

P/2011/01243

Received 25/10/11

Land South of Branston

Planning Statement

On Behalf of St Modwen

September 2011

**75th BARTON
WILLMORE**
planning · design · 1936 – 2011

Land South of Branston
Planning Statement

Barton Willmore LLP
Regent House
Prince's Gate
4 Homer Road
Solihull
B91 3QQ

Tel: 0121 711 5151

Fax: 0121 711 5152

Email: grant.stevenson@bartonwillmore.co.uk

Ref: 19078/A5/P1c/GS/sjs

Date: 5th September 2011

COPYRIGHT

The contents of this document must not be copied or reproduced in whole or in part without the written consent of Barton Willmore LLP.

All Barton Willmore LLP stationery is produced using recycled or FSC paper and vegetable oil based inks.

CONTENTS

	Page
1.0 Introduction	1
2.0 The Application Site and Surroundings	3
3.0 Planning History	5
4.0 Proposed Development	7
5.0 National Planning Policy Context	11
6.0 Development Plan Context	31
7.0 Key Planning Issues	42
8.0 Benefits and Opportunities	55
9.0 Summary and Conclusions	57

APPENDICES

1. Site Location Plan
2. Illustrative Master Plan
3. Outline Planning Permission PC/20679/019/PO
4. Outline Planning Permission PC/20180/004/PO
5. ESBC Screening Opinion dated 13th May 2011
6. SHLAA 2011 Update Proformas
7. Appeal Decision reference APP/J3720/A/10/2139071
8. PINS advice note dated 30th August 2011

1.0 INTRODUCTION

1.1 This Planning Statement has been prepared by Barton Willmore on behalf of St Modwen (hereafter referred to as “the Applicant”) in support of an outline planning application for mixed use development on land south of Branston (“the Application Site”).

1.2 More specifically the Description of Development is as follows:

“Outline planning application (with all matters reserved except means of access) for mixed use redevelopment comprising: site clearance and remediation works including the demolition of existing buildings and structures; up to 660 dwellings (use class C3); up to 71,533 sq. metres (770,000 sq. ft) of employment floorspace (use classes B2 and B8); a local centre providing up to 600 sq. metres (6,459 sq. ft) of floorspace (use classes A1, A2, A3, A4 and A5) together with associated 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; and, internal highway network to include the provision of access junctions to the A38 and Main Street.”

1.3 The Site Location Plan is included at **Appendix 1**, and the Proposed Master Plan for the site, at **Appendix 2**, shows the proposed disposition of the uses across the 68.8 hectare (170.2 acre) site. The Applicant also controls an additional 47 hectares (116 acres) adjacent to the Application Site which will be made available for landscaping and open space.

1.4 The planning application is submitted following pre application meetings with Officers at East Staffordshire Borough Council (“ESBC”) and other statutory consultees, including Staffordshire County Council, the Highways Agency and the Environment Agency.

1.5 In addition, pre application consultation with the local community, Parish Council and local Ward members has also been carried out, including a public exhibition which was held in June 2011. Full details of the public consultation exercise and the comments made in respect of the proposals are set out in the Statement of Community Involvement prepared by Core Marketing, which supports the planning application.

1.6 In addition to this Planning Statement and the Statement of Community Engagement, the application is also accompanied by the following documents:

- Design and Access Statement
- Extended Phase 1 Ecology Survey
- Tree Survey
- Flood Risk Assessment and Drainage Strategy
- Noise and Vibration Assessment (Residential)
- Noise and Vibration Assessment (Commercial)
- Air Quality Assessment
- Phase 1 Geo-Environmental Assessment (east, west and north)
- Transport Assessment, including Travel Plan
- Landscape and Visual Impact Assessment

1.7 This Planning Statement comprises a description of the site and its surroundings (Section 2.0), an overview of the planning history (Section 3.0); a description of the proposed development (Section 4.0); a review of the national and development plan policy context for the development (Sections 5.0 and 6.0 respectively); a review of the key planning issues relating to the proposals (Section 7.0); the benefits and opportunities of the development (Section 8.0); and, summary and conclusions (section 9.0).

2.0 THE APPLICATION SITE AND SURROUNDINGS

- 2.1 The Application Site comprises 68.9 hectares (170.2 acres) of land located to the south of Branston, near Burton-upon-Trent.
- 2.2 The Site broadly comprises four parcels of land, three of which are located together towards the south of Branston village, centred around Main Street. The fourth parcel is separated from the main Site and comprises the existing recreation ground at Clays Lane.
- 2.3 The largest parcel of land, which forms the majority of the Application Site, is bounded to the east by the railway line, to the west by the A38 and to the south by agricultural fields. Two small areas of residential properties adjoin this part of the site; one next to the southern boundary of the site and one at the approximate mid-point near to where the Tatenhill Brook enters the site. Both sets of properties are accessed directly off the A38. The northern edge of the site is bounded by residential properties on Main Street / Hollyhock Way and the site can be accessed from Main Street at Acacia Lane.
- 2.4 Whilst the majority of land east of the railway line does not form part of the Application Site, it is within the Applicant's control. No built development is proposed on this part of the Site. The River Trent forms an eastern boundary to this land parcel, and agricultural fields bound it to the south. To the north of the area proposed for landscaping and open space, the site is bounded by a small area of woodland. Beyond this is the Riverside Inn and associated car park. Two small areas of land east of the railway line are included in the Application Site, where engineering work associated with flood protection and reprofiling of the river bank are proposed.
- 2.5 The third parcel of land which makes up the Application Site is located behind existing properties on the northern side of Main Street. It will be accessed from an upgraded junction, off Main Street which will also be improved as a result of these proposals. To the south east boundary of this part of the site, a small group of retail premises are located, comprising local shops, a public house and car park. To the east and north, this part of the Site is encircled by the B5018/A5121 and then to the west, this Site is bound by an area of rough grassland.
- 2.6 The remaining a fourth parcel of land that comprises the Application Site will be developed to provide formal open space facilities. This area of the Site is located

north of the main Application Site, on the eastern side of Clays Lane. The Site is rectangular in shape and is bound on three sides by residential properties and to the north by woodland.

- 2.7 The main part of the Application Site (Parcel 1) was previously part of a larger area formerly used for gravel extraction. These areas have subsequently been filled with pulverised fuel ash (PFA) from the nearby Drakelow Power Station.
- 2.8 Overall, the Site is low lying and generally flat with few features of note. A watercourse (Tatenhill Brook) crosses the largest parcel of land, at the approximate mid-point and turns north along the eastern boundary to flow parallel to the railway line.
- 2.9 Vegetation on the Site is limited, the majority being cleared as part of the gravel extraction works, however a line of mature trees screen the larger development land parcel from the A38. There are also areas of trees along the watercourse and adjacent to the eastern boundary of the development site with the railway line.
- 2.10 Branston is a village to the south of Burton-upon-Trent and adjoins the main built up area of the town. It comprises approximately 1,700 homes, together with a range of local facilities including doctors' surgery, public house, local convenience stores and a post office. The village is served by Rykneld Primary School (approximately 250m from the site) and Paget High School (approximately 1000m from the site) located on Main Street and Burton Road respectively.
- 2.11 Burton is connected to the wider region by the A38, notably to Derby in the north and Lichfield in the south. The accessibility of Branston is enhanced by the proximity of the A38, and in addition to road connections, Branston has a train station and good bus service.

3.0 PLANNING HISTORY

Planning Application History

- 3.1 The site has been the subject of a number of planning applications and was essentially split into two parcels with the Tatenhill Brook forming the dividing line between the two.
- 3.2 Outline planning permission was granted in 1991 for B1, B2, B8 and residential uses on the northern part of the site (reference OU/20679/001/PO) in March 1993. Reserved Matters for the residential element of this permission were agreed (reference RM/20679/005/PO and RM/20679/008/PO) in 1997 and 1998 and the dwellings have since been built out and occupied. The balance of the outline planning permission has been subject to a number of renewals, the most recent of which was in 2004, reference PC/20679/019/PO (see **Appendix 3**), however this permission expired on 5th August 2011.
- 3.3 Outline planning permission (reference OU/20180/001) was granted in February 1991 on land south of the Tatenhill Brook for B1, B2 and B8 development. A further outline planning permission, reference OU/20180/004/PO (see **Appendix 4**) was granted in August 2004. This application covered 13.27 hectares of land and included proposals for a grade separated junction off the A38. A Reserved Matters application pursuant to the 2004 outline approval was made in August 2007 and to date has not been determined by ESBC.

Environmental Impact Assessment

- 3.4 A request for an Environmental Impact Assessment (EIA) Screening Opinion was submitted to ESBC by Barton Willmore on behalf of the Applicant on 18th April 2011. The request set out the reasons why it is not considered that the Proposed Development constitutes development which requires an EIA. ESBC provided a Screening Opinion on 13th May 2011 (see **Appendix 5**) which confirmed that it did not consider that the Proposed Development would have significant environmental effects, having considered the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and, as such an ES was not required to be submitted with the planning application.

- 3.5 A further request for an EIA Screening Opinion was submitted to ESBC by Barton Willmore on 6th September 2011. This request was made under the new Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to take account of revisions to the Proposed Development since the Council provided its Screening Opinion in May 2011.

Strategic Housing Land Availability Assessment (SHLAA)

- 3.6 The Council published its annual review of the SHLAA in July and this includes a review of all of the previous SHLAA sites together with any additional sites received by the Council up until December 2010.
- 3.7 The Application Site is identified as three separated sites in the SHLAA, references 27, 186 and 337 (proformas included at **Appendix 6**). All three sites were considered suitable, available and achievable by the assessment process.

4.0 PROPOSED DEVELOPMENT

4.1 The Proposed Development comprises the mixed use development of land south of Branston with associated landscaping, open space and infrastructure.

4.2 More specifically the Description of Development is as follows:

“Outline planning application (with all matters reserved except means of access) for mixed use redevelopment comprising: site clearance and remediation works including the demolition of existing buildings and structures; up to 660 dwellings (use class C3); up to 71,533 sq. metres (770,000 sq. ft) of employment floorspace (use classes B2 and B8); a local centre providing up to 600 sq. metres (6,459 sq. ft) of floorspace (use classes A1, A2, A3, A4 and A5) together with associated 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; and, internal highway network to include the provision of access junctions to the A38 and Main Street.”

4.3 The proposed land use budget is set out in the table below, and an overview of the development components is provided in the following sub sections.

Land Use	Hectares	Acres	Percentage
Residential (Class C3)	22.09	54.59	32%
Employment (Class B2 & B8)	18.26	45.12	27%
Local Centre (Class A & C3)	0.53	1.31	Less than 1%
Open Space / Landscaping*	24.21	59.84	35%
Highway Infrastructure	3.68	9.10	5%
TOTAL	68.78	169.96	100%

* approximately 47 hectares of additional open space / landscaping is provided outside of the Application Site but within land controlled by the Applicant.

Residential

4.4 Residential development is proposed in the northern section of the Application Site and, in total, the Proposed Development could provide up to 660 dwellings on approximately 22 hectares of land. A mix of dwelling types and sizes is proposed, with

an indicative proposed mix of 5% 2-bedroom apartments; 5% 2-bedroom houses; 45% 3-bedroom houses; and, 45% 4/5-bedroom houses. The mix will vary across the residential element of the site responding to a number of factors including urban design, density and land use.

4.5 The overall average density based on the measurement methodology in Annex B of PPS3 is approximately 28 dwellings per hectare, excluding any dwellings provided within the mixed use local centre area. The residential element has been split in to 3 broad density bands which respond to the distribution of facilities, the location of highways infrastructure and public transport routes, the disposition of open space and overall site context. The density bands proposed are as follows:

- 35 – 40 dwellings per hectare – close to the mixed use local centre and centre of Branston Village.
- 30 – 35 dwellings per hectare – along the central spine road and central bus corridor.
- 20 – 25 dwellings per hectare – along the landscape edge and green corridor.

4.6 It is proposed that the dwellings may be up to 3-storeys in height, however this would only be in a small section towards the north of the Application Site. The predominant dwelling height will be 2-2.5 storey.

4.7 To ensure that a balanced and inclusive community is created covering age, income, household composition and tenure, a wide range of dwellings will be provided as part of the Proposed Development. Furthermore, subject to viability, a proportion of affordable housing could be provided either on or off site, or as a combination of on and off site provision. This affordable housing will be integrated into the new community and will be built to the same design criteria and quality as the market housing for private sale.

Employment

4.8 Employment development is proposed in the southern section of the site and, in total, the Proposed Development could provide up to 71,533 sq. metres (770,000 sq. ft) of floorspace for Class B2 and B8 uses.

- 4.9 It is proposed that a range of size of buildings could be provided in order to accommodate a range of market requirements ranging from 372 sq. metres (4,000) sq. ft) to 11,148 sq. metres (120,000 sq. ft) in building footprint.

Local Centre

- 4.10 The Local Centre is proposed to be set at the northern end of Parcel 1 of the Application Site, where the Site is bounded by Main Street. The Proposed Development seeks to locate approximately 600 sq. metres (6,459 sq. ft) of retail floorspace (Classes A1, A2, A3, A4 and A5), indicatively shown split as three units. It is also proposed to provide eight residential units, located above the retail floorspace, which could be provided as two 1-bedroom apartments and six 2-bedroom apartments.
- 4.11 The proposals would also provide a new car park set within a central square located to the edge of Main Street, in the existing village centre. It is also proposed to upgrade the highway network in this location in order to create a pedestrian friendly environment by reducing vehicle speeds. It is also proposed to alter the priority at the Acacia Lane / Main Street junction in order to provide priority for vehicles leaving and entering the Application Site.
- 4.12 A servicing area would be provided to the rear of the retail units, which would also accommodate an area for staff and residents' car parking.

Open Space / Landscaping

- 4.13 The landscape strategy for the development will be multi-functional and inclusive, providing activity and engagement for all age groups. For instance, footpaths and tracks could incorporate trim trails, seating and opportunities for play. Whilst a number play spaces will be incorporated into the strategy, formal sports provision is catered for north of the main Application Site at Clays Lane.
- 4.14 Following discussions with ESBC, it was agreed that the play strategy for the site should consist of fewer, larger, multi-age play areas rather than a greater number of small, isolated play areas. The play spaces will be to a high standard with the emphasis being on quality of equipment which will be stimulating and educational. Play equipment should be carefully chosen with the potential to incorporate interactive features generating sound and movement.

- 4.15 The table below outlines the provision of open space as part of the Proposed Development against the requirements of the Council's Open Space SPD.

Area	ESBC Policy Requirement per 1,000 population	ESBC Policy requirement for Proposed Development	Proposed Development Provision
Equipped Areas of Play	0.03 ha	0.05 ha	0.10 ha
Parks and Amenity Space	2.27 ha	3.47 ha	3.58 ha
Allotments	0.28 ha	0.43 ha	0.47 ha
Natural / Semi Natural Space*	1.51 ha	2.31 ha	18.33 ha
Outdoor Sports	1.23 ha	1.88 ha	1.7 ha **
TOTAL		8.14 ha	24.18 ha

*Approximately 47 hectares of additional land provided outside the Application Site but within the control of the Applicant.

** This will be provided in the form of an improvement to the existing facilities at Clays Lane, in agreement with Branston Parish Council.

Highway Infrastructure

- 4.16 The proposed highway infrastructure principally comprises two access points, one to the north of the Application Site, off Main Street / Acacia Lane, and one to the south, off the A38, linked by a central spine road.
- 4.17 To the north, the access from Main Street / Acacia Lane will be restricted to residential traffic and buses only. No HGVs or other commercial traffic associated with the employment floorspace will be allowed to travel north and exit the site via Main Street / Acacia Lane.
- 4.18 To the south, the existing access point to the Site from the A38 will be upgraded to provide a left-in / left-out junction which will serve the employment area. This will be the only point of access / egress for HGVs and other commercial vehicles, however residential traffic and buses will be able to travel north and south along the spine roads to make use of both access points.

5.0 NATIONAL PLANNING POLICY CONTEXT

5.1 The relevant national planning policy context is provided in Planning Policy Guidance Notes and Planning Policy Statements. The principal PPGs and PPSs to be applied to the Proposed Development are reviewed below.

PPS1: Delivering Sustainable Development (2005)

5.2 PPS1 sets out the Government's four principles of sustainable development, as follows:

- (i) social cohesion and inclusion;
- (ii) protection and enhancement of the environment;
- (iii) prudent use of natural resources; and
- (iv) sustainable economic development.

5.3 Paragraphs 14 to 16 detail the first aim of social cohesion and inclusion, which seeks to meet the diverse needs of all people in existing and future communities by including accessibility for all members of the community to jobs, health, housing, education, shops, leisure and community facilities. In delivering a sustainable, mixed use development that provides a range of employment, residential and sustainable transport opportunities on the south side of Branston, serving existing and future residents and employees, the Proposed Development will adhere to this core principle of PPS1.

5.4 The principle of protecting and enhancing the environment refers to both the natural and historic environments, in rural and urban locations (paragraph 17). Paragraph 18 advises that the condition of the natural and built environment has a direct impact on the quality of life and its conservation and improvement brings social and economic benefits to local communities.

5.5 The Proposed Development will have a positive impact on the quality of the built environment by introducing new high quality buildings, extending a bus route into the site and this has the potential to reduce the need for car borne travel to and from the Proposed Development. In addition, the Proposed Development includes the enhancement of open land between the railway line and the River Trent, providing for informal recreation and wildlife habitat creation. A structural landscaping scheme encircles the Site, incorporating high quality landscaping treatments, public realm, allotments and play provision. Improvements to existing sport and recreation facilities

at Clays Lane also form part of this Planning Application. In this respect the Proposed Development is considered to be consistent with this core principle.

- 5.6 Paragraphs 21 and 22 of PPS1 refer to the need to ensure that natural resources are used wisely and efficiently, and that outputs are maximised while resource inputs are minimised. The Application Site is located on the edge of Branston, and adjacent to the A38 and as a consequence is well served by existing infrastructure. The proposals provide for the comprehensive development of the Site in a way which makes the most efficient use of the land.
- 5.7 Paragraph 23 highlights the Government's commitment to promoting a strong, stable and productive economy that aims to bring jobs and prosperity to all. The paragraph lists ten objectives that planning authorities should seek to achieve, including ensuring the availability of suitable locations for industrial, commercial, retail and education developments and ensuring the provision of infrastructure and services to support new and existing economic development and housing. The Proposed Development will provide opportunities for job creation within a range of sectors which will have a positive impact on the Borough's economy.
- 5.8 The importance of good design is also a central theme in PPS1. Paragraph 35 advises that high quality and inclusive design should be aimed for, and that well mixed and integrated developments should be created which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. The Illustrative Master Plan is the result of a thorough design process, in which the principles of PPS1 have been central, and the result is a fully inclusive, integrated design which will deliver a sustainable development that relates well to the existing built up area, reflecting the character of Branston by virtue of small, separate blocks of development, encased with landscaping and connected by footpaths and local roads. The Design and Access Statement (DAS) provides an evaluation of the key issues and design process together with the decisions that have informed the proposed form of development.
- 5.9 Paragraph 40 of PPS1 emphasises the importance of community involvement in the achievement of sustainable development. A consultation exercise has been carried out in relation to the Proposed Development, and the details and results of this are set out in more detail in the Statement of Community Involvement and DAS submitted with this planning application.

- 5.10 In summary therefore, the development accords with the underlying principles of PPS1 and reflects the main aims and objectives that underpin it.

Planning and Climate Change (Supplement to PPS1) (2007)

- 5.11 The underlying objective of the Supplement to PPS1 is to reduce carbon emissions from domestic and non-domestic buildings, by way of action against climate change. Paragraph 42 sets out the environmental performance factors that local planning authorities should expect developments to achieve, and the Proposed Development is assessed against these below:
- 5.12 *Comply with adopted DPD policies on local requirements for decentralised energy supply and for sustainable buildings, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable* – The detailed design of each phase of the Proposed Development will be designed to comply with the guidance set out.
- 5.13 *Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption, including maximising cooling and avoiding solar gain in the summer; and, overall, to be planned so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form, together with the proposed density and mix of development, support opportunities for decentralised and renewable or low-carbon energy supply* – Where possible, passive solar design principles will be incorporated in all residential and leisure uses. These principles will include increasing the potential for passive solar gain through the building orientation and avoidance of over shadowing. Buildings are to be orientated within 30° of south where possible. In the residential area of the site the dwellings have been designed to be respectful of the mature trees along the southern edge of the site and setback to allow for maximum passive solar gains. Building depths have been set to a maximum depth of 15.0 metres to reduce energy use for lighting and ventilation.
- 5.14 *Provide public and private open space as appropriate so that it offers accessible choice of shade and shelter, recognising the opportunities for flood storage, wildlife and people provided by multifunctional greenspaces* – The landscape strategy for the master plan is based upon an assessment of appropriate native and local indigenous species. These will complement the landscape character of the area, soften the build forms and provide shelter and shading during the summer months.

- 5.15 *Give priority to the use of sustainable drainage systems, paying attention to the potential contribution to be gained to water harvesting from impermeable surfaces and encourage layouts that accommodate waste water recycling; and, provide for sustainable water management* – An extensive sustainable urban drainage system (SUDS) is to be provided within the site which will be fully integrated with the building form and landscape.
- 5.16 *Create and secure opportunities for sustainable transport in line with PPG13 including through: the preparation and submission of travel plans; providing for safe and attractive walking and cycling opportunities, including where appropriate secure cycle parking and changing facilities; and, an appropriate approach to the provision and management of car parking* – A Framework Travel Plan has been submitted with the Transport Assessment which accompanies this application. It sets out the context within which individual Travel Plans will be brought forward as the development progresses, with the overall aim of seeking to reduce travel by the private car and promote more sustainable modes. The Illustrative Master Plan indicates that links will be provided from the Site to local footways and cycle routes. Cycle parking will be provided at key locations through the site to maximize the opportunity to cycle whilst car parking will be managed to ensure that provision meets demand.
- 5.17 The Proposed Development is therefore consistent with the objectives of the climate change supplement to PPS1.

