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**Agenda Item:** 5.3

<b>Site:</b>	Branston Leas (Phase 5), Land South of , Lichfield Road, Branston, DE14 3EQ
<b>Proposal:</b>	Reserved Matters application relating to P/2019/00258 for the erection of 100 dwellings including details of appearance, landscaping, layout and scale

### Report of Head of Service (Section 151 Officer)

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

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#### [Hyperlink to Application Details](#)

<b>Application Number:</b>	P/2022/00980	
<b>Planning Officer:</b>	Barbara Toy	
<b>Type of Application:</b>	Reserved Matters	
<b>Applicant:</b>	St Modwen Homes	
<b>Ward:</b>	Branston	
<b>Ward Member (s):</b>	Councillor Mrs P L Ackroyd	
	Councillor R G W Grosvenor	
	Councillor A Clarke	
<b>Date Registered:</b>	14/09/2022	
<b>Date Expires:</b>	17/11/2022 Time Extension agreed till 23-12-2022 to allow time to issue the decision following Planning Committee.	
<b>Reason for being on Agenda</b>	Major Application	

### 1. Executive Summary

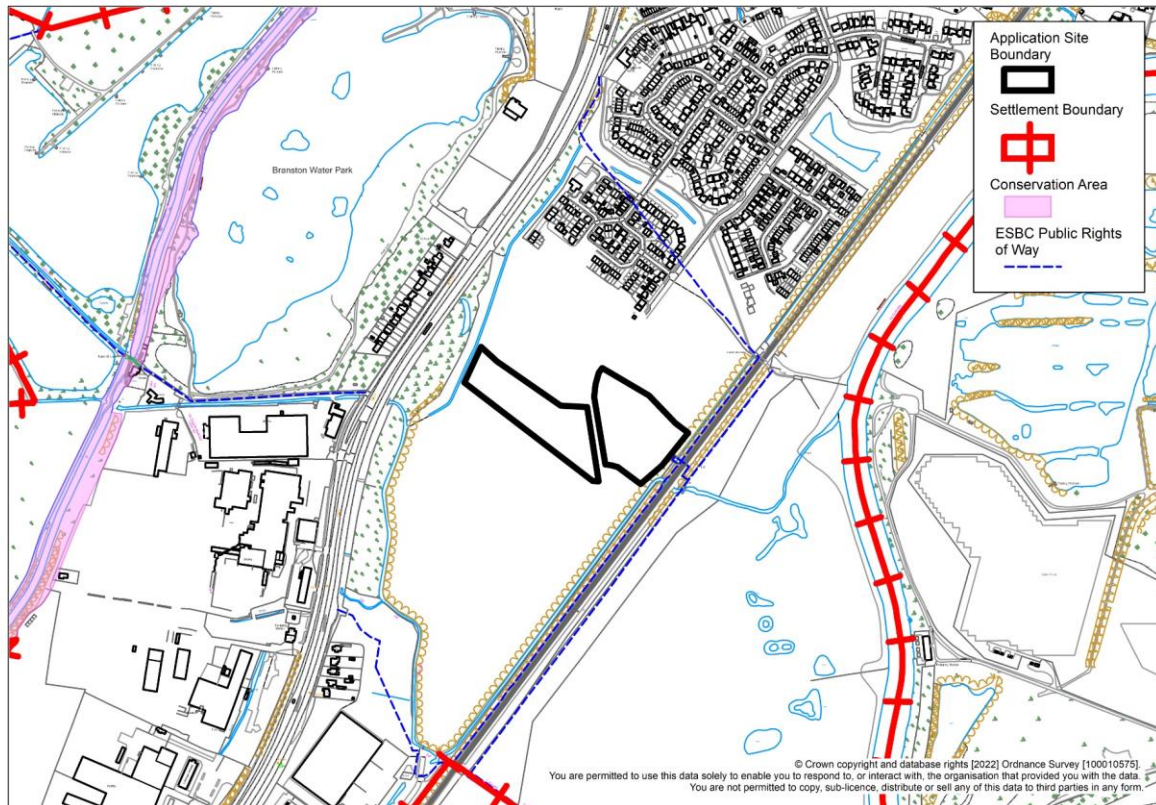
- 1.1 The application site comprises 5.29 hectares of land and forms the final (5<sup>th</sup>) phase in the residential element of the SUE known as Land to the South of Branston, with outline consent for residential development approved in 2021 together with a S106 Agreement. To the south of the application site lies the employment element of the SUE which is known as Burton Gateway.

- 1.2 The application site straddles the spine road (now known as Acacia Lane) which leads through the SUE linking Branston village in the north to the employment area located to the south and access onto the A38.
- 1.3 This is a reserved matters application for the consideration of appearance, landscaping, layout and scale for the erection of 100 dwellings (including 13 affordable units with access via the existing spine road).
- 1.4 The principle of residential development has been established through the outline consent and S106 Agreement. The proposed design, layout, house types and materials proposed reflect the previous 4 phases of the residential elements of the SUE, with Phases 1, 2 and 3 now complete and occupied and Phase 4 nearing completion.
- 1.5 The submitted details for this reserved matters application demonstrate that the development will fit acceptably into the context of adjoining existing and proposed built form by way of its siting, scale, massing and design. The proposed layout shows that separation distances between the proposed dwellings are such that the site can be developed without having any material harm on the reasonable residential amenities of the proposed occupiers.
- 1.6 Statutory consultees have raised no objections to the proposals and it is considered that the submitted details accord with the outline consent, its conditions and the accompanying S106 Agreement.
- 1.7 No objections have been raised by Branston Parish Council or local residents.
- 1.8 It is considered that the submitted scheme is in accordance with the details of the approved outline application and accompanying S106 Agreement, and complies with the provisions of the relevant adopted development plan policies, Neighbourhood Plan policies and the National Planning Policy Framework. It is considered that the proposal will not have an adverse impact on the residential amenities of surrounding occupiers, will not have a detrimental impact on, highway safety, or the general character of the area.

