within the vicinity. Following a third round of consultations after the scheme was revised further, including a reduction in the number of proposed houses from 131 to 128, 5 responses were received reiterating previous objections. 17 letters were received in general support of the proposal from residents of Burton.
- 1.5 The scheme is outside of settlement boundaries as set out in the Local Plan. The applicants have agreed to fund all of the necessary financial contributions required in line with relevant policies. Whilst the layout and design of the proposed residential scheme, the highway and access arrangements, impact on protected species, flood risk and drainage are acceptable, this would not be sufficient to overcome the conflict in principle policy terms with the spatial strategy for new residential development as set out in the Local Plan and the site being outside the settlement boundary.
- 1.6 **Members are advised that the above is a brief summary of the complex 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 This application relates to a broadly rectangular area of grassland located to the Southern side of Henhurst Hill. The site comprises an area of 3.98 hectares and is made up of two fields in agricultural use. To the Western boundary of the site is Aviation Lane, a residential development comprising of two storey dwellings. Vehicular access is provided to the site via the existing field access off Aviation Lane. To the Eastern Boundary of the site lies Henhurst Fields, a more recent residential development permitted under planning appeal and currently under construction
- 2.2 The topography of the site is at its highest point in the South West, with a gradual fall towards the Northern boundary of the site. The boundaries of the site are defined by mature hedging. Sections of a central hedge which historically divided the site from East to West have recently been removed.
- 2.3 The application site is outside settlement boundaries as defined on the policies map of the adopted Local Plan.

## 3. Planning history

- 3.1 There is no planning history for the application site.
- 3.2 Residential development to East of the site:
- 12 February 2014- **P/2012/01359**- Outline application for residential development for up to 300 dwellings, and associated woodland, amenity

planting and open spaces with all matters reserved except means of access- Allowed by Appeal

- 14 November 2016- **P/2013/00491**- Outline application for residential development for up to 300 dwellings, and associated woodland, amenity planting and open spaces with all matters reserved except means of access- Withdrawn.
- 16 June 2016- **P/2016/00321**- Reserved matters application relating to outline planning permission allowed at appeal P/2012/01359 for residential development for 300 dwellings and associated garaging including details of appearance, landscaping, layout and scale- Conditional Approval (Planning Committee)

#### **4. The proposal**

- 4.1 The application proposes the erection of 128 affordable dwellings. The site would be accessed off an existing field access off Aviation Lane, and the scheme comprises of 52no. 2 bed, 36no. 3 bed and 26no.4 bed units. All of the units would comprise two storey semi detached and terraced dwellings. In addition, 14no. 1 bed flats are also proposed across three two storey blocks. Each dwelling would benefit from off road parking. The proposal would provide 28% shared ownership homes along with 72% affordable rented accommodation (91 units).
- 4.2 The site layout demonstrates that 128 dwellings can be dispersed across the site, with the buildings based around a grid formation to the North of the site and two cul de sacs to the South. An area of public open space is provided in the central area, along with a further area to the Southern boundary of the site. This Southern area provides a buffer between the proposed and existing dwellings and also an area of attenuation for the drainage system. There is sufficient room within the site to provide the required national forest planting.
- 4.3 A pumping and electrical substation to serve the development are proposed adjacent to the entrance of the site. The pumping station would be located below the ground with soils replaced and graded over. The area, including access chambers would be fenced off from public access.
- 4.4 The plans have been revised during the course of the application to revise the proposed layout and siting of the dwellings to provide more interest within the street scene. Parking provision to serve the flats and planting has also been altered to avoid parked cars dominating the street scene. Four potential pedestrian access points have also been added to the site layout to demonstrate how the site could link up to adjacent residential developments in order to improve the connectivity of the site to adjacent built form.

#### List of supporting documentation

- 4.5 The following documents have been provided as part of the application:
- Application forms
  - Site Location Plan
  - Site layout Plan
  - Detailed dwelling elevation plans
  - Detailed dwelling layout plans

- Landscaping Plan
- Tenure Plan
- Topographical Survey
- Design and Access Statement
- Planning Statement
- Open Space Assessment
- Statement of Community Involvement
- Health Impact Assessment
- Housing Needs Assessment
- Affordable Housing Statement
- Utility Assessment
- Ground Investigation Reports
- Tree Survey
- Preliminary Ecology Survey
- Bat Survey
- Transport and Travel Plan
- Flood Risk Assessment
- Drainage Strategy.

4.6 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	<p>The following comments were provided relating to the original submissions:</p> <p>The parish council wish to object to the above planning application for the following reasons:-</p> <p>This site is outside of the settlement boundary.</p> <p><b>OVERDEVELOPMENT:</b> - Consideration needs to be given to the already approved planning applications surrounding the local area. The ratio of properties proposed for this development is over the proposed density for Branston parish. The proposed dwellings appear excessive for the land available.</p> <p><b>NEGATIVE EFFECTS ON AMENITY:</b> -This development would have a negative/visual impact locally. This would result in noise, disturbance, loss of privacy, nuisance as well as shading/loss of day light for some existing dwellings.</p>

		<p><b>DESIGN ISSUE:</b> The proposal is not in line with the Branston made Neighbourhood Plan policies. Shared surface results in inadequate parking provision for local residents and visitors. There is no link to existing sites to ensure enhanced walking routes/access. The proposal does not offer any landscaping ie no additional hedging/trees have been considered to maintain the existing visual appearance of the area.</p> <p><b>HIGHWAY SAFETY:</b> - Access to the proposed development is narrow and has also recently changed to a one way system. Access to the site would now be via Henhurst Ridge. Reviewing Staffordshire county councils residential design guide, these additional properties would also result in the maximum number of dwellings that can be served from one access to be exceeding the proposed guide.</p> <p>The following comments were provided relating to the revised plans:</p> <p>Thank you for advising the parish council of the above slight amendment. Just to confirm that the parish council discussed the minor changes which the developer is proposing for the above site. The objection to the planning application still stands on the same grounds as previous.</p>
5.3	SCC Highways	<p>The applicants have submitted a full detailed Transport Assessment (TA) in support of the application.</p> <p>The TA deals with the access to the site from the B5017 and considers other relevant details such as the impact on the surrounding highway network and sustainability. All the information indicates that the development will not have a severe impact on the surrounding highway network. The parking and cycle parking have also been assessed and appear to meet the Borough Councils standards.</p> <p>No objections were raised subject to conditions requiring details of road construction and a construction management plan prior to commencement and parking, servicing and turning areas along with cycle storage provided prior to first occupation of the dwellings.</p>
5.4	SCC Education	<p>No objections were raised, financial contributions of £480,664.32 are sought.</p>
5.5	SCC Flood Risk Team	<p>No objections subject to a condition requiring details of a water drainage scheme.</p>

