

<b>Agenda Item:</b>	5.4
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<b>Site:</b>	Lawns Farm, Shobnall Road, Shobnall, Burton-upon-Trent,
<b>Proposal:</b>	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

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

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

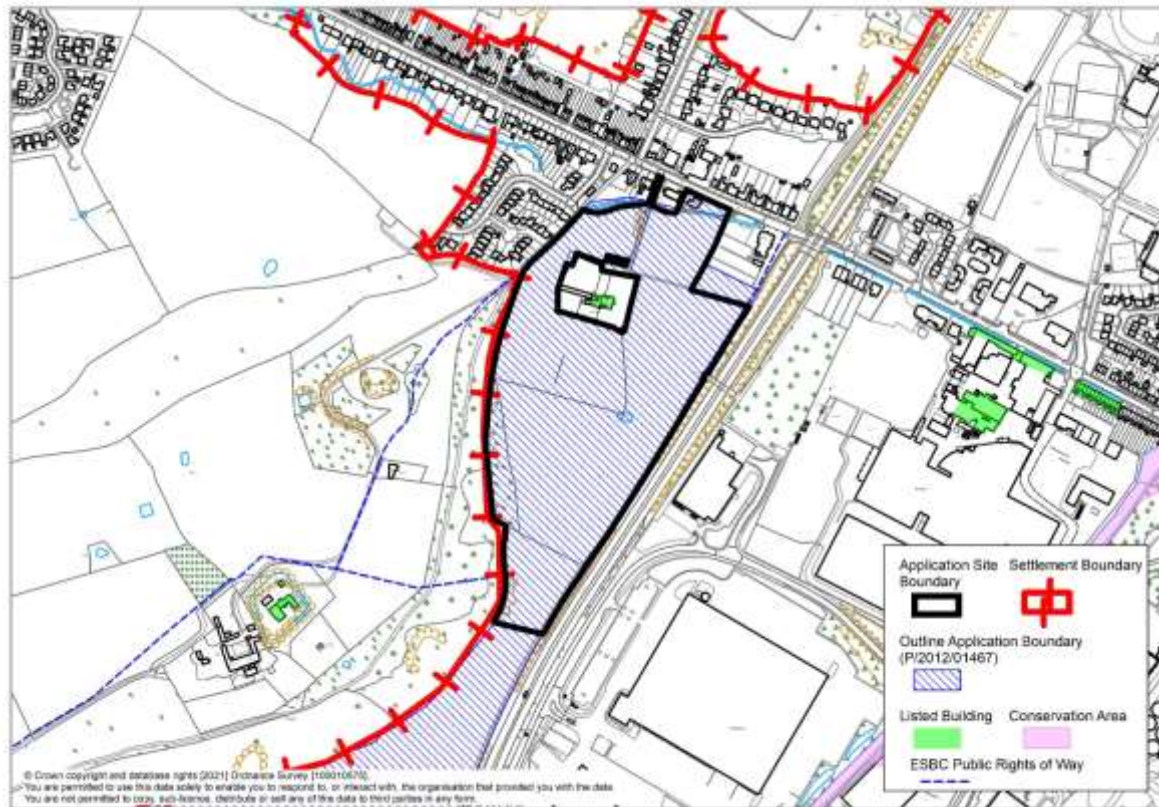
### [Hyperlink to Application Details](#)

<b>Application Number:</b>	P/2020/00857	
<b>Planning Officer:</b>	Barbara Toy	
<b>Type of Application:</b>	Reserved Matters	
<b>Applicant:</b>	Lovell Homes	
<b>Ward:</b>	The site sits within Shobnall Ward whilst the remainder of the Branston Locks SUE sits within Branston Ward. Members and the Parish Councils from both wards have been consulted	
<b>Ward Member (s):</b>	Councillor A Clarke Councillor Mrs P L Ackroyd Councillor R G W Grosvenor Councillor Mrs S McKiernan Councillor P Walker	
<b>Date Registered:</b>	08 September 2020	
<b>Date Expires:</b>	08 December 2020 A time extension has been agreed with the applicants	
<b>Reason for being on Agenda</b>	Major application	

## 1. Executive Summary

- 1.1 The application site comprises 9.62 hectares of green field land that sits immediately to the south of Shobnall Road and surrounds the site of Shobnall Grange listed buildings.

- 1.2 The site forms the most northerly part of the Branston Locks SUE approved in outline in 2015 and the site is allocated for residential development in line with the outline consent (P/2012/01467), the approved Design Guide for the whole site and a S106 Agreement.
- 1.3 This is a reserved matters application for the fourth phase of residential development for the consideration of access, appearance, landscaping, layout and scale for the erection of 190 dwellings (including 20 affordable units). The proposals include a new access off Shobnall Road, internal road layout, car parking, open space and private garden areas.
- 1.4 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.
- 1.5 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.
- 1.6 Objections have been raised by both Shobnall and Branston Parish Council and three objections have been received from local residents which are addressed in the main report.
- 1.7 It is considered that the submitted scheme is in accordance with the details of the approved outline application, accompanying S106 Agreement and approved Design Guide, and complies with the provisions of the relevant adopted development plan policies, Neighbourhood Plan policies and the National Planning Policy Framework.
- 1.8 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 the character and appearance of Shobnall Grange listed building, highway safety, or the general character of the area.
- 1.9 In light of the above conclusions on the planning merits of the case, the application is recommended for **approval** subject to conditions.
- 1.10 **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 Its Surroundings**

