

Agenda Item:	5.1
Site:	Lawns Farm, Branston Road, Tatenhill, Staffordshire, DE13 9SB
Proposal:	Reserved matters application (All Matters) pursuant to P/2012/01467 for the erection of 284 dwellings and associated garaging, public open space and associated works

Report of Head of Service (Section 151 Officer)

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

[Hyperlink to Application Details](#)

Application Number:	P/2022/00642	
Planning Officer:	Barbara Toy	
Type of Application:	Reserved Matters	
Applicant:	Crest Nicholson	
Ward:	Branston	
Ward Member (s):	Councillor Mrs P L Ackroyd	
	Councillor R G W Grosvenor	
	Councillor A Clarke	
Date Registered:	07/07/2022	
Date Expires:	03/10/2022 – Negotiations have taken place and a time extension has been agreed with the agent until 28-04-2023 to allow time for the application to be reported to Planning Committee	
Reason for being on Agenda	Major Application	
Officer Recommendation	Approval, subject to conditions.	

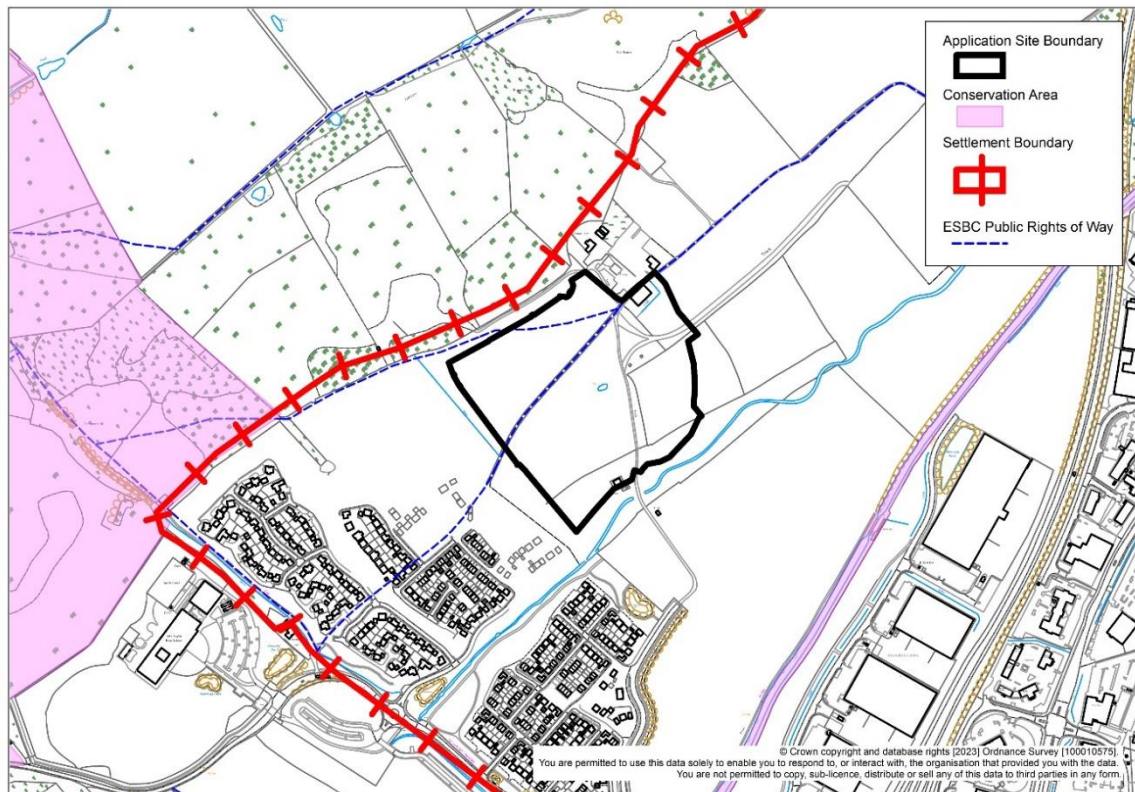
1. Executive Summary

- 1.1 The application site forms part of the residential element of the Branston Locks SUE approved in outline in 2015. The site comprises 8.03 hectares of green field land that sits in the south western quadrant of the overall development site, immediately to the north of Cameron Homes Phase 2, the third residential phase of the development.

- 1.2 This reserved matters application forms the fifth phase of residential development of the site for the consideration of access, appearance, landscaping, layout and scale for the erection of 284 houses (including 22 affordable units). The proposals include the use of the existing secondary avenue access off Branston Road, internal road layout, car parking, open space and private garden areas.
- 1.3 The principles of the development of the site for residential purposes has been established through the outline consent and the associated S106 Agreement together with design principles approved under the Design Guide for the SUE as a whole.
- 1.4 Following the receipt of amended plans statutory consultees have raised no objections to the proposals and it is considered that the submitted details accord with the outline consent, its conditions, the accompanying S106 Agreement and the approved Design Guide.
- 1.5 No objections have been raised by local residents or Branston Parish Council.
- 1.6 It is considered that the submitted scheme is in accordance with the details of the approved outline consent, accompanying S106 Agreement and approved Design Guide, and broadly 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. Site and Surrounds**

- 2.1 The wider site is a large farmstead situated to the west of Burton upon Trent. It is bounded on its eastern boundary the A38 dual-carriageway with the Trent and Mersey Canal running north south through the site. On its most northern boundary, the site accesses Shobnall Road and on its southern/south-eastern boundary, the application site fronts onto Branston Road which has recently undergone significant highway improvement works to aid access from the A38 to the site and to the new John Taylor Free (High) School. The north-western boundary extends to the foot of a long escarpment which forms part of the Tatenhill Conservation Area. The main vehicular access, which will serve the bulk of employment and housing development within the site, is accessed from a new junction created off Branston Road, with smaller secondary accesses on Shobnall Road and Branston Road.
- 2.2 Under Policy SP7 of the Local Plan the site forms an allocated Sustainable Urban Extension (SUE) known as Branston Locks with the principle of the development for the overall site and Design Guide approved under the outline consent P/2012/01467 and accompanying S106 Agreement. The outline consent was for a mixed use development comprising the erection of up to 2500 dwellings, up to 92,900sqm of employment floorspace (Classes B1, B2 and B8), a local centre providing up to 3,716 sqm of retail floorspace (Classes A1, A2, A3, A4 and A5), up to 929sqm of health care and associated community uses (Class D1), a residential care home of up to 160 bed spaces (Classes C2 and C3), up to 555sqm of pub and restaurant floorspace (Classes A3 and A4), a primary school, and a hotel of up to 80 bedrooms (Class C1) including the demolition of all existing buildings and structures on site with the exception of the Farmhouse to Lawns Farm, vehicular access connections from Branston Road and Shobnall Road, green infrastructure of public open space, structural landscaping, sustainable urban drainage basins and associated drainage, sports and recreation

facilities and a network of walking and cycling routes, and associated infrastructure works and services.