5.6	Environment Agency	Confirmed they have no comment to make on this application.
5.7	Severn Trent Water	No objection subject to a condition requiring the submission and approval of a drainage scheme for the disposal of foul and surface waters.
5.8	Natural England	No objections were raised.
5.9	The National Forest	Commented on the original submissions that the landscape masterplan should provide more tree planting. Whilst the revised landscaping plan provides more trees, a number of amendments are considered necessary. Detailed landscaping plans should therefore be required by condition.
5.10	Architectural Liaison Officer	No objections were raised. Advice provided regarding boundary treatments.
5.11	ES Clinical Commissioning Group	Financial contributions of £55,020 sought.
5.12	Campaign for Protection of Rural England	<p>Detailed objections provided. The following conclusions were made:</p> <p>We fundamentally disagree with the reasoning expressed by the applicant's agents in their planning statement. The proposal, if accepted, would be likely to open the door to proposals for the development of more Greenfield land - both in this area and elsewhere on Greenfield sites throughout the Borough.</p> <p>We consider that there is no justification for allowing this application for the development of the site on Statutory Local Plan, NPPF, housing land supply or related grounds. We fully support the Borough Council in its refusal of planning permission for proposals such as this and will continue to support the Council in any subsequent appeal of which we are notified.</p>

Internal Consultees		Response
5.13	Planning Policy	The proposal is unacceptable in principle policy terms. The application site is outside any settlement boundaries identified in the Local Plan and would not meet with any of the criteria set out in Local Plan Policy SP8. Whilst a Housing Needs Assessment has been provided and concludes that more affordable housing is required in Burton, there is insufficient evidence to suggest that this need cannot be met within the settlement boundary through allocated sites, new development coming forward and existing permissions. Further detail is also set out within the report below.

5.14	Environment Manager	No objections subject to the provision of appropriate refuse containers.
5.15	Open Spaces	<p>The applicant is proposing the following:</p> <ul style="list-style-type: none"> <li>• Total area 8135.6 sqm</li> <li>• SUDS 1317.1 sqm (please note we wouldn't normally accept suds as open space provision, however given that the suds are underground and this won't interfere with the above ground use of the area I would consider it acceptable to include in the open space provision)</li> <li>• Play Area 145.1 sqm (please note that this is below the meaningful threshold of 400 sqm metres)</li> <li>• Landscaping 1740 sqm</li> <li>• Grass 4933.4 sqm</li> </ul> <p>The on site provision of open space is below what is required. If no open space would be provided on site we would request a financial contribution of £86,750. Given that overall the open space meets approximately 57% of the requirement I would then request an off site contribution of 43% of this equalling £37,302 which would go towards improving spaces in the vicinity of the site to meet the needs of the new residents.</p> <p>It is recommended that this financial contribution be directed towards improving the Millennium play area (off Aviation Lane). The Open Space assessment carried out in 2017 gave the site a high quality score of 76.6% but a lower value score of 49.16%. The monies would be spent on improvements which would contribute to it being a higher value site.</p>
5.16	Environmental Health	No objections were raised subject to conditions.

## 6. Neighbour responses

6.1 Neighbours were notified of the applications, site notices were posted and an advertisement was placed in the local paper. Following the first round of consultations, on 131 affordable houses, 54 responses were received raising objections to the scheme. The objections are summarised below. With the receipt of initial revisions to the layout of the proposal and the individual house designs, 10 further responses were received from local residents reiterating the original objections raised. The proposal was then revised a second time to reduce the overall number of dwellings from 131 to 128 and to alter the layout, design and siting of the dwellings. Additional pedestrian access points to the site were indicated on the revised proposals. 7 responses from local residents raising objections were received along with 17 responses in general support of the scheme from residents across wider Burton.



<b>Neighbour responses</b>	
Principle	<ul style="list-style-type: none"> <li>• The proposal is not in line with the Local Plan</li> <li>• Loss of countryside is unacceptable</li> <li>• Queries raised regarding the need for this number of affordable houses</li> <li>• There are insufficient local amenities such as shops and doctors surgeries to serve this development</li> <li>• There is no evening or Sunday bus service in the area</li> <li>• Affordable houses should be spread across a number of sites rather than provided as large one site.</li> <li>• In support, 17 letters were received referring to the need for more affordable housing in general.</li> </ul>
Impacts on Amenity	<ul style="list-style-type: none"> <li>• Loss of privacy</li> <li>• Noise levels coming from the pumping station</li> <li>• The impact on 23 Aviation Lane is unacceptable with the rear elevations of 6 houses facing the boundary with this property</li> </ul>
Highways Impacts	<ul style="list-style-type: none"> <li>• The access to the development is inadequate</li> <li>• The proposal would have an unacceptable impact on highway safety</li> <li>• The scheme would cause further problems relating to the 1 way system in operation in Henhurst Ridge and Aviation Lane</li> <li>• Local footpaths are inadequate to serve the development</li> <li>• Disruption during construction</li> </ul>
Flood and drainage impacts	<ul style="list-style-type: none"> <li>• Increased potential for flooding</li> <li>• Existing drainage/ sewerage system is inadequate, this proposal would worsen the situation</li> <li>• There is a brook in the rear gardens of properties in Henhurst Hill- this is not shown on the plans submitted.</li> </ul>
Other impacts	<ul style="list-style-type: none"> <li>• Detrimental impact on local wildlife</li> <li>• Impact on house prices in the area</li> </ul>
Ward Member	No response was received.

## 7. Policy Framework

### National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

### Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1: Role of Neighbourhood Plans
- SP3: Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- SP8 Development Outside Settlement Boundaries
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP18 Residential Development on Exception Sites
- SP23 Green Infrastructure
- SP24 High Quality Design
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding
- SP28 Renewable and Low Carbon Energy Generation
- SP29 Biodiversity and Geodiversity
- SP30 Locally Significant Landscape
- SP32 Outdoor Sports and Open Space
- SP33 Indoor Sports
- SP34 Health and Wellbeing
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP8 Tree Protection

#### 'Made' Branston Neighbourhood Plan

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

#### Supplementary Planning Documents/Guidance

East Staffordshire Design Guide  
 Parking Standards  
 Housing Choice

### **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 to 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'.

## **9. 5 Year land Supply**

9.1 The most recent calculation uses figures as at September 30th 2018 and concludes there is 6.33years 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 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;

- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

10.3 Strategic Policy 3 sets out the housing requirement of 11,648 dwellings to be achieved over the plan period. Strategic Policies 2 and 4 contain the development strategy for delivering the housing requirement, directing growth to the most sustainable places. The policies identify Burton Upon Trent and Uttoxeter as the main settlements to take housing development mostly in the form of sustainable urban extensions. However SP4 also identifies a windfall requirement for Burton and Uttoxeter of 1359 dwellings which these policies are clear should take place within the settlement boundary.

10.4 The application site is located outside the settlement boundary on the edge of Burton Upon Trent. As a result, the proposal does not comply with Strategic Policies 2 or 4 in that it is not an identified housing allocation, nor is it within the settlement boundary where windfall applications would be supported in principle. It is acknowledged that the site is currently bounded on two sides by residential development (Aviation Lane and Henhurst Hill), however in the near future the site will be bound on three sides by residential development upon completion of the Forest Road scheme of 300 dwellings, currently under construction.