- 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/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 fourth residential phase of the overall development of the site and comprises 9.62 hectares. The site is situated in the far north eastern corner of the wider development site, immediately to the south of Shobnall Road and forms part of the residential sector of the overall Design Guide for the SUE. The site is identified within the Design Guide as part of the Garden Suburbs character area.
- 2.5 The site has a frontage of approx. 60m to Shobnall Road with The Albion pub immediately to the east, St Aidan's Church to the west and residential properties further west and on the northern side of Shobnall Road. Shobnall Brook sits to the northern boundary of the site.
- 2.6 The application site surrounds Shobnall Grange, two grade II listed houses and outbuildings surrounded by trees and hedgerows which are excluded from the development site. The existing access to Shobnall Grange from Shobnall Road now no longer forms part of the application site and a new access to the properties will be created from one of the new access roads within the development. Tree Preservation Order 362 includes 5 individual trees (1 Oak and 4 Ash trees) and 4 groups of trees within the site which are generally situated in north/south bands to the east, north east and south east of Shobnall Grange.
- 2.7 Two public rights of way (Shobnall 4 and 5) runs north south along the eastern boundary of the site, almost parallel with the A38, with access currently gained from Shobnall Road adjacent to The Albion pub.
- 2.8 The application site together with the wider site is greenfield land previously in arable use. Levels vary across the site, with the eastern element of the site fairly level and the land rising towards the north west of the site up to Sini Park Woodlands that sits to the north west of the site. The site narrows significantly at its southern end.

### **3. 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/2020/00472** Section 73 relating to P/2019/00756 reserved matters for the erection of 244 dwellings including details of access, appearance, landscaping, layout and scale. Cameron Homes GSC 14-08-2020
- 3.6 **P/2020/01468** Reserved matters for Phase 1 for the erection of 3 detached industrial and warehouse units with ancillary offices covering Classes E, B2 and B8 with associated works including details of appearance, landscaping, layout, scale and access – current application.
- 3.7 **P/2021/0008** Discharge of condition 24 attached to P/2012/01467 relating to the landscaping for the open space/green infrastructure within this phase of the development – current application.

#### 4. The Proposals

- 4.1 This application is a reserved matters submission for the erection of 190 dwellings, including details of 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
1 Bed Maisonettes	4 (2.1%)	4	-
2 Bed Houses, Bungalows and Apartments	61(32.1%)	51	10
3 Bed Houses	96 (50.5%)	87	9
4 Bed Houses	29 (15.3%)	28	1
<b>Total</b>	<b>190</b>	<b>170</b>	<b>20 (10.5%)</b>

- 4.3 A new vehicle access to the site would be created onto Shobnall Road, which would form the northern end of the proposed primary road that will eventually link through to the southern end of the overall Branston Locks development and onto Branston Road. A hierarchy of streets would be provided within the application site leading off the primary route and will include footpaths.
- 4.4 The proposed layout includes grid like perimeter blocks enclosing secure rear private garden areas with a landscape buffer along the eastern boundary to offset the properties from the A38 and the western boundary. The landscape

buffer adjacent to the A38 will include an attenuation pond. An open space buffer would be provided surrounding Shobnall Grange in line with the Design Guide and Condition 6 on the outline consent.

- 4.5 Full details of the house types and garages have been provided. The house types are distributed throughout the site, including detached, semi-detached and terraced housing as well as two bungalows and two blocks of apartments (each with 6 units). The majority of the units would be 2 storey, but given the topography of the site there are a number of split level house types proposed (3 storey to the frontage and 2 storey to the rear) which will avoid the need for retaining structures across the site.
- 4.6 The properties would be constructed from a mix of facing brickwork with tiled gable roofs and include a mix of design features including gable features, chimneys, front door canopies, bay windows and some render features. All the windows and doors will be white. 54 houses would have garages and the remainder of the units would have off street parking facilities. Cycle and refuse storage facilities would be provided at the two blocks of apartments.
- 4.7 In line with the S106 agreement on the original outline consent the scheme provides for 10.5% (20 houses) to be affordable with a mix of 14 social rent and 6 shared ownership dwellings.
- 4.8 The proposed layout includes an acoustic fence to the eastern boundary with the A38, this would vary between 3m and 6m in height for almost the entire length of the site. The existing cycle/pedestrian route under the A38 will be retained.
- 4.9 Negotiations have been undertaken since the submission of the application to amend some house types, to remove a pedestrian link through to Shobnall Road and to amend the landscaping proposals in line with comments made by consultees. Additional noise information has also been provided during the course of the application.

#### List of Supporting Documentation

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

- Reserved Matters Application Form
- Planning Statement
- Design Compliance Statement
- Archaeology and Built Heritage Assessment
- Protected Species Mitigation Scheme
- Arboricultural Impact Assessment
- Extended Phase I Habitat Survey
- Affordable Housing Statement
- Transport Appraisal
- Flood Risk Assessment
- Consultation Statement
- Noise Report
- Site Location Plan
- Planning Layout
- Tenure Plan

- Easement Plan
- Parking Plan
- Boundary Treatment Plan
- Materials Distribution
- Presentation Layout
- Proposed Street Scene
- Soft Landscaping Plans (x 3)
- Proposed Garage Details
- Proposed Cycle and Bin Store
- Drainage Strategy
- Proposed Block Plan and Split Level Units
- Proposed Site Sections
- House Types Portfolio (27 House Types)

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	Shobnall Parish Council	The Parish Council have made specific comments on the submitted: Flood Risk Assessment Noise Report Boundary Treatment Layout Design Compliance Statement regarding open space, road hierarchy, cycle routes, pedestrian safety  The full comments made and the responses to these comments provided by the agent for the application are provided in an attached appendix.
5.3	Branston Parish Council	Endorse the comments made by Shobnall PC
5.4	SCC Highways	No objections to the proposed layout subject to an informative for the applicant. The principles of the connections to the highway have been approved as part of the outline consent and the technical design details are subject to a previous legal agreement
5.5	Highways England	No objections. The site lies to the west of the A38 and to the north of the Branston gyratory and the proposals look to have access from the local road network. Conditions were attached to the original outline consent relating to the Branston gyratory. This is the most northerly part of the overall development and the Strategic Road Network is unlikely to be affected by the works.
5.6	SCC Public Rights of Way	Public Footpaths Shobnall 4 and 5 run along the eastern boundary of the site. The developer is aware of these rights of way and is in consultation with Staffordshire



