

Agenda Item:	5.1
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Site:	Branston Leas (Phase 5) Land South of, Lichfield Road, Branston, DE14 3EQ
Proposal:	Outline application for erection of up to 120 dwellings and associated works including details of access (Phase 5)

Report of Head of Service (Section 151 Officer)

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

[Hyperlink to Application Details](#)

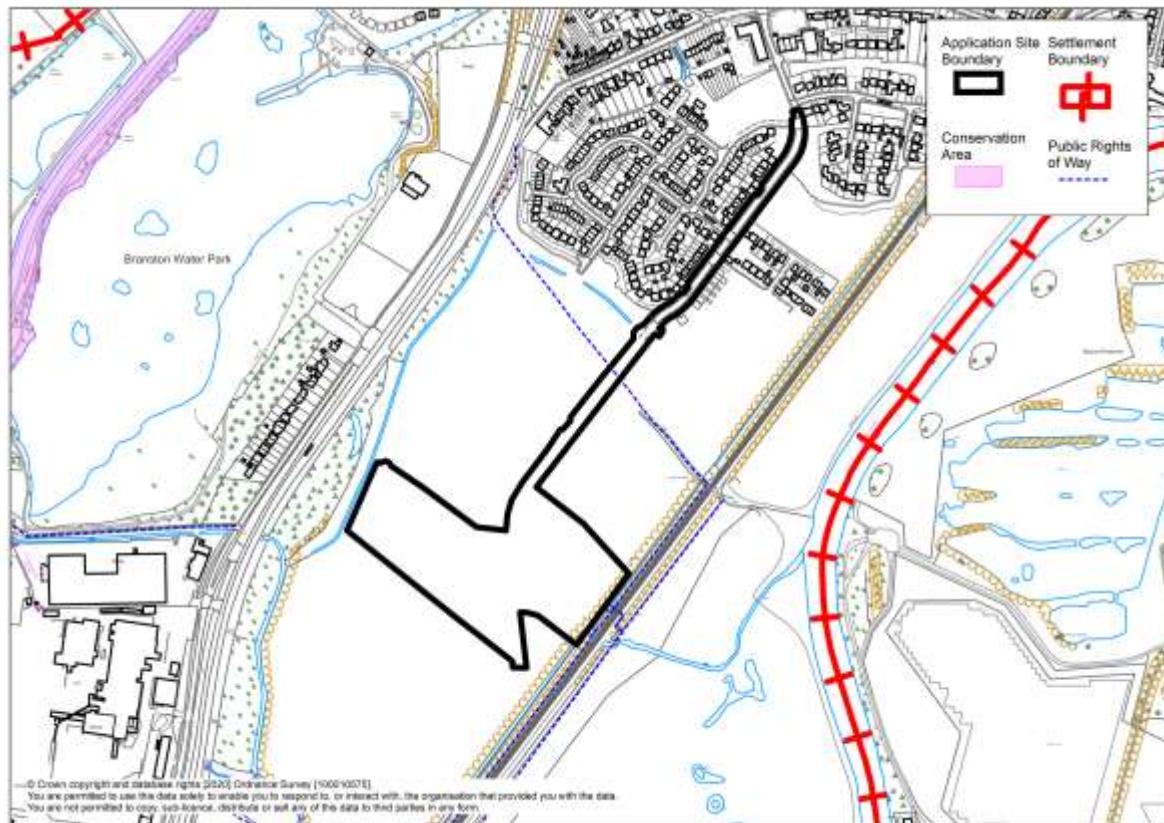
Application Number:	P/2019/00258	
Planning Officer:	Kerry Challoner	
Type of Application:	Outline Planning Application	
Impact on Heritage Assets under S66(1) and S72	No impacts	
Applicant:	St Modwen	
Ward:	Branston	
Ward Member (s):	Councillor A Clarke Councillor Mrs P L Ackroyd Councillor R G W Grosvenor	
Date Registered:	05 April 2019	
Date Expires:	03 July 2019. An extension of time has been agreed with the agent.	
Reason for being on Agenda	The scheme seeks to alter a consent that was previously granted for residential development on the site by Planning Committee.	
Officer Recommendation	Approval subject to a S106 agreement and conditions	

1. Executive Summary

- 1.1 The application site comprises of approx. 5.29 hectares which is located within the Sustainable Urban Extension (SUE) to the South of the village of Branston in Burton upon Trent. Residential phases 1, 2, 3 and 4 are located to the North

of the application site, whilst the employment zone associated with the SUE is located further to the South. The site is intersected by the spine road which runs through the SUE.