- 2.3 Nurtons are the overall owner/promoter/developer of the SUE as a whole and they made the original outline application and are responsible for the discharge of a number of the outline conditions. The developers of each phase are responsible for their own reserved matters applications and discharge of their own conditions.
- 2.4 This application represents the fifth residential phase of the overall development of the site and comprises 8.03 hectares. The site is situated in the south western quadrant of the development site, immediately to the north of Cameron Homes Phase 2, the third residential phase of the development (which is currently under construction) and forms part of the residential sector of the overall Design Guide for the SUE. The majority of the site is identified within the Design Guide as part of the Hillside View character area with a small element to the northern end of the site within the Garden Village character area.
- 2.5 The site sits along the western boundary of the overall site to the north of two existing residential phases, one which is completed and occupied (Cameron Homes Phase 1) and one which is under construction (Cameron Homes Phase 2). The site is accessed from the existing new access road and junction off Branston Road, also utilised by both Cameron Homes phases.
- 2.6 The application site together with the wider site is greenfield land previously in arable use. Immediately to the west and north west of the site is a large area of woodlands, that sits on a hillside, outside of the Branston Locks development. A high volume water main runs through the site from south west/north east. There are no listed buildings within the vicinity of the site and the closest conservation areas are Tatenhill (set to the south west) and the Trent and Mersey Canal (set to the east of the residential phases of the overall development), both some distance from the site.
- 2.7 The site lies within Flood Zones, 1, 2 and 3.

3. Relevant Planning History

- 3.1 **P/2012/01467** Outline application with all matters reserved and proposed a mixed use development comprising the erection of up to 2,500 dwellings, up to 92,900 square metres of employment floor space (Classes B1, B2 and B8), a local centre providing a mix of retail uses, up to 929 square metres of healthcare, a residential care home of up to 160 spaces, a new pub/restaurant, a primary school and a hotel of up to 80 bedrooms. GSC & S106 Agreement 14-04-2015.
- 3.2 **P/2017/00923** Reserved Matters for the erection of 70 dwellings, including details of access, appearance, landscaping, layout and scale. Cameron Homes GSC 24-04-2018
- 3.3 **P/2018/00233** Reserved matters for the erection of 201 dwellings including details of appearance, landscaping, layout, scale and means of access. Taylor Wimpey. GSC 26-20-2018
- 3.4 **P/2019/00756** Reserved matters for the erection of 244 dwellings including details of access, appearance, landscaping, layout and scale. Cameron Homes GSC 17-12-2019

- 3.5 **P/2020/00857** Reserved Matters application relating to P/2012/01467 for the erection of 190 dwellings and associated garaging and bin/cycle store, new vehicular access off Shobnall Road, public open space, public right of way connections and associated works including details of access, appearance, landscaping, layout and scale. Lovell Homes GSC 25-02-2021
- 3.6 Various Section 73 applications to make minor changes to the above reserved matters approvals and various and numerous discharge of conditions applications for each phase of the development.
- 3.7 Two reserved matters applications for the employment phase of the overall SUE.

4. The Proposal

- 4.1 This application is a reserved matters submission for the erection of 284 dwellings, including access, appearance, landscaping, layout and scale.
- 4.2 The proposals would comprise the following housing mix:

House Type/ Bedrooms	Total Number	Open Market	Affordable Units (shared ownership)
2 bed houses	45 (15.9%)	31	14
3 Bed Houses	132 (46.5%)	124	8
4 Bed Houses	85 (29.9%)	85	0
5 Bed Houses	22 (7.7%)	22	0
Total	284	262 (92.3%)	22 (7.7%)

- 4.3 The site would utilise the existing access off Branston Road, created for Cameron Homes Phases 1 and 2, which provides the Secondary Avenue into and through the site that will link to the Primary Route as the overall development progresses. The proposed layout would provide housing both to the east and west of the Secondary Avenue, with minor roads into the development leading off both sides of this route, which include cul de sacs. Each cul de sac would have appropriate turning heads. Some private access drives would be provided to ensure that the houses face onto the Strategic Green Spaces that sit outside of the application site (retained and managed by Nurtons) and to ensure overlooking of the area of public open space within the development.
- 4.4 In line with the Design Guide for the overall development an area of 0.33 hectares of public open spaces would be provided within the site which would include a designated children's play area of 400sqm. The play area would include 5 pieces of equipment within a safety surface and be enclosed by 1m high bow top fencing and access gate. The area of open space would be bounded by 600mm high knee rail fencing and include landscaping (trees, hedging, grass and bulb planting), pathways, seats and bins.
- 4.5 The proposed housing layout includes grid like perimeter blocks enclosing secure rear private garden areas. The houses would face onto the new minor roads, the area of public open space and the Strategic Green spaces surrounding the site.
- 4.6 Full details of the house types and garages have been provided. 16 house types are proposed, including detached, semi detached and terraced houses which include units that address corner locations. The houses are predominantly 2 storey, however 45 x

2.5 storey and 16 x 3 storey houses are proposed predominantly around the area of public open space.