		County Council Legal Team concerning a Section 53 application to add a public right of way across the southern part of the proposed site and a possible diversion of it.
5.7	SCC Education	No objections. The S106 Agreement on the outline consent includes Education obligations, which continue to apply to this fourth 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.
5.8	SCC Flood Risk Team	No objections
5.9	SCC Archaeologist	No objections. Condition 53 on the original outline consent remains applicable to ensure that trial trenches are carried out in line with the approved Archaeological Management Plan
5.10	Environment Agency	No objections. The submitted Flood Risk Assessment and hydraulic modelling have been reviewed
5.11	Severn Trent Water	No objections. The drainage strategy proposes to discharge to the public foul sewer and all surface water to discharge to on site soakaways.
5.12	The National Forest	It is understood that sufficient woodland planting and other green infrastructure has been provided in the overall masterplan for the site. The specific size and species of all trees to be planted should be provided. Unclear why the existing woodland to the east of Shobnall Grange is to be removed and replaced.
5.13	Staffordshire Wildlife Trust	<p>Objections raised to the proposals on the basis of a possible net loss of biodiversity, loss of important grasslands, impact on Local Wildlife Site, net loss of native hedgerows, lack of brook restoration and further information required on habitat impacts and species mitigation. The area to the north of the site has not been included in the Phase 1 Habitat Survey. Whilst a third of the site looks to be devoted to green space no plan or landscaping details have been submitted for these areas.</p> <p>Loss of grassland fields surrounding Shobnall Grange, these fields should be retained entirely as open space. Less greenspace should be located adjacent the A38 with more of the arable land used for housing. SuDs features and flood compensation should be better integrated within the developed areas and alongside the brook rather than in one large attenuation feature.</p> <p>The surface water drainage strategy is wholly unimaginative and not best practice in terms of SuDs design. There is no link to the existing brook course. Part of the floodplain compensation required should be provided adjacent the Shobnall brook, so that lowering of land can serve to enhance the brook corridor.</p>



		<p>There has been no attempt in the design to open up the Shobnall brook corridor to public view/ access, or make space for the watercourse to flood or meander naturally.</p> <p>Several sections of hedgerows are shown to be lost, with no replacement hedgerows proposed.</p> <p>The Protected Species Mitigation Scheme makes some brief recommendations for habitat creation within green open spaces, and states that a Management and Maintenance Plan (MMP) for the open space should be developed. There is no landscaping plan/ specification submitted for the open spaces.</p> <p>The submitted Protected Species Mitigation Scheme (PSMS) is generally adequate and some aspects could be secured via a condition</p> <p>The proposed mitigation for Great Crested Newts is considered appropriate. A condition for lighting specifications should be included to ensure no adverse impact on Bats. Bird boxes should be secured through condition. The scheme does not include a dedicated hedgehog highway, this should be included in the open space. Enhancements for invertebrates has not been included in the landscaping details. Management of retained grassland areas supporting fungi- detailed management prescriptions should be included in the recommended management plan.</p> <p>The proposed SuDs pool appears to be partly within Flood Zone 2. It is not appropriate to locate SuDs features in the floodplain, as at times of flood they will be ineffective, more surface water storage and infiltration within the landscaping of the built development would be more beneficial in terms of water management, landscape value and habitat provision. Existing hedgerows could be retained within the site design and combined with swales as multifunctional linear landscape features.</p> <p>We also note that some built development appears to be within 8m of the Shobnall Brook, which is contrary to Environment Agency requirements for maintenance easements, and recommendations in the Flood Risk Assessment.</p>
5.14	Peak and Northern Footpath Society	Public Rights of Way 4, 5, 6 and 7 sit within the site but it is noted that the proposals include the retention and enhancement of the existing rights of way. Pleased that this has been taken into account and wish to ensure that

		the necessary protections or temporary restrictions are put in place during construction.
5.15	Architectural Liaison Officer	No objections. Design and security advice provided and forwarded to the developer. Recommendation that the footpath link to Shobnall Road adjacent to St Aidan’s Church be removed as it would promote crime and anti-social behavior. The scheme has now been amended to remove this footpath link.
5.16	Centrebus	Will the S106 Agreement include funding for local bus services or funded bus tickets?

Internal Consultees		Response
5.17	Environmental Health	No objections to the proposed scheme. Additional noise information has been provided by the developer during the course of the application. The noise monitoring undertaken confirms that all areas of the site are impacted by traffic noise from the A38 during both day and night. Whilst the proposed acoustic fence to the A38 boundary will ensure that the internal noise levels for all the properties comply with condition 47 on the outline consent the outdoor amenity space will not fully comply with the required 55LAeq required by the condition, being between 58-61dB. The noise levels for the outdoor space are however considered acceptable in this instance and BS8233:2014 recognises that meeting the recommended external amenity noise levels may not always be achievable where development is desirable and near strategic transport infrastructure.
5.18	Housing Strategy	20 affordable units are proposed within this phase of the development which equates to 10.5% of the development. The affordable units are clustered within the parameters set out in the SPD and would be externally indistinguishable from the market housing.
5.19	Open Spaces	No objections
5.20	Conservation Officer	No objections. The principle of residential development on this has already been established under the outline consent. A broad swathe of landscaped open space would be maintained around Shobnall Grange on all sides, the development also avoids close proximity to the separately listed wall and gate piers to the property. Active frontages are maintained towards the open space avoiding a ribbon of rear boundary fences. It could be argued that whilst the extent of the development will alter the character and context of the area around the Grange, the public open space will allow more interaction with the listed building from a distance. The proposals take the opportunity to minimise harm and maximise enhancement of the special significance of the listed buildings via their settings. The listed buildings would be preserved as far as possible within the boundaries of the outline consent.

5.21	Tree Officer	No objections
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## 6. Neighbour Responses

6.1 The application has been the subject of local publicity by way of site notices posted and an advert in the local press. In addition, neighbouring occupiers were notified by letter resulting in 3 objections being received.