- 1.2 This is an Outline application seeking consent for the construction of up to 120 dwellings, along with details of access. Matters including the layout, scale, design and landscaping are reserved for future determination under a separate application.
- 1.3 Statutory consultees have raised no technical objections that cannot be overcome by way of planning conditions. Objections were raised by three local residents in relation to the principle of the proposal, impacts on amenity and the highway implications of the proposal. Branston Parish Council have also objected to the proposal on the basis of concerns related to the dust issues on the site.
- 1.4 The principle of the use of the site is already established under the original outline consent for the whole SUE in 2012. Overall, it is desirable to see windfall housing on a largely vacant and featureless site where efficient use of the land can optimise the potential to bring forward new homes within the settlement boundary.
- 1.5 In terms of the matter of access, the scheme has been assessed by both the County Highway Authority and Highways England. The scheme is considered to be acceptable and in order to mitigate impact on the wider highway network a financial contribution towards improvements to the Branston Interchange is provided.
- 1.6 All other matters are reserved, and will form the subject of further applications.
- 1.7 In addition to the appropriateness of the scheme in outline form some weight should also be given to the Section 106 Agreement where fair and reasonably related contributions have been negotiated following viability testing during the current application process. Accordingly, it is considered that the scheme complies with the aims and criteria of relevant policies from the Local Plan, the Council's Supplementary Planning Documents (SPDs), the Branston 'Made' Neighbourhood Plan and the National Planning Policy Framework.
- 1.8 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to the necessary S106 agreement and conditions.
- 1.9 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

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

- 2.1 The application site is 5.29 hectares in size and is located within the Sustainable Urban Extension (SUE) known as Land to the South of Branston. The site lies immediately to the south of the residential phases 3 and 4 which are currently under construction. To the South of the application site lies the employment element of the SUE which is known as Burton Gateway and comprises large employment units served by an additional access off the A38. The application site straddles the spine road which leads through the SUE linking Branston village in the North to the employment area located to the South. To the North West of the site is the A38 trunk road, and to the East is a railway line located beyond Tatenhill brook. The site is located 850m to the South of Branston village centre.
- 2.2 The site is fairly level and as it was previously used for gravel workings it currently comprises of scrubland, with no significant trees or hedges.
- 2.3 The application site is within the settlement boundary of Burton upon Trent and is also identified as being part of a Major Sustainable Urban Extension (SUE) under Strategic Policy 7 and on the policies map. The site is also identified on Map 2 of the Branston Neighbourhood Plan as a site with potential for planning permission. The Neighbourhood Plan also identifies an area to the North West of the site as a nature conservation asset on Map 6.

3. Relevant Planning history

- 3.1 Host Outline Permission for Land South of Branston

17 July 2013- **P/2013/00432**- Outline planning application for a mixed use development scheme comprising demolition of existing buildings and structures, up to 660 dwellings (Use Class C3 Residential), up to 71,533 sq. m (770,000 sq. ft) of employment floorspace (Use Classes B2 General Industry and B8 Storage and Distribution), a local centre providing up to 600 sq. m (6,459 sq. ft) of floorspace (Use Classes A1 Shops, A2 Financial and Professional Services, A3 Restaurants and Cafes, A4 Drinking Establishments and A5 Hot Food Takeaway) together with associated access from Main Street and the A38 including link road, car parking, servicing, landscaping, public realm works and works to the highway, public open space, sports and recreation facilities, structural landscaping, re-profiling of the River Trent and Tatenhill Brook and provision of drainage ponds and flood alleviation works, with all matters reserved except means of access – Approved subject to conditions.

3.2 Phase 1 Residential

13 August 2014- **P/2014/00550**- Reserved matters application for the erection of 64 dwellings (Phase 1), including details of appearance, landscaping, layout and scale- Approved subject to conditions.

3.3 Phase 2 Residential

23 November 2015- **P/2015/00849**- Reserved matters application for the erection of 204 dwellings (Phase 2), including details of appearance, landscaping, layout and scale- Approved subject to conditions.

3.4 Phases 3 and 4 Residential

13 September 2018- **P/2018/00697**- Reserved matters application for the erection of 392 dwellings (Phases 3 and 4), including details of appearance, landscaping, layout and scale- Approved subject to conditions.

3.5 There have been various discharge of conditions applications submitted and consented as part of the above planning approvals.

4. **The proposal**

4.1 Consent is sought in outline for a residential scheme of up to 120 dwellings at the application site. The application also seeks to approve details of the proposed access point.

4.2 The access is shown to utilise the spine road which runs through the SUE from Branston Village in the North to link with the A38 in the South.

4.3 Although an illustrative layout plan has been provided to demonstrate how the number of dwellings could be integrated into the application site, all matters in relation to 'appearance', 'landscaping', 'layout' and 'scale' are reserved and would therefore be dealt with under a later application.