PPS3: Housing (2011)

- 5.18 PPS3 was reissued in June 2011 following amendments to the definition of affordable housing. Prior to this, the Coalition Government had revised PPS3 in June 2010, which amended certain aspects of national policy on housing development. In particular, the previous revision excluded private residential gardens from the definition of previously developed land, and no longer referred to a national indicative minimum density of 30 dwellings per hectare. All other aspects of PPS3 were, and remain, largely unchanged.
- 5.19 Between the two revisions to PPS3 the Government announced the revocation of Regional Strategies on 6th July 2010, and confirmed that references to Regional Strategies (RS) in Planning Policy Statements were no longer valid. However the June 2011 revision to PPS3 retains the reference to RS. This is, in part due, to the Cala Homes challenges to the Governments proposed revocation, which were heard in 2010 and also in 2011.

- 5.20 The first challenge by Cala Homes, was successful in the High Court in October 2010. This decision effectively brought the RS back into the planning policy arena as a material consideration, forming part of the development plan once more. Immediately following that decision, the Government issued another letter to confirm the intention to revoke RS and advised that the intention should be a material consideration when determining planning applications. However, this intention is not as significant as the High Court decision itself.
- 5.21 Cala Homes went on to lodge a second challenge, and appealed to the High Court whether the government letters of 27th May and 10th November outlining their intention to revoke RS could indeed be material considerations in determining planning applications. Whilst Cala Homes lost the Appeal in the Courts, the Judge made it clear that whilst the intention to revoke could be a material consideration it was a question of weight that would be attached to that by a decision making authority that was really at stake. Lord Justice Sullivan was clear that the RS remained part of the Development Plan and the targets for development within it should be given due weight.

Determining the local housing requirement

- 5.22 The Government had issued 'question and answer' advice accompanying the original announcement confirms that in the absence of Regional Strategy targets, local planning authorities will be responsible for establishing the right level of local housing provision in their area and identifying a long term supply of housing land (Question 10). It also confirms that local planning authorities will still have to provide a 5 year land supply of deliverable sites (Question 13).
- 5.23 The Government has indicated that with the RS tier removed, the evidence base supporting the RS would still be a material consideration unless more up to date, robust information is available at the local level. The most up to date evidence base available is the evidence supporting the preparation of the Emerging West Midlands Regional Strategy (WMRS) Preferred Option. Since the WMRS Phase 2 Revision was published for consultation, examined and subsequently reported on by the Panel, no new evidence has been put forward by ESBC in support of another housing requirement that might be used to substitute the 12,900 allocation. More recent Household Projections (2008 based) have been released and could be considered as a further material consideration, in addition to the evidence base for the WMRS Preferred Option that is based upon 2003 Household Projections. The 2008 household projection (raw data) indicate a 9000 household increase between 2006 and 2026.

When variances for second homes, vacancies and development associated with the growth point are factored in, this figure will increase further and be more consistent with the emerging WMRS figure of 12,900 dwellings to 2026.

- 5.24 We set out below a review of the Proposed Development against the policy advice in PPS3, as amended in June 2011 and with reference to the current and future status of the RS.

Housing Land Supply

- 5.25 PPS3 states at paragraph 68 that in determining planning applications, LPAs should take into consideration the policies set out in the Regional Strategy and Development Plan Documents. As explained above, the RS forms part of the Development Plan, albeit the intention to revoke the RS is a material consideration which should be given some weight – however the Localism Bill has not yet reach Royal Assent, or indeed debate in the House of Lords and less weight may therefore be afforded to this intention.
- 5.26 The adopted West Midlands Regional Plan (2008) sets the housing requirement for Staffordshire District to the period of 2026. This Plan places a requirement for 43,400 dwellings within the County over the period 2001 to 2021. The West Midlands Regional Spatial Strategy Preferred Option (2007) which was published as part of the revision to the adopted Plan, is also a material consideration. This Preferred Option contains a District allocation to ESBC of 12,900 for 2006-2026, of which 11,000 were directed to Burton upon Trent. As a County, Staffordshire was allocated 54,900 dwellings for 2006-2026. Thus, there is step change in housing delivery expected from the County.
- 5.27 The adopted RSS housing requirement is not based upon the most recent data available, and therefore is not in accordance with CLG advice. The adopted RSS was prepared following the 1996 Household Projections being issued and since then, consistent releases of household projection data and population datasets have shown growth in the number of households likely to be resident in this Borough, and indeed the Region. The adopted WMRSS housing requirement should not be relied upon as an indication of future housing requirements, and this view was recently endorsed by an Inspectors decision regarding a site in Stratford Upon Avon District (see **Appendix 7**) whereby the Inspector states in Para 12:

"PPS3 Housing states that in circumstances where the RSS is subject to review regard should be had to the level of housing provision as proposed in the emerging RSS. That is the case here where the RSS review figures are significantly more up-to-date than those in the adopted version. The intention to abolish Regional Strategies as proposed in the Localism Bill is a material consideration to which I give some weight. If the RSS is removed any policy justification for using outdated figures will be lost."

- 5.28 The emerging RSS requirement for ESBC is 13,000 new homes to be provided over the period 2006 to 2026. This equates to an annual average requirement of 650 units, although a historical shortfall in delivery between 2006-2010 means an additional 50 units need to be built every year for the following 16 years.
- 5.29 Whilst the future of regional housing targets is limited, ESBC has confirmed that it remains of the view that the 13,000 figure set by the emerging RSS is still applicable, although there are questions in respect of the ability to achieve this figure in the plan period.
- 5.30 The Council's 2010 AMR acknowledges a fall in completions in the period 2009-2010, with only 207 completions, compared to more than double than in the previous year (429). Cumulative completions since 2006 are at 1,804 units, which is 720 units less than the RSS requirement of 2,600.
- 5.31 The 2010 AMR notes the Council's difficulty in managing the transition from a Structure Plan target of 433 units per year to a much higher RSS requirement of 650 units per year. Historically the Council sought to manage the granting of permissions for developments of 10 units or more by means of a housing moratorium, so as to avoid exceeding the requirement by a considerable margin. The moratorium has now been lifted with a view to achieving the scale of delivery required to meet RSS requirements, however the Council acknowledge it will be a number of years before building rates reach the level where previous shortfalls in delivery are removed.
- 5.32 In this respect, the 2010 AMR confirms that the Council does not have a 5-year supply of deliverable housing land, and this is illustrated in the table below:

1. Requirement (Y)	Dwellings	Totals
RSS Proposed Changes: 700 dwellings per annum x 5 years	3,500	
Total requirement 01 April 2011 to 31 March 2016		3,500
2. Deliverable Supply (X)		
A – Homes under construction at 31/03/2010	503	
B – Unimplemented planning permissions at 31/03/2010	1,624	
Minus 10% lapse rate	1,462	
C – Assessed as deliverable by SHLAA	815	
Total deliverable supply		2,780
3. NI 159 (X/Y x 100)		
Deliverable supply x 100 = X/Y x 100	(shortfall 720 dwellings)	79%

Determining Planning Applications

5.33 Paragraphs 12 – 19 of PPS3 relate to the provision of high quality design in new development. Paragraph 16 identifies matters to consider as follows:

- **The site should be easily accessible and well connected to public transport and community facilities and well laid out.**

5.34 The Application Site adjoins the southern edge of Branston, in close proximity to existing shops and services. The site is accessed off Main Street / Acacia Lane, and is well located in respect of existing bus routes that connect the Site Burton town centre and beyond. The Site is therefore considered to be well related to and easily accessible by public transport. The Illustrative Masterplan (see **Appendix 2**) demonstrates that the Site can be designed to ensure that the development is accessible and permeable.

- **Provides, or enables, good access to open space as well as private outdoor space.**

5.35 The development provides significant areas of public open space across a variety of typologies, including informal, play, allotments, and wildlife areas. Furthermore, the planning application seeks to improve existing sport and recreation facilities at Clays Lane for the benefit of the wider community. Section 14 of the Design and Access Statement illustrates the location of these recreation facilities.

- **Well integrated with neighbouring buildings and the local area in terms of scale, layout, density and access.**

5.36 The scheme has been designed with regard to the neighbouring residential properties. The proposed density is considered to be appropriate to the site and its location, and the scale of the proposed buildings will suitably integrate with the surrounding development. To respect the privacy of the existing neighbourhoods, the landscape strategy has provided a buffer to the Site, ensuring that dwellings notably fronting the A38 and Main Street are separated from the proposed developed by structured planting.

5.37 The site immediately adjoins the built up area of Branston village and is accessed from the village centre. The new development would form a continuation of village and, whilst the planning application is made in outline, the DAS demonstrates that the design of the development could assimilate into the existing pattern of development. House types, design and density have been carefully considered to ensure that the development is well integrated with its surroundings.

- **Facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.**

5.38 We can confirm that all buildings on Site will be designed to meet Building Regulations standards at the time. Opportunities to maximise natural daylight will be taken where possible. During the construction process, the Applicant will keep the use of toxic and hazardous materials to an absolute minimum and seek to use environmentally preferable materials from sustainable sources wherever possible. St Modwen aim to reduce the tonnage of waste going to landfill and promote the maximisation of energy efficiency in building. Additional details on energy conservation are included in the DAS which is included with this planning application.

- **Take a design led approach to the provision of car parking space which is well integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.**

5.39 The Proposed Development promotes the use of Home Zone principles with an emphasis on pedestrian and cycle integration. The Illustrative Master Plan shows that Car parking provision can be well integrated within the development with a close

relationship between dwellings and car parking spaces which will assist in reducing on street parking.

- **Creates, or enhances, a distinctive character that relates well to the surroundings.**

5.40 The Proposed Development will enhance the appearance of the site by the implementation of structural landscaping scheme and by improving the accessibility to and through the Site for those walking and cycling. Some areas of the site are overgrown, and unsightly following the use of the site for the disposal of PFA and the remediation scheme will address this. Further details on the design approach and the analysis of local character is included within the DAS submitted with the planning application.

- **Provides for the retention or re-establishment of the bio-diversity within residential environments.**

5.41 The ecological appraisal submitted with the application demonstrates that there is no adverse ecological impact. Furthermore, the proposals seek to create new wildlife areas within the Application Site and these will bring positive benefits in terms of habitat creation and in enhancing existing habitats for flora and fauna.

5.42 In accordance with the abovementioned criteria, it is considered that this development represents a high quality and well designed development.

5.43 There is a clear emphasis within PPS3 on the provision of family housing. The Illustrative Master Plan demonstrates that the site could be developed to provide a range of housing to assist in meeting local needs.

5.44 The Government's specific objectives for achieving a mix of housing states:

"Key characteristics of mixed community are a variety of housing particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people." (paragraphs 20 and 21)

5.45 The Proposed Development includes a range of dwelling size, type and tenure, including making provision for affordable housing, which will provide accommodation for all members of the community. The provision of open space within the development will provide a facility for the residents and provide a sense of community.

- 5.46 We discuss housing land supply matters further in Section 7.0. We highlight that PPS3 promotes the delivery of a flexible supply of land for housing and that Local Planning Authorities should identify broad locations and specific sites which will enable a continuous delivery of housing land for at least 15 years from the date of adoption. Local Planning Authorities are also advised to “have regard to” the level of housing provision as proposed in the emerging Regional Spatial Strategy.
- 5.47 Paragraph 54 advises that local planning authorities should identify sufficient specific deliverable sites to deliver housing in the first 5 years of their LDD, and to be deliverable, sites must be available (now), suitable (in terms of location and terms of creating sustainable, mixed communities) and achievable (with a reasonable prospect of delivering housing within 5 years). The site meets these criteria, as set out below:
- *Available:* The Applicant has control of the whole site and it is available for development now.
 - *Suitable:* The site is in a sustainable location, adjoining the edge of the Branston and the wider built up area of Burton upon Trent which is recognised to have a wide range of local services and facilities, and good access by public transport. The site is within walking distance of the facilities within the village and bus stops.
 - *Achievable:* There are no significant constraints to development and, subject to securing Outline Planning Permission and the necessary Reserved Matters approval, development could commence on Site without delay.
- 5.48 Paragraph 55 advises that sites should also be developable, and as such should be in a suitable location for housing and with a reasonable prospect of being developed at the point envisaged. Again, the Site meets this test. There is a clear emphasis in paragraph 57 on a continuous five year land supply of deliverable housing sites, and the Application Site is a deliverable and developable housing site.
- 5.49 Paragraph 69 of PPS3 sets out the factors that local planning authorities should have regard to in determining planning applications, and the Proposed Development is assessed against these below:

- *achieving high quality housing*: the proposals provide for high quality residential development which is well integrated with the existing surrounding development;
- *ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people*: a mix of housing types and sizes could be provided on this Site, taking account of the scale of opportunity that is available;
- *the suitability of a site for housing, including its environmental sustainability*: the site is in a sustainable location, adjacent to the urban area of Branston. Furthermore, the proposals have worked alongside the environmental constraints to development of the site i.e. the flood plain, and incorporated these into the proposed layout and as a consequence there are no conflicts in this respect, as demonstrated in the technical reports submitted within this planning application;
- *using land effectively and efficiently*: the development will make efficient use of land at a density appropriate to the site and its surroundings;
- *ensuring the proposed development is in line with planning for housing objectives*: the Proposed Development fully reflects the planning for housing objectives set out in PPS3.

5.50 In accordance with paragraphs 71 and 72, where there is less than a five year supply of deliverable sites, LPAs should consider planning applications for housing development and should not refuse applications on the grounds of prematurity.

5.51 The Proposed Development is considered consistent with the objectives of PPS3.

PPS4: Planning for Sustainable Economic Growth (2009)

5.52 PPS4 sets out planning policies for economic development, and paragraph 4 clarifies that for the purposes of the PPS, economic development includes development within the B Use Classes, public and community uses and main town centre uses.

5.53 In determining planning applications for economic development, guidance is set out in Policy EC10. Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic growth Policy EC10.1 advises, and planning applications that secure sustainable economic growth should be treated favourably. The Proposed Development will bring about significant economic benefits

to Branston, delivering approximately 20 hectares of new employment land towards ESBC's overall Development Plan requirement. In addition the Proposed Development will create job opportunities and providing high quality business premises for inward investment. The Proposed Development will also deliver a new local centre to complement and strengthen the existing provision in Branston village with facilities that will enhance consumer choice and offer. Consequently, the proposals should be considered favourably in the context of Policy EC10.1.

5.54 Planning applications for economic development should also be considered against Policy EC10.2, which lists a number of impact considerations. The Proposed Development is assessed against these considerations below:

a) Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change.

The DAS provides details of the principal design considerations for the layout of the site that ensure that the Proposed Development minimises energy consumption. Such considerations include: building form and orientation; incorporating passive solar design measures to maximise the use of natural daylight; and thermal mass construction.

b) the accessibility of the proposal by a choice of means of transport, the effect on local traffic levels and congestion after public transport and traffic management measures have been secured.

The Transport Assessment, submitted with the planning application, concludes that the Proposed Development will not have a detrimental effect on the surrounding highway network. Furthermore, the Proposed Development is accessible by a choice of means of transport.

c) whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions.

The DAS submitted with the planning application confirms that the Proposed Development has been designed based on a thorough analysis of the Application Site and its surroundings, and that an integrated, high quality design is proposed.

d) the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives.

The development of the Site for employment uses has potential to contribute towards the economic recovery of the Borough and provide a significant boost to the local economy. The Site forms an important part of the Council's employment land supply and has potential to attract significant inward investment.

e) the impact on local employment.

The provision of up to 71,533 sq. metres (770,000 sq. ft) of new employment floorspace could create in the region of 1,100 new jobs. This is based on a 20 / 80 split of Class B2 and B8 floorspace and 1 full time equivalent job per 36 sq. metres of Class B2 floorspace and 1 full time equivalent job per 80 sq. metres of Class B8 floorspace (from the HCA Employment Densities Guide: 2nd Edition 2010).

5.55 It is considered that the Proposed Development complies with the Policies in PPS4.

PPS 9: Biodiversity and Geological Conservation (August 2005)

5.56 The aim of PPS9 is to avoid harm to biodiversity and geological conservation interests and development should therefore aim to conserve and enhance these interests. A Phase 1 ecological survey has been carried out for the site which confirmed that there are no ecological constraints to the development of the site.

PPG13: Transport (2001)

5.57 PPG13 provides national planning guidance on transport and offers a number of broad principles to influence the planning of development. They include: locating the majority of new development adjacent to or within larger urban areas; locating major generators of travel demand in existing centres, and siting development where it is accessible to means of travel other than the private car.

5.58 There are 3 main objectives identified in paragraph 4 of PPG13, which are:

- promote more sustainable transport choices for both people and for moving freight;
- promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and

- reduce the need to travel, especially by car.

- 5.59 The Proposed Development responds to the existing highway network and provides access to existing walking and cycling links, including the existing PROW network which crosses the Site from west to east, before linking to a footpath alongside the River Trent. New and enhanced footpath links cross the site and make connections into the existing urban area.
- 5.60 The proposals for a bus route into the Site, utilising the proposed spine road will also improve access to bus services in the area which will benefit the wider community and the future residents on the Site.

PPG24: Planning and Noise (September 1994)

- 5.61 Paragraph 1 states that noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. Paragraph 2 confirms that the impact of noise can be a material consideration in the determination of planning applications and the planning system therefore has the task of guiding development to the most appropriate locations. The Application Site is in close proximity to the A38 and Derby – Birmingham railway line, both of which have the potential to cause noise disturbance. In addition, the Proposed Development includes Class B2 and B8 uses which have the potential to generate noise.
- 5.62 A comprehensive Noise and Vibration Assessment has been prepared for both the residential and commercial elements of the Proposed Development and these have been submitted in support of this planning application. The Assessments demonstrate that, with suitable mitigation measures, there are no noise related constraints to the development of the Site.

PPS25: Development and Flood Risk (2006)

- 5.63 The main thrust of PPS25 is to limit development in the floodplain. Land to the east of the railway line resides in Flood Zone 3 (highly vulnerable), whilst the majority of the site to the west of the railway line lies within Flood Zone 2 (less vulnerable). There are areas of the western section of the site in Flood Zone 3, but these are mainly areas of lower ground following the path of the Tatenhill Brook.
- 5.64 With the Site within Flood Zone 2 and part of the remainder in Flood Zone 3, the layout of the Proposed Development has successfully avoided development within the

Flood Plain and directs the built form to west of the railway line which is within Flood Zone 2 and also towards the north of Main Street, which is within Flood Zone 2. The planning application is accompanied by a Flood Risk Assessment which confirms that the Proposed Development is at low risk of flooding and will not increase flood risk to areas around the Application Site.

- 5.65 Surface water runoff from the Proposed Development Site is proposed to be controlled at source through a sustainable approach to surface water management (SUDS) in accordance with PPS25, so as not to exacerbate any existing flood risk associated with upstream or downstream areas. The SUDS will take the form of swales and other solutions and will be located adjacent to the railway line. The implementation of SUDS will enable environmental solutions to drainage and water quality impacts to be built into the proposals from the outset.
- 5.66 This section of the Planning Statement has demonstrated that the Proposed Development is consistent with national planning policy. Since the Coalition Government was formed in 2010, a number of policy changes have been introduced and successive announcements have been made that have relevance to the determination of this planning application. These are considered below.

Planning for Growth

- 5.67 The Planning Minister (Greg Clarke) announced on 23rd March 2011, his 'Planning for Growth' agenda and this was issued to all Chief Planners on 1st April 2011. The Statement refers to the planning system as having:

"a key role to play in this [economic recovery], by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. We will work quickly to reform the planning system to achieve this, but the Government recognises that many of these actions will take some months to deliver, and that there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth. This statement therefore sets out the steps the Government expects local planning authorities to take with immediate effect."

- 5.68 The Statement goes on to advise that:

"The Government's top priority in reforming the planning system is to promote sustainable economic

growth and jobs... The Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."

5.69 As clearly demonstrated above in our review of the PPSs, the key principles of national planning policy are not compromised by this development proposal.

5.70 Whilst we acknowledge that this planning application is being considered in advance of the Core Strategy being examined and adopted, the Ministerial Statement is clear in that it indicates there should be a:

"strong presumption in favour of sustainable development in the forthcoming National Planning Policy Framework, which will expect local planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out of date, silent or indeterminate."

5.71 The Statement goes on to advise LPAs that:

"When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;**
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;**
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);**
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest**

that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development."

5.72 It is considered that this planning application is commensurate with the Government's ambitions respect of planning for growth.

Positive planning: a new focus on driving sustainable development

5.73 On 15th June 2011, Planning Minister Greg Clark announced a further major change to planning policy that seeks to provide a boost to development proposals whilst ensuring that Planning Policy considerations which seek protection for the environment are maintained. The Statement confirms that:

"The new 'presumption in favour of sustainable development' that will get development underway whilst keeping vital environmental protection is to become the cornerstone of a more streamlined planning system that will cut reams of unwieldy planning policy down to a tightly focused National Planning Policy Framework."

5.74 The Statement also indicated that:

"Britain urgently needs new homes, new green energy and transport links, and space for businesses to grow. By putting this presumption at the heart of our new framework we will give the planning system a wake up call so the right sort of development, that everyone agrees is needed, gets approval without delay. This change to planning policy will speed up development, while placing a strong emphasis on the protection of the environment and local communities' interests. By insisting on sustainable growth we can help make sure that what we build today leaves positive legacy for future generations."