- 4.7 The properties would be constructed from a mix of facing brickwork with tiled roofs and include a mix of design features including front gable features, front door canopies, render features, small dormer windows, integral and detached garages. Each house would have a minimum of 2 off street parking spaces with the larger units having an additional detached or integral garage. 38 integral garages and 82 detached garages would be provided. On plots where the parking is on the frontage, the parking spaces would be broken up by appropriate landscaping.
- 4.8 In line with the S106 Agreement on the original outline consent the scheme provides 7.7% (22 houses) affordable shared ownership dwellings.
- 4.9 The layout has been designed to ensure that the water main easement that runs through the site is below roadways and avoids the houses.
- 4.10 Negotiations have taken place through the course of the application to amend the layout in line with comments from SCC Highways, amend plots to ensure satisfactory parking, amenity space and separation distances and the red line boundary extended to include the existing approved attenuation basin within the Strategic Green Infrastructure, in line with comments from the Leading Local Flood Authority (explained in detail under the Flood Risk section of this report).

List of supporting documentation

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

- Reserved Matters Application Form
- Planning Statement
- Design Compliance Statement
- Archaeology Impact Assessment
- Protected Species Mitigation Strategy
- Arboricultural Impact Assessment, Tree Schedule & Survey Plan
- Site Location Plan
- Planning Layout
- Tenure Plan
- Occupancy Plan
- Easement Plan
- Utility Survey
- Massing Plan
- Character Area Plan
- Garden Area Plan
- Parking Plan
- Street Hierarchy Plan
- Refuse Vehicle Swept Path
- Enclosures Plan
- Materials Plan
- Proposed Street Scene
- Hard Surface Plan
- Impermeable Area Plan
- Infrastructure Landscape & LEAP Plan
- Landscape Management Plan
- Proposed Garage Details

- Drainage Strategy
- Flood Routing Plan
- House Types Layout Plans and Elevations (16 House Types)

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:

Statutory and non statutory consultee		Response
5.2	Branston Parish Council	No representations received
5.3	SCC Highways	No objections subject to an informative regarding technical approval for the new roads
5.4	SCC Education	No objections. The S106 Agreement on the outline consent includes Education obligations, which continue to apply to this fifth phase of residential development on the site. This secures payment at regular intervals linked to the growth of the housing development. A total of £8m for primary school places and £6,490,795 for additional secondary school places.
5.5	SCC Flood Risk Team	No objections following the submission of additional information and an amended red line boundary that now includes the existing attenuation basin which is to be upsized as part of the development.
5.6	SCC Archaeologist	No objections. Condition 53 on the original outline consent remains applicable and will need to be discharged for this phase to ensure that trial trenches are carried out in line with the approved Archaeological Management Plan
5.7	SCC Rights of Way	There are two public rights of way within the site boundary: Public Bridleway No. 8 Branston Parish and Public Footpath No. 0.532(a) Branston. The attention of the developer should be drawn to the existence of the footpath/bridleway and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network.
5.8	Environment Agency	No objections
5.9	Severn Trent Water	No objections to the drainage Strategy submitted. Informative recommended regarding sewer connections
5.10	Architectural Liaison Officer	No objections. Design and security advice provided and forwarded to the developer.
5.11	Peak & Northern Footpath Society	Public Bridleway No 8 Branston and Public Footpath No 0.532(a) Branston sit within the site. Expect that the PRW Circular is taken into consideration and the use of the rights of

		way and the safety of users must not be affected by the development
5.12	Centrebus	Wish to ensure that the developer is aware of the requirements of the original S106 to provide a local bus service for the overall development

Internal Consultees		Response
5.13	Environmental Health	No objections, the developer should however be reminded that conditions on the outline consent need to be fully discharged Conditions 41, 42 and 43 relating to contaminated land, Condition 44 relating to construction management plan and Conditions 46, 47 and 48 regarding noise
5.14	Housing Strategy	For the number of houses the housing mix of the affordable units providing both 2 and 3 bed units is good. Disappointing that all 22 units are shared ownership rather than a mix of shared ownership and social rent.

6. Neighbour Responses

- 6.1 No representation has been received on the original consultation or the amended plans consultation undertaken.

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
 SP7 Sustainable Urban Extensions
 SP16 Meeting Housing Needs
 SP17 Affordable Housing
 SP23 Green Infrastructure
 SP24 High Quality Design
 SP25 Historic Environment
 SP26 National Forest
 SP27 Climate Change, Water Body Management and Flooding
 SP29 Biodiversity and Geodiversity
 SP32 Outdoor Sports and Open Space Policy
 SP35 Accessibility and Sustainable Transport
 DP1 Design of New Development
 DP2 Designing in Sustainable Construction
 DP3 Design of New Residential Development, Extensions and Curtilage Buildings
 DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and Archaeology
 DP7 Pollution and Contamination

DP8 Tree Protection

'Made' Neighbourhood Plans

Branston

- B1 – Integrating New development with Existing Communities
- B2 – Design
- B3 – Protection of Local Heritage Assets
- 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 – Protection of Local Green Space
- B13 – Protection of Local Community Facilities
- B14 – Provision of a New Secondary School

Supplementary Planning Documents

East Staffordshire Design Guide
 Separation Distances and Amenity
 Parking Standards
 Housing Choice
 Open Space

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
- Historic Environment
- Access and Highway Matters
- Flood Risk and Drainage
- Noise Implications
- Affordable Housing and Housing Mix
- Landscaping, Green Infrastructure and National Forest
- Biodiversity

8. Principle of Development

- 8.1 The application site forms a central part of the Branston Locks Sustainable Urban Extension (SUE) allocated in Policy SP7 of the Local Plan and which was granted outline consent in 2015 in line with the requirements of Policy SP7.
- 8.2 This is a reserved matters application for the fifth phase of residential development within the SUE and is subject to the conditions, S106 Agreement and approved Design Guide attached to the original outline consent. These provisions are referenced where relevant throughout this report.