10.5 The applicant has prepared evidence to support the need for the development, which included face to face interviews with 500 households across the 10 wards in Burton Upon Trent and using this data in combination with data taken from the Borough Councils housing register, census 2011 data, information from the Borough Councils Strategic Housing Market Area Assessment (SHMA), as well as data on recent house price and rents, household incomes from a second source and the delivery of affordable housing.

10.6 Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless it is:

- essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or
- providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
- in accordance with a 'made' Neighbourhood Plan; or
- development under the Rural Exception Sites policy
- Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
- Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
- Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
- Provision for renewable energy generation, of a scale and design appropriate to its location
- Otherwise appropriate in the countryside

10.7 The applicant in their planning statement consider that as the proposal will incorporate open space that this means that the second criteria is met. However it is not appropriate to separate different elements of the proposal to satisfy policies. The scheme needs to be assessed as a whole. As a result the only relevant criteria which would be applicable in this instance is whether the site can be considered a rural exception site policy.

10.8 SP18 adds further detail for the determination of rural exception sites and states *'Where the Council is satisfied in the light of evidence that there is a need for new affordable housing or Traveller pitches which will not otherwise be met, permission may be granted for a small development to specifically meet that need on a suitable site outside a settlement boundary provided that:*

- *Evidence of need is provided in accordance with the Housing Choice SPD;*
- *The development will specifically meet the assessed need;*
- *The site is within or on the edge of a settlement;*
- *The site is within easy reach of local services and facilities;*
- *The scale of development is appropriate given the size of the existing settlement;*
- *The majority of units (dwellings and pitches) provided on the site will be affordable housing or Traveller pitches to meet the need. A minority of the units provided may deliver a mix of market housing that is appropriate to meet local need based firstly on a housing needs survey and secondly on other evidence of need in that part of the Borough;*
- *Permission will be subject to agreement of cascade arrangements to provide priority in perpetuity for local people;*
- *Occupation of Traveller pitches will be restricted to Gypsies, Travellers and Travelling Showpeople;*

- *Affordable housing will remain affordable in perpetuity.*
- *The development complies with other relevant policies in this Plan.'*

10.9 The definition of rural exception sites is '*Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding*'. The proposal is for 128 affordable dwellings which is not considered a small scale development.

10.10 It is also felt by officers that Burton upon Trent is capable of delivering affordable housing within its settlement boundary which means that a rural exceptions site policy would not apply to this proposal. Burton upon Trent is not a rural settlement and has many opportunities to bring forwards housing development including affordable houses. Therefore it is not considered that this policy offers support or justification for the proposal.

10.11 In summary of the assessment of the relevant policies above, it is concluded that the proposal doesn't fall into the key policy areas where residential development outside settlement boundaries would be supported in principle given that it is not a housing allocation, it is not a site within the settlement boundary where windfall development would be permitted and it is not a small rural exception scheme. In accordance with the Planning Act, it is necessary to consider whether there are any material considerations which indicate a decision should be made which is not in accordance with the development plan.

10.12 Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Planning Practice Guidance states that a material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations. Taking this into account, it is considered that the provision of affordable housing can be considered a material consideration which should be given weight.

10.13 The NPPF was revised in February 2019 and is a material consideration in decision making.

10.14 One addition to the revised NPPF is paragraph 71, which states that "*Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:*

*a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and*

*b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards”.*

10.15 The applicant has not promoted the proposal specifically as an entry-level exception site nor has it been demonstrated that the proposal is specifically for first time buyers. Therefore it is not considered that this recent addition to the NPPF applies to the application or means that the proposal should be supported.

10.16 The definition of affordable housing was amended as part of the revised NPPF and is set out below:

**Affordable housing:** housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household’s eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or

refunded to Government or the relevant authority specified in the funding agreement.

### **The Housing Needs Survey**

- 10.17 The applicant carried out a survey, which was sent to a random sample of households across all 10 wards of Burton Upon Trent. The survey involved 500 face to face interviews. What the applicant has aimed to demonstrate is that based on the survey responses, the need for affordable housing is greater than when the Local Plan was adopted and this need is not necessarily spread evenly across all of the Borough, but it is disproportionate to Burton, in particular the five wards which returned the highest survey response rate.
- 10.18 The survey template includes the questions and level of detail required by the Housing Choice SPD in that it asks the following questions:
- Current details (type of housing including tenure, household income, household composition)
  - Whether members of the households have moved within the last 5 years and reasons for this
  - Whether the existing household needs to move within the next 5 years and reasons for this. This separate those factors that are more associated with 'needing' to move as well as factors which are desirable but not as associated with 'need'.
  - What kind of housing is needed (size, tenure etc) and the preferred location
  - Household income and likely deposit (if the household is wishing to buy a property)
  - Whether members of existing households will be forming a new household (e.g. grown up children buying their first property) and their housing need/preferences as well as income/deposit
  - The factors which are preventing the household from moving (insufficient income, in a current position of negative equity etc)
- 10.19 The households interviewed were informed that their responses were to be used to inform a specific affordable housing scheme off Aviation Lane.
- 10.20 The applicant is relying on the specific results of those households from the following 5 wards; Shobnall, Branston, Horninglow, Stretton and Eton Park. The applicant states that not only do these wards fall on the northern side of the railway, which is perceived as a natural barrier to people moving from where they currently live, but significantly more households from the 5 wards responded to the household survey (65%). The largest response was in the Branston ward itself followed by Stretton and Eton Park. It is also worth noting that a high proportion of all Burton residents currently reside in these wards.
- 10.21 The applicant states that it is statistically acceptable to weight the survey responses so as to represent the entire population or study area based on the actual responses from respondents, and data weighting is used to adjust for this. Such weighting is widely used in social research to adjust the results of a study to bring them more in line with what is actually known about a population. Weighting carries a risk that the weighted data may not be representative of the sample, so error margins have also been calculated by the applicant.