List of supporting documentation

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

- Application Form
- Location Plan
- Proposed overall site layout
- Indicative site layout
- Drainage Strategy and plans
- Design and Access Statement
- Planning Statement (Including Affordable Housing Statement)
- Ecological Appraisal
- Flood Risk Assessment
- Health Impact Assessment
- Transport Assessment
- Travel Plan
- Acoustic Report- Noise and Vibration
- Technical Note- Services availability

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

5. Consultation responses and representations

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

Statutory and non statutory consultee		Response
5.2	Parish Council	Branston Parish Council have raised objections to the proposal and ask if the dust issues associated with the wider development can be addressed. The Parish Council have also sought confirmation as to when the Tatenhill Brook Improvements will be carried out.
5.3	SCC Highways	No objection subject to conditions requiring details of the internal road layout, provision of access, parking and turning areas to serve each dwelling prior to first occupation of the respective dwelling, garages and parking spaces are to meet with the Parking Standards SPD, submission of a surface water drainage scheme along with a S106 agreement to secure off site highway works and a financial contribution of £122,000 to be expended towards improvements to the Branston Interchange and the monitoring of the travel plan submitted.
5.4	Highways England	No objections were raised and there is no requirement for the developer to provide mitigation on the Strategic Road Network. A condition relating to noise is required.
5.5	SCC Education	No objections subject to a financial contribution of £276,465 towards 21 primary school places and £222,482. Towards 13 Secondary School Places.
5.6	SCC Flood Risk Team	No objections subject to a condition requiring a surface water drainage strategy.
5.7	SCC Public Rights of Way	No objections were raised. It is noted that no public rights of way cross the application site.
5.8	Environment Agency	No objection subject to a condition relating to the mitigation measures as set out in the Flood Risk Assessment.

5.9	Severn Trent Water	No objection subject to a condition requiring foul and surface water drainage details to be provided.
5.10	Natural England	No objections were raised.
5.11	East Staffordshire Clinical Commissioning Group	No objections subject to a financial contribution of £50,400 to be expended at Trent Meadows, Branston.
5.12	Ramblers Association	No objections were raised.
5.13	Staffordshire Wildlife Trust	No objection subject to conditions
5.14	The National Forest	No objections were raised.
5.15	Architectural Liaison Officer	Support the intention to provide an overall ‘back to back’ arrangement and outward looking layout. Comments also made offering guidance with regards to reducing opportunities for crime. <i>This advice has been forwarded to the developer.</i>
5.16	Office of Rail and Road	No objections were raised.

Internal Consultees		Response
5.17	Environmental Health	No objections were raised subject to conditions requiring a scheme of noise mitigation, a dust mitigation plan, a detailed remediation scheme and the reporting of any unexpected contamination.
5.18	Housing Strategy	The suggested housing mix should be in line with the Housing Choice SPD, in particular a greater number of smaller properties which could be suitable for older people (also in line with the Branston Neighbourhood Plan) should be provided. The provision of M4 (2) compliant properties is welcomed and should be secured by condition.
5.19	Open Spaces	The Open Space requirement has been met across the wider SUE development. A financial contribution of £161,124 to address pitch overplay in the Burton West Sub Area is required.
5.20	Environment Manager	The developer will be required to provide appropriate external storage containers for refuse.

6. Neighbour responses

6.1 Site and Press notices were posted, and notification letters were sent to adjacent properties to the site. Responses were received from 3 local residents raising objections to the proposal which are summarised below:

Neighbour responses	
Principle	<ul style="list-style-type: none"> Impact on the character of Branston

	<ul style="list-style-type: none"> • Over development of the overall site
Impacts on Amenity	<ul style="list-style-type: none"> • Lack of public facilities to serve new houses e.g schools and doctors surgeries • Lack of green space
Highways Impacts	<ul style="list-style-type: none"> • Increase in Traffic and the impact on Highway Safety • Development would result in additional construction traffic routing through Branston Village.
Other Impacts	<ul style="list-style-type: none"> • Increased pollution
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
- SP7 Sustainable Urban Extensions
- SP9 Infrastructure Delivery and Implementation
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- 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
- SP32 Outdoor Sports and Open Space
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP7 Pollution and Contamination

Branston Neighbourhood Plan (Modified March 2020)

- B1 – Integrating New development with Existing Communities
- B4 – Local Landscape Character
- B5 – Health and Wellbeing
- B7 – Open Space in New Development
- B9 – Housing Type and Mix
- B10 – Safer Roads and Streets
- B11- Car Parking

Supplementary Planning Documents

- Housing Choice SPD
- Car Parking Standards SPD
- Separation Distances and Amenity SPD
- East Staffordshire Design Guide SPD
- Open Spaces and Playing Pitch SPD
- Planning Obligations SPD

8. Assessment

8.1 It is considered that the key issues relevant to the determination of this application are as follows:

- Principle of the Development
- Access and Highway Matters
- S106 Contributions

8.2 All matters in relation to ‘appearance’, ‘landscaping’, ‘layout’ and ‘scale’ are reserved and are not material considerations of this application. Design, layout and residential impacts along with housing mix and car parking provision cannot be taken into consideration under this outline application. These matters will require a separate ‘Reserved Matters’ application which will be given full consideration at that stage.