9. Design and Impact on the Character and Appearance of the Area

- 9.1 The original outline consent and approved Design Guide set criteria for the design of the overall site. This included character areas with their own set of parameters and design framework. The majority of the application site forms part of the Hillside View character area, with a small area at the northern end of the site (to the north east of the Secondary Avenue) within the Garden Village character area as set out in the approved Design Guide. The vision for the Hillside View area has an emphasis on low density development integrated within the existing and proposed landscape features. The development form should have active frontages with a variety of parking techniques, with up to three storey development, the design of corner plots is important and an open space and children's play area should be included. Whilst the vision for the Garden Village area will result in a more dense residential area with terraced properties and high quality public realm design.
- 9.2 The scheme includes a range of house types (16) which vary in size, design, height and materials to give variety in appearance within the different street scenes as well as a range of housing choice. The housing mix has been distributed throughout the site, with no area dominated by any particular house type or size. There are a number of terraced houses provided within the north eastern element of the site within the Garden Village area of the site in line with the approved Design Guide. Two and a half and three storey properties are also provided around the public open space and corner plots are appropriately designed to address both street frontages, in line with the approved Hillside View Character Area. The large number of house types (16) allows for variation but they follow a similar theme to ensure a coherent design across the development, being consistent with the Design Guide.
- 9.3 Design features through the development include front gable features, small front dormer windows, Juliet balconies, front door canopies, integral garages, contrast colour brickwork and some feature render, The building materials and colours would be kept to a minimum in line with the character areas and the materials are considered appropriate and would complement the existing properties within the immediate area, within the Cameron Homes phases. It is considered that the design of the properties is appropriate and would continue the existing character and property mix of the overall development be in compliance with the Design Guide.
- 9.4 A total of 82 of the properties within the development would have detached garages and 38 would have integral garages with the remainder of the properties having driveway parking. Each property would have off street parking in compliance with the Parking Standards SPD, i.e. either 2 or 3 spaces. A condition is recommended to ensure that the garages proposed as the third parking space remain available for parking and permitted development rights removed for conversion of garages to residential accommodation.
- 9.5 The proposed layout does include a variety of parking arrangements, with integral garages, detached garages, side driveway parking and frontage driveway parking encouraged by the Hillside View and Garden Village character areas within the approved Design Guide. Whilst amendments have been made to the layout to reduce the extent of frontage parking, there are still a number of properties with frontage parking. The amended layout shows these in blocks of two properties with landscape strips between the blocks to help break up the impact on the street scene. In particular there is a number of properties with frontage parking on the north eastern side of the Secondary Avenue, the main route running through the site. Here the parking is broken up by landscape strips and there are 22 street trees along this side of the road, required by the Design Guide. It is therefore considered that whilst there is quite an

extent of frontage parking the proposed layout breaks this up sufficiently so that the parking would not dominate the street scene.

- 9.6 Whilst detailed on plot landscaping is not provided at this stage and will be conditioned the infrastructure landscaping to the open space and street have been provided and includes 22 street trees along the Secondary Avenue as required by the Design Guide and 27 trees provided within the public open space, predominantly around the edges and around the proposed children's play area, as well as additional landscaping within the open space. It should also be noted that to the north of the site is a large area of mature woodland, to the south and east of the site are areas of Strategic Green Infrastructure, to be planted, retained and maintained by Nurtons, which will result in a 'green' frontage and boundary to the site, with properties within the development facing these green spaces, to maximise outlook.
- 9.7 The road layout proposed allows for perimeter blocks with active street frontages and private rear gardens in line with the Design Guide. The dwellings that surround the open space would front onto these public areas providing natural surveillance and active frontages, with a shared surface provided (to adoptable standard) to reduce the impact of the road network on the open space. The street hierarchy proposed, includes some shared access drives to ensure all properties face the 'green' spaces, in line with the Design Guide.
- 9.8 The approved Design Guide identifies the site for lower density development to fit with the Hillside View character area and a higher density in the Garden Village area to acknowledge the constraints of the site and the extent of open space within the development site. The proposals provide a density of 35dph within the Hillside View area and 45dph within the Garden Village character area which is considered to be appropriate and in line with the Design Guide.

10. Residential Amenity

- 10.1 It should be noted that the Separation Distances and Amenity SPD was adopted in October 2019 some 4 years after the outline consent, approved Design Guide and S106 Agreement which did not set any separation distance or amenity space requirements. The standards within the document will however be used as a broad standard for the development of the overall site.
- 10.2 A total of 13 of the 284 (4.5%) dwellings would have garden sizes that are below the minimum requirements of the SPD. The layout has been amended since submission to improve the garden areas on 17 properties, to ensure their compliance with the SPD. Most of the 13 are the smaller modern mid terraced houses where space is restricted and gardens are traditionally smaller. On balance the garden sizes are considered acceptable and an improvement over the scheme originally submitted. The level of amenity to be provided is comparable with the other four phases already approved.
- 10.2 In 17 cases across the site the 21m separation standard between habitable room windows or the 12m between habitable room windows and a blank gable are not fully met, but in each case the shortfall is minimal. In some cases the properties directly face each other but in others the houses are off set from each other. The layout has been amended during the course of the application to improve the relationship between some of the plots and increase separation distances. The overall layout of the development is defined by the position of the Secondary Avenue through the site, the positioning of the approved Strategic Green Infrastructure between the different phases, the need to ensure that street blocks are created to provide private space and the need for properties face the green spaces to ensure natural surveillance. It is

considered that the slight shortfall in separation distance 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 internal space within the different house types meets the standards in the SPD.

- 10.3 The closest properties to the south would be within Cameron Homes Phase 2 development (still under construction). Part of the Strategic Green Infrastructure would site between Cameron Phase 2 and the proposed development which would have a width of between 32m and 48m. Given the separation distance it is considered that the proposals would have no adverse impact on the amenities of the occupiers within Cameron Homes Phase 2 in accordance with Policies SP1 and DP3 of the Local Plan.
- 10.4 As a wholly new development the prospective purchasers will be aware of the potential impacts from neighbours and the level of amenity to be provided. It is therefore considered that the proposed layout in its amended form would provide an appropriate residential amenity for the future occupiers. In order to protect the amenities of the future residents a condition is recommended to remove permitted development rights to ensure that the Planning Authority have control over any future development.