5.75 The Proposed Development will deliver a combination of new homes, business and infrastructure improvements, whilst ensuring that the natural environment is protected and enhanced where appropriate. In this sense the Proposed Development is consistent with recent Government Statements and proposes the kind sustainable development which Government are seeking to favour.

Draft National Planning Policy Framework

- 5.76 The Draft National Planning Policy Framework (NPPF) was published in July 2011 and seeks to simplify National Planning Policy by replacing PPGs and PPSs with a single framework document.
- 5.77 Whilst it is a consultation document and, therefore, subject to potential amendment, it nevertheless gives a clear indication of the Government's 'direction of travel' in planning policy. Recent advice from the Planning Inspectorate to its Inspectors set out in an Advice Note dated 30th August 2011 (see **Appendix 8**) is, therefore, that the draft NPPF is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgment in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
- 5.78 The draft NPPF contains a number of references to the presumption in favour of sustainable development, and the need to support economic growth through the planning system. These have previously been included in the Written Ministerial Statement on 'Planning for Growth'.
- 5.79 Paragraph 13 indicates that the Government is committed to ensuring that the planning system does everything it can be support sustainable economic development. It confirms that a positive planning system is essential because, without growth, a sustainable future cannot be achieved. Planning must operate to encourage growth and not act as an impediment, and as such, significant weight should be placed on the need to support economic growth through the planning system.
- 5.80 In respect of economic growth, the NPPF seeks to redress the balance of sustainable development to focus more upon the economic benefits that development can bring and to empower the planning system to deliver our current and future economic needs. The Government have set out their objectives for business and economic development at paragraphs 71-75, which seek to ensure proactive planning to meet the development needs of business and support an economy fit for the 21st century.
- 5.81 Paragraph 73 states that investment in business should not be over-burdened by the combined requirements of planning policy expectations. The Government makes clear that local planning authorities should apply the presumption in favour of sustainable development when considering planning applications in accordance with Paragraph 74.

- 5.82 The draft NPPF also sets out a number of objectives in respect of housing, confirming that the Government's key objective is to significantly increase the delivery of new homes. Paragraph 109 sets out a number of instructions to LPA's to boost the supply of housing.
- 5.83 In particular, paragraph 110 reaffirms the presumption in favour of sustainable development, and confirms that planning permission should be granted where relevant policies are out of date, for example where a local authority cannot demonstrate an up-to-date five year supply of deliverable housing sites.
- 5.84 The Proposed Development represents a robust and sustainable solution for the provision of new residential and employment floorspace to the south of Branston. It is considered that the presumption in favour of sustainable development in the draft NPPF is applicable to the proposals and that they represent the kind of development that Government is seeking to encourage at this time.

6.0 DEVELOPMENT PLAN CONTEXT

6.1 The starting point for the consideration of any planning application on the site is the Development Plan. This currently comprises:

1. *The Regional Spatial Strategy for the West Midlands (2008)*;
2. *The Saved Policies of the Staffordshire and Stoke on Trent Structure Plan (2001)*;
and
3. *The Saved Policies of the East Staffordshire Local Plan (2006)*

6.2 Whilst the Core Strategy does not currently form part of the Development Plan, the draft published by the Council in August 2011 is a relevant consideration.

6.3 The Coalition Government announced the revocation of Regional Strategies on 6th July and as such, Regional Spatial Strategies (RSS) were considered to no longer form part of the Development Plan. However, the recent successful Judicial Review by Cala Homes on the decision to revoke the RSSs on 10th November 2010 means that the RSSs have now been re-established and again form part of the Development Plan until such time as the Localism Bill is enacted to abolish them. Whilst the second Cala Homes was dismissed in 2011, the Judge maintained the view that RS forms part of the development Plan, albeit the weight one might attach to it and the intention to revoke will change as the Localism bill progresses through Parliament.

The Regional Spatial Strategy for the West Midlands (2008)

6.4 The Phase Two Revision of the Regional Spatial Strategy reached an advanced stage, having been subject to an Examination in Public and the Panel report has been published. The emerging Review therefore carries significant weight and remains a key consideration in the determination of any planning application on the site until such time as the Localism Bill is enacted and RSSs are abolished.

6.5 **Policy CF2** indicates that strategic housing development beyond the Main Urban Areas should be concentrated in and adjacent to towns which are capable of balanced and strategic growth. Burton upon Trent is identified as one such town.

6.6 **Policy CF3** indicates that ESBC should provide 11,000 new homes at Burton upon Trent over the period to 2026. The Examination Panel report recommended that this

level be increased to 13,000 new homes and the Council are currently proceeding on the basis on this increased figure – see discussion in respect of the Emerging Core Strategy below.

- 6.7 **Policy PA6A** indicates that EBSC should make provision for a rolling 5 year reservoir of 50 hectares of employment land, with indicative long term requirements of 150 hectares.

The Saved Policies of the East Staffordshire Local Plan (2006)

- 6.8 The Council are currently preparing the Local Development Framework (LDF) which will eventually replace the Local Plan. The proposals are therefore assessed against the 'saved' policies of the adopted Local Plan, and reference is also made to the emerging Core Strategy and other relevant material considerations.

- 6.9 **Policy CSP4** indicates that both Burton upon Trent and Uttoxeter have scope to assist economic recovery and diversification and to improve the physical environment. It confirms that the Local Plan emphasises locating new development in or close to these areas during the Plan period. The mixed use development of the Application Site will meet the objectives of this policy in that it is well located in relation to Burton upon Trent and the existing built up area. Furthermore, the Illustrative Master Plan demonstrates that high quality development could be achieved on the site and compliance with other Saved Local Plan policies are considered below.

- 6.10 **Policy CSP5** indicates that where developments impose a burden on existing communities then developers will be expected to make provision for those burdens to be met. In terms of the specific requirements set out in the Policy, Draft Heads of Terms for a Section 106 Agreement have been submitted with this planning application and are included in Section 7.0 of this Planning Statement.

- 6.11 **Policy NE14** sets out criteria for assessing the adequacy of planting schemes for sites within the National Forest boundary. The landscape character of the site and the surrounding locality is considered in the DAS which accompanies this planning application. In terms of compliance with the National Forest planting guidelines contained at Appendix 8 of the Local Plan, the Proposed Development comprises approximately 40 hectares of 'built' development, split between residential and employment uses. The planting guidelines suggest that 20% of this area should be provided as planting / landscaping, which in this case would equate to 8 hectares. The proposals include the provision of approximately 70 hectares of land for a

combination of planting, landscaping and open space. Whilst not all of this is within the Application Site, it is all on land controlled by the Applicant and is located adjacent to the Application Site.

- 6.12 **Policy NE15** indicates that the implementation of planting and landscaping schemes for sites within the boundary of the National Forest will be secured by means of a condition or planning obligation or a combination of the two. The Applicant confirms its willingness to accept a condition to secure a scheme for the implementation and subsequent management of the landscaped / planted areas of the Proposed Development.
- 6.13 **Policy BE1** sets out a number of factors which the Council will consider when assessing the design of new development. These are considered in detail in the DAS which accompanies this planning application.
- 6.14 **Policy E1** indicates that the Council will ensure an adequate supply of employment land is available for development throughout the plan period. **Policy E2** indicates that, at April 2005, the Council had 91 hectares of committed employment land. This included approximately 14 hectares on the Application Site, approved by planning permission reference OU/20180/004/PO. Reserved Matters have been submitted pursuant to this application but have not yet been determined by the Council. This planning application proposes an approximate additional 4 hectares of land to be used for employment uses.
- 6.15 **Policy H2** outlines the Council's policy on large housing windfall sites, and confirms that the Council will manage the release of sites by ensuring that brownfield sites are released ahead of greenfield ones. Given the previous use of parts the Application Site for mineral extraction and subsequent infill with PFA, it is considered to be, at least in part, brownfield land.
- 6.16 The principle of providing residential uses on the Application Site has previously been agreed by outline planning permission reference OU/20679/001/PO. Detailed design was approved by Reserved Matters reference RM/20679/008/PO and the homes have since been built out. The Proposed Development seeks to build on the principles established by that application in order to provide a comprehensive mixed use development of the Application Site.
- 6.17 **Policy H6** considers housing design and density and indicates that applicants will be required to demonstrate how they have taken account of the need for good design by

preparing a design statement. This planning application is accompanied by a comprehensive DAS which outlines the rationale and design principles which will underpin the development of the Application Site going forward.

- 6.18 **Policy H12** indicates that the Council will seek the provision of affordable housing on sites of 25 dwellings or more. The Applicant confirms that, subject to viability, it is willing to provide affordable housing as part of the Proposed Development and this is reflected in the Draft Heads of Terms for a Section 106 Agreement included in Section 7.0 of this Planning Statement. The detail of the provision will be discussed with the Council as part of the determination process.
- 6.19 **Policy R14** indicates that the Council will approve the provision of local convenience retailing in existing, or proposed, residential areas where the scale of provision is to meet local needs. The Proposed Development includes the provision of 425 sq. metres (4,575 sq. ft) of retail floorspace (Classes A1 – A5 inclusive) along the Main Street frontage of the Application Site, and within the existing Centre, to complement the existing provision, strengthening the Centre and improve consumer choice and sustainability. The scale of provision is such that it will complement the existing Centre and provide for local needs only.
- 6.20 **Policy T1** indicates that the Council will not permit development where it would unacceptably harm the safety and efficient use of the highways network, or compromise the implementation of the Local Transport Plan Area Strategies. The planning application is submitted with a comprehensive Transport Assessment which demonstrates that, subject to appropriate mitigation measures, the Proposed Development would not have a detrimental impact on the highway network.
- 6.21 **Policy T2** indicates that planning permission will not be granted for development which, by reason of its traffic generation or otherwise, would have a significant adverse impact on the trunk road network. **Policy T3** goes on to specific guidance for proposals which may impact on the A38. The Application Site is in close proximity to the A38, however the Transport Assessment submitted with the application demonstrates that there would be no adverse impact on the operation of the A38 as a result of the Proposed Development. The proposals have been discussed with both the Highways Agency and Staffordshire County Council Highways.
- 6.22 **Policy T6** sets out a series of criteria which should be considered in the design of new parking areas. These are considered in the DAS which is submitted with the planning application.

6.23 **Policy T7** sets out the Council's approach to the provision of car parking. Whilst the application is made in outline only and the detail in respect of the specific numbers of car parking spaces will be determined at the Reserved Matters stage, the DAS submitted with the application sets out broad principles in respect of car parking provision.

6.24 **Policy IMR1** sets out a number of criteria against which proposals for mixed use development will be assessed and these are considered below:

- *The proposed development complies with Policy BE1 and other environmental policies in the Plan* – whilst the application is made in outline, the Illustrative Master Plan demonstrates that the site could be developed to provide a high quality mixed use environment. The DAS submitted with the planning application provides a comprehensive review of the proposed design principles.
- *The employment opportunities of the site are maximised* – The Application Site is well located in relation to the Strategic Highway network and is able to benefit from an existing, underused left-in / left-out junction directly to the A38. The Proposed Development seeks to maximise the opportunity provided by this strategic location by including approximately 18 hectares of land for employment uses as part of a balanced mixed use development. This could provide up to 71,533 sq. metres (770,000 sq. ft) of employment floorspace.
- *The proposed development would not result in the loss of the strategically important employment site* – The Application site benefits from an extant outline planning permission for employment uses on the southern half of the Site. The Proposed Development seeks to build on the principles established by that permission and retains the proposed employment uses in that part of the Site.
- *The proposed development would not create a risk that housing provision would exceed the Plan requirement or adversely affect the balance of housing provision in the Borough* – As set out at paragraph 5.28 above, the Council is not currently able to demonstrate a 5-year supply of deliverable housing land. In addition, the Application Site is capable of contributing towards the Borough's housing needs going forward, and there is no risk in respect of exceeding the Plan requirement.
- *Within the National Forest the proposals include a level of planting that reflects that location* – The Application Site is located within the National Forest Area and

the Proposed Development includes in excess of the 20% of built development site area of landscaping / planting.

- *A Transport Assessment has been carried out on a level commensurate with its scale, complexity and likely traffic generation* - given the nature of the Proposed Development, a comprehensive Transport Assessment has been submitted with the Planning Application.

6.25 **Policy IMR2** confirms that the Council will seek to enter Legal Agreements with developers to secure provisions to overcome any impacts associated with the proposed development. The Applicant confirms its willingness to enter such an agreement and Draft Heads of Terms are set out in Section 7.0 of this Planning Statement.

Supplementary Planning Documents

6.26 **Open Space SPD (September 2010)** - This document seeks to expand on Saved Local Plan policies relating to the provision of open space as part of new developments, the protection of existing open space and sports pitches and new planting as part of the National Forest.

6.27 The SPD provides local standards for the provision of open space as part of new development. As outlined at paragraph 4.15 above, the provision of open space, landscaping and planting is an integral part of the Proposed Development. The table below confirms the extent of open space and landscaping provided on site compared to the standards set out in the SPD.

Area	ESBC Policy Requirement per 1,000 population	ESBC Policy requirement for Proposed Development	Proposed Development Provision
Equipped Areas of Play	0.03 ha	0.05 ha	0.10 ha
Parks and Amenity Space	2.27 ha	3.47 ha	3.58 ha
Allotments	0.28 ha	0.43 ha	0.47 ha
Natural / Semi Natural Space*	1.51 ha	2.31 ha	18.33 ha
Outdoor Sports	1.23 ha	1.88 ha	1.7 ha **
TOTAL		8.14 ha	24.18 ha

*Approximately 47 hectares of this is provided on land outside the Application Site but within the control of the Applicant.

** This will be provided in the form of an improvement to the existing facilities at Clays Lane, in agreement with Branston Parish Council.

- 6.28 Additional detail in respect of the proposed open space, landscaping and planting areas is provided in the DAS which accompanies the planning application.
- 6.29 ***Design Guide SPD (September 2008)*** - This document seeks to promote high quality design in new development across East Staffordshire. The Guide explains the ESBC's approach to urban design in line with national government planning policy. It sets out the correct approach to design, establishing important ground rules and encouraging better practice.
- 6.30 A full review of the Proposed Development against the guidance set out in the SPD is provided in the DAS which is submitted with this planning application.
- 6.31 ***Housing Choice SPD (December 2010)*** – This document has been adopted by the Council to ensure that new residential developments meet the housing needs and aspirations of the Borough.
- 6.32 Section 3 of the document considers the need to provide aspirational housing and indicates that the Council is keen to ensure that the housing offer in each area of the Borough provides choices to meets the aspirations of all types of household. In this respect the document offers Policy Guidance which confirms that the Council will encourage the provision of housing types in Burton which will meet the aspirations of managers, senior officials and professionals.
- 6.33 The Proposed Development seeks to respond to this by providing a higher proportion of larger 4 and 5-bedroom homes on the Site, whilst maintaining a mix of small types of housing to contribute towards the creation of balanced communities.
- 6.34 Section 4 considers the provision of affordable housing and seeks to provide a definition of affordable housing and confirms that the Council will seek the provision of 15% affordable housing on sites of 25 dwellings or more.
- 6.35 As confirmed at paragraph 6.18 above, the Applicant confirms they are willing to make provision for affordable housing and the detail of this will be discussed with the Council as part of the application process.

Emerging Core Strategy - Draft Pre Publication Strategic Options (August 2011)

- 6.36 ESBC has started to prepare a plan to guide the strategic development of the Borough to replace the current adopted Local Plan of 2006. This consultation document sets out the key issues faced by the Borough, together with the evidence base the Council has collected thus far, and presents a spatial strategy and three potential options for growth.
- 6.37 Section 4 of the document outline the key issues and challenges that the Borough will face of the next twenty years and these are considered below in respect of housing and employment.

Housing

- 6.38 *To accommodate a significant increase in the number of housing units across the Borough* - The Application is of sufficient size to accommodate a large number of new homes and is capable of contributing towards the future housing needs of the Borough. The Illustrative Master Plan submitted with the application demonstrates that the site could be developed for up to 660 new homes as part of a comprehensive mixed use development of the site to include employment uses.
- 6.39 *To achieve a higher end housing mix* – Whilst the application is made in outline only and the detailed composition of the housing mix will be determined at a later date, the indicative mix included in the DAS and reflected on the Illustrative Master Plan demonstrates a higher proportion of larger 4 and 5-bedroom homes could be provided on Site to meet this aspiration.
- 6.40 *To provide affordable housing throughout the Borough to meet the needs of local people* - The Applicant is committed to making provision for affordable housing as part of the Proposed Development and the details of this will be discussed with the Council as part of the application process.

Employment

- 6.41 *Ensuring a more diverse, dynamic and high value economy* – The Proposed Development includes the provision of approximately 18 hectares of land for employment uses. The Illustrative Master Plan submitted with the application demonstrates how this could be development to provide up to 71,533 sq. metres

(770,000 sq. ft) of employment floorspace for both B2 and B8 uses. The provision of new employment floorspace in this strategically important location will encourage growth and inward investment in the Borough and assist in meeting the Council's aspiration to deliver a more diverse, dynamic and high value economy.

- 6.42 *Encouraging advanced manufacturing* – The Proposed Development includes the provision of new floorspace for Class B2 use. Whilst the Illustrative Master Plan demonstrates how the site could be developed to provide up to 71,533 sq. metres (770,000 sq. ft) of floorspace for Class B2 and B8 uses, there is sufficient flexibility to respond to individual market requirements to create modern, bespoke manufacturing facilities to meet occupiers' exact requirements. The Application Site is well placed to offer new manufacturing premises with excellent links to the Strategic Highway Network.
- 6.43 *Incorporating enhanced environmental and sustainability standards* – The Proposed Development offers the opportunity to incorporate enhanced environmental and sustainability standards and the DAS submitted with the application provides additional details in this respect.

Strategic Options

- 6.44 Section 7 of the document considers Strategic Options for locations of development. It notes that, given the number of constraints, the options are limited. The Application Site is presented in one of the three Options put forward in the document, as a mixed use scheme capable of delivering between 500 and 650 dwellings. This planning application, and the detailed reports and assessment which are submitted in support of it, demonstrate that the Site is deliverable and that the Site can be developed for a mix of residential and employment uses to contribute towards the future needs of the Borough.

Delivery

- 6.45 Section 8 of the document considers the Core Policies which will guide the broad pattern of development across the Borough, and in particular the Settlement Hierarchy and Strategic Location of Development. The Proposed Development accords with the draft principles set out in Section 8 in that it proposes new development in the Greater Burton upon Trent within the Settlement Boundary and on a site that comprises, at least in part, brownfield land.

Other Considerations

SHLAA (July 2011)

- 6.46 The Council published its annual review of the SHLAA in July and this includes a review of all of the previous SHLAA sites together with any additional sites received by the Council up until December 2010.
- 6.47 The Application Site is identified as three separated sites in the SHLAA, references 27, 186 and 337. All three sites were considered suitable, available and achievable by the assessment process.

Development Principles (February 2011)

- 6.48 The Council published a Development Principles document in November 2010, which was subsequently amended in February 2011, after consultation on the emerging Core Strategy was postponed pending clearer advice from Government. The document sets out details of the Council's vision, and in particular the development principles that it will seek to apply to the potential inclusion of sites in the emerging Core Strategy document.
- 6.49 As outlined above, a draft Pre-Publication Stage Core Strategy document has since been published for consultation. Details of the Vision, Objectives, and Strategic Location of Development which were originally set out in the Development Principles document have since been included in the Pre-Publication Stage Core Strategy document which has been reviewed above.
- 6.50 Section 7 of the Development Principles document outlines the Council's 'Principles for Development' – a set of four principles which it indicated would underpin all of the Options which would be included in the emerging Core Strategy. The DAS submitted with this Planning Application sets out how the Proposed Development meets these principles.

Draft Development Brief (June 2011)

- 6.51 A draft Development Brief has been prepared for the Application Site by the Council, with input from the Applicant. The Brief was published by the Council for consultation in June 2011. The Brief sets out a series of Development Principles to shape and guide a high quality development of the Site. The Brief will be used as evidence base

for the emerging Core Strategy and in the determination of planning applications on the Site.

- 6.52 The DAS submitted with the planning application sets out a series of parameters for the Proposed Development which have been informed by, and are in conformity with, the Development Principles set out in the draft Development Brief.

7.0 KEY PLANNING ISSUES

7.1 This section provides a review of the principal planning issues relating to the Proposed Development.

The principle of providing residential uses on the site

PPS3 Considerations

7.2 Paragraph 54 of PPS3 advises that local planning authorities should identify sufficient specific deliverable sites to deliver housing in the first 5 years of their LDD, and to be deliverable, sites must be available (now), suitable (in terms of location and terms of creating sustainable, mixed communities) and achievable (with a reasonable prospect of delivering housing within 5 years). The site meets these criteria, as set out below:

- Available: The Applicant has control of the whole site and it is available for development now.
- Suitable: The site is in a sustainable location, adjoining the edge of the Branston and the wider built up area of Burton upon Trent which is recognised to have a wide range of local services and facilities, and good access by public transport. The site is within walking distance of the facilities within the village and bus stops.
- Achievable: There are no significant constraints to development and, subject to securing Outline Planning Permission and the necessary Reserved Matters approval, development could commence on Site without delay.

7.3 This view is supported by the Council in the 2011 update to the SHLAA where the Application Site is identified as three separate, references 27, 186 and 337. All three sites were considered suitable, available and achievable by the assessment process.

7.4 PPS3 requires local authorities to ensure there is a continuous 5 year supply of deliverable sites available for housing. Paragraph 71 of PPS3 states:

“Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable

sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69."

