

<b>Agenda Item:</b>	5.2
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<b>Site:</b>	Court Farm Lane, Branston, Staffordshire, DE14 3HA
<b>Proposal:</b>	Erection of 18 dwellings and 6 apartments with associated landscaping and parking including demolition of the existing attached garage to 9 Court Farm Lane to facilitate the formation of a new access (Revised layout)

### 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/2018/00939	
<b>Planning Officer:</b>	Graham Northern	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	Mr Chris Loizou	
<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>	04 September 2018	
<b>Date Expires:</b>	03 December 2018 EoT until 15 August 2019	

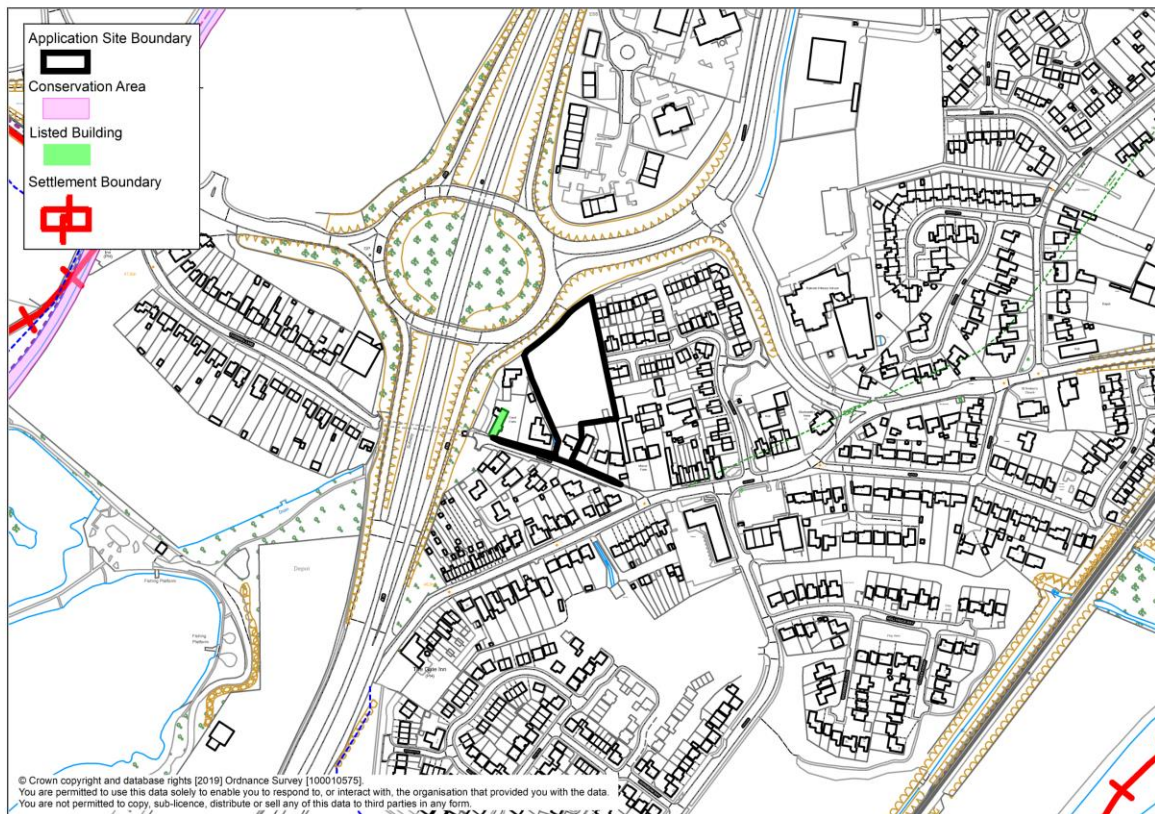
#### 1. Executive Summary

- 1.1 The site equates to 0.55 hectares.
- 1.2 The application is submitted in full detail and proposes the erection of 18 dwellings and 6 apartments.
- 1.3 Statutory consultees have raised no objection that cannot be met by way of planning conditions.
- 1.4 There have been 23 objections received from local residents.
- 1.5 The site is located within the settlement boundary of Burton upon Trent. The development would contribute positively towards meeting the boroughs requirement to provide additional housing to meet the needs of present and future generations. The proposal is situated close to existing services and

facilities it is therefore considered a sustainable location for development and meets the requirements of Local Plan Policies, overall aims of sustainability including criteria from SP1.

