

<b>Agenda Item:</b>	6.2
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<b>Site:</b>	484 Stanton Road, Stapenhill, Burton upon Trent, Staffordshire DE15 9RP
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<b>Proposal:</b>	Erection of 3 detached dwellings and 2 detached single garages and construction of new access road.
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### Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

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

<b>Application Number:</b>	P/2016/00275	
<b>Planning Officer:</b>	Rob Duckworth	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	RR Properties	
<b>Ward:</b>	Stapenhill	
<b>Ward Member (s):</b>	Cllr A Legg	
	Cllr C Jones	
	Cllr Fitzpatrick	
<b>Date Registered:</b>	17 March 2016	
<b>Date Expires:</b>	24th June, 2016 Extension of Time agreed	

This application has been called in by Councillor Fitzpatrick for the following reason(s):

I believe the development would amount to an over dense/crowding site which would impact the residential amenities of neighbours.

I have serious concerns on highway safety, an access at this location onto Stanton Road, an area which has three schools and a busy route into and out of Burton, could only add to already heavy traffic at peak times and to the potential of collisions which could involve children.

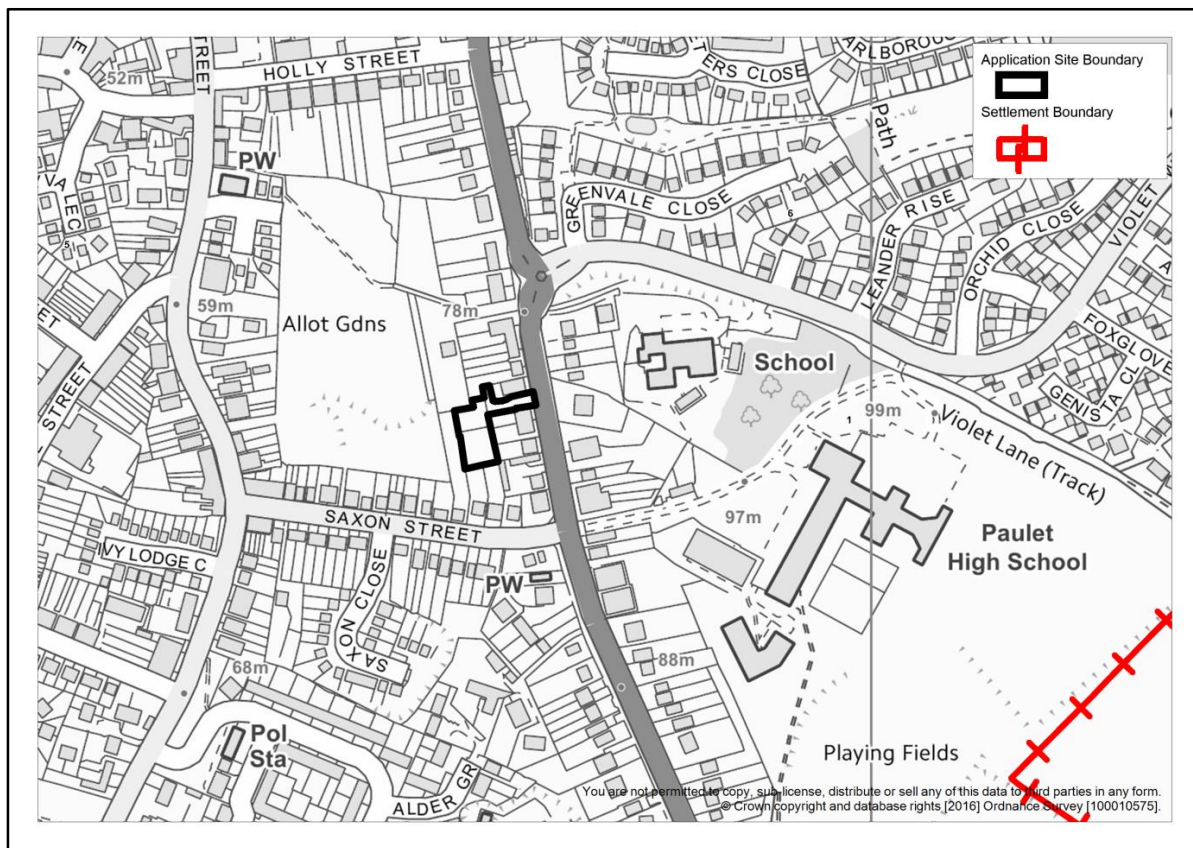
I believe this development amounts to rear garden development, which I believe we should resist.

I would be a lot happier if the planning committee where to visit this site and then consider the merits of the application.