Neighbour responses	
Principle	Already over development of the area
Impacts on Amenity	High road traffic noise already proposals likely to increase noise and pollution
Highways Impacts	High traffic levels on Shobnall Road Since the outline approval 2 further housing estates have been completed off Shobnall Road which has increased traffic to an excessive level Concerns at future roundabout outside house on Shobnall Road making access to property practically impossible, the roundabout needs to be moved away from the existing houses Consultation leaflet from developer showed traffic calming in Shobnall Road, no details of this in the submission, will this be delivered? Will there be yellow lines on Shobnall Road apposite the access? No details on safe crossing for children Safety concerns with increase in traffic adjacent to the school, needs traffic management around school times
Flood and drainage impacts	Flooding of cellar last winter, concerns at the level of building on this flood land
Ecology	Adverse impact on wildlife, deer, crested newts, badgers, foxes and birds

## 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
- 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

### Shobnall Neighbourhood Plan

- T1-Transport Assessment
- T2 - Highways Design
- T3 - Travel Planning
- T5 - Parking
- T6 – Sustainable Transport
- T7 – Cycling and Pedestrian Routes
- HD2 - Housing Design Quality
- HD3 - Housing Mix
- BH1 – Protecting Shobnall’s Heritage Environment
- GN1 - Local Green Spaces and the Natural Environment
- GN3 -Open Space

### Supplementary Planning Documents

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

### **Assessment**

7.1 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**

### **Relevant Policies**

- 8.1 Policy HD2 from the Shobnall Neighbourhood Plan requires new housing development to achieve a high standard of design to include appropriate levels of green space, provision of car parking, sustainable design measures and sustainable drainage systems.

### **Assessment**

- 8.2 The application site forms the most northern section of the Branston Locks Sustainable Urban Extension (SUE) allocated in Policy SP7 of the Local Plan and which was granted outline planning consent in 2015 in line with the requirements of Policy SP7.
- 8.3 This is a reserved matters application for the fourth 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**

### **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 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.
- 9.3 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.
- 9.4 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.
- 9.5 Policy HD2 from the Shobnall Neighbourhood Plan requires new housing development to achieve a high standard of design to include appropriate levels

of green space, provision of car parking, sustainable design measures and sustainable drainage systems.

### **Assessment**

- 9.6 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 application site forms part of the Garden Suburbs character area as set out in the approved Design Guide. The vision for the area is to create a new residential community which reflects the historic development forms of its surroundings, including knitting into the established street pattern at Shobnall Road and responding sensitively to the existing built context of Shobnall Grange listed buildings. The development form should be grid like and formal with perimeter blocks enclosing private rear areas. Buildings should be predominantly two storey with three and two and a half storey included.
- 9.7 The scheme includes a range of house types 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. Whilst every effort has been made to ensure that areas are not dominated by any particular house type or design the north/south tertiary route that runs parallel and to the west of the primary route includes a row of 22 split level houses, that would be three storey within the street scene and two storey to the rear. The block provides a mix of house types including both 3 bed and 4 bed units and have been designed to negate the need for retaining structures to deal with the change in land levels across the site. Since submission the house types have been amended along this street scene to introduce more of a variety in roof levels. The large number of house types (27) allows for variation but they follow a similar theme to ensure a coherent design across the development, being consistent with the Design Guide.
- 9.8 Design features through the development include chimneys, front gable features, bay windows, front door canopies and some feature render, which reflect the characteristics of the properties within Shobnall Road. The building materials and colours would be kept to a minimum in line with the Garden Suburb character area and the materials are considered appropriate and would complement the existing properties within the immediate area. It is considered that the design of the properties is appropriate and would continue the existing character and mix of properties that front Shobnall Road and would be in compliance with the Design Guide for the overall development.
- 9.9 35 of the properties within the development would have detached garages (some single some double) and 18 would have integral garages with the remainder of the properties having driveway parking and communal car parking provided for the two blocks of apartments.
- 9.10 Landscaping proposals are included within the submission and show a large number of properties with front gardens and trees included within the street scene in line with the Design Guide for this character area. The greenspace buffer around Shobnall Grange required by Condition 6 on the outline consent has been provided together with open space immediately adjacent to the A38 boundary, which allows the properties to be set back from the A38 and also

allows for the drainage easement. A buffer is also provided along the western boundary to allow for the canopy overhang of the existing trees to the west to ensure their retention and longevity. The landscaping for the open space areas of the development form part of the strategic green infrastructure for the entire Branston Locks development the details of which will be discharged under conditions 24 and 28 on the original consent by Nurtons the owners of the overall site.

- 9.11 The road layout 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 to the east of the site and surrounding Shobnall Grange would front onto these public areas providing natural surveillance and active frontages. The street hierarchy proposed is in line with the Design Guide for this Character Area.
- 9.12 None of the new properties would front Shobnall Road as the short frontage to Shobnall Road would be taken up by the new road junction. The new junction of the primary route through the entire site with Shobnall Road would have a wide opening with landscaping either side, allowing for views into the development from Shobnall Road.
- 9.13 The approved Design Guide identifies the site for low density development (under 30dph) to fit with the Garden Suburbs character area, to acknowledge the constraints of the site and the extent of open space within the development site. The proposals provide a density of 20dph which is considered to be appropriate and in line with the Design Guide.

## **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.
- 10.3 In terms of the Shobnall Neighbourhood Plan, Policy HD2 'Housing Design Quality' requires appropriate provision of private garden space to be provided in new residential developments.

### **Assessment**

- 10.4 It should be noted however 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.