In light of the above conclusions on the planning merits of the case, the application is recommended for **approval** subject to conditions.

**Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site



## 2. The Site and Surroundings

- 2.1 The application site is 5.29 hectares in size and is located within the Sustainable Urban Extension (SUE) known as Land to the South of Branston. This is the final phase in the residential element of the SUE and the site lies immediately to the south of the residential phases 3 and 4 which are currently under construction. To the south of the application site lies the employment element of the SUE which is known as Burton Gateway and comprises large employment units served by a new access off the A38. The closest unit Phase 5, is a single large building that is under construction and nearing completion.
- 2.2 The application site straddles the spine road (now known as Acacia Lane) which leads through the SUE linking Branston village in the north to the employment area located to the south and access onto the A38. To the north west of the site is the A38 trunk road, and to the East is a railway line located beyond Tatenhill brook. The site is located 850m to the South of Branston village centre.
- 2.3 The site is fairly level and as it was previously used for gravel workings it currently comprises of scrubland, with no significant trees or hedges. The site is an unusual shape with its widest elements along the spine road frontage. Immediately to the north of both phases of the development are landscaped swales that form part of phase 4.
- 2.4 The application site is within the settlement boundary of Burton upon Trent and is also identified as being part of a Major Sustainable Urban Extension (SUE) under Strategic Policy 7 of the Local Plan. The site is also identified on Map 2

of the Branston Neighbourhood Plan as a site with potential for planning permission.

- 2.5 It should be noted that the application site did not form part of the original outline consent for the SUE development.

### 3. Planning History

#### 3.1 Host Outline Permission for Land South of Branston

**P/2013/00432**- Outline planning application for a mixed use development scheme comprising demolition of existing buildings and structures, up to 660 dwellings (Use Class C3 Residential), up to 71,533 sq. m (770,000 sq. ft) of employment floorspace (Use Classes B2 General Industry and B8 Storage and Distribution), a local centre providing up to 600 sq. m (6,459 sq. ft) of floorspace (Use Classes A1 Shops, A2 Financial and Professional Services, A3 Restaurants and Cafes, A4 Drinking Establishments and A5 Hot Food Takeaway) together with associated access from Main Street and the A38 including link road, car parking, servicing, landscaping, public realm works and works to the highway, public open space, sports and recreation facilities, structural landscaping, re-profiling of the River Trent and Tatenhill Brook and provision of drainage ponds and flood alleviation works, with all matters reserved except means of access – Approved subject to conditions 17-07-2013

#### 3.2 Phase 1 Residential

**P/2014/00550**- Reserved matters application for the erection of 64 dwellings (Phase 1), including details of appearance, landscaping, layout and scale- Approved subject to conditions 13-08-2014.

#### 3.3 Phase 2 Residential

**P/2015/00849**- Reserved matters application for the erection of 204 dwellings (Phase 2), including details of appearance, landscaping, layout and scale- Approved subject to conditions 23-11-2015

#### 3.4 Phases 3 and 4 Residential

**P/2018/00697**- Reserved matters application for the erection of 392 dwellings (Phases 3 and 4), including details of appearance, landscaping, layout and scale- Approved subject to conditions 13-09-2018.

- 3.5 There have been various discharge of condition applications on the above applications as well as some amendments to the schemes.

#### 3.6 Outline Permission for Phase 5

**P/2019/00980** - Outline application for the erection of up to 120 dwellings and associated works including details of access (Phase 5) approved subject to conditions and a S106 Agreement 07-10-2021

- 3.7 **P/2022/01193** – Discharge of Conditions attached to P/2019/00258 – current application

Condition 5 – Details of Materials

Condition 11 – Details of Levels

Condition 12 – Surface Water Drainage Scheme

Condition 13 – Construction Management Plan

Condition 14 – Disposal of Foul and Surface Waters

Condition 15 – Noise Mitigation

Condition 16 – Dust Prevention Measures

#### 4. The Proposals

4.1 This application is a reserved matters submission for the erection of 100 dwellings, including details of appearance, landscaping, layout and scale. Access was approved under the outline consent.

4.2 The proposals would comprise the following housing mix:

House Type/ Bedrooms	Total Number	Open Market	Affordable Units
1 Bed Maisonettes	2	-	2
2 Bed Houses	14	7	7
3 Bed Houses	66	37	4
4 Bed Houses	18	18	-
<b>Total</b>	<b>100</b>	<b>87 (87%)</b>	<b>13 (13%)</b>

4.3 The site would be accessed off the existing spine road that runs through the site from Branston village in the north to the A38 to the south, through the residential and industrial phases of the overall development of the SUE. The site sits in two halves, Phase 5A would sit to the west of the spine road and Phase 5B would sit to the east of the spine road.

4.4 Phase 5A would provide 57 units including 2 one bed units, 14 two bed units and 41 three bed units, including 13 affordable units whilst Phase 5B would provide 43 units including 18 four bed houses and 35 three bed houses.

4.5 The roadways into the development each side of the spine road would be no through routes with all 4 roads to be adopted, 3 with pedestrian footpaths either side and the fourth road would be a shared surface. A number of shared access drives would also be created within the development which allow for properties to face out of the site to allow for views whilst reducing the amount of roads required.

4.6 The proposed layout includes grid like perimeter blocks enclosing secure rear private garden areas. No on site open space is provided but the S106 Agreement on the outline consent included an off-site financial contribution to open space provision elsewhere within the SUE.

4.7 Full details of house types and garages have been provided and are similar to others used within the first 4 phases of the development. The house types are distributed throughout the site, including detached, semi detached and terraced houses as well as a single block of two, one bed maisonettes. The 18 four bed houses would be provided within Phase 5B to the each of the spine road and the 13 affordable units, the 14 two bed units and the 2 one bed units would be provided within Phase 5A, as per the outline consent. The majority of the dwellings will be two storey with some two and a half and three storey units fronting onto the spine road. The properties will be constructed from a variety of multi red facing brickwork with slate grey tiled roofs and include a mix of design

features including gable features, vertical emphasis windows, front door canopies, contrast panel detailing between windows, Juliet balconies and patio doors.