- 10.22 In summary the applicant claims that whilst the methodology of coming to an affordable housing 'figure' is the same as that used in the Strategic Housing Market Assessment (SHMA) which underpins the Local Plan and housing requirement, the input of location specific raw data, i.e. the household survey responses, result in an increased need for affordable housing to that originally perceived in 2013 and this need is specific to the study area itself, not to the Borough. This need principally arises from the ability of the housing market (both existing, planned) not meeting the needs of newly forming households, the housing need backlog and the needs of those existing households who are falling into need. The survey found that 87% of newly forming households are in housing need and could not afford market housing.
- 10.23 The applicant claims that one key reason is that local income levels mean that for a large number of the population, owning or renting a property is not possible as house prices and rents exceed that which the lower and median percentile of households can afford. The applicant has included in their evidence information on household incomes from different sources, and up to date house price (both sale and rent) to put this into context.
- 10.24 The applicant has also looked at existing households and tenures within the wards and this shows that there was a marginally greater proportion of owner occupied and a smaller proportion of social rented dwellings in the sub area compared to the town as a whole. In terms of the households of Burton, 53% live in the 5 wards.
- 10.25 The applicant considers that for the sub area over the next 5 years, there is a gross annual requirement for 319 additional affordable homes and a net annual requirement for 162 additional affordable homes when anticipated supply from re-lets and new build is taken into account. This is 75% of the requirement previously identified across Burton upon Trent over the plan period.
- 10.26 Officers provided the applicant with information from the Borough Council's housing register upon request and this confirmed that there are currently 2,492 people on the housing register, of which 1,556 currently reside in the Burton area (all wards). In terms of the preference of those on the register, 432 of these have a preference for Branston, Horninglow, Eton Park, Shobnall or Stretton.
- 10.27 The applicant considers that there is a mis-match between those who are considered eligible on the housing register with the preference for the study area, and those who completed the housing needs survey (when weighted). The applicant considers this may be because not everyone will apply to go on the housing register but they may respond to such survey when a specific site is identified.
- 10.28 Taking into account all the data the applicant considers there is a gross need for 744 affordable homes in the study area.
- 10.29 However, taking all this into consideration, the applicant themselves recognise the difficulty in producing a housing need figure based on the information provided. The applicant also recognises that to do this, there would have to be cross tabulation of raw data and further data. The applicant has not provided the raw data as they consider by doing so there would be a conflict with Data Protection Legislation. Given this, officers remain of the view that the housing needs survey and information provided by the applicant does not represent a

robust position which would lead a decision to be made against the development plan. The proposals justification is based on predicting housing needs over a five year period, albeit based on the weightings of face to face interviews, rather than being designed directly as a response to those interviewees who stated they were in housing need in the immediate study area within the next five years. Given the unique nature of the proposal and bespoke justification by the applicant, officers have sought an independent assessment of the applicants evidence, in particular whether the methodology is a reliable and robust basis for considering affordable housing needs.

- 10.30 The advice firstly challenges the estimated 'backlog' affordable housing need identified by the applicant. Officers are of the view that backlog housing need is covered sufficiently in the SHMA, and the independent advice considers that if the applicants figure was correct, the SHMA wouldn't have identified a backlog of need, which is not the case.
- 10.31 The independent advice's key area of concern is that the number of newly forming households not being able to afford market housing is not as high as the applicant contends, with 87% of newly forming households being far too high. This figure could be down to a skewed sample where the only forming households responding to the survey were those on low incomes. The advice concludes that a figure in the region of 25% - 40% would be a more realistic figure. This view is in line with the SHMA which identified approximately 47% of newly forming households being in a position where they are unable to afford market housing.
- 10.32 The advice also considers that the model used by the applicant to derive a housing needs figure is incomplete in that it doesn't consider migration, out migration or identify households currently in housing need.
- 10.33 Finally, the model or analysis of the model by the applicant doesn't consider whether the findings mean that for some households circumstances may improve which mean they are no longer in affordable housing need.
- 10.34 The identified advice concludes that for these reasons the evidence cannot be relied upon. Even if the issues were resolved, the advice also concludes that the true affordable housing needs for the study area would in fact be lower. Whilst it is not the Local Planning Authorities role to calculate an alternative figure, the advice indicates that the SHMA, which identifies a housing and affordable housing needs figure is still a robust evidence source and is fit for purpose.
- 10.35 The applicant has been given an opportunity to review the independent advice and provide comment. The applicant considers that the advice is flawed as it only raises concerns and does not reflect the good practice adopted by the applicant in terms of survey design, sampling and in particular the robustness associated with face to face interviewing. The applicant considers the critique to be superficial for various reasons as it ignores the data obtained by applicant and makes no attempt to collect or present its own evidence. However, the role of the critique wasn't to prepare additional evidence, but to conclude whether the approach taken by the applicant and findings are robust given the authority has an up to date Local Plan.

**The Local Plan requirement for, and delivery of Affordable Housing**

- 10.36 The Local Plan, based on the findings in the Strategic Housing Market Area Assessment, sets out in a requirement of 112 affordable dwellings a year. This is expected to be delivered on applicable sites in line with the requirements of Strategic Policy 17 and the NPPF, and on affordable housing led developments. Where off site financial contributions are provided in lieu of on-site affordable housing provision, this will be targeted towards meeting affordable housing needs by bringing empty properties back into use, funding delivery of new build affordable dwellings, reducing overcrowding and reducing homelessness, all of which contribute towards meeting affordable housing needs.
- 10.37 The Housing Choice SPD sets out the desired affordable housing mix for Burton which comprises a range of 1 bed to 4 bed *affordable rented* properties. This mix is derived from the SHMA. The proposal is for:
- 14 x 1B2P
  - 52 x 2B4P
  - 36 x 3B5P
  - 26 x 4B6P
- 10.38 Of the properties 37 are intermediate properties and 91 are affordable rent properties. The applicant has confirmed that the proposed mix stems from the responses from the housing survey, information from Midland Heart RSL who will be managing the housing upon completion and from communication with the Borough Councils Housing team regarding housing demand. It is therefore clear that the housing mix hasn't solely been derived from those households who responded to the household survey.
- 10.39 The applicant has voiced concerns that there is sufficient planning housing supply in the study area to meet housing need.
- 10.40 The Local Plan, whilst adopted in 2015 covers the period April 2012 – 31<sup>st</sup> March 2031 and identifies the affordable housing requirement as an average annual requirement.
- 10.41 Since the beginning of the plan period, there have been a total of 447 affordable housing completions. In addition to this, there are a further 97 dwellings coming forward in the shorter term on affordable housing led schemes and a minimum of 743 affordable houses coming forward on other major developments with planning permission. Of this figure 254 are due to be delivered within the 5 wards and 574 across Burton as a whole. There are other live planning applications including affordable housing which require determination.
- 10.42 The applicant considers that extant permissions should be treated with caution in that there is no absolute certainty that these sites will be built. However the monitoring of such developments as part of the Councils planning policy functions indicate that the majority of sites where affordable housing is to be delivered either solely or as part of the housing mix are underway and affordable housing led schemes are delivered quickly once started. It is also worth considering the likelihood of other sites, not currently subject to planning permission, coming forward over the plan period where affordable housing would be expected. A good example of this is the next item on the committee agenda for the Imex site.

10.43 Whilst the applicant has focused on the 5 study area wards, officers do not agree that meeting affordable housing need should be limited to these boundaries. For example, if suitable affordable housing was made available, or offered to a household within the town, it is not considered that the location would be a barrier to moving in all cases. In addition, if a household wishes to get on the housing ladder and has limited financial resources and incomes, it is considered normal that a compromise is made on location in order to achieve home ownership. House prices differ across the Borough, and indeed across Burton Upon Trent, with some areas being more 'affordable' than others.