## 1. Executive Summary

- 1.1 The site lies within a predominantly residential suburb, quite close to the junction of Saxon Street and Stanton Road, the latter of which is the busy A444 thoroughfare. The site relates to grounds of the residential property at 484 Stanton Road which has a large garden to the rear. The extent of the development site extends along the garden of 484 Stanton Road and then opens up into a parcel of land which is landlocked by neighbouring properties and at right angles to the garden of 484 Stanton Road.
- 1.2 The application seeks consent for the erection of three detached dwellings and two detached single garages and construction of new access road. The access is facilitated by the demolition of a garage and other outbuilding structures associated with 484 Stanton Road.
- 1.3 Statutory consultees have raised no objections that cannot be overcome via planning conditions. The Parish Council have not raised objections and four letters of objection have been received from local residents. The Ward Member has called in the application on highway safety, and residential amenity/overcrowding grounds. A recent outline consent has been granted for a single residential unit at this site.
- 1.4 It is considered that the development is of sufficiently high quality design within its context to comply with the provisions of relevant development plan policies and the National Planning Policy Framework. There will be no adverse impact on residential amenity as a consequence of the proposal. The proposal will not have an unacceptable adverse impact on the existing highways network, and there are no objections on highway safety grounds.

### Map of site



## 2. The site description

- 2.1 The site lies within a predominantly residential suburb, quite close to the junction of Saxon Street and Stanton Road, the latter of which is the busy A444 thoroughfare. Most of the dwellings close to the site on Stanton Road are inter-war, two storey detached and semi-detached properties which front the highway in linear rows with the building lines generally following a regular pattern.
- 2.2 The site relates to grounds of the residential property at 484 Stanton Road which has a large garden to the rear. The extent of the development site extends along the garden of 484 Stanton Road and then opens up into a parcel of land which is landlocked by neighbouring properties and at right angles to the garden of 484 Stanton Road. An outline application was granted consent for the erection of a dwelling including the demolition of existing garage and store in 2014. Demolition has already been undertaken. The site is to be served by an access road and the garden contains several mature, mostly fruit trees. The site is surrounded on all four sides by the garden of neighbouring properties on Stanton Road and on Saxon Street.

## 3. Planning history

- 3.1 OU/09326/008/SM & Appeal APP/B3410/A/08/2082901 for the erection of two pairs of semi-detached houses. Southern part of the site but accessed from Saxon Street. Dismissed on the basis of character and appearance. A much more dense scheme.
- 3.2 Outline application P/2014/00865 for the erection of a dwelling with all matters reserved including demolition of existing garage and store. Approved.

- 3.3 QU\2015\ENQ\0388 – pre application discussion for siting of dwellings on the site. General advice given that some form of residential development should be acceptable providing the material planning considerations are acceptable.

#### 4. The proposal

- 4.1 The application seeks consent for the erection of three detached dwellings and two detached single garages and construction of new access road.
- 4.2 The access is facilitated by the demolition of a garage and other outbuilding structures associated with 484 Stanton Road. This work has already been undertaken associated with application P/2014/00865. The access extends from Stanton Road (A444) between properties 484 and 483 Stanton Road. A new detached garage and one parking space to serve property 484 Stanton Road is located to the rear of that property. Two parallel parking bays are located at the entrance of the site to serve 484 Stanton Road. Plot 1 has a detached garage and two parking spaces. Plots 2 and 3 have an integral garage and two parking spaces.
- 4.3 The three detached one-and-a-half storey properties are arranged around the access road and have outdoor space to the front and rear. The elevations indicate traditional brick and tile with character and features incorporated into the design such as dormers.
- 4.4 A communal bin collection point is provided at the entrance to the site to accommodate two bins for each of the three properties.

#### List of supporting documentation

- 4.5 The following documents have been provided as part of the application:
- Tree Survey Report
  - Protected Species Survey and Bat Building Assessment
  - Site location plan (2016 – 403 - PO1A) dated as received 15 March 2016
  - Site layout plan (2016 – 403 – PO2C) dated as received 9 June, 2016
  - Plot 1 Proposed floor plans (2016 – 403 – PO3A) dated as received 10 May 2016
  - Plot 1 Proposed elevations (2016 – 403 – PO4B) dated as received 10 May 2016
  - Plot 2 Proposed floor plans (2016 – 403 – PO5A) dated as received 10 May 2016
  - Plot 2 Proposed elevations (2016 – 403 – PO6B) dated as received 10 May 2016
  - Plot 3 Proposed floor plans (2016 – 403 – PO7A) dated as received 10 May 2016
  - Plot 3 Proposed elevations (2016 – 403 – PO8B) dated as received 10 May 2016
  - Proposed single garage floor plans and elevations for Plot 1 and property at 484 Stanton Road (2016 – 403 – PO9) dated as received 15 March 2016
  - Site drainage layout plan and floor slab levels (2016 – 403 – P10) dated as received 15 March 2016
  - Tree Schedule (2016 – 403 – SK11) dated as received 10 May 2016