7.5 Paragraph 69 of PPS3 states:

"In general, in deciding planning applications, Local Planning Authorities should have regard to:

- **Achieving high quality housing**
- **Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people**
- **The suitability of a site for housing, including its environmental sustainability**
- **Using land effectively and efficiently."**

7.6 These paragraph 69 matters are satisfactorily addressed in this planning application for the site. As such, PPS3 would lend support for the residential element planning application in the context of paragraph 71 if a 5 year supply of deliverable sites cannot be demonstrated.

7.7 As set out at paragraph 5.32 above, the Council's 2010 AMR confirms that at 31st March 2010 it was able to demonstrate a deliverable supply of 2,780 units against the RSS requirement of 3,500.

7.8 This assessment therefore confirms that, based on the most up-to-date RSS Phase Two Revision housing figures, the Council do not have 5 years' worth of deliverable housing land supply – they only have 3.9 years' worth of housing land. As such, they do not meet the requirements of PPS3. This is a significant material consideration which weighs in favour of this planning application.

7.9 The Application Site is in a sustainable location and is suitable for housing in principle, as endorsed by the Council in its 2011 SHLAA Update. As such, given the shortfall in 5 year supply, this element of the Proposed Development should be considered favourably.

The emerging Core Strategy

7.10 The Council's draft Pre-Publication Strategic Options Core Strategy confirms that it is committed to delivering 13,000 new homes within the Borough over the plan period, the majority of which should be directed towards the greater Burton upon Trent area. This represents a significant increase in the number of new homes in the Borough.

The Application is of sufficient size to accommodate a large number of new homes and is capable of contributing towards the future housing needs of the Borough. The Illustrative Master Plan submitted with the application demonstrates that the site could be developed for up to 660 new homes as part of a comprehensive mixed use development of the site to include employment uses.

- 7.11 The Application Site is presented in one of the three Options put forward in the document, as a mixed use scheme capable of delivering between 500 and 650 dwellings. This planning application, and the detailed reports and assessment which are submitted in support of it, demonstrate that the Site is deliverable and that the Site can be developed for a mix of residential and employment uses to contribute towards the future needs of the Borough.

Prematurity

- 7.12 The Application Site was considered to have potential for residential use in the more recent Council's SHLAA, and the emerging Core Strategy includes the Site in one of the Strategic Options for the location of new development to meet the future needs of the Borough.
- 7.13 The Applicant considered holding back from submitting a planning application and continuing to promote the site through the LDF process alone, however the Council published a Development Principles document in 2010 which confirmed that progress with the Core Strategy would be delayed. This clearly has the potential to exacerbate the shortfall in housing land supply.
- 7.14 Paragraph 72 of PPS3 advises that:

"Local Planning Authorities should not refuse applications solely on the grounds of prematurity."

- 7.15 Given the suitability of the site for housing, and the significant shortfall in 5 year supply, the Applicant therefore considers it is entirely appropriate to submit a planning application for development of the site now.

Draft National Planning Policy Framework (NPPF)

- 7.16 The draft NPPF also sets out a number of objectives in respect of housing, confirming that the Government's key objective is to significantly increase the delivery of new homes. In seeking to facilitate this, the draft NPPF continues to advise LPA's that they should identify and maintain a rolling supply of five years worth of housing land against their housing requirements.
- 7.17 Paragraph 110 reaffirms the presumption in favour of sustainable development, and confirms that planning permission should be granted where relevant policies are out of date, for example where a local authority cannot demonstrate an up-to-date five year supply of deliverable housing sites.
- 7.18 Given the specific circumstances in respect of the housing land supply position in the Borough and the Council's assessment of the Application Site in the 2011 SHLAA Update, it is considered that the draft NPPF would support the provision of residential uses on the Site and an application at this time.

Housing Choice SPD

- 7.19 Section 3 of the document considers the need to provide aspirational housing and indicates that the Council is keen to ensure that the housing offer in each area of the Borough provides choices to meets the aspirations of all types of household. In this respect the document offers Policy Guidance which confirms that the Council will encourage the provision of housing types in Burton which will meet the aspirations of managers, senior officials and professionals.
- 7.20 The Proposed Development seeks to respond to this by providing a higher proportion of larger 4 and 5-bedroom homes on the Site, whilst maintaining a mix of small types of housing to contribute towards the creation of balanced communities.
- 7.21 The SPD also confirms the need to provide affordable housing, and the Applicant has confirmed a willingness to make provision for affordable housing as part of the Proposed Development.

Draft Development Brief

- 7.22 The draft Development Brief, which the Council are seeking to approve as part of the evidence base of the emerging Core Strategy, indicates that the principle of providing residential development on the Site is acceptable.
- 7.23 The draft Brief sets out a series of development principles which seek to guide development on the site and could be used for assessing planning applications on the Site. The DAS submitted in support of the application demonstrates how the Proposed Development is consistent with the development principles in the draft Brief.

The principle of providing employment uses on the site*Relevant Planning History*

- 7.24 Outline planning permission (reference OU/20180/001) was granted in February 1991 on land south of the Tatenhill Brook for B1, B2 and B8 development. A further outline planning permission (reference OU/20180/004/PO) was granted in August 2004. This application covered 13.27 hectares of land. A Reserved Matters application pursuant to the 2004 outline approval was made in August 2007 and to date has not been determined by ESBC.
- 7.25 In its consideration of the 2004 outline planning application the Council confirmed that the Site formed part of the committed supply of employment land under Policy E2 of the adopted Local Plan, and it also formed part of 95 hectares covered by the approved Development Brief (1993) for land south of Main Street, Branston. The Development Brief confirms that site's importance as a prominent major employment site, capable of attracting considerable inward investment in to the Borough. The Officer's report also confirms that the site forms a critical element in the economic regeneration strategy for the area, and in particular in relation to potential ERDF funding.
- 7.26 Whilst the outline planning application was considered some time ago, the permission remains extant by virtue of the Reserved Matters application which is currently before the Council. The Site still forms part of the committed supply of employment land in the adopted Local Plan and this planning application demonstrates that the Site remains capable of making a key contribution to the supply of deliverable employment land in the Borough going forward.

- 7.27 The Application Site has an established planning history for redevelopment for employment uses and it is considered that this remains to be a relevant material consideration which weighs in favour of this planning application.

PPS4 Considerations

- 7.28 In determining planning applications for economic development, guidance is set out in Policy EC10. Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic growth Policy EC10.1 advises, and planning applications that secure sustainable economic growth should be treated favourably.
- 7.29 The Proposed Development will bring about significant economic benefits to Branston, delivering approximately 20 hectares of new employment land towards ESBC's overall Development Plan requirement. In addition the Proposed Development will create job opportunities and providing high quality business premises for inward investment.
- 7.30 The potential economic benefits which could be delivered by this planning application are an important material consideration which weighs in favour of the Proposed Development.

Planning for Growth

- 7.31 The Planning Minister (Greg Clarke) announced on 23rd March 2011, his 'Planning for Growth' agenda and this was issued to all Chief Planners on 1st April 2011. The Statement refers to the planning system as being key in assisting the economic recovery by allowing sustainable economic development to proceed quickly.
- 7.32 The Statement outlines a number of considerations for Local Planning Authorities which include:
- (i) The importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
 - (ii) The need to maintain a flexible and responsive supply of land for key sectors, including housing;

- (iii) The range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);
- (iv) Being sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;
- (v) Ensuring that they do not impose unnecessary burdens on development.

7.33 The Statement goes on to confirm that:

“In determining applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.”

7.34 As has been outlined in the supporting documentation which accompanied this planning application, the proposed new employment is capable of delivering considerable economic benefits for the Borough as part of a comprehensive mixed use development of the Site.

7.35 It is clear that the Government is committed to fostering economic growth and will work to reform the planning system to ensure that it is capable of assisting this process, and this is evidenced in the draft NPPF which is considered elsewhere in this Planning Statement and further below. In the meantime, the Ministerial Statement delivers a clear message to Local Planning Authorities about the steps Governments expects them to take with immediate effect. To this end, Steve Quartermain’s letter confirms that the Statement can be treated as a material planning consideration and we trust that you will take it into account when determining this planning application.

Environmental and Technical Issues

7.36 The supporting documents submitted with this planning application provide assessments of environmental and technical issues relating to the proposals. We set out below, however, a brief summary of the key issues relating to each technical area, for ease of reference.

Highways Impact

- 7.37 Halcrow were commissioned to prepare a Transport Assessment for the Proposed Development and this is submitted in support of the planning application.
- 7.38 Traffic flow scenarios have been agreed and obtained from the highway authority (SCC and the HA) and used to determine the traffic impact of the development proposals on a number of junctions located in Branston, Burton and on the A38. Capacity assessment have been created and have taken into account all committed and planned developments / schemes identified for a future year of 2026, in order to determine the traffic impact and to identify possible mitigation.
- 7.39 Mitigation has been identified for a series of junctions, and for one junction where mitigation is not feasible, the mitigation at this junction has been offset by a more significant mitigation scheme identified at an alternative junction. As a result, it is considered that the impact of the development proposals has been fully mitigated through physical highway schemes, prior to taking account of the other sustainable transport improvements (identified in the Travel Plan) that would be provided in the area as a result of the proposals coming forward.
- 7.40 An Area Wide Travel Plan (AWTP) has been developed for the Proposed Development, and this includes measures to significantly improve public transport provision in the local area, and a series of other measures to promote and encourage sustainable transport accessibility.

Ground Conditions

- 7.41 Halcrow were commissioned to undertake a review of geo-environmental and geo-technical ground conditions on the Application Site. Its findings are submitted with the planning application as three reports, covering land west of the railway, land east of the railway and land north of Main Street.
- 7.42 For land west of the railway, the report notes that much of the central area is underlain by PFA and appropriate foundations will be required in these areas, or ground improvement measures. The PFA may also contain elevated levels of potential contaminants and a suitable cover of inert soil and topsoil will be required where there is risk of human exposure, e.g. in rear gardens.

- 7.43 The report also notes that ground gas may be present and, as such, passive ground gas protection measures may be required.
- 7.44 For land east of the railway and land north of Main Street, the reports note that given the previous use of the land, risks to users are generally low and are generally related to any previous farming activity on the land. Intrusive ground investigation work will be carried out before built development commences on land north of Main Street, with a view to determining the geo-technical characteristics of the Site and whether any contamination is present.
- 7.45 It is considered that the various constraints in the Site that have been identified can be remediated using established engineering techniques in order that the site can be made suitable for the Proposed Development.

Flood Risk and Drainage

- 7.46 A Flood Risk Assessment and Drainage Strategy has been prepared by Halcrow in which the existing River Trent Strategy model was improved with 2D floodplain representation and a new model of the Tatenhill Brook was combined. The linked hydraulic model of the study area was used to assess the existing and proposed design flood risk, at the site and in the wider area upstream and downstream.
- 7.47 During the existing conditions, some areas of the large site to the west of the railway line were shown to be within fluvial Flood Zone 3. As part of the development proposals, some of these areas were simulated to be raised 600mm above the 1% (1 in 100 year) flood event level. To provide compensation, the existing Tatenhill Brook channel was widened and lowered, in addition to creating a new storage / drainage area. A River Trent backwater has also been incorporated into the design, providing a balance in water levels either side of the railway line to the north and a refuge area for fish in times of flood. A flood embankment has also been located around the existing properties on the eastern side of the A38.
- 7.48 The proposed design scenario incorporates a raised embankment across the line of the Tatenhill Brook channel. This removes the flood flow route of the River Trent and significantly reduces flooding to the A38 (in addition to the frequency, with the approximate onset of flooding reducing from a 1 in 40 year event to a 1 in 50 year event).

- 7.49 The increased storage and drainage ditches have been designed to act as a Sustainable Urban Drainage System, accommodating surface run-off volumes (in addition to the fluvial flow). In addition, it is recommended that finished floor levels are recommended to be set at 600mm above the 1% (1 in 100 year) + Climate Change levels.
- 7.50 Through the hydraulic modelling, it has been demonstrated that the Proposed Development would not cause any additional increase in flooding at the site, or upstream and downstream. A Hazard analysis and mapping study has also been undertaken to recommended published guideline standards, and has shown not to increase risk to the surrounding area.

Noise and Vibration

- 7.51 Survey work carried out at this site indicates that the overall noise climate is determined by road traffic noise from the adjacent A38. Additional short duration intermittent noise occurs on the eastern side of the site during train pass-by.
- 7.52 Noise from these sources and the A38 in particular, will have a significant masking effect for noise generated by the commercial development
- 7.53 Assessment in accordance with PPG 24 indicates that the Site boundary immediately adjoining the A38 falls into NEC D whilst all other boundaries are within NEC B. With the properties set back from the road, the developable part of the site falls within Categories B and C.
- 7.54 The provision of landscape screening measures on the western side of the site adjacent to the A38 will provide a significant benefit for the whole site and provide a general reduction of traffic noise levels. For those dwellings nearest to the A38, the screening measures will reduce emission levels at windows and also gardens to enable BS 8233 criteria to be achieved. BS8233 internal noise levels can be achieved within all dwellings by provision of appropriate acoustic rated glazing and vents.
- 7.55 Site measurements of ground borne vibration from the railway line indicate that there is 'Low probability of adverse comment' as defined by BS6472.
- 7.56 In terms of potential noise disturbance from proposed employment uses, the development proposals include a number of control measures including site layout and segregation intended to minimise noise impact upon existing and proposed dwellings.

Ecology

- 7.57 In late September 2010, Cotswold Wildlife Surveys was instructed to carry out an Extended Phase 1 Habitat Survey of land to the south of Branston near Burton upon Trent in Staffordshire ('the Site'). This was undertaken to determine the presence of any important habitats or species which might be impacted on by potential development of the Site. Further to the Phase 1 visit, it was agreed with the Staffordshire County Ecologist, Staffordshire Wildlife Trust, the Environment Agency, the National Forest, RSPB, and Natural England, that additional surveys should be undertaken.
- 7.58 These surveys were carried out between October 2010 and July 2011 and concluded that the proposed development will have limited impacts on wildlife and habitats, and the scheme presents opportunities for significant enhancements to existing habitats of moderate interest and/or value.

Air Quality

- 7.59 The assessment of likely impacts of the Proposed Development on local air quality concludes that the construction phase has the potential to cause dust nuisance at nearby sensitive receptors, however this would be transitory in nature, and can be readily mitigated. The completed development is not predicted to have a significant effect on air quality at nearby sensitive receptors.

Landscape and Visual Impact

- 7.60 A Landscape and Visual Appraisal has been prepared by Barton Willmore and is submitted in support of the planning application. In summary, it is considered that although the character of the Site would change as part of facilitating new development along an existing urban edge, there would be no significant negative impacts on the character and quality of the surrounding landscape. At the local level, the most significant positive natural features of the Site would be retained and reinforced within a legible layout and contained development edge, assisting the integration of the Proposed Development into the surrounding landscape.
- 7.61 It is considered that the Application Site has the ability to assimilate the Proposed Development and avoid residual adverse impacts relating to the setting, character or visual amenity of the local landscape or wider National Forest. In visual terms the

Proposed Development includes the sympathetic location and form of built elements embedded within a reinforced cover of ecological enhancements and native planting to avoid the potential for significant adverse landscape and visual effects from surrounding areas. In landscape terms, the Proposed Development offers a softened development edge and enhanced framework of planting that integrates well with adjoining natural areas and the wider landscape context in which it appears contained.

Utilities

- 7.62 There are existing overhead and underground power cables and a private water main crossing the site at various locations. These utilities have easements associated with them which will need to be maintained. These have been accommodated within the layout of the site to allow for future access to the respective services.

Pre-application Consultation

- 7.63 St Modwen and its consultant team have been engaged in a series of meetings with ESBC to consider the opportunities for redevelopment of the Site. A summary of the public consultation is included here, however for a full review of the public consultation approach, reference should be made to the Statement of Community Involvement which accompanies the application.
- 7.64 St Modwen has worked closely with East Staffordshire Borough Council, Staffordshire County Council Officers and other stakeholders (Environment Agency, Highways Agency, National Forest, Natural England, Parish Councils, etc.) throughout the course of developing master plan proposals for the site. This has been through regular meetings and a continuing and open dialogue to ensure all issues are addressed.
- 7.65 This approach is advocated in the Statement of Community Involvement (SCI), which endorses Government guidance encouraging developers to undertake pre-application discussions with the local planning authority, the relevant statutory bodies and early community consultation on significant applications.
- 7.66 Local residents and interested parties were invited to attend the public consultation session on Wednesday 15 June from 3-8pm at the Branston Scout Headquarters, Main Street. Representatives from St. Modwen were in attendance alongside the masterplanners, ecologists and engineers who have been preparing the proposals for the site. All were on hand to answer questions and receive comments and feedback on draft proposals which were displayed.

- 7.67 A letter from St. Modwen setting out information on the consultation day to be held at the Branston Scouts Headquarters, was issued to 398 local residents living in the vicinity of the development site. In addition, A Public Notice advert was placed in the Burton Mail and the Burton & South Derbyshire Advertiser on 1st June providing details of the public consultation event.
- 7.68 The consultation was very well attended with almost 200 people registering at the event with members of the public contributing their comments on the proposals. The comments and feedback have been used to further evolve the proposals for the site and have proved to be a valuable input to the scheme.

Section 106 Matters

- 7.69 The scope and extent of Section 106 contributions to be associated with the Proposed Development have been, and will continue to be, the subject of on-going viability testing and negotiations with ESBC and other key stakeholders throughout the consideration of this planning application. However, the key elements envisaged as this stage are detailed below:

General / Community

- (i) Affordable Housing
- (ii) Contribution towards education
- (iii) Contribution towards health care provision
- (iv) Contribution towards library provision

Transport

- (v) Travel Plan (including annual review)
- (vi) Junction improvements
- (vii) Public Transport contribution

8.0 BENEFITS AND OPPORTUNITIES

- 8.1 The development of land South of Branston will create a new sustainable residential neighbourhood, a major employment opportunity in the region and extensive open spaces for wildlife between the Water Park and the River Trent.
- 8.2 The development of up to 660 new homes, principally comprising four distinct communities centred around new open space and served by new road infrastructure and a further smaller residential development to the north of Main Street, again, centred around its own open space is an exciting opportunity for Branston. The scale of development opportunity available lends itself to the creation of distinct neighbourhoods that are modest enough to be select, but large enough to create a sense of community. The proposals are also able to deliver aspirational housing in accordance with the objectives of the Housing Choice SPD
- 8.3 The Application Site also delivers some 71,753 sq. metres (770,000 sq. ft) of employment space, for B2 and B8 uses which will provide opportunities for new and existing business to locate. These premises once built (subject to Detailed Planning Permission) will provide local jobs for both the immediate community and the wider Borough.
- 8.4 A significant aspect of the Proposed Development is the provision of accessible open space and landscaping. The application site is currently served by a number of Public Rights of Way, which provide limited access to parts of the application site, however the provision of new accessible open space in the form of play areas, parks, amenity space allotments and semi natural open spaces provides a range of recreational opportunities for current and future residents in Branston. There is also the potential to create enhancements to Clays Lane Recreation Ground through the provision of a new pavilion, formal sports pitches and additional play equipment.
- 8.5 The Proposed Development provides opportunities to create significant improvements to the natural environment including a Wildlife Zone, meadows and new woodlands providing existing and future residents with access to natural open space that is rich in biodiversity.
- 8.6 Accessibility and connectivity throughout the Site will be improved significantly as a direct result of the Proposed Development. New and extended footpath links, enhancement of links to the Trent Valley Way, junction improvements to Main Street

and opportunities to reinstate and upgrade currently unused left in/left out access of A38 to serve the employment development. The proposed spine road that runs through the Site – from Acacia Lane (which connects to Main Street), in the north east and through to south west where it connects to the A38 will also facilitate a bus link into the Proposed Development and encourage travel by non car based modes of transport.