9. Principle of Development

Relevant Policies

9.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted.

9.2 Paragraph 251 of the NPPF states that ‘due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given’.

5 Year land Supply

9.3 The most recent calculation uses figures as at 30th September 2019 and concludes there is 6.30 years of supply. Therefore the policies in the plan can be considered up to date.

Local Plan

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

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

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

- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

- 9.6 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton Upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries.
- 9.7 The plan identifies a number of sustainable urban extensions which are expected to meet a variety of principles set out in Strategic Policy 7.
- 9.8 Local Plan Policy DP7 relates to pollution and contamination and states that development proposals will only be granted planning permission where they will not give rise to, or be likely to suffer from unacceptable levels of pollution in respect of noise or light or contamination of ground, air or water.
- 9.9 Policy B1 of the Branston Neighbourhood Plan seeks to link new development to existing communities. All new development, defined as major for planning application purposes, will be expected to include the provision of new, safe walking, and where appropriate cycling and mobility vehicle routes, linking into existing wider routes as shown on Map 3, creating an attractive pedestrian friendly neighbourhood in Branston which encourages travel by means other than the car for short journeys.
- 9.10 Policy B4 'Local Landscape Character' sets out that development should respect the local environment, taking account of the local landscape character and its historical development. Policy B5 'Health and Wellbeing' seeks to achieve accessibility to quality open spaces, sports facilities and cycling/walking networks.

Assessment

- 9.11 The site formed part of an outline permission which provided consent for up to 660 dwellings. The threshold of 660 dwellings has now been met through reserved matters consents for 4 phases of residential development (see planning history above). The application site forms residual land which is located to the South of the exiting residential development and to the North of the employment zone of the Sustainable Urban Extension (SUE). The site is considered to be in a sustainable location within the settlement boundaries as

defined in the local plan and would provide windfall housing to play a part in meeting the boroughs housing requirements and achieving sustainable growth.

- 9.12 The site straddles the spine road serving the SUE, and is within walking distance of the public rights of way which are outlined in Map 3 of the Branston Neighbourhood Plan. It is considered that the site could integrate well alongside the existing residential development, complying with the objectives of Policy B1 of the Neighbourhood Plan.
- 9.13 An illustrative layout plan has been submitted that shows an indicative layout for information only. The indicative layout makes efficient use of available land where houses of a suitable scale would appear well placed around the proposed road layout which links well to the spine road which runs through the SUE. It is considered that the proposed continuation of the existing residential development could be achieved and development of the site for residential purposes could complement the existing built character. The indicative layout includes dwellings fronting onto the open spaces within the site providing natural surveillance and active frontages. The density equates to 23 dwellings per hectare and on this basis it is not considered that the proposal would result in a scheme which is over intensive.
- 9.14 The precise layout, scale and design of the dwellings will necessarily follow at any reserved matters stage. It is, however, possible to conclude at this stage that the site is of sufficient size to accommodate up to 120 No. dwellings without giving rise to negative impacts on existing and future residential amenities.
- 9.15 In terms of noise and disturbance it is considered that the activities generated by the occupation of the proposed development, including traffic movements, would not be sufficiently detrimental to surrounding existing residents. A suitably worded condition is recommended to ensure that controls relating dust mitigation during the construction phase are secured.
- 9.16 The Borough Councils Environmental Protection section are satisfied that the development of the scheme would not give rise to any significant concerns provided necessary noise mitigation measures are put in place in line with the noise assessment provided. These provisions will ensure that any noise from the A38 and the adjacent railway will cause no unacceptable detriment to future occupiers of the dwellings.
- 9.17 It is noted that there have been issues in connection with the redevelopment of the wider SUE site in relation to pockets of fly ash. A condition has been recommended by the Environmental Protection Team to ensure that this is suitably dealt with during the construction period through the provision and implementation of a dust management plan (Condition attached).
- 9.18 Overall, additional housing on the site would be in compliance with Local Plan Policies SP1, SP2, SP4, SP7 and DP7 and Neighbourhood Plan Policies B1, B4 and B5 and is considered appropriate additional development within the SUE.