- 10.5 In some cases the 21m separation standard between habitable room windows and 12m between habitable room windows and a blank gable is not fully met but in each of these cases the shortfall is minimal and the properties are set at an angle to each other to reduce any overlooking impacts. House type amendments have been made to improve the separation distances between the properties to allow better compliance with the standards. The internal space within the different house types meets the standards in the SPD.
- 10.6 15 of the 174 houses/bungalows will have garden sizes that are below the minimum requirements of the SPD. Only 2 of these units however are the affordable units. Most of the 15 are corner plots where traditionally gardens are smaller and shaped to deal with the corner location. The level of external amenity space is considered appropriate.
- 10.7 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. Historic Environment**

### **Relevant Policies**

- 11.1 Section 16 of the National Planning Policy Framework states that proposals should not pose significant harm to any heritage asset and should aim to preserve or enhance the asset by way of sensitive and appropriate design.
- 11.2 Paragraph 184 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Policy DP5 of the Local Plan states that development which protects the character of listed buildings and conservation areas will be permitted.
- 11.3 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.
- 11.4 Policy SP25 of the Local Plan indicates amongst other things that development proposals should protect, conserve and enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Such heritage assets may consist of undesignated and designated assets including conservation areas, listed buildings, scheduled monuments, archaeological sites, registered parks

and gardens and historic landscapes which contribute to the Borough's historic environment and local distinctiveness.

- 11.5 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.
- 11.6 Shobnall Neighbourhood Plan Policy BH1 states that new development proposals will be expected to protect and enhance the character and value of Shobnall's heritage environment, including Listed Buildings, Conservation Areas, and other statutorily protected assets.

### **Assessment**

- 11.7 Shobnall Grange comprises two houses and associated outbuildings that are grade II listed. There is also a listed wall and gate piers to the property that are also listed. The buildings and their private gardens and existing landscaping immediately surrounding the buildings would be retained as existing and sit outside of the application site.
- 11.8 The proposed layout includes a 40m plus open space buffer surrounding the listed buildings as required by Condition 6 on the outline consent and the approved Design Guide. No development is proposed to the west of Shobnall Grange. To the north, east and west of the listed buildings the proposed layout incorporates active frontages towards the open space providing a degree of passive surveillance and adding to the open character, a better scenario that rear garden boundary fences surrounding the open space.
- 11.9 Whilst it has to be recognised that the character and context of the surroundings of the listed buildings will be altered as a result of the development, the scheme does include the open space buffer deemed appropriate at the outline stage. It could also be argued that the open space surrounding the buildings could allow more people to interact with the listed buildings, albeit from a distance through robust boundary treatments to the private gardens.
- 11.10 It is considered that the proposals take appropriate opportunities to minimise harm and maximise enhancement of the special significance of the listed buildings via their setting. The listed buildings would be preserved within the boundaries established and considered appropriate by the outline consent.
- 11.11 The County Archaeologist has confirmed that Condition 53 from the outline consent is still applicable which requires a Historic Environment Management Plan to include a scheme of archaeological investigations prior to work commencing on site to be submitted for approval.

## 12. Access and Highway Matters

### Relevant Policies

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 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                                       |
- 12.5 Shobnall Neighbourhood Plan Policy T1 requires new development to mitigate its own traffic generation and impact. Policy T2 relates to Highway Design and requires new development to achieve a high quality in Highway Design. Policy T3 'Travel Planning' seeks to encourage the use of sustainable transport.
- 12.6 The Shobnall Neighbourhood Plan in policy T5 sets out parking requirements. The required level of parking in new developments is:
- For dwellings of 3 bedrooms or fewer – a minimum of 2 spaces
  - For dwellings of 4 bedrooms or more – a minimum of 3 spaces

### Assessment

- 12.7 This phase of the development will be accessed from Shobnall Road with the new access created for the northern end of the primary route that will eventually run the length of the site between Shobnall Road and Branston Road to the south. This primary route is being created piecemeal style as each phase of the overall development progresses.
- 12.8 A Transport Appraisal has been submitted in support of the proposals and has been assessed by County Highways. The Transport Assessments on the original outline consent assumed that this part of the site could accommodate

up to 240 units, the reduction by 50 units would understandably result in less trips in and out of the site, creating a better scenario than that previously considered appropriate for the site and the new junction onto Shobnall Road.

- 12.9 The new junction will be designed in accordance with a drawing approved under Condition 14 on the outline consent. The primary route will have a width of 6m with 2m wide footways each side and a 6m wide radii at the junction with Shobnall Road with 2.4m x 90m sightlines. A Transportation and Highways Phasing Strategy has also been approved under condition 7 on the outline consent.
- 12.10 The proposals follow the street hierarchy identified in the Design Guide, incorporating secondary circulation routes, tertiary residential streets and private shared drives in addition to the primary route, with the width of the streets and the public footpaths following the Design Guide criteria.
- 12.11 The proposed layout provides a range of off street parking designs, including garages (single and double detached and integral) driveway parking and parking courts for the apartment blocks. The level of parking throughout the site and the size of the garages proposed meet the requirements of the SPD.
- 12.12 The existing cycle/pedestrian route that runs through an underpass under the A38 would be retained and enhanced. In line with Condition 21 on the outline consent the existing public footpath links through the site will be retained albeit possibly in a diverted positions. The applicants/the site owners are already in consultation with the County Rights of Way team regarding this. Pedestrian routes through the development will therefore be enhanced and retained.
- 12.13 Ultimately the Branston Locks site as a whole will have a primary route through it, designed to allow for a local bus service if required. However the application site will have direct pedestrian links to Shobnall Road where there are existing bus services that the future residents will be able to take advantage of.
- 12.14 A Framework Travel Plan for the site as a whole was approved under the outline consent and included in the S106 agreement.
- 12.15 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.
- 12.16 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.