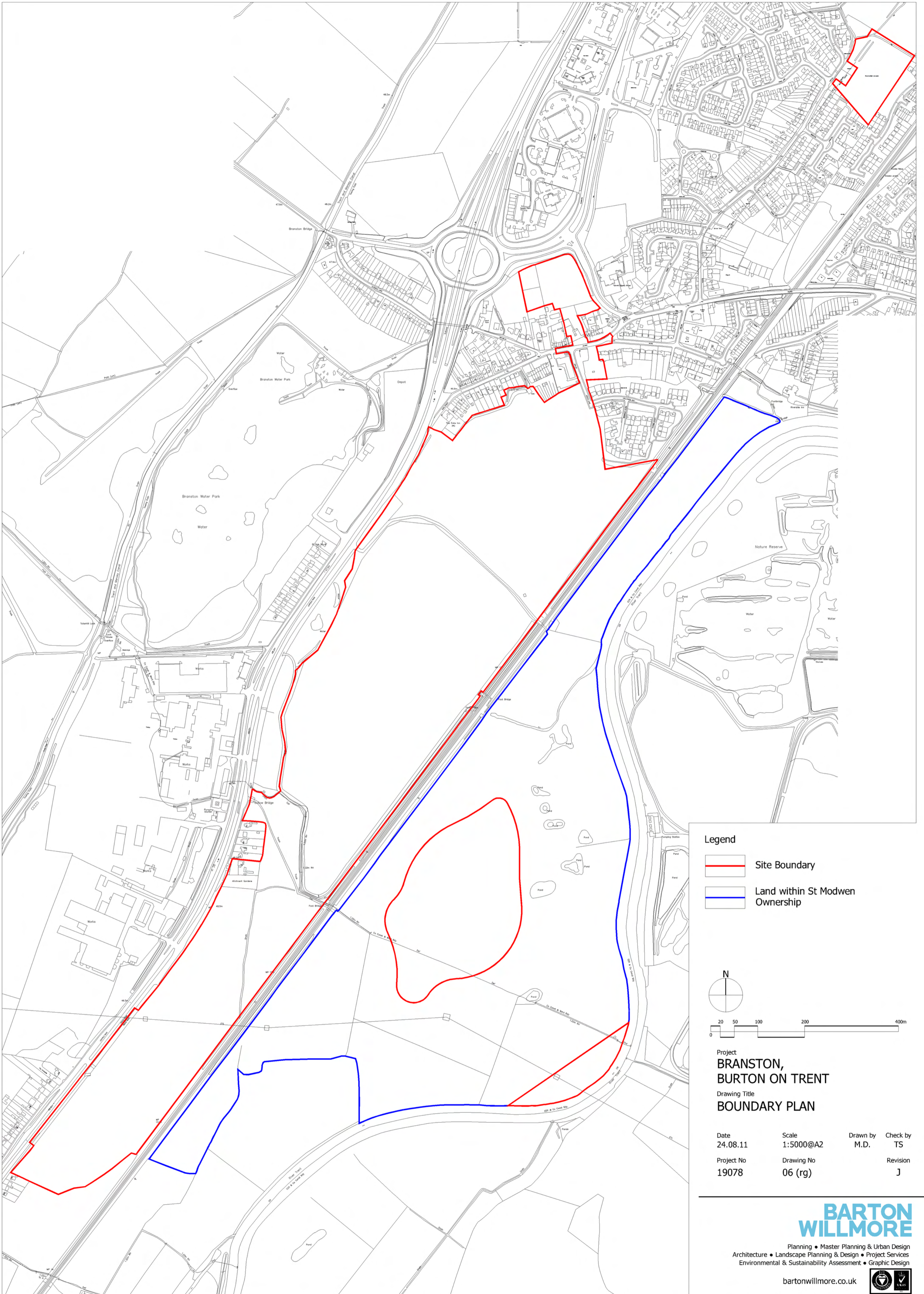
- 8.7 The Proposed Development is also sensitive to the natural features of the site, notably the function of the flood plain. The Proposed Development would not result in any net loss of floodplain. This has been achieved by designing the layout of the built form, to feature on land to the west of the railway line, and leaving the remaining land to the east of the railway line, as part of the structural landscaping provision. Within the areas of built development, sustainable urban drainage measures are incorporated. In particular, the area to the west of the railway line has been designed to accommodate a combination of swales and drainage measures to treat water and balance flows from the Trent.
- 8.8 The Proposed Development provides an opportunity to remediate the ground conditions on the Site. Part of the Site was formerly used for gravel extraction and the area was subsequently filled in part with pulverised fuel ash (PFA) from the nearby Drakelow Power Station. This development of the Application Site provides for remediation opportunities on the Site to address the areas that were filled with the waste product. Further details in respect to the current ground conditions and proposed method of remediation are contained within Phase 1 Geo-Environmental Report submitted with this Planning Application.
- 8.9 Additional mixed uses will be provided along Main Street to complement the existing provision, strengthening the Centre and improving consumer choice and sustainability. Additional car parking in Main Street will improve the situation during school drop off/pick up times and a new square will tie the existing and proposed facilities together, giving the village centre a new and improved appearance.

9.0 SUMMARY AND CONCLUSIONS

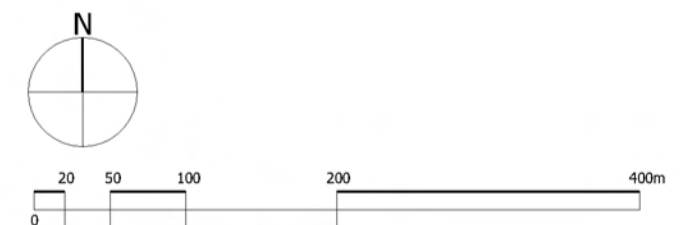
- 9.1 This Planning Statement has been prepared by Barton Willmore on behalf of St Modwen in support of an outline planning application for mixed use development on land south of Branston.
- 9.2 The Proposed Development comprises the provision of up to 660 new homes, 71,533 sq. metres (770,000 sq. ft) of employment floorspace for Class B2 and B8 uses, a new local centre, landscaping, open space and access.
- 9.3 The planning application is submitted following pre application meetings with Officers at East Staffordshire Borough Council and other statutory consultees, such as Staffordshire County Council, the Highways Agency and the Environment Agency.
- 9.4 The site has been the subject of a number of planning applications and has an established planning history for both residential and employment uses. In addition the Site has been considered acceptable for residential uses (as part of a mixed use development) in the Council's 2011 SHLAA update and it remains part of the Council's committed employment land supply.
- 9.5 The application is supported by a range of technical assessments and reports which confirm that there are no significant constraints to development and it is considered that the planning application submission has successfully demonstrated that the site is available, suitable and achievable in the context of the advice at paragraph 54 of PPS3.
- 9.6 The Council are not able to demonstrate a five-year supply of deliverable housing land and in such circumstances paragraph 71 of PPS3 indicates that proposals should be considered favourably. This is a material consideration which weighs in favour of the application.
- 9.7 The Council are committed to increasing the supply of new housing in the Borough, consistent with Growth Point status and the Proposed Development will assist in meeting the future needs of the Borough. The proposals will also assist the Council in delivering more aspirational housing for the Borough, identified as an objective in the Housing Choice SPD

- 9.8 The Government is committed to encouraging sustainable development and is seeking to put in place the planning policy framework to facilitate this. The 'Planning for Growth' agenda and the draft NPPF make it clear that there is a presumption in favour of sustainable development and that local authorities should adopt a positive approach in seeking to approve such proposals. The Proposed Development is consistent with the objectives of the emerging NPPF and will assist in delivering the sustainable economic development that the Government is seeking to encourage.
- 9.9 The Proposed Development is based around a robust Illustrative Master Plan which demonstrates how the site could be comprehensively development for a mix of uses to meet the future needs of the Borough.
- 9.10 The planning application represents the culmination of extensive technical, design and consultative work prior to submission, which has demonstrated that there are no technical or environmental constraints to development; that the proposals are consistent with national, regional and local planning policy; and, that there are no other material planning considerations which would justify withholding planning permission for the Proposed Development.

APPENDIX 1
Site Location Plan



- Legend**
- Site Boundary
 - Land within St Modwen Ownership



Project
**BRANTON,
 BURTON ON TRENT**
 Drawing Title
BOUNDARY PLAN

Date 24.08.11	Scale 1:5000@A2	Drawn by M.D.	Check by TS
Project No 19078	Drawing No 06 (rg)	Revision J	

**BARTON
 WILLMORE**

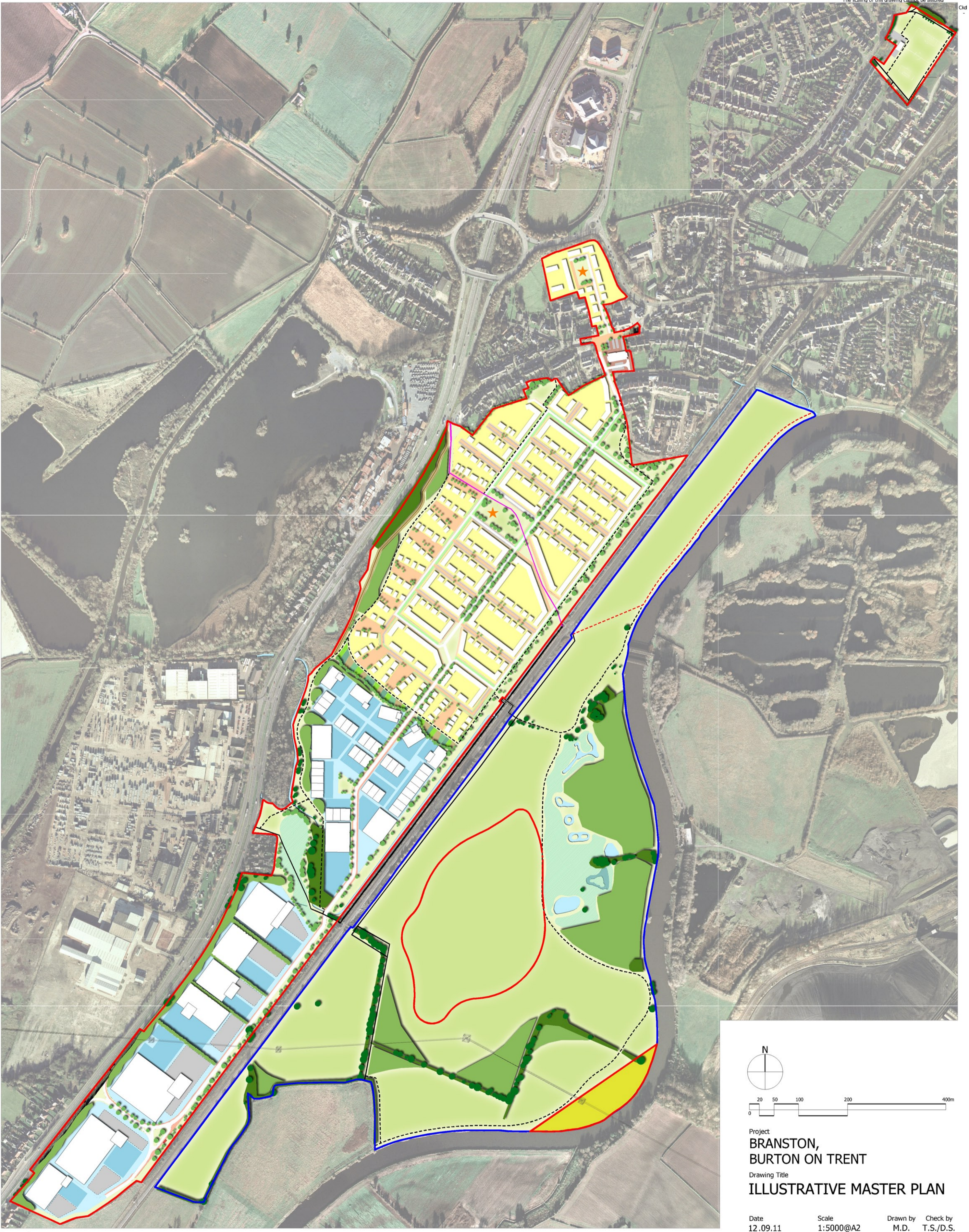
Planning • Master Planning & Urban Design
 Architecture • Landscape Planning & Design • Project Services
 Environmental & Sustainability Assessment • Graphic Design

bartonwillmore.co.uk

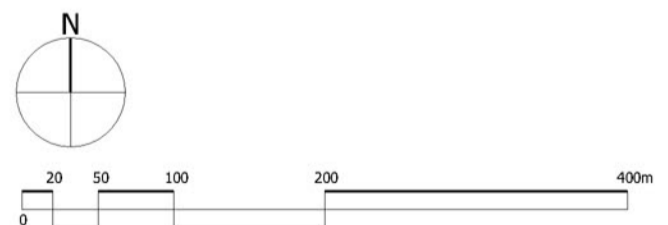


Offices at Reading London Bristol Cambridge Cardiff Ebbw Vale Edinburgh Leeds Solihull

APPENDIX 2
Illustrative Master Plan



Legend	
	Site Boundary
	Land within St. Modwen Control
	Residential
	Local Centre
	Employment
	Employment Service Yard and Car Park
	Road
	Shared Surface / Home Zone
	Footpath
	Verge
	Parking
	Open Space
	Children's Play
	Existing Planting
	Proposed Planting
	Allotments
	Wetland Area
	Zone for River Re-profiling
	Watercourse
	Proposed Footpath
	Existing Footpath
	Diverted Footpath
	Permissive Footpath
	Footpath Bridge
	Noise Bund and acoustic fence
	Existing Power Line



Project
**BRANSTON,
 BURTON ON TRENT**
 Drawing Title
ILLUSTRATIVE MASTER PLAN

Date 12.09.11	Scale 1:5000@A2	Drawn by M.D.	Check by T.S./D.S.
Project No 19078	Drawing No 28 (rg)	Revision H	

BARTON WILLMORE
 Planning • Master Planning & Urban Design
 Architecture • Landscape Planning & Design • Project Services
 Environmental & Sustainability Assessment • Graphic Design

bartonwillmore.co.uk

APPENDIX 3

Outline Planning Permission PC/20679/019/PO

**DEVELOPMENT SERVICES
Mr A Wood MSc. FRICS**

**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT**

**This development is subject to a Section 106 Agreement
Under the Town and Country Planning Act 1990.**

Date valid application received 23 January 2004 Application No : PC/20679/019

Name and address of Agent Name and address of Applicant

Howard Sharp & Partners
79 Great Peter Street
Westminster
London
SW1P 2EZ

Branston Property Partnership
Tarmac Plc
Ryknield Street
Alrewas Burton upon Trent
Staffordshire

The **EAST STAFFORDSHIRE BOROUGH COUNCIL** in pursuance of powers under the above mentioned Act hereby **PERMITS**:

**Application under Section 73 of the Town and Country Planning Act to carry out planning permission OU/20679/013 dated 22 May 2001 for the erection of a maximum of 50 dwellings and B1, B2, B8 and C1 uses without complying with Conditions 1a and 1b relating to time limits imposed for the development,
Land south of Main Street, Branston**

in accordance with the submitted documents and plans and subject to the conditions specified hereunder:

Condition 1: Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of seven years from the date of this permission.

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

Condition 2: The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of ten years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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



Condition 3: Prior to the commencement of development on any part of the site shown on plan U2171/STR/6136/B submitted with the application, details of all of the following reserved matters for that part of the site shall be submitted to 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 in respect of the relevant part of the site.

- i. The siting, design, external appearance and materials of construction of the development, including the finished floor levels.
- ii. The means of access to the site.
- iii. A landscaping scheme which shall include boundary treatments and also take account of the location of the site within the National Forest.

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 satisfactory and relate to the development brief to be approved by the Local Planning Authority.

Condition 4: This consent shall relate to the application as amended by the Branston Property Partnership's letter dated 25th February 1993 which deletes reference to the internal boundaries shown on the submitted application plan and confirms that the housing element in the application will consist of 50 dwellings only and that these will take access from Main Street, Branston.

Reason: To ensure the development accords with the policies in the Borough Local Plan.

Condition 5: The development shall be carried out in accordance with the requirements of the development brief, including the technical report on ground conditions.

Reason: To ensure the development takes place in a co-ordinated and environmentally acceptable manner.

Condition 6: 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 and no part of the development permitted shall be occupied until the approved details have been implemented.

Reason: To prevent pollution of the water environment and to comply with Policy En41 of the Local Plan.

Condition 7: No trade effluent, waste, nor other pollutants (including contaminated surface water) shall be discharged to the public sewer without the prior consent of the Local Planning Authority in conjunction with Severn Trent Water Limited.

Reason: As requested by Severn Trent Water Limited to protect the fabric of the sewerage system, persons working therein, the sewage treatment processes and to ensure the treated effluent and any discharges via storm overflow comply with the appropriate laws, regulations and E C Directives and in accordance with Policy En41 of the Local Plan.

Condition 8: All car parks, hardstandings and roadways shall be provided with trapped gullies as part of their construction.

Reason: As requested by the Environment Agency to prevent pollution and in accordance with Policy En41 of the Local Plan.

Condition 9: No water contaminated by oil, grease or other polluting matter used in connection with operations on this site shall be discharged to any surface water system. Nor shall those or any form of trade effluent be discharged to the public sewer without the prior consent of the Local Planning Authority in conjunction with Severn Trent Water Limited.

Reason: As requested by the Environment Agency to prevent pollution and in accordance with Policy En41 of the Local Plan.

Condition 10: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses shall be located within the bund. There shall be no drain through the bund floor or walls.

Reason: As requested by the Environment Agency to prevent pollution and in accordance with Policy En41 of the Local Plan.

Condition 11: Any surface water outfall structure shall conform to the Environment Agency's standard design unless otherwise agreed in writing by the Local Planning Authority in conjunction with the Environment Agency.

Reason: As requested by the Environment Agency to prevent pollution. Consent for the construction of the outfall will also be required from that body and in accordance with Policy En41 of the Local Plan.

Condition 12: There shall be no interruption of the surface water drainage system of the surrounding land as a result of the operations on the site unless agreed in writing by the Local Planning Authority in conjunction with the Environment Agency.

Reason: As requested by the Environment Agency to ensure the existing drainage system continues to work effectively and in accordance with Policy En44 of the Local Plan.

Condition 13: There shall be no works in, over, under or within 8 metres of the top of the bank of the Tatenhill Brook without the consent of the Local Planning Authority in conjunction with the Environment Agency.

Reason: As requested by the Environment Agency to ensure the existing drainage system continues to work effectively and in accordance with Policy En44 of the Local Plan.

Condition 14: Any buildings erected pursuant to this permission shall include provision for disabled people in the parking facilities, route from the car parks to the building(s) and at entrances. Building shall not begin until all these details have been submitted to the Local Planning Authority and all works that have been approved in writing by the Local Planning Authority shall be completed before the building is first occupied.

Reason: In order that the development is made accessible to disabled persons and in accordance with Policy En19 of the Local Plan.

PC/20679/019
Continued:

Condition 15: There shall be no further development on this site other than access arrangements, the subject of application OU/20180/004 (condition 4), until the access arrangements have been completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority. No access shall be constructed from the land subject to the application to the trunk road or to that land from the trunk road except in the positions indicated in red on that plan unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highways Agency. Any existing accesses from the land on to the A38 Trunk Road subject to the application shall be permanently closed to vehicular traffic at a time to be agreed in writing by the Local Planning Authority in conjunction with the Department of Transport.

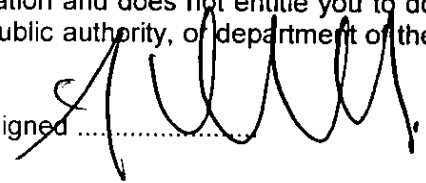
Reason: As directed by the Department of Transport to enable the A38 trunk road to continue to be part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by avoiding congestion of that road by traffic expected to be generated by the development and to protect the requirements of road safety on that trunk road.

Informative The decision to grant consent has been taken having regard to the policies and proposals and to all relevant material considerations as set out in the attached report and update.

This consent is given in pursuance of the relevant Planning Legislation and does not entitle you to do anything for which the consent of some other landowner, person, public authority, or department of the council is required.

Dated6th August 2004.....

Signed



INVENTOR IN PEOPLE

A. Wood, Head of Development Services
Midland Grain Warehouse, Derby Street, Burton upon Trent, DE14 2JJ
Helping Conservation – Printed on recycled paper

Pa_decn.doc

PLANNING DECISION – NOTES

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Transport, Local Government and the Regions under Section 78 of the Town & Country Planning Act 1990.

If you want to appeal, then you must do so within three months of the date of this notice, using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Secretary of State can give a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of the appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed having regard to the statutory requirements and the provisions of the development order and to any directions given under the order.

In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notes

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonable beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Part V of the Town & Country Planning Act 1990.

APPENDIX 4

Outline Planning Permission PC/20180/004/PO

TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE PERMISSION FOR DEVELOPMENT

The development is subject to a Section 106 Agreement under the Town and Country Planning Act 1990.

Date valid application received 20 September 2001 Application No : OU/20180/004

Name and address of Agent

Howard Sharp & Partners
79 Great Peter Street
London
SW1P 2EZ

Name and address of Applicant

St Modwen Developments Ltd
Lyndon House
58-62 Hagley Street
Birmingham
B16 8PE

The EAST STAFFORDSHIRE BOROUGH COUNCIL in pursuance of powers under the above mentioned Act hereby **PERMITS**:

Outline application to develop 13.27ha of land for Class B1 (light industrial/offices), Class B2 (general industrial) and Class B8 (storage and distribution) uses including means of access on land east of Lichfield Road, Branston

in accordance with the submitted documents and plans and subject to the reserved matters, specified hereunder:

Condition 1: 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: The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

Condition 3: Prior to the commencement of work on site other than work necessary for the temporary access and A38 interchange, plans and particulars of the siting, design, and external appearance of the building(s) to be erected, and the landscaping of the site which shall include a 30 metre wide landscaped belt alongside the principal road frontage to the A38(T), (hereinafter called "the reserved matters") for that part of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.



The Nat Forest
The Ramblers
East Mids Elec
S. D. D. C
Rail Track
(Bake northern)
Footpaths
Severn Trent
Env Agency
Health & Safety Sec
CPRE
S.C.C P Ruston
Wildlife Trust
S.C.C A. Lockett
S.C.C highways
Highways Agency
S.C.C S. Clarke

OU/20180/004
Continued:

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 satisfactory.

Condition 4: No part of the development other than the access arrangements, the subject of the application, shall commence until the access arrangements (namely; New Grade Separated Junction, including the adjacent internal junction and Branston South Interchange and Roundabout D Improvements) broadly in the form shown on the following drawings, have been designed and laid out, constructed, drained and lit, and completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authorities.

- Halcrow Group Limited drawing 'All Employment Option Scenario 6(1) Hawley Site Option 1': number PIBBRA 123 revision C.
- Halcrow Group Limited drawing 'Branston Interchange & Roundabout D Junction Improvements': number Fig 11.1.

Reason: As directed by the Highways Agency in order to ensure that a satisfactory safe access arrangement is provided for the duration of the operations on site and thereafter in perpetuity; in order that the A38 Trunk Road will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with section 10(2) of the Highways Act 1980, and for the safety of the traffic on the road.

Condition 5: Before any other operations commence other than 4 above, provision shall be made within the site for the storage of plant and materials, site accommodation, parking and manoeuvring of site operative vehicles, and the loading and unloading of heavy goods vehicles, all to the satisfaction of the Council in consultation with the Highway Authorities. Measures shall be taken to ensure that extraneous material is not deposited onto the existing road network.