Flood Risk and Drainage

- 9.19 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 9.20 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.
- 9.21 The site is located within Flood Zone 2. There are no past flooding events recorded and there is a low surface water flood risk associated with the adjacent Tatenhill Brook which runs along the Eastern boundary of the site.
- 9.22 The Environment Agency has raised no objections to the scheme subject to compliance with the mitigation measures including finished floor levels as set out in the Flood Risk Assessment submitted. It is noted that significant work on ensuring that the wider SUE is appropriately flood resilient has already been completed. Details of the surface water flows to serve the present proposals would be subject to a condition which would require details to be provided, assessed and approved by the Lead Local Flood Authority and the County Highway Authority.
- 9.23 Severn Trent raise no objections in principle in terms of foul and surface water drainage which would also be subject to conditions of any outline approval.

Biodiversity

- 9.24 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 9.25 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.
- 9.26 Strategic Policy 29 lists criteria including development should 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.
- 9.27 The application is supported by an Ecological Impact Assessment which sets out that the land is generally of low ecological value to wildlife. This is largely due to the recent surrounding development. The main impacts will be on the loss of semi improved grassland which provides a nesting habitat for a pair of Skylarks. The report sets out mitigation measures including carrying out of

ground clearance and shrub removal outside of bird nesting season. In addition to a condition to ensure that the works are carried out in line with the Ecological Appraisal, a suitably worded condition is also recommended to ensure that appropriate ecological enhancement measures are provided as part of the redevelopment of the site.

Accessible Housing

- 9.28 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.
- 9.29 With regard to the guidance providing that ground floor accommodation should meet Building Regulations 2010 Standard M4(2) on 10% of major applications, it is considered that this provision on a future reserved matters application could be secured by a suitably worded condition.
- 9.30 The precise housing mix and layout including the position of affordable housing within the site will be determined at reserved matters stage but shall be in line with the Housing Choice SPD.

10. Access and Highway Matters

Relevant Policies

- 10.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should 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.
- 10.2 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.
- 10.3 Branston Neighbourhood Plan Policy B10 sets out requirements to achieve safer roads and streets, including the use of traffic calming where appropriate.
- 10.4 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. In addition, the Branston Neighbourhood Plan in

policy B11 sets out minimum parking standards for new residential development.

Assessment

- 10.5 The application is supported by a Transport Assessment and a Travel Plan. The likely traffic generation has been calculated and agreed by both Highways England and the County Highway Authority, who conclude that the development will cause no harm to the strategic road network. The application scheme will also provide for a contribution of £122,000 towards the Branston Interchange Improvement programme which would be secured by a Section 106 agreement (see Section 11 below).
- 10.6 The Highway Authority are satisfied that the access arrangements to serve the development are acceptable in highway safety terms and that adequate car parking provision can be accommodated to serve dwellings within the site. The precise details of parking provision shall be fully assessed at the necessary reserved matters stage.
- 10.7 Accordingly, in terms of Policies SP1 and SP35 of the Local Plan and the Branston Neighbourhood Plan the scheme is considered to be acceptable in relation to highway safety.

11. S106 Contributions

11.1 Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

11.2 In this case contributions will be sought for the following:

- Affordable Housing
- Education
- Playing Pitches
- Healthcare Provision
- Refuse Containers
- Off Site Highway Improvements and Travel Plan Monitoring

11.3 It is noted that the site is within the National Forest, where Local Plan Policy SP26 sets out a requirement to meet with the implementation of the National Forest Strategy. In this case, the National Forest Company have confirmed that the previous consents for residential development within the SUE have addressed the need to incorporate National Forest Planting through woodland planting and habitat creation to the East of the application site between the Railway Line and the River Trent. Works are largely complete on site. As the amount of National Forest planting is based on the overall site area of the SUE, which is not increasing through this application, there is no requirement for National Forest planting to be accommodated within this development.

Affordable Housing

- 11.4 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.
- 11.5 Strategic Policy 17 states that housing- led residential development on greenfield sites within and on the edge of Burton that will provide 4 or more dwellings or on a site of 0.14 hectares or more shall provide up to 33% of affordable housing. The policy states that a minimum of 13% of affordable housing must be provided on site, with the balance commuted off site in line with the Housing Choice SPD. SP17 also states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.
- 11.6 In terms of affordable housing, the provision of 120 dwellings on the site generates a requirement of 40 affordable units. The applicant has advised that of these units, 16 dwellings (13%) will be provided on site, with the remainder provided in an off site commuted sum.
- 11.7 The applicant has confirmed that the mix of the dwellings provided on site would be 11 affordable rent and 5 intermediate, which is considered to be appropriate. The final position of these dwellings within the site would form part of the assessment of the reserved matters submissions.

Education

- 11.8 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.
- 11.9 In this case the SCC Schools Organisation Team have confirmed that the proposal would generate a number of school places which would impact on both primary and secondary provision within the area and have requested a financial contribution of £498,987,00. This would provide for 21 places at primary level generated by the development (£276,465) and 13 places at secondary level (£222,482).
- 11.10 Based on the agreed set of standard triggers this payment would be required as follows:
- 50% on commencement of the development
 - 50% on commencement of 50% of the development.