11. Highway Matters

- 11.1 The proposals follow the street hierarchy identified in the Design Guide, incorporating circulation routes, tertiary residential streets and private shared drives in addition to the Secondary Avenue that will run through the site, with the width of the streets and the public footpaths following the Design Guide criteria.
- 11.2 The site will be accessed via the existing Secondary Avenue that runs from a roundabout on Branston Road into the site, already used by Cameron Homes Phases 1 and 2. This Secondary Avenue will eventually join the main spine road (primary route) that has been designed to run between Shobnall Road to the north and Branston Road to the south, but will be completed piecemeal style as development of the site as a whole progresses. The proposed layout provides a range of off street parking designs, including garages (detached and integral) and driveway parking both on the frontage and to the side of the dwellings. The level of parking throughout the site and the size of the garages proposed meet the requirements of the SPD.
- 11.3 The site layout has been amended during the course of the application in order to comply with guidance from SCC Highways to ensure adequate visibility and manoeuvring space at some of the shared access drives and to ensure appropriate turning facilities for larger vehicles throughout the site.
- 11.4 Ultimately the Branston Locks site as a whole will have a primary spine road through it, together with secondary routes and then smaller residential streets. The spine road has been designed to allow for a local bus service in the future. Nurtons are currently in discussions with SCC to provide an interim bus service along Branston Road, for use by the occupiers of completed properties. The application site will have direct pedestrian links to Branston Road in order for the future occupiers to utilise the new bus service.
- 11.5 A Framework Travel Plan for the site as a whole was approved under the outline consent and included in the S106 agreement.
- 11.6 A Strategic Construction Management Plan for the site as a whole has also already been agreed through the discharge of Condition 11 on the outline consent.

- 11.7 There are two public rights of way within the site boundary: Public Bridleway No. 8 Branston Parish and Public Footpath No. 0.532(a) Branston, Nurtons have already made an application to SCC to divert these routes through the main Strategic Green Infrastructure that sit between the residential phases of the development.
- 11.8 It is therefore considered that the proposals would comply with the outline consent, the Design Guide 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. Flood Risk and Drainage

- 12.1 The site lies with Flood Zone 1, 2 and 3. As part of the development, an open watercourse which lies on the southern boundary of the development parcel is to be realigned. In addition, earthworks are to be undertaken to ensure that all residential development lies outside of the extent of Flood Zone 3. The earthworks and re-alignment of the watercourse are described in the approved Flood Risk Assessment submitted in conjunction with the outline consent P/2012/01467.
- 12.2 The site is shown to be affected by surface water flooding at the 1 in 30-year, 1 in 100-year and 1 in 1000-year events. This surface water flooding is likely to be mitigated by the drainage design of the new development, and that of the surrounding development plots. A site wide drainage strategy has been produced and has been discharged as per condition 10 on the outline consent P/2012/01467.
- 12.3 Negotiations have taken place during the course of this application between the developer and the Flood Authority which has resulted in amended plans to extend the redline boundary of the site to include the existing attenuation basin set to the south of the site within the existing Strategic Green Infrastructure, which is to be up sized as part of the development works. The Flood Authority is now satisfied that the proposed development layout demonstrates that a surface water drainage system is achievable in principle and that there is sufficient space on site to provide the required attenuation storage of runoff from the proposed development and that a viable point of outfall has been proposed.
- 12.4 It should be noted however that further drainage information for this phase of the development will require to be submitted for approved under the discharge of conditions 39 and 40 on the original outline consent P/2012/01467.

13. Affordable Housing and Housing Mix

- 13.1 This site is part of the wider Branston Locks SUE and the S106 Agreement on the original outline consent established the parameters for affordable housing delivery across the site as a whole.
- 13.2 The S106 Agreement states:
The number of affordable housing units to be provided in each of the phases for the first 1,250 dwellings shall be at the discretion of the owner subject always to the requirements that overall:
- 5% of the first 500 of those dwellings shall be affordable housing units
 - Not less than 7.52% of those 1,250 dwellings shall be affordable units
 - Affordable housing shall be dispersed so that no more than 30% of the dwellings permitted or built in a phase shall be affordable housing units

- 13.3 This scheme exceeds the first 500 dwellings on the site as a whole and looks to provide 22 affordable housing units which equates to 7.7%, 14 x 2 bed units and 8 x 3 bed units all to be shared ownership. Whilst it is disappointing that no social rent properties would be provided within the scheme the S106 agreement requires the provision of affordable housing across the whole site in line with the above triggers, but there is no prescribed split of the units between shared ownership and social rented properties to be achieved within each phase. The tenure provision across the other 4 approved residential phases has been varied. The level of affordable accommodation meets the requirements of the S106 Agreement.
- 13.4 The Housing Choice SPD requires affordable units to be dispersed around the site in clusters of no more than 8 dwellings so that no street frontage is dominated by affordable units and that affordable units should be externally indistinguishable from market housing. In this case 22 affordable units would be provided in 4 blocks (4, 4, 6 and 8 dwellings in the blocks) and the dwellings would have the same external appearance as other market housing within the development, in compliance with the SPD. The distribution of the affordable units means that they are split between the two character areas of the site.
- 13.5 The market housing mix within the site has been amended since the submission of the application, to ensure maximum compliance with the Separation Distance and Amenity SPD and Parking Standards SPD and is considered to complement the provisions already secured within the wider Branston Locks site as set out in the table below.

	Phase 1 Cameron	Phase 2 Taylor Wimpey	Phase 3 Cameron	Phase 4 Lovell	Application Site	TOTAL	SPD
Affordable Housing	0	15 (7.46%)	18 (7.4%)	20 (10.5%)	22 (7.7%)	75(7.6%)	
1 Bed	0	0	0	4 (2.4%)	0	4 (0.4%)	3%
2 Bed	0	27 (14.5%)	12 (9.4%)	51 (30%)	31 (11%)	121 (12.2%)	16%
3 Bed	0	88 (47%)	90(39.8%)	70 (41.1%)	124 (43.7%)	372 (37.6%)	32%
4 Bed	60 (85%)	61 (33%)	116 (48%)	26 (15.3%)	85 (29.9%)	348 (35.2%)	26%
5 Bed	10 (15%)	0	8 (3.3%)	0	22 (7.7%)	40 (4.1%)	11%
Housing for older people	0	10 (5.5%)	0	19 (11.2%)	0	29 (2.9%)	11%
TOTAL	70	201 (186 market)	244 (226 market)	190 (170 market)	284 (262 market)	989 (914 market)	100%

- 13.6 The applicant has confirmed that there are 5 house types within the proposals (up to 100 houses) that can achieve M4(2) compliance.
- 13.7 The proposed housing mix and level of affordable housing would therefore satisfy the provisions of the S106 Agreement on the outline consent and comply with Local Plan Policies SP16 and SP17 and the Housing Choice SPD.