Reason: As directed by the Highways Agency in order to ensure that a satisfactory safe access arrangement is provided for the duration of the operations on site; in order that the A38 Trunk Road will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with section 10(2) of the Highways Act 1980, and for the safety of the traffic on the road.

Condition 6: The development hereby permitted shall not commence until and unless measures are in place to prevent the spread of extraneous material onto the public highway by vehicles using the site to the satisfaction of the Local Planning Authority in consultation with the Highways Authority; such facilities shall be maintained in working order and be available for use at all times until the access is permanently abandoned for use by construction vehicles.

Reason: As directed by the Highways Agency in order to prevent water and mud from discharging onto the carriageway to ensure the safe movement of highway users on the A38 Trunk Road.

Condition 7: Prior to the operation of the site, the applicant shall provide a contingency plan for accidental spillage of extraneous material onto the public highway to the approval of the Local Planning Authority in consultation with the Highways Agency.

Reason: As directed by the Highways Agency in order to prevent extraneous material from being deposited onto the carriageway to ensure the safe movement of highway users on the A38 Trunk Road.



INVENTOR IN PEOPLE

A. Wood, Head of Development Services
Midland Grain Warehouse, Derby Street, Burton upon Trent, DE14 2JJ
Helping Conservation – Printed on recycled paper

Pa_decn.doc

OU/20180/004
Continued:

Condition 8: No development approved by this permission shall take place until details of a suitable alternative site access to serve the existing industrial development to the west of the A38, affected by the proposed development, has been submitted to and approved in writing by the Local Planning Authority, and laid out, constructed, drained and lit, and completed to the satisfaction of the Local Planning Authority in consultation with the Highways Agency. The details to be submitted and approved shall include preservation of working to the existing industrial site and a phased programme of implementation.

Reason: In order to ensure that a suitable alternative means of access to adjoining property is maintained and in the interests of highway safety in accordance with Local Plan Policy T4.

Condition 9: No development shall be commenced on site until details of internal road layout, layout and disposition of buildings and provision of parking and turning facilities, full road and footway/cycleway construction and drainage details including longitudinal sections and a satisfactory means of drainage all potentially adoptable roads to a suitable outfall for that part of the site have been submitted to and approved in writing by the Local Planning Authority, and the development carried out in accordance with the details so approved.

Reason: In the interests of highway safety in accordance with Local Plan Policy T3 and to prevent pollution of the water environment in accordance with Local Plan Policy En41.

Condition 10: No development approved by this permission other than work necessary for the temporary access and A38 interchange shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority and no part of the development hereby permitted shall be occupied until the approved details have been implemented.

Reason: To prevent pollution of the water environment in accordance with Local Plan Policy En41.

Condition 11: No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme.

Reason: To ensure that no development shall take place which may adversely affect any items of archaeological interest without adequate prior investigation in accordance with Local Plan Policy En24.



A. Wood, Head of Development Services
Midland Grain Warehouse, Derby Street, Burton upon Trent, DE14 2JJ
Helping Conservation – Printed on recycled paper

OU/20180/004
Continued:

Condition 12: No development approved by this permission shall be commenced until:
That part of the site subject of a reserved matters application has been subjected to a detailed scheme for the investigation and recording of contamination, which shall include any necessary measures for remediation. The report shall be submitted to and approved in writing by the Local Planning Authority. Any necessary remediation shall be carried out either before or during the course of development as appropriate.

Should the investigation into contamination require any remediation measures then the developer/ applicant shall submit a validation report and a signed declaration outlining what remediation has taken place. This shall be submitted prior to any occupation of any of the buildings on site unless otherwise agreed in writing by the Local Planning Authority.

If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority of a method statement. The method statement shall detail how the unsuspected contamination shall be dealt with and shall be implemented in accordance with the approved details.

Reason: In order to prevent pollution of the environment in accordance with Local Plan Policy En39.

Condition 13: No development approved by this permission shall be commenced until:
A scheme has been submitted to and approved by the Local Planning Authority detailing methods and procedures to be employed to eliminate or reduce the impact from PFA.

Reason: In order to prevent pollution of the environment in accordance with Local Plan Policy En39.

Condition 14: There shall be no outside working or storage unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area and those of nearby residents in accordance with Local Plan Policy En16.

Condition 15: Development in the north-east and south-west part of the site in the vicinity of noise sensitive residential properties shall be restricted to B1 use only.

Reason: In the interests of the amenities of occupiers of nearby residential property in accordance with Local Plan Policy En16.

Condition 16: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%.

All filling points, vents, gauges and sight glasses must be located within the bund or have secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.



A. Wood, Head of Development Services
Midland Grain Warehouse, Derby Street, Burton upon Trent, DE14 2JJ
Helping Conservation – Printed on recycled paper

OU/20180/004
Continued:

Reason: To prevent pollution of the water environment as recommended by the Environment Agency in accordance with Local Plan Policy En38.

Condition 17: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment as recommended by the Environment Agency in accordance with Local Plan Policy En41.

Condition 18: Prior to the commencement of work on site other than work necessary for the temporary access and A38 interchange in connection with the development, a site investigation for that part of the site subject of further application shall be carried out to ascertain the presence of landfill gas and a report on this investigation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the results of the survey and recommendation regarding any structural precautions to be incorporated into the development. The development shall be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the safety of future users of the development due to proximity of landfill sites in accordance with Local Plan Policy En39.

Condition 19: Prior to the commencement of work on site other than work necessary for the temporary access and A38 interchange, a water vole and otter survey shall be carried out on the site in order to determine the presence/absence of the mammals and any areas which may need special consideration and protection. The results together with any proposed mitigation measures, to include a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Staffordshire Wildlife Trust. Any approved mitigation measures shall be implemented in accordance with the approved details.

Reason: In order to protect the ecology of the area in accordance with Local Plan Policy En13.

Condition 20: Dunstall Public Footpath 17 shall not be obstructed and shall remain open at all times unless the necessary stopping up order has been made by the Local Planning Authority or Secretary of State under Section 257 of the Town and Country Planning Act 1990, and an approved alternative route has been made available for public use.

Reason: In the interests of the amenities of the area and to protect the public footpath network in the area in accordance with Local Plan Policy T14.

Condition 21: Prior to the commencement of any work on site other than work necessary for the temporary access and A38 interchange, notwithstanding the requirement expressed in Condition 3 for on-site landscaping, details of a scheme of further landscaping, either on-or-off-site, in accordance with the requirements of the National Forest Planting Guidelines as set out in Appendix 9 of the East Staffordshire Local Plan March 1999, or other such standards as may be agreed in writing with the Local Planning Authority, shall be submitted to and approved in writing.

Reason: In the interests of the amenities of the area and the aims of the National Forest strategy in accordance with Local Plan Policy En36.



A. Wood, Head of Development Services
Midland Grain Warehouse, Derby Street, Burton upon Trent, DE14 2JJ
Helping Conservation – Printed on recycled paper

OU/20180/004
Continued:

Condition 22: All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with an agreed phasing plan which shall be submitted to and approved in writing by the Local Planning Authority concurrently with the landscaping details and any trees or plants which within a period of 5 years from their planting 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 amenities of the area and occupiers of adjacent buildings in accordance with Local Plan Policy En32.

Informative 1: The applicant company is advised to liaise with Railtrack in relation to the company's standard conditions relating to development adjoining the railway.

Informative 2: The applicant company is advised to liaise with neighbouring owners in particular the commercial operation on the west side of the A38.

Informative 3: The Highways Agency draws to the applicant's attention the following:

The condition included upon the TR110 provides that no development shall commence on the site until any of the access arrangements have been undertaken (namely; New Grade Separated Junction, and, Branston South Interchange and Roundabout D Improvements). The Local Planning Authority appreciates that the proposed new grade separated junction requires the publication of 'Line Orders' (and orders for gap closures) under the Highways Act that are open to public objection.

The Traffic Assessment is an inherent part of the Environmental Statement that forms part of the actual planning application. The access arrangements in their entirety have been designed to accommodate a level, type and mix of development (proportion of B1, B2 and B8) specified within the Traffic Assessment, that is relative to a threshold of traffic generation. There will be a requirement to monitor development on this site (and other sites that will use the access arrangement) as it emerges. It is anticipated that factors/methodology will be required to be agreed in the event that the maximum permissible allocation of one or more of the 'Use Classes' modelled within the Traffic Assessment is exceeded; for example if the maximum permissible allowance for B1 has been committed on the site it may be possible to utilise part of any residual B2 allocation in exchange.



INVESTOR IN PEOPLE

A. Wood, Head of Development Services
Midland Grain Warehouse, Derby Street, Burton upon Trent, DE14 2JJ
Helping Conservation – Printed on recycled paper

Pa_decn.doc

OU/20180/004
Continued:

As applications emerge, the Highways Agency will be invited to comment upon Travel Plans submitted in support of development by developers as part of statutory consultation, and that the framework for Travel Plans is contained within the Section 106 Agreement.

The Highways Agency is not party to any time constraint placed upon the provision and construction of the new Grade Separated Junction.

The following issues are matters of concern to the Highways Agency:

- *Securing access for existing residents on the A38.*
- *Enhancement of existing and proposed pedestrian/cycle facilities relative to desirability lines.*
- *Sustainable links such as public transport penetration, bus layby's and bus stops.*
- *Site security and boundary treatment.'*

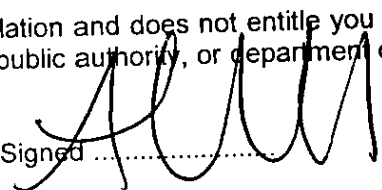
**Informative
4:**

The decision to grant consent has been taken having regard to the policies and proposals and to all relevant material considerations as set out in the attached report/and update.

This consent is given in pursuance of the relevant Planning Legislation and does not entitle you to do anything for which the consent of some other landowner, person, public authority, or department of the council is required.

Dated6th August 2004.....

Signed



A. Wood, Head of Development Services
Midland Grain Warehouse, Derby Street, Burton upon Trent, DE14 2JJ
Helping Conservation – Printed on recycled paper

PLANNING DECISION – NOTES

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Transport, Local Government and the Regions under Section 78 of the Town & Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Secretary of State can give a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of the appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed having regard to the statutory requirements to the provisions of the development order and to any directions given under the order.

In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notes

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonable beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Part V of the Town & Country Planning Act 1990.

APPENDIX 5

ESBC Screening Opinion dated 13th May 2011



Philip Somerfield B.A. Dip T.P., D.M.S. M.R.T.P.I
Head of Regulatory Services

Date : 13 May 2011

Mr G Stevenson
Barton Willmore
Regent House
Prince's Gate
4 Homer Road
Solihull
B91 3QQ

Direct Line: 01283 508641
Direct Fax: 01283 508388
Reply To: Jim Malkin
E-mail: james.malkin@eaststaffsbc.gov.uk
Our Ref: P/2011/00433/JPM
Your Ref: 19078/A3/GS/ac
(please quote this reference on all correspondence with us)

Dear Sir

Re: Formal screening opinion, Land South of Branston

I refer to your request of the 18th April 2011 for a formal 'screening opinion' in respect of the above proposal.

I can confirm that the Council has considered the submitted information and have concluded that this development does not constitute EIA development, and therefore a formal Environmental Impact Assessment will not be required.

Yours faithfully

A handwritten signature in black ink that reads "Joanne Roebuck". The signature is written in a cursive, flowing style.

Joanne Roebuck
Team Leader
Planning Delivery

**Town and Country Planning (Environmental Impact Assessment)
(England and Wales) Regulations 1999**

**Request for a “Screening Opinion” in respect of the following
development:**

Proposed Development:

**Re-development of site for up-to 650 dwellings and 65,030m² of
employment floorspace including a local centre, landscaping, open
space, flood attenuation and access**

Introduction:

The Council has received a request for a formal screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) in respect of the above proposals.

Schedule 1:

Schedule 2:

The development proposed does not fall within Schedule 1 of the Regulations where an assessment is mandatory. However on the basis of interpreting the Regulations as having “wide scope and broad purpose”, I recommend a precautionary approach of assuming the development falls within Schedule 2, Category 10 (b) as an Urban development project, with the area of development, 113 hectares, exceeding the 0.5 hectare threshold.

Circular 2/99:

In respect of Schedule 2 development, an assessment will only be required if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Circular 2/99: Environmental Impact Assessment requires regard to be had to Schedule 3 of the Regulations when considering whether an Assessment should be required.

1. Characteristics of the development – size of the development, cumulative effects with other development, use of natural resources, production of waste, pollution and nuisances, risk of accidents with regard to substances or technologies utilised.
2. Location of the development: the environmental sensitivity of geographical areas likely to be affected must be considered, in particular
 - the existing land use,
 - the relative abundance, quality and regenerative capacity of natural resources,
 - the absorption capacity of the natural environment, with particular emphasis to the following areas:
 - (i) wetlands
 - (ii) coastal zones

- (iii) mountain and forest areas
- (iv) nature reserves and parks
- (v) areas designated by Member states
- (vi) where environmental quality standards have been laid down in Community legislation and have been exceeded
- (vii) densely populated areas
- (viii) landscapes of historical, cultural or archaeological importance.

3. Characteristics of the potential impact, with regard to :

- The extent of the impact
- Transfrontier nature of the impact
- Magnitude and complexity of the impact
- Probability of the impact
- Duration, frequency and reversibility of the impact

In assessing whether an Environmental Assessment will be required, Annexe A to the Circular adds that in the case of urban development projects an EIA is more likely to be required if it would have significant urbanising effects (e.g. a new development over 1,000 dwellings) provide a total of more than 10,000 square metres of new commercial floorspace.

Assessment:

In assessing the proposal in the context of the above, the Council's view is that while the development is of a significant scale, it is a major development of local importance. The site area is 113ha, set on the outskirts of the urban area, enclosed by the A38 and Derby-Birmingham mainline railway; the site also has significant planning history, and has an extant planning permissions on the land to the west of the railway (the only area to be built on under this proposal) for B1, B2 and B8 uses, and a new graded junction from the A38; a previous residential permission for 50 dwellings to the north of the site adjoining Branston has been constructed. It is therefore not considered that the site would have significant urbanising effects.

The physical scale of such developments and the potential increase in traffic, emissions and noise are particular considerations. In this instance it is considered that these issues can be adequately covered by the comprehensive documentation necessary to be submitted with the application, and an EIA is therefore unnecessary. The site is not located in an environmentally sensitive location (in terms of the Regulations) nor is the development proposed complex or potentially hazardous. The site is within Flood Zone 3, but any flood related issues will be addressed as part of the application process, and again it is considered that any adverse impacts to be mitigated will be localised in nature.

Health and Environment Services have advised that despite the made-up nature of the ground concerns regarding this can be adequately covered by relevant documentation, including a detailed site investigation which should include remediation measures; without the need for an EIA. Issues in relation to noise and air quality can also be covered via the submission of specialist reports.

It is considered that the environmental effects of the development will not add significantly to the current position. The Council is of the view that the development is not likely to have significant effects on the environment in this area, and therefore a formal Environmental Statement will not be required.

Recommendation:

A formal screening opinion be adopted that Environmental Assessment will not be required

Planning Delivery Team Leader/~~Chief Planning Officer~~ comments:

The following decision is made by the undersigned in accordance with powers delegated to the undersigned under the provision of S101 of the Local Government Act 1972.

A formal Environmental Statement is not required in respect of the development as proposed.

Team Leader/~~GPO~~

Signature

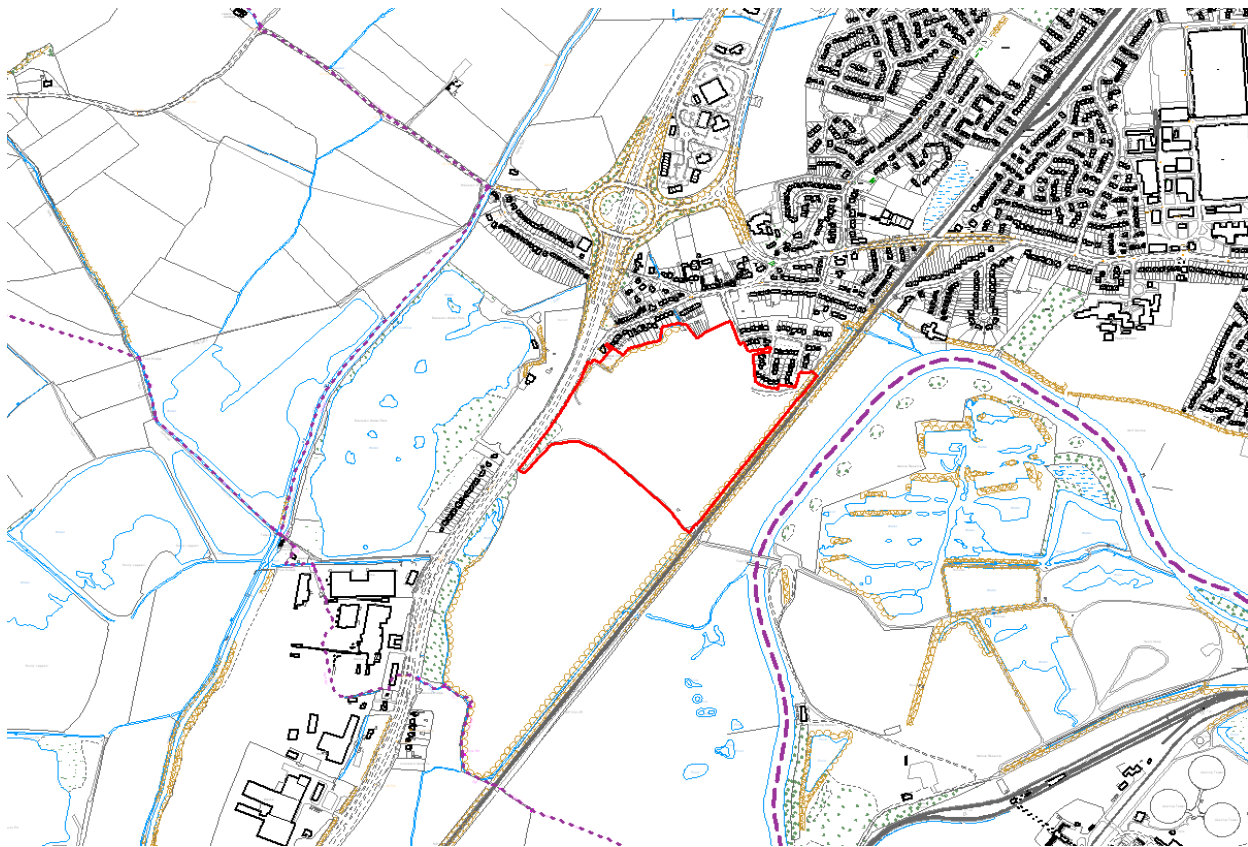
J. Roebuck

Date

18th May 2011

APPENDIX 6
SHLAA 2011 Update Proformas

Map/Pictures



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100010575 (2010)

Summary

Site is suitable for residential development, and is achievable. Is likely to be developed as part of a mixed use scheme with some employment. Site is located within site number 186

Deliverable?	No	Developable?	Yes
Suitable	Yes	Achievable	Yes
Available	Yes	Constraints	Contamination Access

Can constraints be overcome? Yes through design
In what timeframe? Prior to submission of application

What is the recommended mix of units? Type/tenure? Mixed type and tenure

When is the site likely to be developed?
 0-5 years 6-10 years ✓ 11-15 years 15 + years

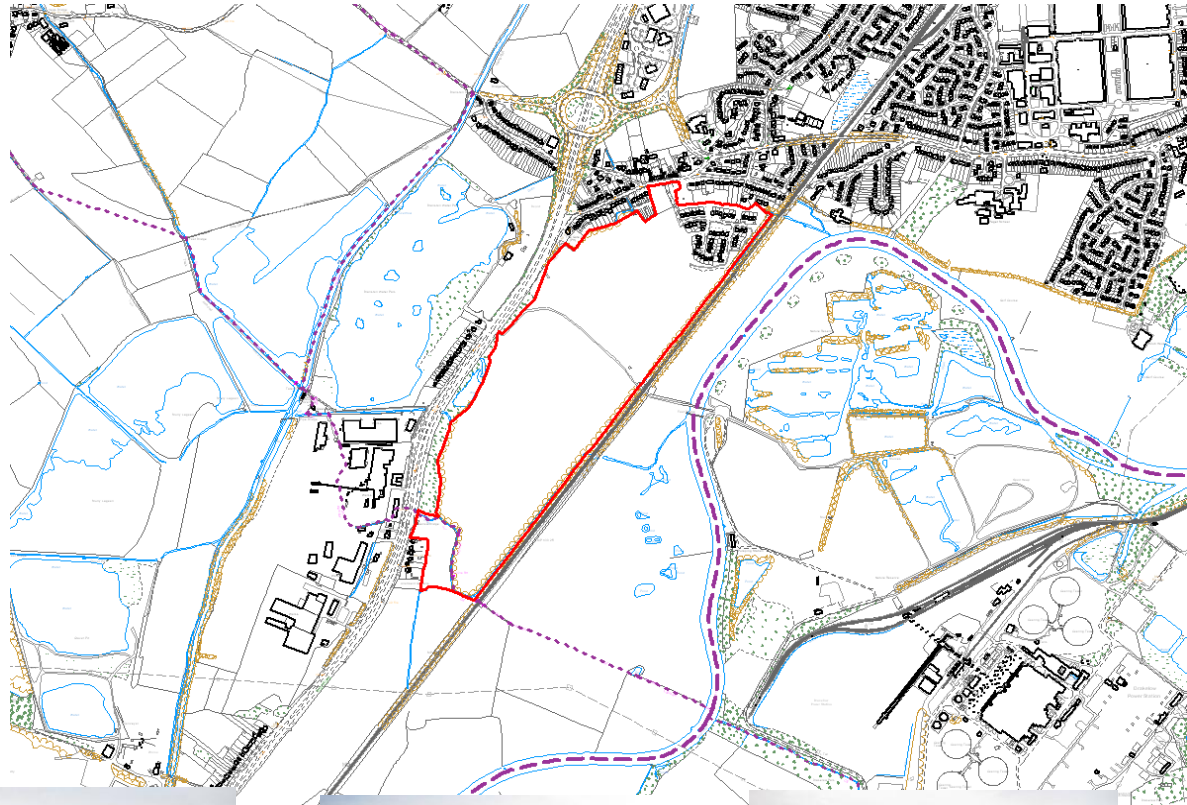
What will the build rate be? 50 pa for first two years, 100 pa for 3 years, 50 in final year

Existing local planning policy Brownfield site within development boundary

This site proposes mixed use development within existing development boundaries in accordance with BE1 and IMR1.