Open Space/ Playing Pitches

- 11.11 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.
- 11.12 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 11.13 SP32 sets out the requirements of open space provision across the Borough.
- 11.14 The Council will seek to deliver new provision and protect and enhance existing outdoor open space in accordance with the standards set out in the Local Plan. Developers should provide open space to the local standard identified for the area, which are identified in the Open Space and Playing Pitch SPD.
- 11.15 Policy B7 of the Neighbourhood Plan sets out that new development should provide a mix of public and private space to meet local need, including childrens play areas, playing pitches, allotments and amenity green space.
- 11.16 In this case the Open Spaces Team of ESBC have confirmed that the overall open space requirement for the overall SUE has been met through the previous residential phases which have been completed or are under construction. . However, the Open Spaces and Playing Pitch SPD which was adopted in 2019 includes a playing pitch requirement. In respect of this application, this requirement generates an off site financial contribution of £161,124.00 which would go to address pitch overplay in the Burton West Sub Area. This cost is made of £35,104.00 capital cost and £6,301.00 maintenance cost per year over a 20 year period.

Healthcare Provision

- 11.17 Policy SP34 of the Local Plan requires the health and wellbeing of residents in the Borough to be taken into consideration and Policy SP9 requires developers to contribute to infrastructure and services required as a consequence of a development. Health is included in the definition of infrastructure in the Local Plan
- 11.18 In this case the Clinical Commissioning Group for the Borough have identified that the increased population as a result of the development will bring an increase in the need for local Primary Care provision. The team have therefore requested a financial contribution of £50,400.00 towards Primary Care provision to mitigate the increase in need which would be expended at Trent Meadows Surgery in Branston.

Refuse Containers

- 11.19 In line with the Waste Storage and Collection Guidance SPD the developer will be required to pay for the provision of refuse storage bins for each dwelling at a cost of £75 per dwelling. This will be included in the S106 Agreement.

Off Site Highway Works

11.20 The likely traffic generation and distribution of traffic onto the local highway network has been calculated and agreed with both the County Highway Authority and Highways England. The impacts of the wider SUE development have been assessed at each stage of development and schemes have been developed to improve road junctions in the surrounding area. A contribution of £122,000.00 has been requested towards the Improvement Programme for the Branston Interchange to mitigate the additional traffic that is likely to be generated by this development. This request includes a fee of £12,138.00 towards travel plan monitoring.

11.21 The contributions requested are summarised below:

Item	Planning Obligation	Cost (where applicable)
Affordable Housing	33% Required- 40 Houses	13% on site- 16 Houses Off Site Contribution of £960,000.00
Education	21 Primary School Places and 13 Secondary School Places	£498,947.00
Playing Pitch	£35,104.00 capital cost towards the Burton Sub West area and £6,301.00 maintenance cost per year over a 20 year period.	£161,124.00
Healthcare Provision	Primary Healthcare provision at Trent Meadows Medical Practice in Branston	£50,400
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling	£9000.00
Off site highway works and travel plan	Requested by SCC towards the Branston Interchange improvement Programme and travel plan monitoring fee of £12,138.	£122,000.00

11.22 A total financial contribution of £ £1,801,471.00 has been requested as set out in the table above. A Viability Appraisal has been put forward by the applicant, along with a final offer following vigorous viability testing. The offer includes all of the necessary contributions with the exception of Affordable Housing, where £255,000.000 rather than the sum requested of £960,000.00 would be provided. This would equate to a shortfall in policy requirement of £705,000.00.

11.23 The viability appraisal and the offer put forward by the developer has been independently assessed by the Councils appointed Viability Expert. In overall conclusion it has been agreed that whilst the proposal cannot afford all usual contributions, the scheme can provide most of the capital and on-site contributions.

11.24 Having taken the advice of the independent viability expert appointed by the Council, Officers recommend that this offer which would provide all contributions with the exception of the full off site affordable housing sum is acceptable.

12. Conclusions

12.1 Having to due regard to the planning merits of the case set out in detail in the Assessment section of this report – and as summarised in the Executive Summary - the application is recommended for **approval** subject to the necessary Section 106 agreement and conditions.

13. RECOMMENDATION

13.1 Grant, subject to the following conditions and the completion of a S106 Agreement:

Condition 1- Time Limit for Reserved Matters to be Submitted.

An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990.

Condition 2- Reserved Matters Required

No development shall take place until plans and particulars of the layout, scale and appearance of the buildings to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

Condition 3- Time Limit for Development to Start

The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 4- Approved Plans

The development hereby permitted insofar as it relates to the extent of the application site and means of access only shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission.