- 4.8 The three storey units would have an integral garage and a first floor balcony feature to the frontage. 13 further properties would have single detached garages and the remainder of the properties would have off street parking facilities.
- 4.9 In line with the S106 Agreement on the outline consent the scheme provides for 13% (13 units) to be affordable homes.
- 4.10 Negotiations have taken place during the course of the application to remove some garages to improve gardens and the outlook to the rear of some properties, to add additional tree planting in line with comments from the National Forest and amended drainage scheme in line with comments from the Leading Local Flood Authority.

#### List of supporting documentation

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

- Reserved Matters Application Form
- Layout Plans and House Type Details
- Transport Assessment Compliance Statement
- Detailed Landscaping Details
- Cross Section Plans
- Earthworks Strategy Plan
- Vehicle Tracking Plans
- Drainage Strategy
- Design and Access Statement
- Planning Statement

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

## **5. Consultation Responses and Representations**

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

<b>Statutory and non statutory consultee</b>		<b>Response</b>
5.2	Branston Parish Council	No representations received
5.3	SCC Highways	No objections, the layout is broadly to adoptable standards, no concerns regarding highway safety and the car parking complies with policy. Condition recommended regarding the surfacing of parking areas.
5.4	SCC Education	Education contribution payable and will be calculated in line with the existing S106 Agreement on the outline consent
5.5	SCC Flood Risk Team	Following the receipt of additional information, satisfied that an appropriate drainage design has been provided and

		removed previous objection subject to conditions to secure the revised drainage plans.
5.6	SCC Archaeologist	No archaeological concerns, the site appears to form part of a previous quarried area. Advice to the developer provided on previous phases reiterated.
5.7	SCC Waste	S106 on the outline consent includes provision of bins for the dwellings
5.8	Environment Agency	No objections
5.9	National Highways	No objections. A small reduction in trips over the outline consent for up to 120 dwellings. No mitigation required. The site is unlikely to have a significant impact on the A38 Strategic Road network.
5.10	National Forest	No objections following the receipt of amended planting scheme, to provide additional tree planting and native hedgerows. Conditions recommended to ensure details of maintenance and management of Landscaping outside of plots.
5.11	Network Rail	No objections subject to compliance with requirements regarding works in proximity of the railway.
5.12	Architectural Liaison Officer	No objections. Advice on design, layout and security provided.

Internal Consultees		Response
5.13	Environmental Health	Conditions 13, 14 and 15 on the outline consent still apply and the contaminated land condition on the previous phased also still applies.

## 6. Neighbour Representations

- 6.1 Site and Press notices were posted, and notification letters were sent to adjacent properties to the site. No representations received from any neighbours.

## 7. Policy Framework

### National Policy

National Planning Policy Framework  
National Planning Policy Guidance

### Local Plan

#### Principle 1: Presumption in Favour of Sustainable Development

- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1: Role of Neighbourhood Plans
- SP3: Provision of Homes and Jobs 2012-2031

- SP4 Distribution of Housing Growth 2012 – 2031
- SP7 Sustainable Urban Extensions
- SP9 Infrastructure Delivery and Implementation
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP24 High Quality Design
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP32 Outdoor Sports and Open Space
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP7 Pollution and Contamination

#### Branston Neighbourhood Plan

- B1 – Integrating New development with Existing Communities
- B2 – Design
- B4 – Local Landscape Character
- B5 – Health and Wellbeing
- B6 – Landscaping and Protecting Biodiversity
- B7 – Open Space in New Development
- B8 – Sustainable Homes
- B9 – Housing Type and Mix
- B10 – Safer Roads and Streets
- B11 – Car Parking

#### Supplementary Planning Documents

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

#### **Assessment**

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

- Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Residential Amenity
- Access and Highway Matters
- Historic Environment
- Flood Risk and Drainage
- Relationship to Railway



- Affordable Housing and Housing Mix
- Landscaping and National Forest
- Biodiversity

## **8. Principle of Development Relevant Policies**

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

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

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

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

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

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

8.4 Strategic Policy SP7 identifies the Land South of Branston as a Sustainable Urban Extension (SUE).

### **Assessment**

8.5 The application site forms the most southerly section of the residential element of the Land South of Branston SUE allocated in Policy SP7 of the Local Plan and was granted outline consent for residential development in 2021, for up to 120 dwellings in line with the requirements of Policy SP7.

8.6 This is a reserved matters application for the fifth phase of residential development within the SUE and is subject to the conditions and S106 Agreement attached to the outline consent.

8.7 The proposals would provide 100 units, 20 below the number approved under the outline consent.

8.8 The principle of residential development at the site is therefore already established and in line with policies SP1 and SP7 of the Local Plan.

### **9. Design and Impact on the character and appearance of the area Relevant Policies**

9.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 9.2 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.3 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 9.4 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 9.5 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.
- 9.6 Policy B2 of the Branston Neighbourhood plan requires high design quality and should reflect local distinctiveness and high quality contemporary designs will also be supported. Building heights are expected to reflect the predominant character of the area. While development is expected to be predominantly two storeys or less, development higher than two storeys may be acceptable in certain locations where this would harmonise with the character of the area and the site's surroundings and be acceptable with regard to design and other considerations.

### **Assessment**

- 9.7 The scheme includes a range of house types which vary in size, design and height and reflect the house types on the other four phases of the overall SUE development. The two and half and three storey properties would all sit within Phase 5B and front onto the spine road, the remainder of the properties would all be 2 storey. The large number of house types allows for a variation but they follow a similar theme to ensure coherent design across this phase and the other 4 phases of the overall development.
- 9.8 The design through the development include a mix of design features including gable features, vertical emphasis windows, front door canopies, contrast panel detailing between windows, Juliet balconies and patio doors and reflect those already within the overall development. Similarly a mix of multi red bricks would be utilised together with slate grey roof tiles to provide some variety but continuity. House types on each of the corner plots have been designed to address both street frontages. It is considered that the design of the properties is appropriate and would continue the existing character and property mix of the overall development.