- 1.6 The proposals include retention of a protected Lime tree and incorporation of some open space surrounding it to give clearance of the tree. Proposals have also been put forward for offsite highway improvement works to Court Farm Lane and the junction with Main Street.
- 1.7 The proposals provide 100% affordable housing and contributions towards open space, education and green infrastructure, the level of which is detailed within this report.
- 1.8 Overall, the scheme is considered to be in accordance with the NPPF, the Local Plan and the 'Made' Branston Neighbourhood Plan.

### Map of site



## **2. The site description**

- 2.1 The site measures 0.55 hectares in area, and is located within 200 metres from the centre of Branston which provides the nearest services and facilities. The site is presently undeveloped greenfield land, with the exception of the retained bungalow. The site can be accessed from Court Farm Lane through a field access to the rear of No. 9 Court Farm Lane.
- 2.2 The site is dominated by unmanaged grassland with patches of scrub and the occasional tree. A small brick barn lies in the south east corner of the site and is open to one side.

- 2.3 Immediately to the east of the site is a new residential development comprising primarily two storey, semi-detached houses. To the south of the site is residential development fronting Court Farm Lane which comprises single and two storey dwellings with a mix of designs and of various ages. To the west of the site is the Grade II listed Court Farm house, with two detached properties lying between the site and the listed building.
- 2.4 A wide, shallow ditch runs between two subterranean pipes along the outside of the western boundary of the Site. To the northwest and north of the site is the A38 and the elevated A5121.

### 3. Planning history

- 3.1 No planning history associated with the site

### 4. The proposal

- 4.1 The proposal is for full permission for 24 residential units comprising of 18 dwellings and 6 apartments. Access would be created off Court Farm Lane to the west of property No 9 and includes the demolition of a garage which is to the existing front boundary.
- 4.2 The layout provides a single cul de sac arrangement with properties to either side and along the inside of the turning head to the rear of the site. A right of way through the site is provided to facilitate access for maintenance of the culverted watercourse which lies outside the site but immediately adjacent.
- 4.3 During the consideration of the original submissions the Council served a Tree Preservation order No 364 on an existing tree located to the south east part of the site, the proposals and internal layout have been amended to take account of the protected tree which is retained within these proposals with an open soft landscaped area around the tree.
- 4.4 The proposals put forward off site highway improvements to Court Farm Lane and its junction with Main Street, which have been supported through a Road Safety Audit of the highway. These include measures to widen the existing footway and improve visibility at the junction.

### 5. Consultation responses and representations

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

Statutory and non statutory consultee		Response
5.2	Parish Council	<p>Thank you for allowing the parish council to comment on the revised plans.</p> <p>Looking at the revised plans, they still wish to object to the proposal on the groups of objections submitted last year.</p> <p>In particular noting, the proposal is overdevelopment and that the access is not adequate for additional development.</p>