#### **Conclusion on the principle of the proposal**

- 10.44 It is clear, that the applicant has carried out a substantial piece of work and sourced data from various sources. It may also be the case that since the SHMA was prepared in 2013 that there have been increases in terms of house prices and rents. However this isn't considered unusual, and is something that has occurred, albeit at different rates, across the UK. It is also evident, based on the applicant's findings that the wages required to obtain home ownership have also altered since 2013, but again this is not limited to East Staffordshire. Households are still able to obtain home ownership.
- 10.45 Overall it is considered inappropriate to separate and scrutinise certain elements of housing and income data without equal evaluation of other factors which influence an individuals or households ability to access housing (low cost market housing and affordable housing). The independent advice also questions the methodology used by the applicant in calculating a housing needs figure.
- 10.46 Other factors which influence a households ability to obtain housing includes the rise (both recent rise and expected) in wages, the number of individuals in the study area accessing housing benefits, availability of products to assist first time buyers get on the housing ladder such as low deposit mortgages, help to buy schemes aswell as separate initiatives such as the Councils duty in tackling homelessness. The Homelessness Reduction Act unlike the previous existing rehousing duty, which only applied to applicants in 'priority need' (those with dependent children or who are more vulnerable) and unintentionally homeless, now applies to all those who are homeless and threatened with homelessness. This means that Councils who turned people away from council homelessness services because they were 'not vulnerable enough' or caused their own homelessness are now required to help them to keep or find a home. Whilst some of these elements won't assist households people able to get on the housing ladder, they all contribute in meeting housing needs and reducing those households from falling in housing need.
- 10.47 The applicant hasn't included consideration of any of these other factors, instead just investigating the relationship between incomes and house prices. As set out above there are also challenges to the methodology. Nor has the applicant explained sufficiently how the results of the household survey justify the scheme in terms of overall number, tenure and housing mix.
- 10.48 Overall the Council do not believe that robust evidence has been submitted to justify approving the development, which is contrary to the development plan. Whilst the Council do not dispute the responses of those who completed the surveys, meeting their housing needs is not the responsibility of the application site, there are other market housing and affordable housing opportunities

available. Whilst affordable housing is a benefit which should be given weight in decision making, it is not considered that this weight outweighs the harm to the development strategy as a whole.

## **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 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 11.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 11.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.
- 11.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
  - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
  - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
  - (d) Repetitive house types should be avoided;
  - (e) The cramming together of large numbers of detached properties should be avoided.
  - (f) High proportions of frontage car parking will not be acceptable.

- 11.6 Local Plan Policy SP8 is relevant as the application is located outside of settlement boundaries. SP8 sets out categories of development which is considered to be acceptable outside of development boundaries, and then provides further criteria which seeks to minimise the impact of development proposals on the countryside.
- 11.7 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.8 Branston Neighbourhood Plan Policy B1 requires new development to integrate well with existing communities and wherever possible to improve pedestrian routes. Policy B2 (Design) requires high design quality to reflect local distinctiveness.
- 11.9 The application has been submitted in full. The application includes details of layout, appearance, scale and landscaping for consideration. A block plan and street scenes showing details of the points of access, the position of buildings, pedestrian walkway, circulation routes and parking for the proposed buildings have been submitted along with plans and elevations of each house type. The individual house types have been revised during the course of the application to improve visual appearance and add variety collectively to the street scene. Dwellings which surround the open spaces within the site would front onto these public areas providing natural surveillance and active frontages. The revisions made to the scheme include 4 proposed pedestrian access points into the development which would aid linkages with existing adjacent residential developments.
- 11.10 The design of the dwellings are modern in style with gable roofs over. The elevations would be brick, with sections of render applied to some dwellings to add visual interest to the street scenes. Whilst all properties, including the flats would be similar in design and two storey, this would accord with the general scale of development in the surrounding area. It is considered that the general street scenes are acceptable and would create a cohesive development within the site.
- 11.11 The Parish Council have raised concerns regarding the density of the development and pedestrian linkages. Whilst it is acknowledged that there is only one main vehicular entrance and access point to serve this development (off Aviation Lane) it is not feasible for an additional vehicular access point to be created given the surrounding built form. Within the site, walkways would be provided allowing sufficient circulation for pedestrians and appropriate linkages with the open space and the main entrance/ access to Aviation Lane. Additional proposed pedestrian linkage points have been indicated on the revised plans to allow a further walkway into Aviation Lane and a further three pedestrian access/ egress points along the Eastern boundary of the site. The density of the scheme is considered to be appropriate and in accordance with surrounding residential development.
- 11.12 Garden areas to the front of the dwellings would be open plan with rear gardens enclosed with 1.8m high fencing. Where appropriate existing hedging on the perimeter of the Eastern boundary of the site is to be retained, and would act as a rear boundary. Off road parking is provided to the frontage and

side of the new dwellings, and would be easily accessible to occupiers. Sufficient parking is provided to serve the flats. Although this results in parking bays to the frontage of the buildings, the revised plans indicate that this is broken up with grassed areas which include shrubs to soften the views within the street scene. A detailed landscaping plan could also be secured through a suitably worded condition to ensure that street frontages include appropriate planting.

11.13 It is considered that the layout and design accords with the principles and provisions of the East Staffordshire Design Guide, and demonstrate that the development would be appropriate to its context, according with Local Plan Policies SP24, DP1 and DP3 and the Branston Neighbourhood Plan Policies B1 and B2. The design and layout of the development would satisfactorily accord with the second set of criteria set out in strategic policy SP8. The assessment against the first set of criteria has been addressed above.

## **12. Residential Amenity**

12.1 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.

12.2 With regard to the relationship with existing properties in Aviation Lane, Henhurst Hill and the Henhurst Fields (Bellway) Development to the West of the site, Officers are satisfied that distances and levels between the existing and proposed dwellings are acceptable to ensure that residential amenity is protected. Proposed dwellings with rear elevations facing properties in Aviation Lane and the adjacent Bellway development would have a 10m separation between the rear elevation and the boundary with existing dwellings, this would ensure that the scheme does not give rise to overlooking/ loss of privacy issues. The distance between proposed dwellings with a rear elevation facing the rear elevation of an existing property are considered to be acceptable, with a 28m separation achieved between proposed plots 54- 58 and existing dwellings on the Henhurst Fields development, and 36-40m between proposed dwellings and the rear elevations of properties in Aviation Lane on the Western boundary of the site. The private amenity spaces afforded to each property are considered to be commensurate with the size of the dwellings. The flats are served by areas of communal space which would provide a private area away from the public amenity space for future occupiers to use.

12.3 At present the rear elevations of existing properties in Aviation Lane and Henhurst Hill facing the boundaries of the site are afforded views over the area of open agricultural land and as such the proposed development will have an impact upon the outlook of the dwellings. Whilst the loss of a view is not a material planning consideration, the Local Planning Authority has a duty to ensure that any impacts on the private amenities enjoyed by the occupants of neighbouring residential properties are taken into account as a result of the development.