Are there any national policy restrictions?				
Located within the National forest.				
<i>eg national designations, conservation area, listed building, environmental protection</i>				
Are there any physical problems on site which would affect residential development?				
The site is flat but within a flooding zone and may have poor drainage.				
There is a drainage ditch to the east of the site, and a public footpath within the site				
<i>e.g topography, contamination, pollution, access, infrastructure, rivers</i>				
Would residential development have an impact on the surrounding area?				
The area to the north of the site is primarily residential. Further properties in this area will not be detrimental to the residential area.				
<i>e.g. on neighbouring uses, landscape, character, conservation area, listed buildings etc</i>				
What is the environment like around the site?				
To the south of the site there are open fields. The railway runs along the eastern boundary, and the A38 to the west.				
<i>e.g would the surrounding area/uses have a detrimental impact on a residential environment</i>				
Constraints - are there any issues that would prevent residential use?				
Medium risk of contamination - unlikely to prevent residential use				
Potential flooding - could be alleviated				
Access - potential need for new junction off A38 for commercial development				
Are there likely to be any impacts on the viability of development in relation to the following;				
Market factors				
Sufficient market within this area to ensure development is viable				
<i>Would development be viable? Is there sufficient market in this location?</i>				
Cost factors				
Standard AH and S106 costs, additional costs relating to contamination and flood amelioration				
<i>Would there be any costs (normal or abnormal) which would affect viability?</i>				
Delivery factors				
Development likely to be phased. Some of site likely to be retained for employment use				
<i>Is delivery on site realistic? Would the development be phased? What would the build out rate be?</i>				
Is the landowner of the site known?				
Yes				
Are there any existing leases/ownership issues/multiple landowners?				
Is there intention to develop or sell the site?				
Yes				
When?	0-5 years	6-10 years	11-15 years	15 + years
	✓			
Are there any planning applications relating to residential use on the site?				
No - but on-going discussions are taking place				
What for?				
What is the current use of the site/ are there any existing buildings?				
site in part used for tipping of fly ash from power station				
What was the previous use of the site				
What uses surround the site, what is the character of the area?				
residential to north of site				

Map/Pictures



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100010575 (2010)

Summary

Site is suitable for residential development, although part of site is to be retained for employment use, includes site 27. Site is deliverable

Deliverable?	No	Developable?	Yes
Suitable	Available	Achievable	Constraints
Yes	Yes	Yes	Contamination Access
Can constraints be overcome?	Yes, investigation is likely to take place prior to development		
In what timeframe?	Likely to take up to 1 year, unlikely to impact upon development timeframe		
What is the recommended mix of units? Type/tenure?	Mixed type and tenure		
When is the site likely to be developed?			
0-5 years	6-10 years	11-15 years	15 + years
	✓		
What will the build rate be?	50 pa for first two years, 100 pa for 3 years, 50 in final year		

Existing local planning policy

Brownfield site within development boundary

This site proposes mixed use development within existing settlement boundaries in accordance with BE1, and IMR1.

Are there any national policy restrictions?				
<p>Located within the National forest Part of the site is to be retained for employment use, yield reflects this. <i>eg national designations, conservation area, listed building, environmental protection</i></p>				
Are there any physical problems on site which would affect residential development?				
<p>The site is flat but within a flooding zone and may have poor drainage.</p> <p>There is a drainage ditch to the east of the site. <i>e.g topography, contamination, pollution, access, infrastructure, rivers</i></p>				
Would residential development have an impact on the surrounding area?				
<p>The area to the north of the site is primarily residential. Further properties in this area will not be detrimental to the residential area. <i>e.g. on neighbouring uses, landscape, character, conservation area, listed buildings etc</i></p>				
What is the environment like around the site?				
<p>To the south of the site there are open fields. On opposite side of the A38 and the rail track there are open fields undeveloped. <i>e.g would the surrounding area/uses have a detrimental impact on a residential environment</i></p>				
Constraints - are there any issues that would prevent residential use?				
<p>Contamination - concern about sites previous use for tipping of fly ash - but unlikely to pose major problem. Potential flooding - could be alleviated Access - potential need for new junction off A38 for commercial development</p>				
Are there likely to be any impacts on the viability of development in relation to the following;				
Market factors				
<p>Sufficient market to ensure development would be viable</p> <p><i>Would development be viable? Would units sell? Is there sufficient market in this location, would type of unit be restricted?</i></p>				
Cost factors				
<p>Standard AH and S106 costs, additional costs relating to contamination and flood amelioration <i>would there be any costs such as affordable housing, Section 106, normal or abnormal costs which would affect viability?</i></p>				
Delivery factors				
<p>Development likely to be phased. Some of site likely to be retained for employment use <i>is delivery on site realistic? Would the development be phased? What would the build out rate be?</i></p>				
Is the landowner of the site known?				Yes
Are there any existing leases/ownership issues/multiple landowners?				No
Is there intention to develop or sell the site?				Yes
When?	0-5 years	6-10 years	11-15 years	15 + years
	✓			
Are there any planning applications relating to residential use on the site?				No
<p>Although work has been carried out by agent to bring site forward for development</p>				
What for?				
What is the current use of the site/ are there any existing buildings?				
<p>site in part used for tipping of fly ash from power station</p>				
What was the previous use of the site				
What uses surround the site, what is the character of the area?				
<p>residential to north of site. A38 borders site to west</p>				

Site Address

Manor Farm, Court Farm Lane / Main Road, Burton upon Trent

Ref

Size 1.7

Yield 51

337

Map/Pictures



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100010575 (2010)

Summary

A Greenfield site within the Burton development boundary. Site is suitable, available and developable.

Deliverable?	Yes	Developable?	Yes
Suitable	Yes	Available	Yes
Achievable	Yes	Constraints	Noise Flooding

Can constraints be overcome? Yes - through suitable planning and design prior to application being submitted
In what timeframe?

What is the recommended mix of units? Type/tenure? Mixed type and tenure

When is the site likely to be developed?

0-5 years	✓	6-10 years	11-15 years	15 + years
-----------	---	------------	-------------	------------

What will the build rate be? 25 pa over two years

Existing local planning policy
 Brownfield site within development boundary
 Policy H6 encourages efficient use of residential land where sites can be sensitively integrated into the townscape

Are there any national policy restrictions?				
Within National Forest				
<i>eg national designations, conservation area, listed building, environmental protection</i>				
Are there any physical problems on site which would affect residential development?				
The former gravel pits in the site have been restored using PFA from the Drakelow power station. With appropriate measures, the geo-environmental constraints imposed by this material can be overcome. The site is flat but within a flooding zone, although suitable drainage scheme can be achieved. The A38 lies to the east and junction with A5121 to the north				
<i>e.g topography, contamination, pollution, access, infrastructure, rivers</i>				
Would residential development have an impact on the surrounding area?				
The area to the east and south of the site is primarily residential, including a local centre. Additional development in this area will not be detrimental to the residential area.				
<i>e.g. on neighbouring uses, landscape, character, conservation area, listed buildings etc</i>				
What is the environment like around the site?				
Residential to the south and east, A38 to the west and A5121 to the north.				
<i>e.g would the surrounding area/uses have a detrimental impact on a residential environment</i>				
Constraints - are there any issues that would prevent residential use?				
There is potential for noise pollution from the A38 although this can be contained by levels and slip road design.				
Are there likely to be any impacts on the viability of development in relation to the following;				
Market factors				
Sufficient market within this area to ensure development is viable				
<i>Would development be viable? Would units sell? Is there sufficient market in this location, would type of unit be restricted?</i>				
Cost factors				
Standard AH and S106 costs				
<i>would there be any costs such as affordable housing, Section 106, normal or abnormal costs which would affect viability?</i>				
Delivery factors				
Single phase of development, developed in 1-2 years.				
<i>is delivery on site realistic? Would the development be phased? What would the build out rate be?</i>				
Is the landowner of the site known? Yes				
Are there any existing leases/ownership issues/multiple landowners? None				
Is there intention to develop or sell the site? Yes				
When?	0-5 years	6-10 years	11-15 years	15 + years
	✓			
Are there any planning applications relating to residential use on the site? No				
What for?				
What is the current use of the site/ are there any existing buildings?				
Agricultural use - farm buildings				
What was the previous use of the site				
What uses surround the site, what is the character of the area?				
Site lies on the southern tip of Burton surrounded by residential properties and some local shops. Centrum Business Park and the A38 lies to the north of the site.				

APPENDIX 7

Appeal Decision reference APP/J3720/A/10/2139071



Appeal Decision

Inquiry held on 9 March 2011

Site visit made on 9 March 2011

by Siân Worden BA DipLH MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 May 2011

Appeal Ref: APP/J3720/A/10/2139071

Land South of Kipling Road, Stratford-upon-Avon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Taylor Wimpey West Midlands against the decision of Stratford on Avon District Council.
 - The application Ref 10/00016/OUT, dated 5 January 2010, was refused by notice dated 30 April 2010.
 - The development proposed is an outline planning application with means of site access from Kipling Road to be determined, (internal access, layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 112 dwellings (Class 3), public open space incorporating community woodland, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking and other ancillary works.
-

Decision

1. I allow the appeal, and grant outline planning permission, including means of site access from Kipling Road, for the erection of up to 112 dwellings (Class 3), public open space incorporating community woodland, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking and other ancillary works at Land South of Kipling Road, Stratford-upon-Avon in accordance with the terms of the application, Ref 10/00016/OUT, dated 5 January 2010, subject to the conditions set out in the schedule at the end of this document.

Procedural matter

2. The application was in outline with the matter of access to be determined. All other matters were reserved for a future application.
3. A S106 Agreement was submitted and I have taken this into consideration in reaching my decision.

Main Issue

4. I consider that the main issue in this case is whether the site is appropriate for residential development with regard to the need for and supply of housing in the district, both now and in the future.

Reasons

5. The appeal site is at the edge of the developed part of the town and the proposal is to build no more than 112 dwellings on its northern part. The remaining area would be planted and managed as community woodland.
6. On the face of it the provision of that number of dwellings would be contrary to Policy STR.2 of the Stratford on Avon District Local Plan Review 1996-2011, adopted in July 2006 (Local Plan). This is explicit that planning permission will not be granted for housing proposals which would lead to or exacerbate over provision of housing in relation to the requirements of the Regional Spatial Strategy (RSS). The policy has been supported by a supplementary planning document *Managing Housing Supply* (SPD), adopted November 2006, which gave detail to the restrictive approach including setting out where exceptions may be made, none of which apply to the appeal proposal. This SPD has recently expired.
7. There are however several considerations weighing heavily against this position. The affordable dwellings would be particularly welcome in a district where high property prices put houses beyond the reach of many, particularly younger and lower paid people. As set out in the Statement of Common Ground the parties agree that the provision of a substantial area of community woodland would deliver a significant community benefit. In exceptional cases Local Plan Policy STR.2 would permit proposals for housing which would have appreciable benefits for the local community and environment; to my mind these two advantages go a long way towards fulfilling this criterion.
8. Furthermore, the Local Plan identifies the appeal site as a Strategic Reserve Site which will help to meet long term housing needs, that is, after 2011. Policy STR.2A states that these sites will not be permitted to be developed before March 2011. This decision is published after that date and the proposed development complies with the policy.
9. Announcements from the government regarding the future of regional strategies have stalled the review of the West Midlands Regional Spatial Strategy (WMRSS). The process was well advanced with a Preferred Option having been published late in 2007 and the Panel Report in September 2009. Both of these documents set out a housing requirement for Stratford District greater than that in the Adopted RSS upon which the Local Plan policy was based and which used some data from the 1991 Census. When used as a basis for calculations the review RSS figures result in a shortfall in deliverable housing sites below the five years advised in PPS3 *Housing*.
10. Whilst the shortfall on the Preferred Option requirement is not great, with regard to the Panel Report it is at least 600 dwellings and thus a significant deficit. The Panel also advised that the 7,500 dwellings recommended for the district up to 2026 would be unlikely to meet unavoidable housing pressures and that there was likely to be a need to increase provision by a further 2,500 to 3,000. At the time of its report to committee in April 2010, the Council's calculation against the Panel Report's original figure was that it had a land supply of 3.4 years. In February 2011 the appellants' estimation on the same basis was that there was 2.9 years supply. These figures are sufficiently consistent to indicate a significant shortfall.
11. To support its case the appellant has commissioned an updated housing position which has been produced using the Chelmer Model, a reliable and

robust forecasting mechanism employed by many local authorities. It is based on the most recent available data and indicates that over 12,000 dwellings should be provided to meet the needs of the additional households which are projected to form by 2026. On this basis the identified land supply in the district is sufficient for only 1.7 years.

12. PPS3 *Housing* states that in circumstances where the RSS is subject to review regard should be had to the level of housing provision as proposed in the emerging RSS. That is the case here where the RSS review figures are significantly more up-to-date than those in the adopted version. The intention to abolish Regional Strategies as proposed in the Localism Bill is a material consideration to which I give some weight. If the RSS is removed any policy justification for using outdated figures will be lost.
13. All in all, therefore, it is my view that the proposed development, by reason of the benefits it would deliver, its identification as a reserve site and the more up-to-date figures that are available for calculation of the five year supply, complies with Local Plan Policies STR.2 and STR.2A. The Council did not provide any evidence to contradict this position at the Inquiry.
14. Given the scale of the discrepancies between housing forecasts and land supply I do not consider that the development of the appeal site need be delayed until after the other Strategic Reserve Sites identified in Policy STR.2A are released. This possibility is referred to only in the explanation and not the policy itself and is also modified by the statement that the order in which the sites are released will depend on the circumstances at the time.

Other matters

15. I understand and am sympathetic to the need for children to attend local schools, particularly in terms of the problems for families where siblings are at different schools and the increased costs, complications and traffic congestion which can result from additional car journeys being made. There are, however, arrangements in place for the number of places at the local primary school to be significantly increased. The undertaking submitted with this proposal will make a substantial financial contribution towards education provision and I am satisfied that, in negotiating this, the most up-to-date pupil forecasts have been used.
16. Although the Local Plan inspector suggested that access should be from Shipston Road it is not a requirement of Policy STR.2A. The County Council had no objection to the proposed development on highway grounds and considered that a suitable access could be achieved from Kipling Road. I saw for myself that the necessary visibility splays could be provided and that there would be sufficient room to create a right turn lane. The site is in a sustainable location within cycling and walking distance of the town centre, partially along a pleasant, dedicated path separate from the highway. It is also close to the local primary school.
17. There are existing issues with capacity on adjoining roads at the Clopton Bridge junction but the additional impact from the proposed dwelling would be relatively low and easily absorbed. Nevertheless a financial contribution towards a variety of travel and traffic measures is justified and some, such as the marking out of 'keep clear' areas, will benefit all road users in the vicinity.

18. I saw the hedgerow adjacent to the proposed access road at my site visit and can appreciate that this has a positive effect in Kipling Road, particularly when in leaf. I also heard that it is proposed to replant this further back from the carriageway. I do not consider, therefore, that the removal of the existing hedgerow would harm the character and appearance or the habitats of the area. Its loss would be mitigated by replanting and landscaping of the site, a detailed scheme for which would be included as part of a subsequent planning application. Conditions requiring surveys to be carried out and mitigation plans to be implemented would ensure that no harm was caused to any protected species, including skylarks, on the site. Notwithstanding the numbers of people on the waiting list for allotments, their provision or a contribution towards this is not yet a policy requirement for new development.
19. I have taken the localism agenda into consideration in reaching my decision. Although there is a volume of opposition to the scheme from those living nearby the provision of new homes, and particularly the affordable ones, would benefit other local people. The appellant's housing projections have been based on past rates of immigration and I consider, therefore, that people moving into the town would be likely to occupy only a small proportion of the dwellings proposed. Employment provision has also been taken into account in calculating the need for housing. The community woodland will be a considerable asset affording enhanced recreational opportunities and improvements to the already pleasant local landscape.
20. All proposals are judged on their own merits. As the appeal site has been identified in the Local Plan as having potential for residential development and has other significant benefits I do not consider that it would set a precedent for the development of other greenfield sites.
21. The plans indicating the position of dwelling types and parking areas were submitted for illustrative purposes only. The final layout, scale and appearance of the proposed development would be determined through later applications which would be subject to public consultation and which would take account of matters affecting the living conditions, for example outlook, privacy, noise, disturbance and so on, of existing occupiers.
22. The right of appeal is provided for in planning legislation and does not conflict with the process of democracy. The previous appeal brought to my attention is from 1987 and so was decided against earlier development plan policies, since superseded by the Local Plan in which the site is identified as suitable for residential development. I have taken all the matters raised into consideration in reaching my decision but have not found any which amount to compelling reasons to refuse the proposal.

Undertaking

23. A signed and dated S106 Agreement has been submitted. This document has been negotiated between the District and County Councils and the appellant and secures contributions to affordable housing, off-site open space, the public library, travel and transport including a study, education provision, road markings and for upgrading public footpaths. Detailed evidence on the policy context of the contributions, the amounts to be paid and the methods by which they have been calculated assures me that the obligation will meet the tests set out in Circular 05/2005 *Planning Obligations* and the Community Infrastructure Levy Regulations.

24. On the matter of the contribution towards air quality monitoring the parties have concluded that this does not meet the legal requirements and I have no reason to disagree with this position. Clause 3.3 of the agreement enables me to give no weight to this single contribution and the Owner is thus released from making that payment without the remaining contributions being affected. I therefore consider that the agreement will make the development acceptable in planning terms and attach significant weight to it.

Conditions

25. In the light of Circular 11/95 *The Use of Conditions in Planning Permissions* I am imposing conditions agreed between the parties. These will limit the number of dwellings to ensure an acceptable form of development appropriate to the site and provide a suitable access road and emergency access way in the interests of highway safety. The provision of wheel washing facilities during construction is also to protect highway safety. A series of conditions are attached to ensure that protected reptiles, mammals, birds, their habitats and other ecological features are not harmed by the development.
26. A condition is included to ensure that any sub station, should one be required, has a satisfactory appearance and suitable access. Construction structures and buildings and on-site lighting are controlled to protect the amenity of neighbouring residents. Further conditions covering drainage, sewage disposal and the public sewer crossing the site, the provision of water butts and of some on-site renewable energy, and the achievement of Level 3 of the Code for Sustainable Homes are to protect public health and amenity and in the interest of sustainable development. Construction of half the dwellings in line with the Lifetime Homes standards will result in flexible homes which can meet various and changing housing needs.
27. Trees which are to be retained will be protected during construction for the sake of the appearance of the site. The area of public open space and the community woodland/meadowland will provide for recreational needs and also enhance the appearance and biodiversity of the surrounding area. The proper future maintenance of these areas and the site as a whole will also be addressed by conditions. There will also be an archaeological investigation of the site prior to its development in the interests of historical records.
28. The requirement for the development to be constructed in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. Several plans and drawings other than those approved were submitted during the process but, as they were indicative only, I have not listed these. The detail of the layout, scale, appearance and landscaping will be determined through later, reserved matters planning applications.
29. For the reasons given above I conclude that the appeal should be allowed.

Siân Worden

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Sarah Clover

She called

Leenamari Aantaa-Collier

Solicitor to the Council

FOR THE APPELLANT:

Martin Kingston QC

He called

Kathryn Ventham

BSc(Hons) MSc MRTPI

David King

BA(Hons) MA MRTPI

Alexander Bennett

BSc(Hons) MSIHT

Barton Wilmore

Mewies Engineering Consultants Ltd

INTERESTED PERSONS:

Ralph Maddern

David Bishton

Cllr Kate Rolfe

Dr Geoffrey Lees DSc PhD BSc FCIHT

Deborah Thomas

Ian Holloway

Cllr Ian Fradgley

Cllr Trevor Honeychurch

DOCUMENTS

- 1 List of plans
- 2 Email regarding school numbers
- 3 Mr Holloway's statement
- 4 Extract from appeal decision
- 5 S106 agreement
- 6 Explanation of agreement
- 7 Written response to 3rd party objections
- 8 Written response to 3rd party objections on highway matters
- 9 Notification letters

Schedule of conditions

- 1) Details of the layout, scale, appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan 08 B and Development Access Layout Alternative Location (2) 11267_03_003 Rev E
- 5) The development hereby permitted shall be limited to a maximum number of 112 dwellings. The dwellings shall be restricted to that part of the site shown on the submitted Master Plan, ref. 16186 14 Rev D, as accommodating residential development.
- 6) No part of the development hereby permitted shall be occupied until the new development access road and emergency access to the site and all other works to the highway are provided as shown on approved plan 11267_03_003 Rev E. They shall be retained as such thereafter.
- 7) No part of the development hereby permitted shall be occupied until a bollard has been erected at the emergency access as shown on approved plan 11267_03_003 Rev E. The position, type and design of the bollard shall be submitted to and approved in writing by the District Planning Authority before it is erected. It shall be retained in place thereafter except when removed temporarily to allow emergency access.
- 8) The access road hereby permitted shall not be used until it has been surfaced with a suitable bound material for its whole length in accordance with details to be submitted to and approved in writing by the District Planning Authority in consultation with the Highway Authority. It shall be retained in such a condition thereafter.
- 9) The development shall not be occupied until visibility splays have been provided to the access road to the development with an 'x' distance of 2.4 metres and a 'y' distance of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The visibility splays shall be retained as such thereafter.
- 10) No part of the development hereby permitted shall be commenced until wheel wash facilities have been installed on the site in accordance with details which have been submitted to and approved in writing by the District Planning Authority. The facilities installed as part of this condition shall be maintained and available on site until the development has been completed.