- 9.9 The garden sizes within the development vary between 51sqm and 163sqm, in compliance with the requirements of the Separation Distance and Amenity SPD.
- 9.10 12 properties within the development would be M4(2) compliant in accordance with condition 9 on the outline consent that required 10% of dwellings to be M4(2) compliant.
- 9.11 The road layout provides perimeter blocks with active street frontages and private rear gardens and the use of shared private driveways helps to maximise the number of properties looking onto the existing spine road and onto the two swale features just outside the northern boundary of the site, providing natural surveillance of these areas of open space, as Phase 4 to the north.
- 9.12 A number of plots in Phase 5A (18) directly face south towards the large industrial building (Phase 5 commercial development) set immediately to the south, but the layout has been designed with a roadway along the southern boundary to increase the separation between the building and the houses. Plots 1 and 10 would have their side gables to the building. This relationship is discussed further in the Residential Amenity section below.
- 9.13 Landscaping proposals are included in the submission which includes a grass verge along the roadway at the southern boundary of Phase 5A, as well as grass verges and street trees along the spine road, replicating the previous phases along the length of the spine road. Additional tree planting has also been included in the scheme, but there is no open space within the development as per the outline consent, but open space sits immediately to the north of each phase of the development in the form of a swale and pathways through a green gap in the overall development.
- 9.14 The design and layout of each phase of the development is considered appropriate and in line within Local Plan Policies SP1, SP24, DP1, the East Staffordshire Design Guide and Policy B2 of the Branston Neighbourhood Plan.

## **10. Residential Amenity Relevant Policies**

- 10.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 10.2 The Councils recently adopted Separation Distances and Amenity SPD sets out overall spacing standards for new residential development to ensure that existing and future occupiers have a good level of amenity and privacy to enjoy the place where they live.

### **Assessment**

- 10.3 The Separation Distance and Amenity SPD requires a 21m separation distance between habitable room windows and 12m between habitable room windows and a blank gable. A number of properties within the central street block in Phase 5A have a separation distance between habitable roof windows of 20.5m and one a separation of 20m, falling slightly below the required 21m. The layout

in this part of the development is defined by the proximity of the commercial building to the south and ensuring that properties face the swale open space to the north to ensure natural surveillance of this open space. The slight shortfall (between 0.5m and 1m) would not significantly impact on the amenities of the occupiers in terms of loss of light or overlooking and in this case is considered acceptable. The units with the reduced separation distance are not the affordable units.

- 10.4 Three corner plots with Phase 5B have ground floor side facing patio doors to the dining area that would sit closer than the 12m required by the SPD to the gable of the adjacent house. Whilst this would conflict with the SPD guidance, the dining area is part of a dining/kitchen with an additional window to the frontage, so the doors are not the only source of light to the room. The doors would create no overlooking issues and the extent of light to the through room is considered satisfactory. In this case the design and layout is considered appropriate and would have no adverse impact on the future occupiers of the houses.
- 10.5 The separation distance between the properties on the eastern side of Phase 5B and the railway line that runs north side to the east would be similar to that of previous phases within the overall development and is considered acceptable.
- 10.6 A large commercial building (nearing completion) sits to the south of Phase 5A. The building is 136m x 192m and has a flat roof height of 18m. The building is set off the boundary with Phase 5A by approx. 43m with car parking to the north of the building and a band of tree planting between the car park and the site boundary. The separation between the houses directly facing south within Phase 5A varies between 55 and 56m, with a new road set between. The Separation Distance and Amenity SPD expands of the separation distances required when there is a change in level or scale difference between frontages and requires an additional 1m per 1m of elevation basis. Given the height of the proposed houses compared to the height of the commercial building this would equate to an additional 10m separation, so 31m required. The proposals therefore more than meet the requirements despite the large scale nature of the commercial building. The tree band which is between 6.5m and 11.5m wide will provide partial screening of the building from the front windows of the properties. The band of trees includes heavy standard Field Maple, Silver Birch, Callery Pear and oak trees. Plots 1 and 10 would sit side on to the commercial development, with their side gable approx. 43m from the building. It is considered that given the separation distance (in line with the SPD) and the band of trees the future occupiers of the residential properties would be unaffected by the commercial building. The SUE was approved with a mix of residential and commercial development so it was always envisaged that there would be a juxtaposition between the residential and commercial elements.
- 10.7 Given the separation distance and screening it is considered that the future occupiers would be unaffected by noise from the commercial building and its car park.
- 10.8 The closest properties to the north within Phase 4 would sit approx. 37m, facing the frontages of properties in Phase 5A and similarly in Phase 5B. The two

swales and areas of open space would site between the properties. It is considered that the proposals would have no adverse impact on the amenities of the occupiers within Phase 4 and that the future occupiers would be unaffected by the adjacent commercial development in accordance with Policies SP1 and DP3 of the Local Plan.

## 11. Highway Matters Relevant Policies

- 11.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 11.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 11.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.  
The Parking Standards SPD requires the following for residential developments:
- |                    |  |
|--------------------|--|
| 1 bedroom          | 1 space + 1 space per 3 dwellings for visitors |
| 2 or 3 bedrooms    | 2 spaces                                       |
| 4 or more bedrooms | 3 spaces                                       |
- 11.4 The Branston Neighbourhood in policy B11 sets out the following minimum parking standards:

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

### Assessment

- 11.5 The development would utilise the existing spine road that runs the entire length of the SUE and is now fully constructed. Four roads within the development would be adopted, 3 with footways either side and one a shared surface. Shared access drives are included within the scheme to allow the

houses to face out of the site whilst reducing the number of roads. Vehicle access to the land to the west of the site at the end of Road 1 has been provided for the Environment Agency for flood defence maintenance. SCC Highways have no objections to the layout.