12.4 In summary, the proposed layout shows that the dwellings can be accommodated on the site without compromising the reasonable amenities of their future occupiers, and allowing for sufficient outdoor private amenity space. Whilst objections have been raised on the basis of the impact on existing residential amenity, Officers consider that the proposed development integrates

satisfactorily with the adjoining built form, in compliance with the provisions of Local Plan Policy DP1 and DP3.

12.5 The proposed layout shows each new dwelling is sufficiently distant from both existing residential properties and proposed residential properties to avoid causing them an unacceptable loss of light or privacy or any overbearing impacts. The scheme is therefore compliant with the provisions of Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the NPPF.

12.6 It is acknowledged that there will be a level of noise and disturbance during the construction phases of the development. A condition is recommended to manage the impact of the development on the amenities of nearby dwellings and on the local road network by way of requiring a construction management plan which will require details of the following:

- a site compound with associated temporary buildings;
- the routing of construction vehicles to and from the site;
- the removal of demolition materials from site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- measures to prevent the deposition of deleterious material on the highway including wheel wash facilities

The condition will ensure that the construction management plan is adhered to for the duration of the construction phase of the development.

12.7 In conclusion the proposal is likely to lead to an element of additional noise and disturbance through increased activity and comings and goings associated with residential development. However, it is not considered that this would unacceptably affect the amenities enjoyed by the occupiers of neighbouring dwellings subject to relevant condition requirements being imposed on any approval.

### **13. Sustainability (energy efficiency and low carbon)**

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

- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
- incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
- use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
- incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;



- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in ‘Biodiversity by Design’ or future revisions;
- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;
- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

13.2 Policy B8 (Sustainable Homes) of the Branston Neighbourhood Plan encourages developers to build new homes to the highest possible standards in terms of energy and resource efficiency.

13.3 Whilst the proposal does not propose to incorporate any renewable energy sources or specific green construction techniques, it is noted that the dwellings would be constructed using modern and efficient methods resulting in buildings that are well insulated and energy efficient. It is therefore considered that the proposals would accord with policy DP2 of the Local Plan and policy B8 of the Neighbourhood 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. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

14.3 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 Policies B10 and B11 of the Branston Neighbourhood Plan set out design requirements for new streets and roads and the following minimum parking standards:

1	Bed/House/Flat	1 off road car parking space
2	Bed/House/Flat	2 off road car parking space
3	Bed/House/Flat	2 off road car parking space
4	Bed/House/Flat	2 off road car parking space
5	Bed/House/Flat	3 off road car parking space

- 14.5 The majority of representations received from local residents and the Parish Council raised objections on the basis of the Highway impacts of this proposal. In particular, the impacts on the existing highway network were raised.
- 14.6 In terms of highway impacts, the County Highways Authority have assessed the submissions, including the detailed Transport Assessment (TA). The TA deals with the access to the site from the B5017 and considers other relevant details such as the impact on the surrounding highway network and sustainability. All the information indicates that the development will not have a severe impact on the surrounding highway network. Notwithstanding the objections raised by the Parish Council and local residents, the County Highways Authority are satisfied, subject to conditions attached that the proposal will cause no harm to the safe and free flow of the adjacent highway network.
- 14.7 Within the site, the plans have been revised to provide appropriate visibility splays in line with the requirements set by the Highways Officer. As such, the visibility, particularly for residents accessing/ exiting their driveways would be appropriate. Conditions requiring specific details of the road construction, street lighting and highway drainage, along with a construction management plan (as discussed above) would be necessary.
- 14.8 With regard to parking provision, the dwellings are all allocated off road parking spaces each predominantly on paved side drives. The proposed parking provision is in accordance with the Council's Parking Standards SPD and policy B11 of the Branston Neighbourhood Plan. Appropriate secure covered cycle storage facilities can be secured by means of condition- there is sufficient room within each rear garden and adjacent to the flats to provide appropriate cycle storage. The proposed parking provision is in accordance with the Council's Parking Standards SPD adopted in October 2017 and policies B10 and B11 of the Branston Neighbourhood Plan.
- 14.9 The Parking Standards SPD states that development proposals must consider the provision for electric charging infrastructure in new developments and that major developments should ensure that electric infrastructure is sufficient to enable the supply to be provided. The applicant has confirmed that as this scheme is for 100% affordable housing, the viability of the site is limited. On balance, given that there is limited viability, it is not considered reasonable to request the provision of charging points. The proposals would not restrict occupiers from installing such infrastructure at the properties in the future.
- 14.10 In conclusion, the highway and access arrangements proposed are considered to be suitable and there will be no significant negative impact on the road network or highway safety arising from the proposal sufficient to sustain a refusal of the scheme. Parking provision is also adequate across the site and

the applicant has confirmed that 10% of dwellings would be provided with an electric vehicle charging point.

## **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, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 15.5 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 15.6 There are no heritage assets- Conservation Areas or Listed Buildings- within the immediate vicinity of the application site. It is not considered that the proposal will have any impact on views into, or those out of any designated areas, or affect any listed building or its setting and that the statutory duties under Section 66(1) and under Section 72 are not therefore engaged.

## **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 is classified as being wholly located within Flood Zone 1 with a very low risk of flooding. Neighbouring occupiers have raised concerns regarding drainage and flooding. The application is accompanied by a flood risk assessment and proposed drainage strategy in order to demonstrate that all forms of flooding have been considered.
- 16.4 The proposed strategy includes the provision of sustainable urban drainage attenuation crates (SUDS). The SUDS will provide a storage facility for excessive surface water run-off and will reduce the rate at which it enters watercourses downstream. This means that surface water will not leave the site in an unrestricted, uncontrolled manner.
- 16.5 The drainage strategy proposes that surface water will be captured within a gravity sewer system and attenuated prior to being discharged by way of geocellular 'Triton' tanks. Due to the sloping nature of sites topography, it is proposed that the surface water drainage system may be tiered with an intermediate flow control to effectively manage site runoff. Flows will then be discharged at the restricted rate to the existing surface water sewer on the northern boundary of the site. In addition, the tiering of the site drainage system will maximise retention times. The proposed drainage strategy will limit the discharge of water from the site by way of storing it in the attenuation crates and discharging it at a steadier rate.
- 16.6 The Environment Agency has been consulted on the proposed drainage strategy on the site and have confirmed they have no comments to make regarding the proposal classifying the site as having a low environmental impact.
- 16.7 The Flood Risk Officer at Staffordshire County Council has been consulted and has raised no objections subject to further details based on the drainage strategy put forward. With regard to the disposal of foul water from the development, Severn Trent has been consulted and has raised no objections, again, subject to further details relating to the detailed drainage strategy for the disposal of foul and surface water flows.
- 16.8 In light of the above, it is considered that a suitable drainage strategy can be employed to adequately address the drainage requirements for the proposed development. The proposal is therefore considered to be compliant with Local Plan Policy SP27 and the NPPF.