14. Open Space, Green Infrastructure, National Forest and Landscaping

- 14.1 Condition 8 on the original outline consent required an Open Space Strategy for the whole Branston Locks development to be submitted for approval including the provisions of the Strategic Green Infrastructure, the principle areas of open space and National Forest Planting. This condition was discharged in 2017. The approved Open Space Strategy and Masterplan identified an area of open space and children's play area within this phase of the development. National Forest Planting was identified within the Strategic Green Infrastructure that sits outside of this application site and will remain the responsibility of Nurtons.
- 14.2 The proposals include the appropriately sized area of public open space within the layout as well as a children's play area. The proposals include landscaping for the open space, including tree planting, hedging, shrubs and bulb planting as well as additional tree planting through the site.
- 14.3 The position of the play area within the open space will ensure that a minimum of 20m separation to the surrounding houses would be maintained, to ensure an appropriate separation distance to avoid disturbance to residents.
- 14.4 The identification of a well within the site restricted the position of the public open space within the site. Whilst 5 trees within the site would be lost (English Oak, Lawson Cypress and Hawthorn) they are identified in the tree report as all of poor quality and not worthy of retention. A total of 27 trees of a variety of species will be provided, within the public open spaces and an avenue of 22 trees along the Secondary Avenue, in line with the character area vision in the Design Guide and the Open Space Strategy and Masterplan. On plot landscaping will be determined under a discharge of conditions application. The woodland area and English Oak tree identified just outside of the site will be protected during construction (condition recommended).

15. Ecology and Biodiversity

- 15.1 A Protected Species Mitigation Plan has been submitted in support of the application and in compliance with Condition 37 on the outline consent. A site walkover was undertaken in April 2022 to determine whether there had been any material changes to the habitats and potential species present on the site since the original Extended Phase 1 Habitat Survey, Great Crested Newt Survey, Bat Survey and Breeding Bird Survey undertaken and considered under the outline application. The updated walkover included a badger survey and tree assessment for bats and birds.
- 15.2 The updated walkover concluded that the removal of the habitat is not considered likely to significantly impact local wildlife populations. There are no ponds within 250m of the site and there is a very low potential for great crested newts, other amphibians or reptiles present at the site. Whilst a bat roost within the farmhouse at Lawns Farm was identified, this sits outside of the application site and the Branston Locks boundary and whilst the habitat of the site would provide for feeding and commuting bats there is also a large woodland area immediately to the west of the site that also provides suitable habitat. No evidence of any badgers was found within the site. The site supports habitat suitable for brown hares but this is unlikely to be of strategic importance due to the small size. Small numbers of hedgehogs are considered likely to utilise the site.
- 15.3 The report advises a series of mitigation measures to adequately protect any protected or indeed unprotected species that may potentially utilise the site, which are considered appropriate. A condition is recommended to ensure that the development

is implemented in accordance with the mitigation measures recommended and an informative added regarding hedgehog highways.

16. Section 106 Contributions

16.1 As set out within the above report this is the fifth residential phase of the overall development of the Branston Locks SUE approved in outline in 2015 and the subject of a S106 Agreement. The proposals are considered to be in line with the requirements of the original S106 and no further contributions can be sought at this time.

17. Other Matters

17.1 Further to the submission of details with this application and referred to in the report above, the following conditions attached to the outline consent can be discharged:

- Condition 2 (Reserved Matters Submission)
- Condition 4 (Statement of Compliance)
- Condition 23 (Means of Access)
- Condition 35 (Landscape Management Plan)
- Condition 36 (Tree Survey)
- Condition 37 (Ecology)

18. Conclusions

18.1 The proposals represent phase 5 of the residential development of the SUE site known as Branston Locks, approved in principle 2015 with an outline planning consent, approval of a Design Guide for the site as a whole and the accompanying S106 Agreement.

18.2 The proposals will provide 284 dwellings including 22 affordable units. 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 new access and internal road layout of the scheme and it is considered that the surface water and flooding issues and impact on protected species have been satisfactorily resolved, subject to appropriate conditions.

18.3 The details of access, appearance, landscaping, layout and scale of the development have been assessed against the original outline consent and its conditions, the approved Design Guide 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.