- 11) The development hereby permitted shall not commence until a further reptile survey of the site, conducted at an appropriate time of year and according to accepted methodology, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. The time period when the reptile survey is to be undertaken and the scope of work to be undertaken in the survey is to be submitted to the District Planning Authority and approved in writing before the reptile survey is undertaken. The approved mitigation plan shall thereafter be implemented in full.
- 12) The development hereby permitted shall not commence until a further badger survey of the site, conducted at an appropriate time of year and according to accepted methodology has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. The time period when the badger survey is to be undertaken and the scope of work to be undertaken in the survey is to be submitted to the District Planning Authority and approved in writing before the badger survey is undertaken. The approved mitigation plan shall thereafter be implemented in full.
- 13) The development hereby permitted shall not commence until a further breeding bird survey of the site (with specific reference to skylark), conducted at an appropriate time of year and according to accepted methodology has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. The time period when the breeding bird survey is to be undertaken and the scope of work to be undertaken in the survey is to be submitted to and approved in writing by the District Planning Authority before the breeding bird survey is undertaken. The approved mitigation plan shall thereafter be implemented in full.
- 14) No works must commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted to and approved in writing by the District Planning Authority (with advice from Warwickshire Museum Ecology Unit), including management responsibilities and maintenance schedules. The scheme must include all aspects of landscaping including details of grassland creation and native woodland and tree planting and associated timeframes. The agreed scheme shall be implemented in full in accordance with the approved scheme.
- 15) No development shall take place until an Environment Protection Plan for Construction has been submitted to and approved in writing by the District Planning Authority. The plan shall include:
 - a) an appropriate scale plan showing the "Environment Protection Zones" where construction activities are restricted and where protective measures will be installed or implemented (i.e. to protect the Rush Brook and Tributary ecosite and all retained trees and hedgerows),
 - b) details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction,

c) a timetable to show the phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the breeding bird season),

d) persons responsible for:

- i. compliance with legal consents relating to nature conservation;
- ii. compliance with planning conditions relating to nature conservation;
- iii. installation of physical protection measures during construction;
- iv. implementation of sensitive working practices during construction;
- v. regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
- vi. provision of training and information about the importance of "Environment Protection Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan.

- 16) Prior to the commencement of any works related to the installation of any proposed sub stations, detailed plans and specifications including design, access and materials of these buildings shall be first submitted to and approved in writing by the District Planning Authority. Development shall then be carried out in accordance with the approved details.
- 17) Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no buildings, compounds, structures or enclosures which are required temporarily in connection with the development hereby permitted shall be placed or erected on the site or adjacent land until details have been submitted to and approved in writing by the District Planning Authority. Any structures covered by this condition shall thereafter only be sited in accordance with these approved details.
- 18) Development shall not begin until a final surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the District Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and be installed and fully operational before the development is first occupied. The final scheme shall include;
- a) drainage calculations for the site,
 - b) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters,
 - c) final drainage layouts including sustainable urban drainage systems,
 - d) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any

public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 19) No part of the development hereby permitted shall be commenced until a scheme for the disposal of sewage has been submitted to and approved in writing by the District Planning Authority and thereafter no part of the development shall be occupied until the approved works have been carried out.
- 20) No buildings shall be erected or trees planted within 5 metres of the 825mm public sewer that crosses the site.
- 21) No house that has a downpipe within the development hereby permitted shall be occupied until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.
- 22) The development hereby permitted shall not be commenced until a scheme for the provision of energy from on-site renewable sources sufficient to replace a minimum of 10% of the predicted carbon dioxide emissions from the total energy requirements of the development has been submitted to and approved in writing by the District Planning Authority.
- 23) No part of the development shall be commenced or equipment, machinery or materials brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place.
 - The scheme must include details of the erection of stout protective fencing in accordance with British Standard 5837:2005, Trees in relation to construction - recommendations.
 - Fencing shall be shown on a plan and installed to the extent of the tree protection area as calculated using the British Standard.
 - Nothing shall be stored or placed in those fenced areas or the ground levels altered without the prior consent in writing of the District Planning Authority.
 - The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.
- 24) No part of the development hereby permitted shall be commenced within the site until the applicant or agent or their successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the District Planning Authority.
- 25) No street lighting or lighting of parking areas shall be installed or erected on the site until the details of a lighting scheme have been submitted to and approved in writing by the District Planning Authority. The lighting shall only be installed or erected in accordance with the approved scheme.
- 26) An area of open space shall be provided constructed and maintained on site at a minimum size of 500m² in the location approved as part of reserved matters approvals.

- 27) The development hereby approved shall not be occupied until a management plan for the site, detailing who is responsible for maintaining the roads, landscaping, private gardens and any other land shown within the application site has been submitted to and approved in writing by the District Planning Authority and thereafter the management of the site shall be in accordance with the approved plan.
- 28) No development shall be commenced until a detailed scheme for the laying out, management and maintenance, including timeframes, of the Community Woodland/Meadowland shown on the submitted Master Plan, ref. 16186 14 Rev D, has been submitted to and approved in detail by the District Planning Authority. Thereafter the works shall be implemented in full in accordance with the approved scheme.
- 29) All new dwellings shall achieve a minimum rating of Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a minimum of Code Level 3 has been achieved.
- 30) A minimum of 50% of all new dwellings shall be designed and built to meet all relevant specifications of the Joseph Rowntree Foundation's 'Lifetime Homes' standards.

APPENDIX 8
PINS advice note dated 9th August 2011

Advice produced by the Planning Inspectorate for use by its Inspectors

NATIONAL PLANNING POLICY FRAMEWORK: CONSULTATION DRAFT (revised 30 August 2011)

Annex B now takes account of (i) revised guidance on trajectory of LPA 5 year housing requirements and (ii) the proposed incorporation of planning policy on traveller sites into the final National Planning Policy Framework.

1. DCLG published the [consultation draft of the National Planning Policy Framework \(NPPF\)](#), together with its associated [consultation document](#), [Impact Assessment](#) and [media summary](#) on 25 July 2011. The NPPF is intended to bring together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document.

2. The draft NPPF contains a number of references to the presumption in favour of sustainable development, and the need to support economic growth through the planning system. These have previously been trailed in the Written Ministerial Statement on '[Planning for Growth](#)'. It states that local planning authorities should:

- prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes;
- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

3. The draft NPPF is likely to be referred to by the parties in current appeal and development plan casework. Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore, the draft National Planning Policy Framework is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgment in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

4. Inspectors are strongly advised to familiarise themselves with the draft NPPF and also with Part B of the Impact Assessment ('Changes to National Planning Policy'). [Annex B](#) sets out the policy changes noted in Part B. When conducting casework you should have regard to the consultation draft guidance and to the general advice in [Annex A](#).

Reference back to the parties

The Planning Inspectorate's procedure for addressing the draft National Planning Policy Framework (NPPF) in current casework is as follows:

- In all new casework that comes in as of the date of the draft NPPF publication, it can be assumed that the parties will address the draft NPPF, including advising on the weight they think it should attract and why. No requests will therefore be made by case officers for comments on the draft NPPF.
- In all in-hand casework there is no requirement for caseworkers to proactively seek the parties' views on the materiality or weight to be attached to the draft NPPF.
- On casework in-hand at the time of NPPF publication, parties' representations will either be contained in (i) statements / final comments, or (ii) separate correspondence submitted outside the time scales set down in the Rules. We shall not refuse to accept observations on the materiality or weight to be attached to the draft NPPF, either in final comments (bearing in mind that they might well represent a new matter not mentioned in the Grounds of Appeal or statements), nor shall we return correspondence (referring to the NPPF) for being out of time: they may well be material (notwithstanding that the Inspector can only attach limited weight). Where this happens, natural justice will require that other main parties' views will be sought on those comments (if at final comments stage or outside the prescribed timetable).

Changes to national planning policy noted in NPPF Impact Assessment part B

This annex highlights key policy changes in the single policy document. The text below is the text as it appears in Part B of the Impact Assessment ('Changes to National Planning Policy'), with the exception of the text in parts (v) & (vi) of paragraph 23, on Green Belts, which is taken from paragraphs 137 and 138 of the NPPF. Inspectors are strongly advised to familiarise themselves with the entirety of the draft NPPF and also with Part B of the Impact Assessment.

i. Presumption in favour of sustainable development

1. The presumption in favour of sustainable development (the 'presumption') is central to the policy approach in the Framework, as it sets the tone of the Government's overall stance and operates with and through the other policies in the document. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers.

2. It does this by placing increased emphasis on the importance of meeting development needs through plans; on the need to approve proposals quickly where they are in line with those plans; and on the role of the Framework as a basis for decisions where plans are not an adequate basis for deciding applications.

ii. Removing office development from 'Town Centre First' policy

3. Current town centre policy applies to office development as it does to retail, leisure development. This means that office development is subject to the requirement to demonstrate compliance with the sequential test and assess the likely impacts of the scheme on a range of impact considerations.

4. The objective of the change is to free office development from the need to follow the requirements of the 'Town Centre First' policy and for proposals to be judged on their individual merits including taking account of local and national policies on the location of new development that generates significant movement of people and the relative supply and demand of/ for office space in different locations.

iii. Time horizon for assessing impacts

5. The time horizon for assessing impacts of unplanned, retail and leisure schemes in the edge or out of centre locations is currently set at up to 5 years from the time the planning application is made. In some cases this is too short a time to allow the full impacts of large schemes to be assessed (especially for large sites and those that take considerable time to build). Often new retail and leisure development will have substantial consequences for other local businesses, local residents, transport infrastructure and the environment. When a development takes a number of years to build, and then takes a number of years to establish itself in a new market, five years may not be long enough to capture the full extent of the costs and benefits of the new development. This may restrict local councils from making the

best choices in determining planning applications, and restrict their ability to plan for the long term.

6. Changing the time horizon to 10 years would allow a reasonable period of time from the time at which a planning application is made for planning permission to be granted, the planning permission implemented and the development to realise its full operational impacts on town centre vitality and viability. This will allow local authorities to have full information when making a decision over future retail and leisure development.

iv. Removing the maximum non-residential car parking standards for major developments

7. The current policy (Planning Policy Guidance Note 13: Transport)¹ sets out national maximum parking standards for non-residential uses (i.e. the upper level of acceptable car parking provision) and size thresholds at which these maximum standards should apply. The aim of the policy was to encourage councils and developers to use land efficiently and where possible to take measures to minimise the need for parking. Local councils could set lower standards if there was an evidenced local need to do so.

8. Current Government policy on non-residential parking standards for major developments, such as retail and leisure developments over 1,000m² and offices over 2,500m² is too centralised and prevents local councils from developing policies that are most appropriate to their local circumstances and communities. Centrally prescribed maximum non-residential parking standards do not reflect local circumstances.

v. Peat – removing the requirement for local councils to set criteria for the selection of sites for future peat extraction (i.e. to identify new sites).

9. This policy will allow the planning system to support the Government's aim to phase out the use of peat in the UK. In 2010 Department for Environment, Food and Rural Affairs consulted on dates for phasing out the use of peat, which were 2020 for the amateur sector and 2030 for the professional sector. This will have environmental benefits by reducing greenhouse gas emissions and the destruction of rare habitats and archaeology. This policy will remove a requirement on local councils and will ensure that the planning system supports the Government objective (led by Department for Environment, Food and Rural Affairs) to phase out the use of peat.

vi. Landbanks

10. The policy change amends the length of landbanks in national policy, making it less prescriptive for scarcer/non-aggregate minerals. The wording is proposed to change from:

“at least 10 years for silica sand; at least 15 years for primary materials and secondary materials where these materials aim to supply an existing cement plant only; 25 years for brick clay and 25 years where it is needed to support a proposed cement plant”

to: “allocating sufficient land to maintain landbanks by ensuring landbanks of...at least 10 years for crushed rock. Landbanks for scarcer minerals, (silica sand and brick clay) should be for at least 10 years and longer landbanks may be justified in specific circumstances, such as the need to ensure the viability of proposed new investment”.

¹ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1758358.pdf>

vii. Removing the brownfield target for housing development

11. A specific target for brownfield land was first established by the 1995 housing white paper, which aspired to 50 percent of all new dwellings being built on brownfield land. In 1998, this was increased to 60 percent.

12. Government wants to move away from a prescriptive designation of land towards a concept of “developable” land where local areas decide the most suitable locations for housing growth based on their local circumstances. This approach will enable local councils to assess land for its suitability for development based on its characteristics and their needs without top down central government intervention.

13 The preferred option would be to remove the target to allow local councils to determine the most suitable sites for housing, giving greater discretion and decision-making powers to local councils reflecting the fact that land supply constraints vary across local councils.

14. The removal of the brownfield target may impact on sites brought forward for housing development in the local plan. Local councils will be able to allocate sites that they consider are the most suitable for development without being constrained by a national brownfield target.

viii. Requiring local councils to identify an additional 20% of deliverable sites against their five year housing requirement.

15. The Government’s policy objective is that local councils should plan to meet their full requirement for housing and ensure there is choice and competition in the land market to facilitate the delivery of homes on the ground.

16. The draft policy asks Councils to identify additional ‘deliverable’ sites for housing as part of their five year supply of deliverable sites. The proposal is for this to be a minimum additional 20% of the five year supply to be added to the five year land supply. For example, in the first five years, local councils should identify sites to meet at least 120% of the **annual** housing requirement. This is not land over and above the local authorities housing target or 15 year supply of developable sites or broad locations but rather a frontloading of supply, ie the trajectory changes but not the overall total.

ix. Remove the national minimum site size threshold for requiring affordable housing to be delivered.

17. Current national planning policy sets a minimum site threshold of 15 units for requiring affordable housing to be delivered for all local councils. This means that any development of 15 units or more will trigger a negotiation over a contribution (paid by the developer) for affordable housing via a section 106 agreement.

18. By removing the centrally set 15-unit threshold for affordable housing, complete control will be given to local councils. This will allow greater flexibility for local councils to seek optimum solutions for their local areas.

x. Removing rural exception sites policy

19. Current policy allows local councils to set 'rural exception site' policies which allocate and permit sites solely for affordable housing in perpetuity for local people in small rural communities. This is where housing would not normally be considered appropriate due for example to policy constraints, such as Areas of Outstanding Natural Beauty. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. However, currently, the rigid requirement for sites to be only for affordable housing limits local councils' options for meeting the full range of housing needs. This can lead to local councils being discouraged from taking a wider view on the need for housing in those rural areas and considering the balance to be struck between the benefits of meeting housing needs and maintaining current constraints.

20. The Government's objective is to maintain the focus on affordable housing but give local councils greater flexibility to set out their own approach to delivering housing, including allowing for an element of market housing where this would facilitate significant additional affordable housing to meet local requirements. To ensure development is sustainable, rural housing that is distant from local services should not be allowed.

xi. Protecting community facilities

21. Government's Coalition Agreement included a commitment to help support important community facilities and services. In line with this, the proposed policy strengthens the current policy by asking local councils to consider the availability and viability of community facilities as part of the plan making process and to develop policies to safeguard against their unnecessary loss. This policy is applied to all community facilities and not just those within defined local centres and villages.

22. Strengthening the current policy to apply to all community facilities would provide local councils and communities with greater control over how they can most appropriately protect important community facilities. The policy cannot prevent unviable businesses closing but it can send a strong signal of the importance the local community attach to the continuation of a community asset and encourage innovation and diversification to maintain viability. However, the proposed policy might impose modest additional costs on local councils as they would need to develop an understanding of the availability and viability of community facilities within their areas. Costs may also be incurred by developers in instances where they need to produce evidence to demonstrate a building or development previously used by a community facility is no longer required or viable for community use.

xii. Green Belt

23. Core Green Belt protection will remain in place. Four changes to the detail of current policy are proposed:

- i. Development on previously-developed Green Belt land is already permissible if the site is identified in the local plan as a major developed site – it is proposed to extend this policy to similar sites not already identified in a local plan;
- ii. Park and Ride schemes are already permissible – it is proposed to extend this to a wider range of local transport infrastructure;
- iii. Community Right to Build schemes will be permissible if backed by the local community.
- iv. The alteration or replacement of dwellings is already permissible – it is proposed to extend this to include all buildings.

In all cases, the test to preserve the openness and purposes of including land in the Green Belt will be maintained.

v. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances.

vi. The appropriateness of existing Green Belt boundaries should only be considered when a Local Plan is being prepared or reviewed. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

xiii. Green infrastructure

24. The objective is to secure more and greater coherence of strategic networks of green infrastructure² by planning positively for their creation, protection, enhancement and management. This will help support the natural environment, as well as providing green space for the use of local communities, supporting sustainable development and preserving green space for the use of future generations.

25. The preferred option would encourage local planning councils to take a more strategic approach to green infrastructure and give them a better understanding of the existing green infrastructure network and its functions in their area. This should contribute to better decisions being made about the protection and management of green infrastructure.

xiv. Green Space designation

26. The preferred option would be to introduce a new protection for locally important green space that is not currently protected by any national designation, giving greater discretion and decision-making powers to local councils and local communities reflecting the fact that some land is particularly valued by communities and requires additional protection. The new protection through a new designation³ would fill the gap where land was important locally – for example for local amenity – but where a national designation would not apply.

xv. Clarification on which wildlife sites should be given the same protection as European sites

27. The Habitats Regulations apply specific provisions of the Habitats Directive to candidate Special Areas of Conservation, Special Areas of Conservation and Special Protection Areas which require special considerations to be taken in respect of such sites. Local councils are required to have regard to the Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system.

28. As a matter of policy, the Government has in the past chosen to apply the provisions which apply to European sites to Ramsar sites and potential Special Protection Areas, even though these are not European sites as a matter of law. This is to assist the UK Government in fully meeting its obligations under the Birds Directive and Ramsar Convention.

² 'Green infrastructure' is a strategic network of multi-functional green space, both new and existing, both rural and urban, which supports natural and ecological processes and is integral to the health and quality of life in sustainable communities. The Natural England definition of green infrastructure includes high quality green spaces and other environmental features, encompassing varied space such as urban parks, domestic gardens, waterways and churchyards.

³ The draft NPPF uses the term Local Green Space (paras 130-132)

29. To ensure that its obligations in respect of the Habitats Directive, the Birds Directive and the Ramsar Convention are fully met in future, and to reduce the risk that any consents granted when a site is being considered for classification would subsequently have to be reviewed (and either revoked or modified at potentially very significant cost) after classification, the Government is proposing to clarify that the provisions which apply to European sites should as a matter of policy also apply to:

- possible Special Areas of Conservation;
- proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

30. This will provide certainty for local councils, developers and others about how to treat possible European sites, and should therefore ensure that a consistent approach is taken. This should contribute to better decisions being made about the protection of biodiversity, and reduce the risk of local councils paying compensation for any planning permissions that are revoked as a result of a site becoming classified as a European site.

xvi. **Decentralised energy targets**

31. The Government expects local councils to continue to support decentralised energy but does not need to require local councils through national planning policy to set council wide decentralised energy targets. The Government is committed to the zero carbon initiative, which is looking to reduce carbon emissions from new development. The increasing standards under the zero carbon initiative will help to drive decentralised energy, reducing the need for council wide targets. If local councils wish to set their own targets they can, and the policies in the Framework would not prevent such targets provided in their implementation they do not make development unviable.

xvii. **Proactive approach to identifying opportunities for renewable and low carbon energy**

32. The objective is to ensure that the planning system contributes effectively to the delivery of the Government's energy and climate change policy. The preferred option expects local authorities to consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources. Where developers bring forward proposals outside opportunity areas mapped in a local or neighbourhood plan they are asked to demonstrate that the proposed location meets the criteria used in plan making. This should provide transparency, and bring greater predictability to the planning application process.

xviii. **Historic environment:**

33. The heritage section of the Framework incorporates – and streamlines - the existing policies contained in Planning Policy Statement 5. It does not alter those policies or create new ones. Certain policies in Planning Policy Statement 5 have been omitted from the heritage section and are incorporated, more appropriately, in other sections of the Framework. These are: -

- Part of policy HE1 (Heritage Assets and Climate Change)

- Policy HE2 (Evidence Base for Plan-making)
- Policy HE4 (Permitted Development and Article 4 Directions)

One policy - HE5 (Monitoring Indicators) - from Planning Policy Statement 5 has not been incorporated as a specific policy within the Framework. All other Planning Policy Statement 5 policies have been condensed and included within the heritage section. Some of the detail of these policies in Planning Policy Statement 5 is considered to constitute guidance rather than policy and could more suitably be issued as such.

xix. Traveller sites

DCLG has consulted on a draft planning policy for traveller sites (PINS Note 14/2011). The consultation period has ended and a new Planning Policy Statement for traveller sites will be published as soon as possible following due consideration of the consultation responses. The new Planning Policy Statement for traveller sites will be reviewed in the light of all comments received and incorporated into the final National Planning Policy Framework.

As part of its consultation on the National Planning Policy Framework, DCLG is seeking responses to the following question:

Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?