<p>Parish Council Original Comments</p>	<p>The parish council resolved last evening that the above planning application should be OBJECTED to on the following grounds:-</p> <p><b>OVERDEVELOPMENT:</b> - Consideration needs to be given to the already approved planning applications which will not be up to full capacity for several years ie Branston Leas, Lawns Farm and the more recently approved planning application Tatenhill Lane, 55 properties.</p> <p>The ratio of properties proposed for this development is over the proposed density for Branston parish.</p> <p>This site was also not identified in the Strategic Housing Plan.</p> <p>Local residents have raised formally with the parish council that the proposed boundaries of the development may also be inaccurate.</p> <p><b>NEGATIVE EFFECTS ON AMENITY:</b> -This development would have a negative/visual negative impact locally. This would result in noise, disturbance, loss of privacy, nuisance as well as shading/loss of day light for some existing dwellings in particular for Thorntree Lane and Farm Court Lane residents. The disruption would be permanent</p> <p><b>DESIGN ISSUE:</b> The proposal is not in line with Branston made Neighbourhood Plan policies and expectations for new developments and in particular existing properties in the surrounding areas.</p> <p>The proposal implies that a significant number of trees may also need to be removed should this development be approved which does not fall in line with the neighbourhood plan.</p> <p>No studies have been carried out to establish how existing drainage systems will cope with additional developments. Existing systems are already up to full capacity. Existing properties in the area do have flooding issues.</p> <p><b>HIGHWAY SAFETY:</b> - Access to the proposed development is narrow and at an awkward angle. Court Farm Lane is a little country lane which is over 150 years old. Large vehicles requiring access would have to mount existing property owner's drives. With the introduction of the new school pedestrian access safety would also be questionable as daily young people are using this route. Local residents have completed a usage survey of walkers, cars and cyclists which is staggering.</p> <p>The current proposal does not take these matters under</p>
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		consideration.
5.3	SCC Highways	No objection
5.4	SCC Education	No objection
5.5	SCC Flood Risk Team	No objection
5.6	SCC (all other departments)	No objection
5.7	Environment Agency	No objection
5.8	Severn Trent Water	No objection subject to conditions
5.9	Natural England	No objection
5.10	The National Forest	No objection
5.11	Architectural Liaison Officer	No objection

Internal Consultees		Response
5.12	Environmental Health	No objections subject to conditions (noise, air quality and contamination)

## 6. Neighbour responses

6.1 23 objections have been received and are summarised below:

Neighbour responses	
Principle	<p>Branston has already had too much development which has put a strain on services.</p> <p>Proposals are overdevelopment and of too higher density.</p> <p>Proposal ignores the findings of the SHLAA which described the site as unsuitable for development.</p> <p>Primary school cannot cope with demand.</p>
Impacts on Amenity	<p>Additional disturbance and impact on privacy</p> <p>Loss of light to existing residents</p> <p>Noise impact</p>
Highways Impacts	<p>Junction of Court Farm Lane and Main Street not able to accommodate two way traffic</p> <p>Access unsuitable, substandard</p>

	<p>Intensification in use</p> <p>Access not safe</p> <p>Parking on Court Farm Lane already causes problems</p> <p>Conflict between pedestrians and vehicles on low order access with narrow footway (0.9 metres in places)</p> <p>Improvements will cause highway and parking problems</p>
Flood and drainage impacts	<p>The land provides a natural soak away</p> <p>Land susceptible to flooding</p> <p>Proposals result in increased flood risk</p> <p>Increased flood risk outside of site</p> <p>Access to culvert adjacent site and its maintenance</p> <p>The Flood Risk Assessment refers to “to be agreed” with various parties e.g. Severn Trent Water</p>
Biodiversity	<p>Site provides a natural habitat</p> <p>Loss of trees</p> <p>Potential impact on bats</p>

## 7. Policy Framework

### National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

### Local Plan

- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP4 Distribution of Housing Growth 2012 – 2031
- SP10 Education Infrastructure
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP24 High Quality Design
- SP25 Historic Environment
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction

- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP8 Tree Protection

#### Supplementary Planning Documents

- Parking Standards SPD
- East Staffordshire Design Guide SPD
- Housing Choice SPD
- Open Space and Playing Pitch SPD

#### Branston 'Made' Neighbourhood Plans

- B2 – Design
- B3 – Protection of Local Heritage Assets
- B6 – Landscaping and Protecting Biodiversity
- B7 – Open Space in New Development
- B9 – Housing Type and Mix
- B10 – Safer Roads and Streets
- B11 – Car Parking Provision

### **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. Due weight should be given to them, according their degree of consistency with the NPPF. The closer the policies in the plan to policies in the framework, the greater the weight that may be given'

## 9. 5 Year land Supply

- 9.1 The most recent calculation uses figures as at 30th September 2018 and concludes there is 6.19 years of supply. Therefore the policies in the plan can be considered up to date.