100-179/(00)004 A Location Plan 1:1250 dated as received 05 March 2019

100-179/(00)004 B Location Plan 1:2500 dated as received 22 March 2019

Hoare Lea Acoustic Report dated as received 05 March 2019

Preliminary Ecological Appraisal by Cotswold Wildlife Surveys dated as received 05 March 2020

Flood Risk Assessment: Land South of Branston Residential Phase 5 Flood Risk Assessment and Drainage Strategy St Modwen Developments Ltd' Revision 1.0 dated as received on 05 March 2019.

Branston Phase 5 Transport Assessment dated as received 22 March 2020.

Branston Phase 5 Travel Plan dated as received 22 March 2020.

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP4, SP7, SP24, SP27, SP29, SP35, DP1, DP2, DP3, DP7 and DP8, the Branston Neighbourhood Plan, the East Staffordshire Design Guide, the Car Parking Standards Supplementary Planning Document, the Separation Distances and Amenity Supplementary Planning Document, the National Planning Policy Framework.

Condition 5- Details of Materials

No development shall take place above damp proof course until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the buildings and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the Branston Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 6- Internal Road Layout

The reserved matters submissions required under condition 2 shall include an internal road layout that has been designed in accordance with the SCC Residential Design Guide including the provision of adoptable visibility splays at both junctions and bends. The development shall be carried out in accordance with the approved details with visibility splays maintained at all times for the lifetime of the development to retain visibility over a height of 600mm above the adjacent carriageway level.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, Branston Neighbourhood Plan and the National Planning Policy Framework

Condition 7- Garage and Parking Size Requirements

The reserved matters submissions required under condition 2 shall include garages and parking spaces which accord with the minimum dimensions set out in the Councils Parking Standards SPD. The development shall be carried out in accordance with the approved details with garages and parking retained as such for the lifetime of the development.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, Branston Neighbourhood Plan and the National Planning Policy Framework.

Condition 8- Weatherproof Cycle Storage

The reserved matters submissions required under condition 2 above shall include details of weatherproof cycle storage to be provided within the plot prior to the first occupation of the dwelling which shall thereafter be retained as such for the parking of cycles for the life of the development.

Reason: To ensure the development makes provision for the safe and secure storage of cycles and to encourage an increase in the number of journeys made by sustainable modes of travel in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the Branston Neighbourhood Plan, the Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

Condition 9- M4 (2) Compliance

The reserved matters submissions required under condition 2 above shall include a scheme to provide 10% of dwellings on site to be constructed in accordance with Building Regulation 2010 Standard M4 (2) standards. The development shall be completed to the Building Regulation 2010 Standard M4 (2) before the first occupation of the relevant dwelling unit(s) concerned.

Reason: In the interests of residential amenities and in accordance with East Staffordshire Local Plan Policy SP16, East Staffordshire Housing Choice Supplementary Planning Document and the National Planning Policy Framework.

Condition 10- Provision of Access, Parking and Turning

Prior to the first occupation of each dwelling hereby granted permission the access, turning and car parking provision to serve that dwelling shall be provided in a bound porous material, and thereafter shall be made available at all times for their designated purposes.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, Branston Neighbourhood Plan and the National Planning Policy Framework

Condition 11- Pre Commencement- Details of Land/ Slab Levels

No development shall take place until details showing the existing and proposed land levels of the site including spot heights and the finished floor levels, ridge and eaves heights of all buildings hereby permitted with reference

to the finished floor levels, ridge and eaves heights of neighbouring buildings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining properties and the character or appearance of the area in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the Branston Neighbourhood Plan, the East Staffordshire Design Guide, the Separation Distances and Amenities Supplementary Planning Document and the National Planning Policy Framework.

Condition 12- Pre Commencement- Surface Water Drainage Scheme

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- Surface water drainage systems designed in accordance with the non statutory technical standards for sustainable urban drainage systems (DEFRA March 2015);
- Limiting the discharge rate generated by all rainfall events upto the 100 year plus 30%(for climate change) critical rain storm to equivalent greenfield rates
- The drainage scheme proposed should provide a sustainable drainage strategy to include SUDS elements with attenuation, storage and treatment capacities incorporated as detailed in the CIRIA SUDS Manual (C753)
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations
- Plans illustration flooded areas and flow paths in the event of exceedance of the drainage system
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem as recommended by the Lead Local Flood Authority in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7, the Branston Neighbourhood Plan and the National Planning Policy Framework.