19. RECOMMENDATION, APPROVAL WITH 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:

Planning Layout A891-03 Rev S dated as received on 29-03-23

Coloured Planning Layout A891-04 Rev T dated as received on 29-03-23
Enclosures Plan A891-05 Rev G dated as received on 29-03-23
Materials Plan A891-06 Rev G dated as received on 29-03-23
Tenure Plan A891-07 Rev G dated as received on 29-03-23
Massing Plan A891-08 Rev G dated as received on 29-03-23
Occupancy Plan A891-09 Rev G dated as received on 29-03-23
Refuse Plan A891-10 Rev G dated as received on 29-03-23
Parking Plan A891-11 Rev G dated as received on 29-03-23
Street Hierarchy Plan A891-12 Rev F dated as received on 29-03-23
Character Area Plan A891-54 Rev C dated as received on 29-03-23
Garden Area Plan A891-55 Rev A dated as received on 29-03-23
Hard Surface Plan A891-71 Rev D dated as received on 29-03-23
Application Forms dated as received on 18-05-22
Location Plan A891 02 Rev C dated as received 14-02-23
Infrastructure Landscape Proposals & LEAP GL1332 01A dated as received on 14-02-2023
House Type Brochure A891 dated as received on 02-11-2022
Planning Statement dated as received on 18-05-22
Utility Survey (Ref. U2700-1 Rev A) dated as received on 18-05-22
Utility Survey (Ref. U2700-2 Rev A) dated as received on 18-05-22
Utility Survey (Ref. U2700-3 Rev A) dated as received on 18-05-22
Design Compliance Statement dated as received on 18-05-22
Heritage Statement dated as received on 18-05-22
Protected Species Mitigation Plan dated as received on 18-05-22
Street Scenes (Ref. A891 14 Rev E) dated as received 02-11-2022
Archaeological Impact Assessment dated as received 04-07-2022
Landscape Management Plan dated as received 04-07-2022
Arboricultural Assessment & Method Statement dated as received 04-07-2022
Appendices -
Tree Survey Plan (Drawing Ref. 10712-T-03 dated as received 04-07-2022
Tree Retention Plan (Drawing Ref. 10712-T-04
Tree Protection Plan (Drawing Ref. 10712-T-05
Tree Schedule; Standard Specification for Protective Barrier; and Above Ground Stabilising Systems
BLB - P_ENG_400 - RevD - Refuse Vehicle Swept Path Analysis sheet 1 dated as received 08-12-2022
BLB - P_ENG_401 - RevC - Refuse Vehicle Swept Path Analysis Sheet 2 dated as received 08-12-2022
BLB - P_ENG_402 - RevC - Refuse Vehicle Swept Path Analysis Sheet 3 dated as received 08-12-2022
BLB - P_ENG_403 - RevC- Refuse Vehicle Swept Path Analysis Sheet 4 dated as received 08-12-2022
702 Ashtead – Floor Plans and Elevations – Opposite (Ref. A891 15) dated as received 04-07-2022
879 Hatfield – Floor Plans and Elevations – Opposite (Ref. A891 16) dated as received 04-07-2022
1012 Chesham – Floor Plans and Elevations – Opposite (Ref. A891 17) dated as received 04-07-2022
1065 Seaton – Floor Plans and Elevations – Opposite (Ref. A891 18) dated as received 04-07-2022
1123 York – Floor Plans and Elevations – Opposite (Ref. A891 19) dated as received 04-07-2022
1196 Romsey – Floor Plans and Elevations – Opposite (Ref. A891 20) dated as received 04-07-2022
1364 Bingham – Floor Plans and Elevations – Opposite (Ref. A891 21) dated as received 04-07-2022

1372 Whixley – Floor Plans and Elevations – Opposite (Ref. A891 22) dated as received 04-07-2022
1538 Dorking – Floor Plans and Elevations – Opposite (Ref. A891 24) dated as received 04-07-2022
S2 – Floor Plans and Elevations – Opposite (Ref. A891 26) dated as received 04-07-2022
1012 Chesham Render Version – Floor Plans and Elevations – Opposite (Ref. A891 56) dated as received 04-07-2022
1065 Seaton Render Version – Floor Plans and Elevations – Opposite (Ref. A891 57) dated as received 04-07-2022
1130 Filey – Floor Plans and Elevations – Opposite (Ref. A891 58) dated as received 04-07-2022
1188 Oxford – Floor Plans and Elevations – Opposite (Ref. A891 59) dated as received 04-07-2022
1397 Dartford Render Version – Floor Plans and Elevations – Opposite (Ref. A891 60) dated as received 04-07-2022
1538 Buckingham – Floor Plans and Elevations – Opposite (Ref. A891 61) dated as received 04-07-2022
S3 – Floor Plans and Elevations – Opposite (Ref. A891 62) dated as received 04-07-2022
702 Ashtead – Floor Plans and Elevations – Opposite (Ref. A891 63) dated as received 04-07-2022
879 Hatfield – Floor Plans and Elevations – Opposite (Ref. A891 64) dated as received 04-07-2022
1012 Chesham – Elevations – Opposite (Ref. A891 65) dated as received 04-07-2022
1012 Chesham – Floor Plans – Opposite (Ref. A891 66) dated as received 04-07-2022
1065 Seaton Render Version – Floor Plans and Elevations – Opposite (Ref. A891 67) dated as received 04-07-2022
Filey – Floor Plans and Elevations – Opposite (Ref. A891 68) dated as received 04-07-2022
S2 – Floor Plans and Elevations – Opposite (Ref. A891 69) dated as received 04-07-2022
S3 – Floor Plans and Elevations – Opposite (Ref. A891 70) dated as received 04-07-2022

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(s) in accordance with East Staffordshire Local Plan Policies SP1, SP7, SP16, SP17, SP23, SP24, SP25, SP26, SP27, SP29, SP32, SP35, DP1, DP2, DP3, DP5, DP7 and DP8, the East Staffordshire Design Guide, the Parking Standards SPD, Separation Distances and Amenity SPD, Open Space SPD, Housing Choice SPD, Waste SPD, Branston Neighbourhood Plan Policies and the National Planning Policy Framework.

2. Construction Management Plan

No development shall take place until a Construction Management Plan, which shall specify the routing of demolition and construction vehicles to and from the site, parking of vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage area of plant and materials used during the construction of the development, appropriate wheel wash facilities and measures to prevent the deposition of deleterious material on the public highway, has been submitted and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be implemented and adhered to

throughout the construction period unless otherwise first agreed in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of highway safety and in accordance with East Staffordshire Local Plan Policy SP35.

3. Parking and Turning Areas to be provided (Bespoke)

Prior to the first occupation of any dwelling hereby approved, the driveways, parking spaces and turning areas associated with that respective plot shall be provided in a bound material in accordance with the approved plans listed under condition 1. The parking and turning areas shall thereafter be made available at all times for their designated purposes.

Reason: In the interests of highway safety and in accordance with the aims of East Staffordshire Local Plan Policies SP1, SP24 and SP35, the Car Parking Standards SPD and the National Planning Policy Framework.

4. Garages to be retained for parking (Bespoke)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the approved garage accommodation/parking space provided in connection with the development shall be made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission for any alternative use 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 in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

5. Removal of PD for garage conversions (Bespoke)

All garages shall be retained for uses ancillary to the dwelling it serves and shall not be changed to habitable accommodation unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and its surroundings and in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP3, the Parking Standards SPD, the East Staffordshire Design Guide and the National Planning Policy Framework.

6. Details of landscaping

Prior to the first occupation of any dwelling hereby approved a scheme of landscaping for the individual plots shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Policy SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

7. Landscape Implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development, and any trees or plants which within a period of 5 years from the completion of the landscaping scheme installation 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. Trees within the public realm shall be heavy gauge and those flanking the entry to the site shall be extra heavy gauge.