## 17. 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. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.

17.2 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.

17.3 Branston Neighbourhood Plan Policy B9 requires a mix of tenures and range of housing to be delivered across sites defined as major for planning purposes.

17.4 The Housing Choice SPD expects the following housing mix:

	<b>Branston</b>	<b><i>Proposed Scheme</i></b>
1-bedroom homes (flats, houses or bungalows)	3%	11%
2-bedroom homes (flats, houses or bungalows) and Housing for Older People	27%	41%
3-bedroom houses	32%	28%
4-bedroom houses	26%	20%
5-bedroom houses	11%	0%

17.5 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(2) relating to accessible and adaptable dwellings. Further guidance has been prepared setting out how this policy will be applied. The guidance states that the standard will be expected on 10% of major applications. The standard should be applied to a range of properties and not just those larger properties.

17.6 The applicant has confirmed that proposals provide level access to all the properties to either a front or back door and over 10% will adhere to internal spacing requirements, as such the M4 (2) criteria within policy SP16 of the local plan is achieved.

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

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

17.8 SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.

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

17.10 The scheme proposes 100% affordable dwellings to be provided on site through a variety of properties in the form of 1 bedroom apartments, 2, 3 and 4 bedroom houses across the site which will be taken on by a Registered Social Landlord. As indicated in the table above the housing mix does not meet with the guidance set out in the Housing Choices SPD.

17.11 SP17 states that well-planned affordable housing led residential development providing an appropriate mix will be welcomed. The Housing Choice SPD provides more guidance on such schemes, considering that there remains a risk that development of larger sites can cause segregation of social housing, sustainability concerns and polarisation within the community. To address these concerns, the SPD states that as a guide, developments of exclusively rented affordable housing should not normally contain more than 25 dwellings. Where sites are for more than 25 dwellings they should also include other types of housing for example rented affordable designated to older people, market housing for sale or rent, owner-occupied affordable housing where appropriate or self build plots. By including a wider mix schemes can enhance the inclusivity and sustainability of the development.

17.12 The proposal includes 128 affordable rent and intermediate properties and there is a range of property sizes across both tenures. The site is contained at all boundaries with only one vehicular access. Whilst the mix of housing types beyond affordable rented dwellings is limited, given the range of dwelling sizes proposed and the efforts of the applicant to improve connectivity by providing pedestrian access to adjacent residential development it is not considered that a refusal could be sustained on the grounds of the creation of a segregated community as described in policy SP17. The proposal also meets the requirements within Policy B9 of the Neighbourhood plan in providing a good mix of property sizes and as such is considered on balance acceptable in terms of housing mix.

## **18. Landscape, Green Infrastructure and National Forest**

18.1 Strategic Policy 30 states that development proposals will be expected to demonstrate that they have taken into account the Landscape Character Assessment for Staffordshire and consist of a scheme which reflects the landscape character and where possible enhances the landscape quality.

18.2 Policy DP8 relates to tree protection. This policy states that where there are existing trees of value on site developers must ensure that new developments are designed to retain as many trees as possible.

- 18.3 Policy B4 of the Branston Neighbourhood Plan ‘Local Landscape Character’ states that development should respect the local environment, taking account of the local landscape character and its historical development. All development defined as major for planning applications purposes will be required to demonstrate how landscape character, have been considered and have been used to influence the development’s layout and design. Hedgerow networks should be conserved and new developments should seek to enhance the local landscape through new woodland creation, tree planting and enhancing connectivity between new developments and existing woodlands.
- 18.4 Policy B6 of the Branston Neighbourhood Plan requires new development to support local wildlife habitats and give consideration to the treatment of urban edges in new developments.
- 18.5 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.
- 18.6 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors and strategic policy 26 sets out requirements in terms of the National Forest. This policy supports the National Forest Strategy and expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines.
- 18.7 The Parish Council raised concerns regarding the proposed landscaping, and in particular the lack of soft landscaping to improve the visual appearance of the area.
- 18.8 The landscaping plans have been revised during the course of the application to include additional planting and the necessary green infrastructure, particularly to the perimeter of the site and the Southern area of open space where the SUDs attenuation tanks would be located. Street trees are also indicated. Existing mature trees located along the Western boundary of the site are shown to be retained in line with policy DP8. It is considered that the landscape proposals will soften the urban form and create visual interest in the street scene. Strategic Policy 26 relating to the National Forest would expect 0.8ha of the site to be woodland planting and landscaping. As the proposed POS equals 0.8ha, all of the open space needs to have a wooded character. A further detailed landscaping plan can be secured by condition, details should include the following, as advised by the National Forest Company:
- Tree and shrub planting to screen the substation and pumping station at the entrance.
  - Avenue tree planting within the public open space lining the main access route opposite plots 11-16 and 49-52.

- Specimen tree planting, copses and areas of native shrub planting to the west of the central open space between plots 90 and 9. This is the main area of POS not restricted by easements and needs to include considerable tree planting.
- Further specimen tree planting to the northern open space, to the north of the pumping station, to continue the existing trees to the rear of properties on Henhurst Hill.
- Trees in the POS should be a minimum of 12-14cm girth.
- Retained hedgerows to be outside of plots.

18.9 Officers consider that subject to the provision of a detailed landscaping plan secured by condition, the proposed planting scheme would be appropriate and overall aims of local plan policies SP23, SP26 and SP30 and Policies B4 and B6 of the Branston Neighbourhood Plan would be met.

## **19. Biodiversity**

- 19.1 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.
- 19.2 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.
- 19.3 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.
- 19.4 Branston Neighbourhood Plan Policy B3 (Local Landscape Character) requires new development to respect local landscape character and strengthen ecosystems and wildlife.
- 19.5 A preliminary ecological report has been submitted in support of the application, the following conclusions are highlighted:
- The Site is mostly low value suitable for development but is mainly constrained by the hedgerows and boundary vegetation that are considered suitable for commuting and foraging bats and nesting birds. The majority of the trees are not considered suitable to support roosting bays given their lack of features and being covered in dense Ivy.
  - There are no waterbodies suited to amphibian breeding found on site.
  - The tall and dense scrub mosaic along the field boundaries could be considered of some value to common toad and terrestrial great crested newts; however, given its isolation from the records by residential development and roads, this is of a much reduced value. The survey states that the absence of great crested newts on Site can be reasonably concluded.
  - The Site will only be of value to a small number of ubiquitous urban fringe birds which will nest in hedgerows, scrub and trees.
  - The Site is however, likely to provide a small amount of habitat for hedgehogs in terms of foraging and cover. The likely impact as a result of



Site clearance is anticipated to be of short duration that will result in a temporary displacement of the species (if present) to adjacent and equally suitable habitats.

- The mature hedgerows fall short of being classed as ‘Important Hedgerows’ under the Hedgerow Regulations 1997; however, they are considered of value given their age, structure and the potential of the species they support. Measures should be put in place to protect and enhance this element of the Site during all stages of development.
- The scattered trees are of high ecological value; these should be retained and
- adequately protected to BS 5837, ensuring the absence of impacts on root protection zones during development.