## 10. Local Plan

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

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

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



- appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
  - would result in the removal of contamination and other environmental problems associated with the site.
- 10.3 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton Upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries.
- 10.4 The proposal for 24 residential units falls within the settlement boundary of Burton on Trent, and as such adheres to the sustainability criteria within Policy SP 1 and the settlement hierarchy as set out in Strategic Policy 2 and 4 which encourages development to be focussed to the main towns. The site as such forms part of the windfall allowance within Burton on Trent as an infill development.
- 11. Design and Impact on the character and appearance of the area**
- 11.1 The NPPF attaches great importance to the design of the built environment. Local Plan Policy SP1 and SP24 state that development proposals must contribute positively to the area in which they are proposed giving a list of criteria developments are expected to achieve. Policy DP1 explores high quality of design in more detail and requires compliance with the East Staffordshire Design Guide. This Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Policy DP2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.2 The Branston Neighbourhood Plan has a number of policies to steer development to create high quality places that continue and respect the character of the rest of the Parish. These include appropriate peripheral planting, limiting three storey buildings and encouraging generous amenity in and around developments.
- 11.3 The layout is dictated by the shape and size of the site which results in a simple cul de sac arrangement with a central spine road. The layout has been arranged to maximise back garden separation, privacy levels, and good connectivity through the site. There is a broad mix of detached, semi-detached, town house dwellings proposed, along with a single two storey block of 6 apartments.
- 11.4 It is considered that there is a sense of spaciousness within the layout as all buildings are set-back from the internal road, of a two storey scale, and there has been considerable effort to incorporate landscaped frontages which breaks up hard surfacing and parking areas. The incorporation of a soft landscaped open area around the protected tree and long gardens ensure visual breaks between buildings and softens the visual appearance of built form.

- 11.5 The proposed layout makes efficient use of available land where houses of a suitable scale would appear well placed around the proposed road. The density equates to 39 dwellings per hectare.
- 11.6 The proposed dwellings have been designed to complement the existing area in terms of appearance. The proposed buildings utilise a simple vocabulary of red facing brickwork and pitched tiled roofs. Buff stone lintels and sills are utilised on fronting elevations to contrast and compliment the red multi style brick, with porches also breaking up the frontages. The local area is of varied building design and materials, and the proposed simple design and red brick form is consistent with the adjacent modern housing to the east.
- 11.7 Overall, it is considered that the proposed design and layout of the site is of a suitably high quality and density (39dph) to respect the character of the area and therefore accords with the policy SP24 of the Local Plan, Branston Neighbourhood Plan Policy B2 and the NPPF.

## **12. Residential Amenity**

- 12.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 12.2 With regards to neighbouring amenity it is considered that the scheme as proposed would not result in any significant adverse impact. The proposed gardens all have lengths of 10 metres plus and vary between 51 sq. metres and 130 sq. metres in size which means that the new houses have sufficient separation to afford privacy to all occupants. The apartment block is situated adjacent the open landscaped area around the protected tree, which affords these residents some communal open space.
- 12.3 The eastern boundary of the site borders existing residential dwellings, and the boundary is formed by a 1 metre retaining wall and a 1.8 metre fence. The nearest proposed property to the east with existing residents is at plot 15. This is however at an angle and does have a garden of 10 metres in length. Given the angular nature of the plot the eastern most first floor window which is a secondary bedroom window has been obscure glazed which prevents any significant overlooking and sufficient outlook is obtained from the primary bedroom window to the western side.
- 12.4 The block of apartments are also positioned near the eastern boundary however no first floor windows are proposed to the east facing elevation of apartments 22 and 23 as such there is not considered to be any significant detriment on existing residents.
- 12.5 Amended plans have been negotiated to improve the layout, protect a mature tree and offer greater privacy and amenity space, a right of way to serve the culvert to the west of the site and adequate parking. Negotiations with Staffordshire County Council Highways have also been on going to provide off site highway improvements to facilitate the development and existing users.