- Original ground level survey (SR1) dated as received 15 march 2016

4.6 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	Stapenhill Parish Council	No comments received.
5.3	SCC Highways	No objection. Amendments to the site layout have resulted in the number of parallel parking bays being reduced, the inclusion of a bin storage area and visibility splays.
5.4	Severn Trent Water	No objection subject to the inclusion of the conditions: <ul style="list-style-type: none"> <li>• The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.</li> <li>• The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduced the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.</li> </ul>

Internal Consultees		Response
5.5	Environmental Health	No objection subject to the following condition: <ul style="list-style-type: none"> <li>• No development approved by this permission shall be commenced until the developer has either demonstrated that the site is:               <ul style="list-style-type: none"> <li>A) Not affected by contamination</li> <li>OR</li> <li>B) Confirmed that any gardens/landscaped areas will have a suitable capping layer of soil, including submission of appropriate assessments and calculations to determine capping depth. This material must be chemically analysed for contaminants to ensure it is suitable for use in terms of human health and a suitable growth medium before being installed, the results of which must be submitted to the Local Planning Authority for approval.</li> </ul> </li> </ul>

## 6. Neighbour responses

## 6.1 4 letters were received.

<b>Neighbour responses</b>	
Principle	Is there a need for new houses? The site is too small and other sites would be better e.g. Drakelow Park.
Impacts on Amenity	<p>Height of the two storey buildings which will set a precedent. Bungalows would be better to address privacy issues with neighbouring properties. A bungalow was granted consent at the back of 26 Saxon Street.</p> <p>There is no barrier planned between 483 and the new access road.</p>
Highways Impacts	<p>The occupiers of 483 Stanton Road are concerned that because their house is on a higher level than the new road that the foundations of their drive and garden will be disturbed by building works and subsequent frequent usage of the planned road.</p> <p>Who will have responsibility for the maintenance of the new access road?</p> <p>Proposal will add to the present congestion. The entrance to the Highwood Day Nursery is opposite. This is busy during school drop off and pick up time.</p> <p>Cars exiting the site and crossing the pavement will risk the safety of children – there are three schools in the vicinity.</p>
Character	A previous proposal for two sets of semi detached houses was refused because the proposal would be detrimental to the character of the street scene and does not sensitively integrate into the townscape and the local context. There would be harm to the character of the area.
Ecology and biodiversity	<p>The proposal site has a wide variety of wildlife both animal and bird that would be affected by the building work and the destruction of their natural habitat.</p> <p>There is a TPO on the monkey puzzle tree which is adjacent to the site reference TPO239.</p>
Ward Member	<p>Cllr Fitzpatrick supplied the following comments in addition to those set out when requesting a call-in.</p> <p>The access is onto a very busy road at school times and peak hours. The rear gardens are fairly small, is this site big enough for 3 detached plots? The loss of some rear garden to Saxon Street property is concerning. I would suggest that the PA committee should consider this application.</p>

## 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 A strong Network of Settlements
- SP4 Distribution of Housing Growth 2012 – 2031
- SP24 High Quality Design
- SP29 Biodiversity and Geodiversity
- 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

### Supplementary Planning Documents/Guidance

- East Staffordshire Design Guide
- Parking Standards
- Waste Storage and Collection Guidance for New Development

### Stapenhill Neighbourhood Plan – Submission Draft March 2016 (Limited Weight)

- SH1 Housing for All
- SH3 High Quality Design
- ST2 Parking and Servicing
- SC4 Nature Conservation

## **8. Principle of Development**

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

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

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

## 9. 5 Year land Supply

- 9.1 The most recent calculation uses figures as at 31st March 2016 and concludes there is 5.72 years of supply. Therefore the policies in the plan can be considered up to date.