Condition 13- Pre Commencement- Construction Management Plan

No development shall take place until a Construction Management Plan has been submitted to, and agreed in writing with the Local Planning Authority. The submitted Construction Management Plan shall include:

- The routing of all demolition and construction vehicles to and from the site. The measures shall include the phasing of movements to avoid traffic congestion.
- The parking of vehicles of site personnel, operatives and visitors
- Arrangements for the loading and unloading of plant and materials
- Areas of storage for plant and materials used during the construction of the development
- Measures to prevent the deposition of deleterious material on the public highway during the construction of the development

The approved Construction Management Plan shall be implemented and adhered to throughout the construction period.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, the Branston Neighbourhood Plan and the National Planning Policy Framework.

Condition 14- Pre Commencement- Disposal of Foul and Surface Waters

No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first occupation.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution as recommended by Severn Trent Water Limited in accordance with East Staffordshire Local Plan Policies SP1, SP27 and DP7, the Branston Neighbourhood Plan and the National Planning Policy Framework.

Condition 15- Pre Commencement- Noise Mitigation

No development shall take place until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority which shall include details of any noise mitigation measures required in line with the Hoare Lea Acoustic Report dated as received 05 March 2019. The development shall only be implemented in accordance with the approved mitigation measures and maintained as such for the life of the development.

Reason: In the interests of the amenity of the future occupiers of the dwelling(s) in accordance with East Staffordshire Local Plan Policies SP1 and DP7, the Branston Neighbourhood Plan and the National Planning Policy Framework.

Condition 16- Pre Commencement- Dust Prevention Measures

No construction works shall take place until a scheme of dust prevention and mitigation measures have been submitted to, and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In order to safeguard human health and the water environment in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Condition 17- Flood Risk Assessment

The development shall be carried out in accordance with the mitigation measures set out in the 'Flood Risk Assessment Land South of Branston Residential Phase 5 Flood Risk Assessment and Drainage Strategy St Modwen Developments Ltd' Revision 1.0 dated 27 February 2019 received on 05 March 2019 unless otherwise first agreed in writing by the Local Planning Authority. The mitigation measures shall be fully implemented prior to occupation of any dwellings and shall be retained and maintained for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere in accordance with Local Plan Policy SP27, the Branston Neighbourhood Plan and the National Planning Policy Framework.

Condition 18- Car Charging Points

Prior to first occupation of the development hereby permitted details of electric vehicle charging points, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies SP1 and SP35 of the Local Plan, the Branston Neighbourhood Plan and the Parking Standards SPD.

Condition 19- Wildlife Mitigation Measures

The development shall be carried out in accordance with the mitigation measures set out in the Preliminary Ecology Appraisal by Cotswold Wildlife Surveys dated February 2019 received on 05 March 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

Condition 20- Details of Ecological Enhancement Measures

Prior to first occupation of the development hereby permitted details of ecological enhancement measures (including bird nesting and bat roosting facilities) to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancement measures shall be installed prior to the first occupation of the development and thereafter made available at all times for their designated purposes.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

Condition 21- Landscaping Implementation

All planting, seeding or turfing comprised in the approved details of landscaping required under conditions 2 and 6 above shall be carried out in the first planting

and seeding season following the first occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the Branston Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 22- Walling and Fencing Implementation

Any scheme of walling and fencing approved as part of the landscaping scheme required by Conditions 2 and 6 above shall be completed prior to the development first being brought into use.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the Branston Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

Informatives

1. Engagement

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

2. Pre-commencement Conditions

The conditions identified below require details to be approved before commencement of the development:

Condition No's 12, 13, 14, 15, 16, 17.

The conditions identified below require details to be approved no later than damp proof course stage of construction:

Condition No.5

The conditions identified below require details to be approved before occupation of the development.

Condition No's 19 and 21

This means that a lawful commencement of the approved development cannot be made until the particular requirements of these conditions have been met.

As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

3. Ecological Responsibilities

The applicant/developer is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found at any point all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

4. Highway Works Agreement

The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to nmu@staffordshire.gov.uk. The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorksAgreement.aspx>

5. Approval under Section 7

This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. Swept path analysis for an 11.9m long refuse vehicle shall be provided in support of the Section 7 application.

6. Environment Agency Advice

The applicant/ developer is advised that the existing foul pumping station is not adequate to serve an additional 120 houses and the developers must ensure that the system is suitably enhanced to meet the increased flow to Severn Trent Waters satisfaction.

14. Background papers

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

- Papers on Planning Application file P/2019/00258
- Papers on Planning Application file P/2011/01243/JPM/PO
- Papers on Planning Application file P/2014/00550
- Papers on Planning Application file P/2015/00849
- Papers on Planning Application file P/2018/00697
- The Local and National Planning Policies and Supplementary Planning Documents outlined in the report above
- Branston Neighbourhood Plan

15. Human Rights Act 1998

15.1 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.

16. Crime and Disorder Implications

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

17. Equalities Act 2010

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

For further information contact: Kerry Challoner
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