### 13. Highway Matters

- 13.1 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 consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 13.2 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.
- 13.3 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.

#### Neighbourhood Plan policies (those relating to parking)

- 13.4 The Branston Neighbourhood in policy B11 sets out the following minimum parking standards:

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

- 13.5 The proposals provide parking provision that adheres to the requirements of both the Parking Standards SPD and the Neighbourhood Plan policy B11.
- 13.6 The Lead Highway Authority has considered the proposals and has negotiated offsite highway improvements to Court Farm Lane and the junction with Main Street, which have been presented in the form of a Road Safety Audit and proposed section 278 works. These include the following:
- Footway widening and double yellow lines at the junction of Main Street with Court Farm Lane, in order to provide a 2.4m x 43m visibility splay;
  - Priority waiting in Court Farm Lane (vehicles entering Court Farm Lane have to 'give way' to traffic leaving); and
  - Widening of a section of the north eastern footway of Court Farm Lane and new double yellow lines in Court Farm Lane (near its junction with Main Street) associated with the proposed priority working.

13.7 The above improvements have been successfully negotiated between the applicant and the Lead Highway Authority and result in a cumulative betterment for both road users and pedestrians, in the form of improved visibility and widening of the footway. These works will be subject to a highway works agreement and Traffic Regulation Order which will be subject to separate consultation and approval through the Highway Authority. Subject to these improvement works Highways have raised no objections and the proposals are in line with Local plan Policy SP35 and Neighbourhood Plan policy B10.

#### **14. Historic Environment**

14.1 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.

14.2 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.

14.3 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.

14.4 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.

14.5 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.

14.6 The application site is located within the vicinity of one listed building Court Farm House which lies 50 metres to the west of the site entrance.

14.7 The original listing included the farmhouse and some courtyard farm buildings which were demolished to make way for the A38 slip road which is now in

place. The site itself would have been agricultural land associated with Court farm House which is no longer in agricultural use.

- 14.8 There are two non-listed properties which are situated immediately west of the site, and lie between the listed property and the site boundary.
- 14.9 A heritage statement has been submitted which considers the proposals do not result in any significant detrimental impact on the listed building or its setting and that the setting of the original listed building has changed significantly from the original farmstead.
- 14.10 The proposed development would be in accordance with Strategic Policy 25 and Detailed Policy 5 of the East Staffordshire Borough Council Local Plan, Policy B3 of the Branston Neighbourhood Development Plan, Section 12 of the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **15. Flood Risk and Drainage**

- 15.1 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 probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 15.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the green field run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 15.3 The site is located for the majority with Flood Zone 1 and a small part at the entrance and front of the retained bungalow lies within Flood Zone 2, as such it is considered to be at a low risk of flooding. The majority of the site is green field, other than the bungalow to be retained which is brownfield.
- 15.4 A supporting Flood Risk Assessment (FRA) and drainage layout has been revised to remove surface water drainage attenuation from around the tree which is protected under a Tree Preservation Order, and the proposals now puts forward crated storage within the garden areas of the proposed properties which will discharge at a green field flow rate. This shows surface water draining to the adjacent watercourse and attenuated via crated storage within gardens to a restricted level of 7 litres per second, which is 5 litres for the new build elements plus 2 litres per second for the existing bungalow (brownfield) to account for a 1 in 100 year plus 40% storm event, which has been agreed with the Lead Local flood Authority who have raised no objections to the proposals. The Environment agency have also raised no objections.