- 11.6 Each property has off street parking provision in compliance with the Parking Standards SPD and policy B11 of the Branston Neighbourhood Plan. The three storey house that front the spine road have integral garages and 13 other properties have detached single garages. Electric Vehicle charging will be provided for the majority of the properties.
- 11.7 The S106 agreement on the outline consent includes a financial contribution of £122,000 towards the Branston Interchange improvement programme.
- 11.8 A Framework Travel Plan for the site as a whole was approved under the outline consent and included in the S106 agreement.
- 11.9 It is therefore considered that the proposals would comply with the outline consent and S106 agreement already in place and would not prejudice the safe or efficient use of the highway network in compliance with policies SP1 and SP35 of the Local Plan and the Parking Standards SPD.

## **12. Historic Environment Relevant Policies**

- 12.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 12.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 12.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.

- 12.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 12.5 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.

### **Assessment**

- 12.6 The closest Conservation area to the site is in Tatenhill on the opposite side of the A38 dual carriageway. As such it is considered that the proposals would not harm the character of appearance of any conservation area or its setting.
- 12.7 The nearest Listed Building to the site is Court Farmhouse a Grade II listed building set to the north of Phase 1 of the SUE. The proposed development would therefore have no adverse impact on the character, significance of setting of heritage assets, in compliance with Policy SP25 of the Local Plan.

## **13. Flood Risk and Drainage**

### **Relevant Policies**

- 13.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 13.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.

### **Assessment**

- 13.3 As Phases, 1, 2, 3 and 4 the site sits within Flood Zone 2. There are no past flooding events recorded and there is a low surface water flood risk associated with the adjacent Tatenhill Brook which runs along the eastern boundary of the site.
- 13.4 There is a discharge of conditions application on the outline consent, currently under assessment by the Local Flood Authority and Severn Trent Water that includes details of surface water drainage and the disposal of foul and surface waters.



13.5 The Environment Agency have raised no objections to the proposals. And as set out earlier in the report the Local Lead Flood Authority are satisfied an appropriate drainage design has been provided.

#### 14. Relationship to Railway

14.1 The relationship to the railway line to the east is similar to that of the other phases within the SUE, with properties not being any closer to the railway.

14.2 Network Rail have raised no objections subject to an informative regarding compliance with their guidance on works in proximity of the railway.

#### 15. Affordable Housing and Housing Mix Relevant Policies

15.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.

15.2 Strategic Policy 16 states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence.

15.3 The Housing Choice SPD expects the following housing mix for Branston:

	Housing Choice SPD – Branston	Proposed Scheme	Combined Phases 1, 2, 3 & 4
1-bedroom homes (flats, houses or bungalows)	3%	2%	1%
Housing for Older People	12%	-	-
2-bedroom houses	16%	14%	21%
3-bedroom houses	32%	66%	33%
4-bedroom houses	26%	18%	41%
5-bedroom houses	11%	-	4%

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

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

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

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

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

### **Assessment**

15.8 The outline consent and S106 Agreement approved 13% affordable units within the site and remainder of the 40% provision required by Policy be provided in an off site commuted sum payment of £255,000.

15.9 The proposed layout provides 13 affordable units, 2 one bed, 7 two bed and 4 three bed units within Phase 5A (as per the outline consent and S106 Agreement). The mix of affordable units is considered appropriate for the site and the units are provided in three separate blocks in compliance with Policy SP17 and the Housing Choice SPD.

15.10 It can be seen in the above table the proposed Housing Mix does not fully comply with the guidance in the Housing Choice SPD for Branston. The scheme provides a large number of 3 bed dwellings, but it should be noted that these are large 3 bed properties, ie 3 bed, 5 person, which provide improved space for residents. Phases 1 – 4 of the SUE has already provided a proportion of 4 and 5 bed houses that exceeds the SPD Housing Mix and an excess of 2 bed units across the development. The proposals seek to even up the distribution of properties and 3 bed units have proved popular and in demand on the previous phases of the SUE development.

15.11 Whilst no specific housing for older people has not been provided within this Phase, the number of units in compliance with M4(2) exceeds the policy requirement of 10% with and it is considered by the developer that addresses the provision for the elderly. This approach has been consistent throughout the other phases of the SUE.

15.12 The Housing Mix within the development is therefore considered acceptable for this phase of the development.

## **16. Landscaping and National Forest Relevant Policies**

16.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range

of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.

- 16.2 Strategic Policy 1 requires development not to harm biodiversity and enhance where ever possible, including increasing tree cover especially as part of the National Forest and that development should be integrated with the character of the landscape
- 16.3 Strategic Policy 24 requires development to reflect the character of the National Forest in their design
- 16.4 Strategic Policy 26 supports the National Forest Strategy expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines.
- 16.5 Strategic Policy 30 states that development proposals will be expected to demonstrate that they have taken into account the Landscape Character Assessment for Staffordshire and consist of a scheme which reflects the landscape character and where possible enhances the landscape quality.

### **Assessment**

- 16.6 The site sits within the National Forest therefore Policy SP26 applies.
- 16.7 The proposals include landscaping proposals that have been amended since submission in accordance with the comments made by the National Forest Company. The proposals include grass verges and tree planting either side of the spine road, as the other 4 phases along its length. The amended scheme also includes additional hedging and tree planting to communal areas and individual plots.
- 16.8 The National Forest Company have raised no objections to the revised landscaping scheme subject to conditions to ensure details of maintenance and management of landscaping outside of plots.

### **17. Biodiversity**

#### **Relevant Policies**

- 17.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 17.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 17.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire

biodiversity action plan species and supporting developments with multi-functional benefits.