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

#### **Policy Context**

- 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 Policy SP27 of the Local Plan 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 A Flood Risk Assessment (FRA) has been submitted in support of the proposals which has been informed by hydraulic modelling and recognises that the site forms part of a larger development.
- 13.4 The site is located in Flood Zone 2 and 3a therefore the FRA assesses all potential sources of flooding to and from the site including fluvial, pluvial (surface runoff/sewers), ground water, reservoirs and any other artificial sources.
- 13.5 The NPPF classifies residential development as ‘more vulnerable’ and allowed in flood zones 1 and 2 and in flood zone 3a providing a Sequential and Exception Test are passed.
- 13.6 The north-eastern part of the site is located within flood zone 2. Shobnall Brook channel crosses the northern part of the site which is flood zone 3a therefore an exception test has been carried out. Flood zone 3a is however restricted to the channel of the brook and does not encroach onto the development area of the site.
- 13.7 Hydraulic modelling has been undertaken which identifies that the eastern part of the site is considered at risk of fluvial flooding with the remainder of the site not at risk of flooding and the development site has the potential to increase surface water runoff rates and volumes leading to increased risk elsewhere if no mitigation measures are incorporated. As part of the proposals a floodplain compensation scheme will be provided to offset the raised development plateau and the surface water drainage strategy for the site includes a large attenuation pond and additional flood compensation area within the open space to the east of the site adjacent to the A38, the landscape details of have been submitted for discharge under Condition 24 of the original outline consent and will be assessed accordingly. The layout also ensures that properties are set at least 8m from Shobnall Brook.
- 13.8 Given the flood mitigation measures proposed the Leading Local Flood Authority and the Environment Agency have raised no objections to the proposals and it is considered that the proposed development is acceptable in terms of flood risk and drainage and is in accordance with policies SP23 and SP27 of the Local Plan.

## 14. Noise

### Relevant Policies

- 14.1 Section 15 of the NPPF looks to conserve and enhance the natural environment and Para 170(e) in particular relates to noise ensuring that new development is not put at unacceptable risk from pollution including noise. Para 180 also requires that new development be appropriate for its location taking into account the likely effects of pollution on health and living conditions and to mitigate and reduce to a minimum potential adverse impacts on new development and avoid noise that would give rise to significant adverse impacts on health and quality of life.
- 14.2 Policy DP7 of the Local Plan identifies that development will only be granted permission where they will not give rise to or be likely to suffer from, land instability and/or unacceptable levels of pollution in respect of noise or light, or contamination of ground, air or water.

### Assessment

- 14.3 The A38 forms the eastern boundary of the site for its entire length, road traffic noise is therefore a key determining issue with regard to these proposals.
- 14.4 The Noise report and additional noise mitigation information submitted by the applicant has been assessed by Environmental Health. Consideration of Conditions 46, 47 and 48 on the original outline consent and information submitted for their discharge has also been taken into consideration.
- 14.5 Monitoring confirms that all areas of the site are impacted by traffic noise from the A38, during both day and night-time periods. A scheme of mitigation has been proposed in terms of enhanced glazing and ventilation, as well as the siting of an acoustic barrier of varying heights (3m – 6m) along the site boundary.
- 14.6 Environmental Health are satisfied that the internal environments of the residential units will meet the appropriate noise standards, in line with British Standard BS8233:2014 Guidance on sound insulation and noise reduction for buildings and will not cause a significant adverse effect on the future occupiers.
- 14.7 A large part of the site exceeds the BS8233 recommended external amenity area standards due to the location of the A38. After reviewing supporting information from the applicant however, it is clear that further noise mitigation in the form of a larger noise barrier would not be viable, particularly considering the limited noise reduction benefits this would result in. BS8233:2014 recognises that meeting the recommended external amenity noise levels may not always be achievable where development is desirable and near strategic transport infrastructure. Whilst the outdoor amenity areas of a large number of the plots would not meet the 55LAeq required by condition 47 on the outline consent, achieving between 58-61LAeq, on balance, given that the external amenity noise levels are not significantly above those recommended in BS8233 for most of the site, Environmental Health consider that the impact on the outdoor amenity is acceptable in this instance and there will be no significant adverse effect. It should also be recognised that future occupants will also

move into the development fully aware of the existing noise environment created by the A38.

## 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. Local Plan policies SP16 and SP17 along with the guidance set out in the Housing Choice SPD responds to this requirement.

15.2 Policy SP16 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 Shobnall:

1-bedroom homes (flats, houses or bungalows)	3%
2-bedroom homes (flats, houses or bungalows)	2%
<b><i>Housing for Older People**</i></b>	20%
2-bedroom houses	13%
3-bedroom houses	29%
4-bedroom houses	23%
5-bedroom houses	10%

15.4 Policy SP16 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 Policy SP17 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%
- SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.



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

15.7 Shobnall Neighbourhood Plan policy HD3 ‘Housing Mix’ sets out Shobnall’s particular housing needs and reinforces the requirements of Local Plan Policies SP16 and SP17 of the Local Plan and the Housing Choice SPD.

### Assessment

15.8 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.

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

15.9 This scheme exceeds the first 500 dwellings on the site as a whole and looks to provide 20 affordable housing units which equates to 10.5% in the following mix:

Type	Total Number	Social Rent	Shared Ownership
1 bed bungalow	2 (10%)	2	
2 bed house	8 (40%)	5	3
3 bed house	9 (45%)	6	3
4 bed house	1 (5%)	1	
Total	10 (100%)	14 (70%)	6 (30%)

15.10 The proposals therefore accord with the S106 Agreement. The applicants are in negotiations with a local affordable housing provider.

15.11 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.

15.12 The 20 affordable units are divided up into 3 clusters each no more than 8 units with each of the 3 clusters surrounded by market housing of the same style and design.

15.13 The market housing mix at the site is considered to complement the provisions already secured within the wider Branston Locks site as set out in

the table below with the current scheme providing a greater number of 1 and 2 bed properties and a reduced proportion of 4 and 5 bed units compared to the other three approved phases at the southern end of the site.

	Phase 1 Cameron	Phase 2 TW	Phase 3 Cameron	Application Site	TOTAL	SPD
<b>Affordable Housing</b>	0	15 (7.46%)	18 (7.4%)	20 (10.5%)	53	
<b>1 Bed</b>	0	0	0	4 (2.4%)	4 (0.6%)	3%
<b>2 Bed</b>	0	27 (14.5%)	23 (9.4%)	51 (30%)	101 (15.5%)	16%
<b>3 Bed</b>	0	88 (47%)	97 (39.8%)	70 (41.1%)	255 (39.1%)	32%
<b>4 Bed</b>	60 (85%)	61 (33%)	117 (48%)	26 (15.3%)	264 (40.4%)	26%
<b>5 Bed</b>	10 (15%)	0	8 (3.3%)	0	18 (2.8%)	11%
<b>Housing for older people</b>	0	10 (5.5%)	0	19 (11.2%)	29 (4.4%)	11%
<b>TOTAL</b>	70	201 (186 market)	244 (226 market)	190 (170 market)	705 (652 market)	100%

15.14 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.