- 15.5 Severn Trent has raised no objections in terms of existing drainage capacity for foul water and the developer will be required to secure the appropriate drainage connects and agreements with them.
- 15.6 The Lead Local Flood Authority have been in negotiations with the applicant to secure appropriate means of access to the watercourse running adjacent the western boundary of the site for maintenance and the layout now meets with these requirements.
- 15.7 The Land Drainage Act requires respective Riparian Owners to carry out required works to maintain the watercourse adjacent the site. If such maintenance works are not carried out by the riparian owners, therefore forcing the work to be carried out by the Lead Local Flood Authority to prevent flooding, the cost of the work would be charged back to the respective riparian owners. Access must be maintained at all times for the purpose of maintenance, and is indicated as such on the site layout plan.
- 15.8 As such the proposals are not considered to result in any flood risk or drainage issues and are considered in accordance with Local Plan Policy SP27 and the NPPF.

## 16. Housing Mix

- 16.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.
- 16.2 Strategic Policy 16 states that residential development in the main towns shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence.
- 16.3 The Housing Choice SPD expects the housing mix for Burton as shown below in the table.

	<b>Branston</b>	<b><i>Proposed Scheme</i></b>
1-bedroom homes (flats, houses or bungalows)	3%	6 units 25%
2-bedroom homes (flats, houses or bungalows) and Housing for Older People	27%	4 units (17%)
3-bedroom houses	32%	14 units (58%)

4-bedroom houses	26%	0%
5-bedroom houses	11%	0%

- 16.4 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. The proposals provide level access to all the properties to either a front or back door and over 10% adhere to internal spacing requirements, as such the M4 (2) criteria within policy SP16 of the local plan is achieved.
- 16.5 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%
- 16.6 SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.
- 16.7 The Housing Choice SPD provides guidance on the expected affordable housing mix of sites.
- 16.8 The scheme is 100% affordable and provides a variety of properties in the form of 1 bedroom apartments, 2 and 3 bedroom houses across the site which will be taken on by Midland Heart. As indicated in the table above the housing mix falls short of entirely meeting the Housing Choices SPD, however given the location, size and character of the site smaller property types are considered more suitable. 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.

## 17. Green Infrastructure and National Forest

- 17.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.
- 17.2 Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green

infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet

17.3 The proposals have been amended following the issue of a tree preservation order to provide an open soft landscaped area around the protected tree, additional soft landscaping is included to both front and rear gardens.

17.4 The level of landscaping is considered commensurate with the scale of the development and as such is considered in accordance with the above policy.

17.5 Strategic Policy 26 supports the National Forest Strategy expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines.

17.6 Given the size of the site an off-site contribution is requested to contribute towards planting.

## **18. Biodiversity**

18.1 Paragraph 175 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

18.2 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.

18.3 Strategic Policy 29 seeks to retain, maintain and enhance biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.

18.4 The proposals retain a protected lime tree and seek to protect trees around the boundaries of the site outside its extent. Additional landscaping is proposed in the form of trees, hedges and shrubs and garden planting will further enhance biodiversity on the site.

18.5 The proposals are supported by an ecology report that considers the habitat value of the site to be of limited ecological value due to a lack of diversity within it.

18.6 The small brick building in the south east corner has been identified as having moderate bat roosting potential within the ecological survey and as such recommended that emergence surveys were undertaken to confirm the absence of bats. A follow up bat report was submitted dated September 2018 which outlined that 4 site visits and emergence surveys were undertaken in August 2018 and concluded that both the brick building and Lime Tree were very unlikely to support roosting bats and that the proposals were considered of little risk to bats.