### Assessment

17.4 The outline application was supported by an Ecological Impact Assessment which set out that the land is generally of low ecological value to wildlife. This is largely due to the recent surrounding development of phases 1, 2, 3 and 4 of the residential phases and the commercial phases of the SUE. A condition on the outline consent recommended that ground clearance and shrub removal take place outside of the bird nesting season and that works are carried out in line with the Ecological Appraisal, to ensure appropriate ecological enhancement measures are provided as part of the development. These conditions are recommended to be included on this reserved matters consent.

### 18. Section 106 Contributions

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

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

18.2 In this case a S106 Agreement was signed on the outline consent and included contributions towards:

Education  
 Refuse Containers  
 Open Space  
 Affordable Housing  
 Healthcare  
 Highways  
 Staffordshire County Council

18.3 The table below provides the calculations of the contributions based on the current reserved matters submission for 100 dwellings:

Item	Planning Obligation	Cost for Reserved Matters Submission
Education	Primary provision £2,737.28 per unit	£268,253.44
	Secondary provision £2,499.80 per unit	£217,482.60
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling	£7,500
Open Space	£1,342.70 per unit	£134,270
Affordable Housing	On site – 13% within Phase 5A	

	Off site provision	£255,000
Healthcare	£420 per unit	£42,000
Highways	Travel Plan Monitoring	£12,138
	Off Site Highway Works - Branston Interchange improvement programme	£122,866.54
Staffordshire County Council	Monitoring sum	£1,942.50
<b>Total Payable</b>		<b>£1,061,453.05</b>

## 19. Conclusions

- 19.1 The proposals represent Phase 5 of the residential element of the SUE, approved in principle in 2021 with an outline planning consent for up to 120 dwellings and a S106 Agreement.
- 19.2 The proposals will provide 100 dwellings including 13 affordable units on site with a further off site commuted sum. The submitted details for this reserved matters application demonstrate that the development will fit acceptably into the context of adjoining existing and proposed built form by way of its siting, scale, massing and design. The proposed layout shows that separation distances between the proposed dwellings are such that the site can be developed without having any material harm on the reasonable residential amenities of the proposed occupiers. The Highway Authority has confirmed that there are no issues in relation to highway safety arising from the proposed internal road layout of the scheme and it is considered that the surface water and flooding issues and ecology and biodiversity relating to the site have been satisfactorily resolved, subject to appropriate conditions.
- 19.3 The details of appearance, landscaping, layout and scale of the development have been assessed against the original outline consent and its conditions and the S106 Agreement and it is considered that the proposals are in accordance with these as well as the aims and policies of the Local Plan and the NPPF.

## 20. RECOMMENDATION

### **APPROVE RESERVED MATTERS subject to the following conditions**

#### **1. Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

Site Location Plan Drawing R9119-RGP-22-00-DR-A-1003 Rev A dated as received on 12-08-2022

Proposed Site Layout Drawing R9119-RGP-22-00-DR-A-1000 Rev Q dated as received on 08-12-2022

Boundary Treatment Plan Drawing R9119-RGP-22-00-DR-A-1001 Rev H dated as received on 07-12-2022

Materials Plan Drawing R9119-RGP-22-00-DR-A-1002 Rev H dated as received on 08-12-2022

Proposed Street Scene A-A Drawing R9119-RGP-22-00-DR-A-1004 Rev A dated as received on 12-08-2022

Proposed Street Scene B-B Drawing R9119-RGP-22-00-DR-A-1004 Rev B dated as received on 08-12-2022

CORE H1B0539V1 AS Drawing R9119-RGP-22-ZZ-DR-A-0001 Rev A dated as received on 12-08-2022

CORE H2B0637V1 AS Drawing R9119-RGP-22-ZZ-DR-A-0002 Rev A dated as received on 12-08-2022

CORE H2B0759V1 AS Drawing R9119-RGP-22-ZZ-DR-A-0003 Rev A dated as received on 12-08-2022

CORE H3B0790 AS (The Wilfred) Drawing R9119-RGP-22-ZZ-DR-A-0004 Rev A dated as received on 12-08-2022

CORE H3B0838V1 AS (The Mirin) Drawing R9119-RGP-22-ZZ-DR-A-0005 Rev A dated as received on 12-08-2022

CORE H3B0920V1 AS Drawing R9119-RGP-22-ZZ-DR-A-0006 Rev A dated as received on 12-08-2022

CORE H3B1036V1 AS (The Edwena) Drawing R9119-RGP-22-ZZ-DR-A-0007 Rev A dated as received on 12-08-2022

CORE H3B01012V1 AS (The Saxon) Drawing R9119-RGP-22-ZZ-DR-A-0008 Rev A dated as received on 12-08-2022

CORE H3B0936V1 AS (The Kea / The Webster) Drawing R9119-RGP-22-ZZ-DR-A-0009 Rev A dated as received on 12-08-2022

CORE H2B0637V1 OPP Drawing R9119-RGP-22-ZZ-DR-A-0009 Rev A dated as received on 12-08-2022

CORE H2B0759V1 OPP Drawing R9119-RGP-22-ZZ-DR-A-0010 Rev A dated as received on 12-08-2022

CORE H3B0790 OPP (The Wilfred) Drawing R9119-RGP-22-ZZ-DR-A-0012 Rev A dated as received on 12-08-2022

CORE H3B0838V1 OPP (The Mirin) Drawing R9119-RGP-22-ZZ-DR-A-0013 Rev A dated as received on 12-08-2022

CORE H3B0920V1 OPP Drawing R9119-RGP-22-ZZ-DR-A-0013 Rev A dated as received on 12-08-2022

CORE H3B01012V1 OPP (The Saxon) Drawing R9119-RGP-22-ZZ-DR-A-0015 Rev A dated as received on 12-08-2022

CORE H3B0936V2 OPP (The Kea / The Webster) Drawing R9119-RGP-22-ZZ-DR-A-0016 Rev A dated as received on 12-08-2022

PURE H4B1474 AS (The Garnet) Drawing R9119-RGP-22-ZZ-DR-A-0100 Rev A dated as received on 12-08-2022