19.6 Concerns regarding the impact on local wildlife were raised by local residents. It is noted that sections of hedging and some trees have recently been removed by the developer, in order to carry out such works outside the bird nesting season. It is understood that the appropriate, and indeed necessary, wildlife checks were carried out prior to these works taking place.

19.7 During the course of the application the landscape masterplan has been updated, to ensure that hedges to the boundaries of the site are retained, and sections of the central hedge which dissects the site is retained. The central hedge is largely located within the area of public open space. It is considered that there is an opportunity to enhance the biodiversity of the area given its semi-rural location, this could be secured by an appropriately worded condition to require details of further ecological enhancement measures to be employed within the site and surrounding area to enhance habitat for protected species within the locality.

19.8 It is concluded that subject to appropriate conditions and safeguarding, the proposal would comply with the objectives of Local Plan Policy SP29, Neighbourhood Plan Policy B3 and the NPPF.

## **20. Open space**

20.1 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. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.

20.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required. Policies SP32 and SP33 set out the requirements of open space provision across the Borough and the ‘Open Space and Playing Pitches’ SPD sets out the Borough Council’s approach to securing open space and playing pitches associated with new residential development. The SPD also sets out the mechanism for securing financial contributions for improving and maintaining open space and sports pitches.

20.3 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites

for the benefit of local communities and applying the standards set out in the Local Plan.

- 20.4 Branston Neighbourhood Plan Policy B7 ‘Open Space in New Developments’ requires a mix of private and open space uses suitable for local need. Proposals should be accessible to all, safeguard the natural environment and protect biodiversity. Policy B5 ‘Health and Wellbeing’ requires new development to support the provision of high quality accessible open spaces.
- 20.5 The site is 3.98 hectares in size. A total area of 0.81 hectares of Public Open Space (POS) is proposed, which is provided through grassed areas, a play area and landscaped areas. The layout of the POS is considered to be appropriate.
- 20.6 The POS proposed would meet with approximately 57% of the requirement as set out in the Open Space and Playing Pitches SPD. An off site financial contribution of £37,302 is therefore required which would go towards improving the Millennium play area (off Aviation Lane). The Open Space assessment carried out in 2017 gave the site a high quality score of 76.6% but a lower value score of 49.16%. The monies would be spent on improvements which would contribute to it being a higher value site to the benefit of existing and future residents in the vicinity.

## **21. Education**

- 21.1 There is a need for education facility provision in East Staffordshire, particularly in Burton Upon Trent. The need is for both primary and secondary education. Strategic Policy 10 identifies areas where new schools will be expected in Uttoxeter and Burton Upon Trent. In addition, the policy describes how proposals for education facilities will be assessed. Applications will be required to demonstrate that the location is accessible for the need for which it is intended to meet.
- 21.2 Staffordshire County Council has assessed the proposal against existing school infrastructure. A contribution is sought by Staffordshire County Council as there are projected to be insufficient school places available to accommodate the additional pupils generated by this proposed housing development. This contribution would be across, primary, secondary and sixth form places and would total £480,664.32.

## **22. Section 106 Contributions**

- 22.1 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.
- 22.2 National Planning Practice Guidance states that when CIL is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no

more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy. The contributions below are solely for the purpose of providing infrastructure for those dwellings/do not take the pooling threshold above 5 (state which obligations are for the purpose of providing infrastructure for those dwellings and where they are for wider infrastructure they do not take the pooling threshold above 5)

22.3 The following contributions are sought. These contributions are set out below:

Item	Planning Obligation	Cost (where applicable)
Education	Primary provision- 24 places- £376,534.32 Secondary provision- 5 places- £85,570.00 Sixth form provision- 1 place- £18,560	£480,664.32
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling	£9,600
Open space	57% of the required provision to be provided on site, maintenance would be provided by a management company. An off site sum is of £37,302 is required which would be directed towards improving the Millennium play area off Aviation Lane.	£37,302
Affordable Housing	All affordable housing to be provided on site.	
National Forest	Planting to be provided on site.	
Clinical Commissioning Group	Reconfiguration of health services to provide the necessary infrastructure requirements of the increased population.	£55,020
Travel plan monitoring / off site highway works	A Framework Travel Plan monitoring fee is required.	£11900

22.4 The applicant has provided a viability case that has been independently assessed by CP viability and concludes that the full contributions listed are affordable. The applicant has agreed to pay all of the above contributions in line with the relevant policies.

## 23. Other Matters

23.1 A number of objections were raised by local residents regarding the negative impact on property prices with the area. This is not a material planning consideration and as such cannot be given weight in the assessment of this application.

## 24. Conclusions

- 24.1 The NPPF has a presumption in favour of sustainable development. The site has a location clearly outside of any development boundary. In relation to the Local Plan, this proposal falls outside of the plan's strategy for housing growth so it is not required to deliver dwellings under the Local Plan during the Plan period. The proposal is outside any settlement boundaries and is therefore contrary to Policy SP8 of the Local Plan and the whilst the Housing Needs Assessment concludes that more affordable housing is required, there is insufficient evidence to suggest that this need cannot be met within the settlement boundary through allocated sites, new development coming forward and existing permissions. Furthermore, the area is not identified as a location for housing development in the Local Plan and therefore the development would be contrary to SP2 and SP4 of the Local Plan.
- 24.2 Although in general terms the design and layout of the scheme as revised are considered to be acceptable and there are no technical issues in terms of drainage, highways or ecology could not be addressed, this would not overcome the conflict in principle with the Local Plan Strategy for new residential development.

### RECOMMENDATION

- 24.3 For the reasons set out in this report it is recommended to **REFUSE** planning permission, on the following grounds :
1. The proposed development is outside of any settlement boundary, as defined in the East Staffordshire Local Plan and its proposals map, and is, therefore, in the countryside. Policy SP8 of the Local Plan precludes residential development in the countryside unless certain tests are sufficiently met. In this instance none of the criteria have been met in Policy SP8 so the application is considered to be inappropriate and unacceptable.
  2. The East Staffordshire Local Plan plans for strategic growth of the Borough through the provision of allocated housing sites and a hierarchy of settlements in which developments would be suitable and acceptable. The location proposed for development is not identified as a location for housing development in the Local Plan under Policies SP2, SP4 and SP8. Whilst a detailed Housing Needs Survey has been submitted, the conclusions do not represent an overwhelming need for housing which cannot be met within the settlement boundary, on allocated sites or through current planning permissions. In respect of this it is considered that the granting of permission would be contrary to SP2, SP4 and SP8.
  - 3.

## 25. Background papers

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

- The Local and National Planning Policies outlined in the report above.
- The Branston Neighbourhood Plan

**26. Human Rights Act 1998**

26.1 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.

**27. Crime and Disorder Implications**

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

**28. Equalities Act 2010**

28.1 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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