18.7 As such there are not considered to be any significant impacts on biodiversity arising from the proposals and meets the requirements within policy SP29 of the Local Plan, policy B6 of the Neighbourhood plan and the NPPF.



## 19. Trees

- 19.1 During the course of consideration of the application a site visit was undertaken by the tree officer who assessed the Lime tree to the south east of the site, and scored it worthy of protection. As a consequence a Tree Preservation Order (TPO) No 364 was served with letters sent out on the 22<sup>nd</sup> January 2019, which once served for a temporary period of 6 months becomes permanent. Temporary Preservation Orders afford the same protection as a permanent TPO.
- 19.2 Following receipt of the Tree Preservation Order the proposals were amended to incorporate a block of apartments which facilitated an area of open space around the tree, and facilitating its retention.
- 19.3 The revised layout and retention of the protected tree is considered to present an overall betterment for future occupiers and presents the apartments with an area of open space adjacent to them. Whilst other trees were cleared from the site, these were not considered worthy of retention. The proposals are therefore considered to accord with policy DP8 of the Local Plan.

## 20. Open space

- 20.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 20.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 20.3 SP32 and SP33 set out the requirements of open space provision across the Borough.
- 20.4 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.
- 20.5 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document.
- 20.6 The Branston Made Neighbourhood Plan policy B7 encourages new developments to integrate open space/ green infrastructure into new developments. The proposals retain a protected lime tree and provide an open space area around the tree which facilitates good outlook for the apartments and provides a visual break within the site, the applicant has indicated this area will be retained and maintained by Midland Heart.

20.7 The site also lies within close proximity (400 metres) to open spaces at Branston Water Park and as such an offsite contribution towards maintenance and improvements is considered acceptable.

## 21. Education

21.1 There is a need for education facility provision in East Staffordshire, particularly at Burton upon Trent. The need is for both primary and secondary education. Strategic Policy 10 identifies areas where new schools will be expected in Uttoxeter and Burton upon Trent. In addition, the policy describes how proposals for education facilities will be assessed. Applications will be required to demonstrate that the location is accessible for the need for which it is intended to meet.

21.2 Education have highlighted the proposals would generate a need for additional primary school places, however given the two schools within the catchment area are full a contribution is sought towards provision further away, towards the new school to be delivered as part of the Branston Locks development. As such an appropriate contribution is requested.

21.3 The proposals provide full contributions which includes an education contribution to facilitate additional school places and as such is considered compliant with policy SP10 of the Local Plan.

## 22. Other Matters

22.1 The applicant has confirmed that 10% of dwellings will have electric charging points. There is however a lack of existing infrastructure present to deliver superfast broadband to the properties

22.2 The applicant was asked to provide details of the volume of material to be imported to the site to raise land levels and this has been calculated at approximately 3900m<sup>3</sup> of heaped material to import. Based on a Volvo A35D 6x4 (32.5t payload, 20m<sup>3</sup> heaped capacity), that would comprise around 195 loads. The intention being to deliver this material over a 2 – 3 month period.

22.3 Representations have been received which state that the latest Flood Risk Assessment mentions the demolition of the existing bungalow (No 9), we can confirm that only the garage is to be demolished and that the existing bungalow is shown on the proposed plans.

## 23. Section 106 Contributions

23.1 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.

23.2 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)

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

<b>Item</b>	<b>Planning Obligation</b>	<b>Cost (where applicable)</b>
Education	Contribution towards primary school places at the new Branston Locks School, as requested by the County Council	£63,558
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling	£1,950
Open space	Offsite contribution – proximity to Branston Water Park	£15,250
Affordable Housing	Proposals are for 100% on site	On site
Off-site highway works	Widening of footway and visibility improvements to Court Farm Lane junction	Applicant undertaking works at own cost
National Forest	Contribution to planting	£3,850

23.4 The applicant has provided a viability case that has been independently assessed by CP viability and concludes that the full contributions listed are affordable.