## 16. Open Space, Green Infrastructure 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 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet.

16.3 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.

- 16.4 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.
- 16.5 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 16.6 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 16.7 Policies SP32 and SP33 of the Local Plan set out the requirements of open space provision across the Borough.
- 16.8 Shobnall Neighbourhood Plan Policy GN1 'Local Green Spaces and the Natural Environment' provides support for development that provides new public open space, subject to compliance with other policies. Policy GN3 'Open Space in New Development' sets out the requirements for the maintenance of open space within residential developments.

### **Assessment**

- 16.9 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 a large area of open space surrounding Shobnall Grange (identified as Shobnall Green) and a ribbon of open space along the eastern boundary of the site adjacent to the A38 (identified as part of Pingle Wood) as on site open space within the application site. The Shobnall Green open space identified in the Strategy indicates a children's play area within the area. The specific details of the planting and layout including National Forest planting, ecological enhancements and childrens play area has been submitted for discharge by Nurtons under Condition 24 on the outline consent and will be assessed against the approved Open Space Strategy and Masterplan.
- 16.10 The areas of open space identified for the site within this application are considered to comply with the approved Open Space Strategy for the site.

## **17. Ecology, Biodiversity and Trees**

### **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 Policy SP29 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.
- 17.4 Policy DP8 relates to tree protection. This policy states that where there are existing trees of value on site developers must ensure that new developments are designed to retain as many trees as possible.

### **Assessment**

- 17.5 An Extended Phase 1 Habitat Survey and Protected Species Mitigation Scheme have been submitted in support of the proposals which includes a Great Crested Newt survey. Following comments from Staffordshire Wildlife Trust an Addendum to the Protected Species Mitigation Strategy has been submitted which includes the area to the north of the site previously omitted. The Extended Phase 1 Habitat Survey recommend a number of mitigation measures relating to fungi, invertebrates, great crested newts, nesting birds, bats and badgers which have been included in the Protected Species Mitigation Strategy which provides a mitigation and enhancement scheme for the site which is in line with Condition 37 in the outline consent.
- 17.6 The landscaping scheme for the site has also been amended during the course of the development to include some of the comments made by Staffordshire Wildlife Trust. The submitted landscaping scheme however only covers the gardens and street scenes within the development.
- 17.7 The proposals indicate that all the trees protected under TPO 362 within the site will be retained and a condition is recommended to ensure that they are protected during construction works.
- 17.8 An Arboricultural Assessment has been submitted in support of the proposals which indicates that 4 groups of trees/hedges (3 category C groups and 1 category B group) would be lost as a result of the proposals. The removal of these trees/hedges is required to achieve the proposed access into the site to the north west and to allow for a logical layout, however the majority of trees/hedges within these groups may be retained and protected. Two Category U trees (Ash 20T and Ash 24T) will also be removed due to significant structural flaws, however it is recognised that Ash 24T could be retained as a 'monolith' for wildlife habitat. In addition, hedge 22H is largely made up of dying Elder and is recommended for removal. The retained trees will be protected from unnecessary damage during the construction process. A green buffer is incorporated into the layout of the site along the western boundary to ensure that no development impacts on the existing trees within Sinai Park Woodlands immediately to the west of the site that sits at a higher level than the site. This woodland will be retained and an appropriate buffer to the new built form has been designed into the layout to ensure retention. The

existing vegetation along the A38 embankment will be retained with the new acoustic fence situated within the site boundary.

17.9 It should also be noted that a number of the comments and recommendations made by Staffordshire Wildlife Trust and the National Forest will be included in the landscaping scheme for the areas of open space within the site that have been submitted for discharge of Condition 24 on the original outline consent. This forms part of the overall green infrastructure strategy for the whole development approved under Condition 8 on the outline consent and is therefore the responsibility of Nurtons rather than the applicants. The scheme submitted includes planting and landscaping specifications and will be assessed in line with the National Forest requirements and ensure a biodiversity net gain.

## **18. Section 106 Contributions**

18.1 As site out within the above report this is the fourth 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.

## **19. Other Matters**

19.1 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 32 (Hard and Soft Landscaping for the Phase)
- Condition 37 (Ecology)
- Condition 47 (Noise)

## **20. Conclusions**

20.1 The proposals represent phase 4 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.

20.2 The proposals will provide 190 dwellings including 20 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

ecology and biodiversity relating to the site have been satisfactorily resolved, subject to appropriate conditions.

- 20.3 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.
- 20.4 The proposals will result in changes to the setting of Shobnall Grange, grade II listed buildings but it is considered that the layout takes appropriate opportunities to minimise harm and maximise enhancement of the special significance of the listed buildings via their setting. The listed buildings would be preserved within the boundaries established and considered appropriate by the outline consent. As such the statutory duties under Section 66 and 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 are addressed by the proposals.