PURE H4B1379 AS M4(2) (The Barlow) Drawing R9119-RGP-22-ZZ-DR-A-0101 Rev A dated as received on 12-08-2022

PURE H4B1355 AS (The Hexham) Drawing R9119-RGP-22-ZZ-DR-A-0102 Rev A dated as received on 12-08-2022

PURE H4B1342 AS (The Paris) Drawing R9119-RGP-22-ZZ-DR-A-0103 Rev A dated as received on 12-08-2022

PURE H4B1210 AS (The Becket) Drawing R9119-RGP-22-ZZ-DR-A-0104 Rev A dated as received on 12-08-2022

PURE H3B1036 OPP (The Edwena) Drawing R9119-RGP-22-ZZ-DR-A-0105 Rev A dated as received on 12-08-2022

PURE H3B01012 AS (The Saxon) Drawing R9119-RGP-22-ZZ-DR-A-0106  
Rev A dated as received on 12-08-2022

PURE H3B0936 AS (The Webster) Drawing R9119-RGP-22-ZZ-DR-A-0107  
0936 Rev A dated as received on 12-08-2022

PURE H3B920 AS (The Houghton) Drawing R9119-RGP-22-ZZ-DR-A-0108  
Rev A dated as received on 12-08-2022

PURE H3B0838 AS (The Mirin) Drawing R9119-RGP-22-ZZ-DR-A-0109  
Rev A dated as received on 12-08-2022

PURE H4B1474 OPP (The Garnet) Drawing R9119-RGP-22-ZZ-DR-A-0110  
Rev A dated as received 12-08-2022

PURE H4B1379 OPP M4(2) (The Barlow) Drawing R9119-RGP-22-ZZ-DR-  
A-0111 Rev A dated as received on 12-08-2022

PURE H4B1355 OPP (The Hexham) Drawing R9119-RGP-22-ZZ-DR-A-  
0112 Rev A dated as received on 12-08-2022

PURE H4B1342 OPP (The Paris) Drawing R9119-RGP-22-ZZ-DR-A-0113  
Rev A dated as received on 12-08-2022

PURE H4B1210 OPP (The Becket) Drawing R9119-RGP-22-ZZ-DR-A-0114  
Rev A dated as received on 12-08-2022

PURE H3B01012 OPP (The Saxon) Drawing R9119-RGP-22-ZZ-DR-A-  
0115 Rev A dated as received on 12-08-2022

PURE H3B0936 OPP (The Webster) Drawing R9119-RGP-22-ZZ-DR-A-  
0116 Rev A dated as received on 12-08-2022

PURE H3B920 OPP (The Houghton) Drawing R9119-RGP-22-ZZ-DR-A-  
0117 Rev A dated as received on 12-08-2022

PURE H3B0838 OPP (The Mirin) Drawing R9119-RGP-22-ZZ-DR-A- 0118  
A Rev A dated as received on 12-08-2022

PURE H4B1342 AS (The Paris) Drawing R9119-RGP-22-ZZ-DR-A-0119  
dated as received on 12-08-2022

PURE SINGLE GARAGE Drawing R9119-RGP-22-ZZ-DR-A-0200 dated as  
received on 12-08-2022

PURE TWIN GARAGE Drawing R9119-RGP-22-ZZ-DR-A- 0201 dated as  
received on 12-08-2022

General Arrangement Plan Drawing 21550-RLL-22-XX-DR-C-0101 P05  
dated as received on 08-12-2022

Adoption Plan Drawing 21550-RLL-22-XX-DR-C-0102 P03 dated as  
received on 12-08-2022

Storm and Foul Drainage Strategy and Indicative Levels Drawing 21550-  
RLL-22-XX-DR-C-0103 P05 dated as received on 08-12-2022

FFL Plan Drawing 21550-RLL-22-XX-DR-C-0114 P03 dated as received on  
08-12-2022

Location Plan Drawing 21550-RLL-22-XX-DR-C-0104 P05 dated as  
received on 12-08-2022

Longitudinal Sections Drawing 21550-RLL-22-XX-DR-C-0105 P01 dated as  
received on 12-08-2022

Exceedance Flow Routes Plan Drawing 21550-RLL-22-XX-DR-C-0107 P06  
dated as received on 08-12-2022

Drainage Area Plan Drawing R9119-RLL-22-00-DR-C-0106 P05 dated as  
received on 08-12-2022

Vehicle Tracking Fire Appliance Drawing 21550-RLL-22-XX-DR-C-0110  
P06 dated as received on 08-12-2022

Vehicle Tracking Refuse Vehicle Drawing 21550-RLL-22-XX-DR-C-0111 P06 dated as received on 08-12-2022  
Section 104 Agreement Plan Drawing R9119-RLL-22-00-DR-C-1002 P03 dated as received on 08-12-2022  
Earthworks Strategy Plan Drawing 21550-RLL-22-XX-DR-C-0115 P03 dated as received on 12-08-2022  
Cross Sections Location Plan Drawing 21550-RLL-22-XX-DR-C-0120 P04 dated as received on 08-12-2022  
Cross Sections Plan Drawing 21550-RLL-22-XX-DR-C-0121 P05 dated as received on 08-12-2022  
Detailed Soft Landscape Proposals - General Arrangement Plan Drawing JSL4561-RPS-XX-EX-DR-L-9001\_P05\_Detailed Landscape General Arrangement dated as received on 07-12-2022  
Detailed Soft Landscape Proposals - Sheet 1 of 3 Drawing JSL4561-RPS-XX-EX-DR-L-9002\_P05\_Detailed Landscape Proposals 1 of 3 dated as received on 07-12-2022  
Detailed Soft Landscape Proposals - Sheet 2 of 3 Drawing JSL4561-RPS-XX-EX-DR-L-9003\_P05\_Detailed Landscape Proposals 2 of 3 dated as received on 07-12-2022  
Detailed Soft Landscape Proposals - Sheet 3 of 3 Drawing JSL4561-RPS-XX-EX-DR-L-9004\_P05\_Detailed Landscape Proposals 3 of 3 dated as received on 07-12-2022  
Detailed Soft Landscape Planting Schedule and Specification Drawing JSL4561-RPS-XX-EX-DR-L-9005\_P05\_Detailed Planting Schedule and Specifications Dated as received on 07-12-2022  
Storm Water Network 1 (1, 2, 30 yr) Drawing Branston Phase 5A Network 1 dated as received on 08-12-2022  
Storm Water Network 1 (100 yr + CC) Drawing Branston Phase 5A Network 1 dated as received on 08-12-2022  
Storm Water Network 2 (1, 2, 30 yr) Drawing Branston 5B SW Network 2 dated as received on 08-12-2022  
Storm Water Network 2 (100 yr + CC) Drawing Branston 5B SW Network 2 dated as received on 08-12-2022  
Transport Assessment Compliance Statement dated as received on 12-08-2022  
Planning Statement dated as received on 12-08-2022  
Design & Access Statement Rev B dated as received on 12-08-2022  
SuDs Maintenance Schedule dated as received on 08-12-2022