## 24. Conclusions

24.1 The site is located within settlement extents and as such is considered a suitable windfall site in principle subject to meeting technical requirements.

24.2 There are no objections from the County Highway Authority in relation to the detailed highway layout and off site highway improvements have been put forward which result in a betterment of the Court Farm Lane, Main Street junction for vehicles and pedestrians. There are also no other technical issues, for example in relation to matters such as drainage and noise which would not be dealt with successfully by way of this approval or via the associated discharge of condition application being progressed separately under officer delegated powers.

24.3 It is also considered that the scheme would respect local visual and residential amenities and would be able to address biodiversity and ecological aims. The

scheme would not give rise to increased flood risks subject to technical mitigations. Furthermore, the scheme would not engage the statutory duties under Section 66 (1) and 72 and therefore there would be no material impacts on heritage assets.

- 24.4 The proposals are considered to deliver a fully affordable housing scheme on a vacant site within settlement limits and the development will make a welcome contribution to the Boroughs affordable housing stock. The scheme proposed is considered to meet the Councils standards and has met with no technical objections, weight is also given to offsite highway works that also provide betterment to existing residents, pedestrians and highway users as well as future residents. The developer has also agreed to fully pay the above S106 contributions after viability testing.
- 24.5 The proposals have been amended on several occasions through negotiations with the LPA and technical consultees during consideration of the application in order to address drainage, highways, amenity, watercourse maintenance and retain a protected tree.
- 24.6 In light of the above assessment the proposal is considered to comply with the aims and criteria of relevant policies from the Local Plan, the Council's SPD's, the Made Neighbourhood Plan and the National Planning Policy Framework 2019.

### **RECOMMENDATION**

Permit subject to the completion of the S106 and the following conditions:

1. 3 Year commencement
2. List of Approved Plans (Standard Condition).
3. Remediation validation report
4. The noise mitigation (glazing and ventilation) measures installed and retained
5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment/Drainage Strategy.
6. Access, turning and parking areas solidly bound, marked out and retained.
7. No development shall take place until details of landscaping have been submitted and agreed by the LPA. The proposals shall then be implemented as agreed.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season.
8. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority.
9. Permitted development rights for extensions and outbuildings removed.

10. Existing trees and hedges to be retained protected with fencing.

11. No development shall take place until details of ecological enhancement measures (including bird nesting and bat roosting facilities to be installed on the site have been submitted.

12. Parking to be retained at all times for its designated purpose.

13. The following windows shall be permanently glazed in a minimum of level 4 obscure glass.

- The first floor secondary rear window to plot 15 closest to the eastern boundary of the site and non-opening as specified on the approved plans.

- The first floor side elevation bathroom window to plot 1

- The first floor side elevation secondary side bedroom 1 window to plot 1, and will be non-opening.

14. Prior to any above damp proof course works of the proposed development the following off site highway works shall be completed in accordance with the submitted drawings no. 003 and 004 incorporating any amendments resulting Stage 2 Road Safety Audits first to be submitted to and approved in writing by the local Planning Authority:-

- Localised Road and footpath widening on Main Street and at its junction with Court Farm Lane.

- TRO approval and associated lining and signing.

- New priority carriageway lining on Main St/Court Farm Lane.

- Footway widening and new traffic calming build out and associated works.

15. Details of the following to submitted and agreed,

- surfacing materials for the private driveways, parking and turning areas;

- means of surface water drainage for the private driveways, parking and turning areas;

16. 10% of dwellings to have electric charging points.

17. Details of boundary treatments, including retaining walls, to be agreed and implemented.

## **25. Background papers**

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

- Remediation method Statement
- Phase II Ground Investigation
- Noise Assessment
- Ecology report
- Bat emergence report

- Tree report
- Flood Risk Assessment and Drainage proposals
- Heritage Statement
- Road Safety Audit and proposed Section 278 works

## **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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