## 21. 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 P17-1756-07C dated as received on 12-02-2021

Planning Layout Drawing P17-1756 04N dated as received on 12-02-2021

Tenure Plan Drawing P17-1756 12N dated as received on 12-02-2021

Parking Plan Drawing P17-1756 22N dated as received on 12-02-2021

Boundary Treatment Plan Drawing P17-1756 14N dated as received on 12-02-2021

Materials Distribution Plan Drawing P17-1756 13N dated as received on 12-02-2021

Presentation Layout Drawing P17-1756 06N dated as received on 12-02-2021

Proposed Street Scene Drawing P17-1756 20D dated as received on 12-02-2021

Soft Landscaping Plan 1 of 3 Drawing 20-037-01D dated as received on 12-02-2021

Soft Landscaping Plan 2 of 3 Drawing 20-037-02D dated as received on 12-02-2021

Soft Landscaping Plan 3 of 3 Drawing 20-037-03D dated as received on 12-02-2021

Proposed Single Garage Details Drawing P17-1756 24 dated as received on 03-09-2020

Proposed Twin Garage Details Drawing P17-1756 25 dated as received on 03-09-2020

Proposed Cycle/Bin Store Drawing P17-1756 26 dated as received on 03-09-2020

Drainage Strategy Drawing B18480-210 P3 dated as received on 15-02-2021

Proposed Block Plan and Split Level Units Drawing P17-1756 22C dated as received on 12-02-2021

Proposed Site Sections Drawing P17-1756 23B dated as received on 12-02-2021

House Type Portfolio Ref P17-1756 19 Rev I dated as received on 12-02-2021 including details of the following:

- House Type 1 Plans and Elevations
- House Type 1 Handed Plans and Elevations
- House Type 2 Plans and Elevations
- House Type 2 Handed Plans and Elevations
- House Type 3 Plans and Elevations
- House Type 4 Plans and Elevations
- House Type 4 Handed Plans and Elevations
- House Type 5 Plans and Elevations
- House Type 5R Plans and Elevations
- House Type 5R Handed Plans and Elevations
- House Type 6 Plans and Elevations
- House Type 6R Plans and Elevations
- House Type 6R Handed Plans and Elevations
- House Type 6.1 Plans and Elevations
- House Type 6.1 Handed Plans and Elevations
- House Type 6.1 Detached Plans and Elevations
- House Type 7 Plans and Elevations
- House Type 7 Handed Plans and Elevations
- House Type 8 Plans and Elevations
- House Type 8 Handed Plans and Elevations
- House Type 9 Plans and Elevations
- House Type 9 Handed Plans and Elevations
- House Type 10 Plans and Elevations
- House Type 10 Handed Plans and Elevations
- House Type 11 Plans and Elevations
- House Type 12R Plans and Elevations
- House Type 12R Handed Plans and Elevations
- House Type 13 Plans and Elevations
- House Type 13 Handed Plans and Elevations
- House Type 14 Plans and Elevations
- House Type 14 Handed Plans and Elevations
- House Type 15 Plans and Elevations
- House Type 15 Handed Plans and Elevations
- House Type 16 Plans and Elevations
- House Type 16 Handed Plans and Elevations
- House Type 17 Handed Plans and Elevations
- House Type 18 Plans and Elevations
- House Type 18 Handed Plans and Elevations
- House Type 19 Plans and Elevations
- House Type 19 Handed Plans and Elevations
- House Type 19.1 Plans and Elevations
- House Type 19.1 Handed Plans and Elevations



- House Type 20 Plans and Elevations
- House Type 20 Handed Plans and Elevations
- House Type 20 Detached Handed Plans and Elevations
- House Type 21 & 22 Plans and Elevations
- House Type 21 & 22 Handed Plans and Elevations
- House Type 23 Elevations
- House Type 23 Ground Floor Plan
- House Type 23 First Floor Plan
- House Type 23.1 Elevations
- House Type 23.1 Ground Floor Plan
- House Type 23.1 First Floor Plan
- House Type 24 Plans and Elevations
- House Type 24 Handed Plans and Elevations
- House Type 24.1 Plans and Elevations
- House Type 25 Plans and Elevations
- House Type 25 Handed Plans and Elevations
- House Type 26 Plans and Elevations
- House Type 26 Handed Plans and Elevations
- House Type 27 Plans and Elevations

House Type 27 Handed Plans and Elevations

Planning Statement dated as received on 11-08-2020

Design Compliance Statement dated as received on 11-08-2020

Archaeology and Built Heritage Assessment dated as received on 11-08-2020

Protected Species Mitigation Scheme dated as received on 11-08-2020

Addendum Protected Species Mitigation Scheme dated as received on 10-12-2020

Arboricultural Impact Assessment dated as received on 11-08-2020

Extended Phase I Habitat Survey dated as received on 11-08-2020

Affordable Housing Statement dated as received on 11-08-2020

Transport Appraisal dated as received on 11-08-2020

Flood Risk Assessment dated as received on 11-08-2020

Noise Risk Assessment and Acoustic Design Statement dated as received on 13-01-2021

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, SP2, 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, Shobnall Neighbourhood Plan Policies T1, T2, T5, T6, T7, HD2, HD3, BH1, GN1 and GN3 and the National Planning Policy Framework.

## 2. Details of Materials

No development shall take place above slab level until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork and roof

tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building(s) and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP3, Shobnall Neighbourhood Plan Policy BH1, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **3. 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.

### **4. 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.

### **5. 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.

### **6. 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.

#### **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. 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 plans 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.

#### **9. 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

#### **10. Tree Protection (Bespoke)**

All the protected trees and existing trees and hedges to be retained shall be protected by 2m high fencing in line with the Tree Protection Barrier recommendations contained within British Standard 5837 (2012) 'Trees in Relation to Construction'. Such 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.

### **11. 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, 32, 37 and 47**

## **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. Details of Proposed Materials**

The applicant is advised that in complying with Condition 2 above regarding the submission of samples and details of all external materials, ensuring the product name and manufacturer is provided and must be submitted in writing to the Local Planning Authority as part of the relevant Discharge of Condition application along with correspondence confirming that date on which samples will be made available on-site and where they will be located.

### **3. Pre-commencement Conditions**

The conditions identified below require details to be approved before commencement of the development/works.  
Condition No(s) 3.

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.

#### **4. Surfacing of Access, Parking and Turning Areas**

The applicant(s) is/are advised that in complying with Condition 4 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](mailto: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 Footpaths Shobnall 4 and 5 which cross the site should not be obstructed or extinguished as a result of this development either during or after construction.

#### **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>

## **22. Background papers**

22.1 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

## **23. Human Rights Act 1998**

23.1 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.

## **24. Crime and Disorder Implications**

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

## **25. Equalities Act 2010**

25.1 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

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