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 Policy SP1, SP24, DP1 and DP8 the East Staffordshire Design Guide and the National Planning Policy Framework.

8. Protected Species Mitigation

The development shall be implemented in accordance with the measures contained within the Protected Species Mitigation Strategy approved under Condition 1.

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

9. Boundary Treatments

Prior to the first occupation of any dwelling hereby approved, the boundary treatments for that respective plot shall be erected in accordance with the approved Enclosures Plan and thereafter shall be retained/replaced as such for the life of the development except in the case for any changes to visibility splays.

Reason: To safeguard the visual amenities of the area and the privacy of occupiers of new dwellings and in accordance with the aims of East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

10. Electric Vehicle Charging (Bespoke)

All dwellings approved by this permission shall be constructed with the ability to install electric charging points.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy Parking Standards SPD SP1, SP35 and DP2 and the National Planning Policy Framework

11. Tree Protection (Bespoke)

All the existing trees and hedges to be retained shall be protected by 2m high fencing in accordance with the Tree Protection Fencing within the Arboricultural Assessment & Method Statement approved under Condition 1. The fencing shall be erected before development commences and shall be retained at all times whilst construction work is taking place.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with East Staffordshire Local Plan Policy DP8 and the National Planning Policy Framework.

12. Removal of PD Rights (External Alterations & Curtilage Buildings)

Notwithstanding the provisions of Classes A, B, C, D, and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwelling(s) hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the

new dwelling(s) unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building(s) and its/their surroundings and the amenities of occupiers of the adjoining dwelling(s) in accordance with East Staffordshire Local Plan Policies SP24 and DP3, the East Staffordshire Design Guidance.

**Details Approved under Conditions attached to Planning Application
P/2012/01467: 2, 4, 23, 35, 36 and 37**

Informatives

1. Engagement

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

2. Pre-commencement Conditions

The conditions identified below require details to be approved before commencement of the development/works.

Condition No(s) 2.

This means that a lawful commencement of the approved development/works 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 (or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house). 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. Drainage and Flood Risk

It should be noted that the Flood Authority have agreed the following documents demonstrates that a surface water drainage system is achievable in principle and that there is sufficient space on site to provide the required attenuation storage of runoff from the proposed development and that a viable point of outfall has been proposed. The applicants are still required to submit full and final drainage details to discharge Conditions 39 and 40 on the outline consent P/2012/01467.

File Ref. BLB SW & FW – 22_10_20 Storm Network 1 Calculations (dated 28-10-2022) dated as received 02-11-2022

Drainage Strategy Plan RACE/CN/BLB ENG_105 Rev D dated as received 14-02-2023

Impermeable Area Plan RACE/CN/BLB ENG_140 Rev B dated as received 14-02-2023

Flood Routing Plan RACE/CN/BLB ENG_160 Rev C dated as received 14-02-2023

File Ref. Soakaways_2.pfd Storm Network Calculations (dated 28-10-2022) dated as received 02-11-2022

Preliminary Engineering and Drainage Concept – Sheet 1 (Ref. P_ENG_010 Rev A) dated as received on 18-05-22

Preliminary Engineering and Drainage Concept – Sheet 2 (Ref. P_ENG_011 Rev A) dated as received on 18-05-22

Written Response to LLFA Comments (dated 24/11/2022) provided by RACE dated as received 10-07-2022

22225_LO_002_091222_Branston Locks, Burton upon Trent statement on soakaway drainage dated as received 10-07-2022

CN_BLB - Eng_295 - RevA - SUDs Construction Details dated as received 10-07-2022

4. Surfacing of Access, Parking and Turning Areas

The applicant(s) is/are advised that in complying with Condition 3 above materials with a high degree of porosity would be the most likely to be acceptable as they will reduce the amount of surface water run-off.

5. Ecological Responsibilities

The applicant(s) is/are advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

6. Details of Construction Manager

The applicant(s) is/are advised that the contact details for the construction manager should be supplied to the Environmental Health Manager prior to the commencement of construction works by emailing the Pollution Team (pollution.team@eaststaffsbc.gov.uk).

7. Highways Informative

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 take on the responsibilities and liabilities of the highway authority with regards to maintenance, snow clearance etc and advised to take out public liability insurance against claims associated with those responsibilities.

8. Public Footpaths

The applicant(s) is/are advised that Public Bridleway No. 8 Branston Parish and Public Footpath No. 0.532(a) Branston, which cross the site should not be obstructed or extinguished as a result of this development either during or after construction.

The attention of the developer should be drawn to the existence of the footpath/bridleway and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the rights of way or their closure or

diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

9. Waste

The developer will be required to provide the appropriate external storage containers for refuse and recycling collection (in accordance with the Council's specification). The developer must ensure that all containers are provided to residents prior to occupation and prior to the commencement of the Council's collection service. A detailed specification of all container types may be obtained from the Environment Section.

As some of the dwellings will be served from a private driveway with no turning head, the developer must provide a communal bin presentation point close to the public highway for residents to place their bins on collection day. This must be sufficient in size to accommodate two bins per dwelling.

Further details may be found at:

<http://www.eaststaffsbc.gov.uk/sites/default/files/docs/bins/WasteStorageandCollectionGuidance.pdf>

10. Flood Risk

Any works affecting ordinary watercourses as part of the site development are subject to Ordinary Watercourse Consent from Staffordshire County Council, prior to any works being undertaken.

Information regarding consenting can be found at the link below.

[Applying for consent for watercourse works - Staffordshire County Council](#)

11. Severn Trent Water

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our Development Services Team (Tel: 0800 707 6600).

12. Hedgehogs

The applicant is advised that Hedgehog Highways should be incorporated within the development wherever possible in line with the recommendations of the Protected Species Mitigation Strategy approved under Condition 1 as well as hedgehog holes on boundary treatment.

20. Background Papers

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

- Local and national policies outlined in above in section 7
- Papers on planning application file P/2012/01467 and associated discharge of condition files, S106 Agreement and Design Guide

21. Human Rights Act 1998

21.1 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.

22. Crime and Disorder Implications

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

23. Equalities Act 2010

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

For further information contact: Barbara Toy
Telephone Number: 01283 508729
Email: barbara.toy@eaststaffsbc.gov.uk