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP3, SP4, SP7, SP9, SP16, SP17, SP24, SP26, SP27, SP29, SP32, SP35, DP1, DP2, DP3 and DP7, the Branston Neighbourhood Plan, the East Staffordshire Design Guide, the Car Parking Standards Supplementary Planning Document, the Separation Distances and Amenity Supplementary Planning Document, the National Planning Policy Framework.

## 2. M4 (2) Compliance



The 12 dwellings identified on the layout plans approved under condition 1 shall be completed to the Building Regulation 2010 Standard M4 (2) before the first occupation of the relevant dwelling unit(s) concerned.

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

### **3. Surface Water Drainage Scheme**

The development hereby permitted shall be brought into use as per the detail shown upon the following drainage drawings:-

- Storm and Foul Drainage Strategy & Indicative Levels (drawing number 21550-RLL-22-XX-DR-C-0105 Revision P03), and
- Cross Sections Plan (drawing number R9119-RLL-22-XX-DR-C-0121 Revision P05).

Thereafter, the drainage scheme shall be retained and maintained by Encore in accordance with the SuDS Maintenance Schedule approved under Condition 1.

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

### **4. Pre Commencement - Contaminated Land**

Prior to commencement of the development hereby approved, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To prevent unacceptable risks to health and pollution of the environment in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

### **5. Implementation of Approved remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

Reason: To prevent unacceptable risks to health and pollution of the environment in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

Reporting of Unexpected Contamination

## **6. Reporting Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent unacceptable risks to health and pollution of the environment in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

## **7. Electric Vehicle Charging Points**

Prior to first occupation of each dwelling the electric vehicle charging points identified on the Proposed Site Layout Plan approved under condition 1 shall be installed and shall be retained and maintained for the lifetime of the development.

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

## **8. Landscaping Implementation**

All planting, seeding or turfing comprised in the approved details of landscaping required under conditions 1 above shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

#### **9. Landscape Maintenance**

Prior to the first occupation of any of the dwellings hereby approved details of the maintenance and management schedule for the landscaping outside of plots shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the landscaping within the site is maintained in a proper manner in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the Branston Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

#### **10. Walling and Fencing Implementation**

Any scheme of walling and fencing approved as part of the landscaping scheme required by Conditions 1 above shall be completed prior to the development first being brought into use.

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

#### **11. Removal of Permitted Development for Garage Conversions**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage parking spaces provided in connection with the development shall not be converted into living accommodation/habitable rooms unless planning permission has first been granted by the Local Planning Authority.

Reason: To ensure adequate off-street parking exists to serve the development, to avoid vehicles parking on the adjoining road and obstructing the free flow of movement of traffic, and in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP35 and the National Planning Policy Framework 2018.

The following conditions on the outline consent P/2019/00258 require to be discharged prior to the commencement of any work on site:

Condition 5 – Details of Materials

Condition 11 – Details of Levels

Condition 12 – Surface Water Drainage Scheme

Condition 13 – Construction Management Plan

Condition 14 – Disposal of Foul and Surface Waters  
Condition 15 – Noise Mitigation  
Condition 16 – Dust Prevention Measures

Further conditions on the outline consent that are still applicable:

Condition 10 - Surfacing of access, turning and car parking  
Condition 17 - Implementation in accordance with the approved Flood Risk Assessment  
Condition 19 - Ecology Mitigation measures  
Condition 20 - Ecological Enhancement Measures

## **Informatives**

### **1. Engagement**

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2018.

### **2. Condition Discharge**

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

Condition No's 4

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

Condition No's 7 & 9

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

As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request. Payment can be made by cheque or card only. Please telephone 01283 508606. Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

### **3. Ecological Responsibilities**

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

### **4. Highway Works Agreement**

This estate road and drainage layout will require approval under Section 7 of the Staffordshire Act 1983 and will require an agreement under Section 38 of

the Highways Act 1980 if it is to be adopted as ‘highway maintainable at public expense’. There are detailed issues that need to be approved in order to achieve technical approval under that process and the developer should be advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. The obtaining of planning permission for this design/layout will not be considered as a reason to relax the required technical standards for the adoption of the road and drainage and any changes may necessitate the submission of further planning applications. If the road is to be private then the residents should be advised that they may be taking on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and advised to take advice on public liability insurance against claims associated with those responsibilities.

## **5. Network Rail**

Standard informatives regarding working in the proximity of the railway and Drainage requirements – Send to agent

## **21. Background papers**

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

- Local and National policies outlined in Section 7
- Planning Application file P/2019/00256 (Outline consent)
- Planning Application file P/2018/00697 (RM Phase 3 & 4)
- Discharge of Conditions file P/2022/01193

## **22. Human Rights Act 1998**

22.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person’s private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

## **23. Crime and Disorder Implications**

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

## **24. Equalities Act 2010**

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

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