## 10. Local Plan

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

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

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



- appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
  - would result in the removal of contamination and other environmental problems associated with the site.
- 10.3 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton upon Trent is identified as a main settlement to take housing development mostly in the form of sustainable urban extensions topped up with a development requirement associated with windfalls. Windfalls are unknown development sites which come forwards during the plan period such as this proposal. Garden land or back land is defined a greenfield site.
- 10.4 This site will contribute to the development requirement set out in policy SP4. The site is located within Stapenhill and within walking distance there are a range of schools and nursery's, a local shopping centre which includes a pharmacy and a Co-op food store. Stapenhill also includes recreation areas, a doctor's surgery and a church. The location of the site is considered to be sustainable and the principal of developing this site for housing is appropriate.
- 10.5 An assessment of the relevant principles in Policy SP1 are considered in the following sections.
- 10.6 Draft Stapenhill Neighbourhood Plan policies SH1, SH3, ST2, SC4 and SL1 are also relevant. The Draft plan is currently being examined and is subject to change and as such only limited weight is attached to the policies..
- 10.7 Draft Policy SH1 in the Neighbourhood Plan supports new residential development if it is focused on the delivery of smaller residential dwellings of two bedrooms or less. The proposal does not accord with this draft policy which supports smaller units however the policy does not prevent other sizes of houses being built.

## **11. Design and Impact on the character and appearance of the area**

- 11.1 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.
- 11.2 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.
- 11.3 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.

- 11.4 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.
- 11.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
  - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
  - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
  - (d) Repetitive house types should be avoided;
  - (e) The cramming together of large numbers of detached properties should be avoided.
  - (f) High proportions of frontage car parking will not be acceptable.
- 11.6 Detailed Policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.7 The site, as described above, is located to the rear of an existing row of houses on Stanton Road which form a definitive street pattern. The introduction of the proposed dwellings would be different to this prevailing character in the immediate vicinity of the site; however, there are established dwellings adjacent to the site to the north and south which are set behind the main row of properties on Stanton Road.
- 11.8 The site is located within a position whereby the principle of development, behind the existing/long-standing properties along Stanton Road and Saxon Street, has been established initially by 490a Stanton Road and more recently by 476a Stanton Road. With these properties already in situ a precedent has been set and it is considered that the principle would be difficult to resist. There is no particular building line in these 'back land developments' but the general form and layout needs to be considered. As the site is well screened by the surrounding housing and vegetation the development would visually integrate into the prevailing urban grain of the area. Only Plot 1 can be seen from the road which assists with framing the view into the site in urban design terms. Plots 2 and 3 are not visible from Stanton Road.

- 11.9 There are also a variety of house types, sizes and character in the wider Stapenhill area including detached properties on the opposite side of the road to the proposal site. The proposed dwellings will not result in a significant intensification of the area; three houses within the context is not considered excessive. The proposed design includes three detached dwellings in a plot of 0.188ha equating to a density of 15 dwellings per hectare. This density reflects the densities of the houses in the vicinity and is well under the density seen in the previously refused and dismissed application where the density was closer to 31 dwellings per hectare. The general plot sizes are smaller than those of other properties along Stanton Road but are comparable to those in the vicinity.
- 11.10 The design, location and layout will be integrated into the townscape; well screened and of appropriated form and size.
- 11.11 The appearance of the dwellings will be modest in comparison to the established houses along Stanton Road but comparable to those on Saxon Street being a storey and a half with wall-dormers serving the first floor to reduce the eaves and ridge height. This design was achieved through negotiation to minimise the impact of the development and reduce the number of car parking spaces required (the number of bedrooms reduced from 4 to 3). The negotiations resulted in a ridge height drop of 1.5m helping to minimise the massing of the proposed dwellings by a significant amount. The neighbouring dwellings are a mixture of single and two storey buildings and therefore there is no prevailing massing within the surrounding area to visually replicate. Thus, in principle there is no particular style or type of property which would be any more appropriate in this location having due regard to the amenities of the neighbouring occupiers and the general character of the immediate area. It is considered in design terms that the dwellings are of an appropriate appearance for their setting and will not detract from the character of the area. Negotiation has ensured the scale is minimised whilst allowing best use of the land.
- 11.12 Draft neighbourhood plan policy SH3 seeks high quality design and expects proposals to respond to the characteristics of the site context, in terms of scale, mass and density. The proposals reflect this approach.
- 11.13 If approved, the proposal will have a landscaping scheme as a condition ensuring that the neighbouring properties will be adequately screened. The rear garden sizes of the proposed dwellings will be approximately 10m by 8m which is considered acceptable providing at least 80m<sup>2</sup> of private amenity space to the rear. Whilst the gardens are smaller than some of those in the immediate vicinity this does not preclude the development from being acceptable as there many in the wider area of a comparable size. Given the massing of the buildings and the need to provide off street car parking and turning facilities for the future occupants, the amount of garden space available for the existing and proposed dwelling would remain significant, easily meeting the needs of future occupants.
- 11.14 Based on the above it is considered that the proposal accords with Policies SP1, SP24 and DP1 of the Local Plan, The East Staffordshire Design Guide and the NPPF, particularly Section 7.

## 12. Residential Amenity

- 12.1 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.
- 12.2 The proposed dwellings, as sited on the site layout plan, would be located over 25m away from the main rears of properties along Stanton Road and Saxon Street. The location of the windows, location of the houses and distances will mean privacy will be afforded to existing occupiers and overlooking of private amenity space will be minimised; landscaping will aid in the screening (to be conditioned to ensure adequate provision). The reduction of the building height by 1.5m has also meant that overbearing impacts have been minimised, as has the risk of overshadowing. The siting of the buildings relative to neighbours and the course of the sun throughout the day ensures that no neighbouring dwelling would suffer significant loss of light. In addition condition 13 ensures mitigation of any impact by requiring the use of obscure glazing on the east elevation of plot 3.
- 12.3 It is considered that the development complies with the requirements of East Staffordshire Local Plan Policy SP24, DP1 and DP3, Appendix 1 of the East Staffordshire Design Guide and Paragraph 17 of the National Planning Policy Framework.
- 12.4 Draft neighbourhood plan policy SL1 aims to ensure that where development fronts an existing road or street passive surveillance is incorporated into the design. Whilst this proposal does not front onto a street the principle has been applied to the site layout.

### **13. Sustainability (energy efficiency and low carbon)**

- 13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:
- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
  - incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
  - use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
  - incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
  - incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in 'Biodiversity by Design' or future revisions;
  - where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
  - aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;

- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

13.2 The proposed dwellings will be constructed using modern and efficient methods resulting in buildings that are well insulated and energy efficient. Whilst there is no specific design for solar gain or other such highly sustainable design techniques it is considered that the proposed dwellings will be much more energy efficient than those in the vicinity and will not result in a significant increased carbon footprint. Draft neighbourhood plan policy SH3 also seeks to deliver energy efficient proposals which aim to reduce carbon footprint. The proposal reflects this approach.

#### **14. Highway Matters**

14.1 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.

14.2 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.

14.3 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.

14.4 Details of the vehicular access for this development have been provided with the existing private vehicular access proposed for shared use. The road is expected to be a private drive, i.e. not adopted by County Highways so the maintenance will be controlled by the owners of the new homes and the existing host dwelling. This is likely to be via a private management company or an alternative method such as a resident group.

14.5 There will be sufficient space for turning of bin lorries and parking for up to three cars (two external and one garage space for each dwelling) and parking for the host dwelling with two linear bays and a garage to the rear of the house. The number of spaces is considered a slight oversupply based on three bedrooms but this will prevent on-street parking when visitors are present. The Parking Standards SPD states a maximum of 3 spaces and this scheme is compliant. The access would, given the response of the Highways

Authority and ensuring compliance with proposed conditions, comply with the abovementioned Policy and Section 4 of the NPPF.

- 14.6 Draft neighbourhood plan policy ST2 requires that a three bedroomed house provides 2 car parking spaces. The proposal meets this standard.

## **15. Historic Environment**

- 15.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to preserving or enhancing the setting of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.3 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 Section 66 referred to above, this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 15.5 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.
- 15.6 The proposal site is not located in a Conservation Area nor does it involve the alteration or demolition of a Listed Building. The nearest Listed Building is on Holly Street which is 310m from the proposal site. There is no inter-visibility between the two locations and the intervening development comprises residential properties and garden land. The nearest Conservation Area is the Washlands and again there is no inter-visibility between the two locations.
- 15.7 Given these separation distances and the form of existing built development, it is considered that the proposal would not have an impact on views into, or those out of the conservation area nor would any Listed Building or its setting be affected. Therefore there is no impact from the proposal on any conservation area or listed building and the statutory duties under Sections 66 and 72 are not engaged.

## **16. Flood Risk and Drainage**

- 16.1 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.
- 16.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 16.3 There is no greater risk of flooding from the proposed development and sustainable drainage techniques will be utilised to minimise the exacerbation of any future problems.

## **17. Affordable Housing, Housing Mix and National Forest**

- 17.1 The proposal is below the threshold which would require the provision of affordable housing.
- 17.2 Strategic Policy 26 supports the National Forest Strategy and 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.
- 17.3 Landscaping will be conditioned which will satisfy the requirements of National Forest planting.

## **18. Biodiversity**

- 18.1 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.
- 18.2 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.
- 18.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.

- 18.4 The site populated with trees and a tree report has been prepared. The trees within this site are of mixed quality with many requiring removal whilst other retain some health however these are of no great visual merit and therefore not worthy of preservation orders. There is a TPO adjacent to the site but the proposed works will have no impact on this Monkey Puzzle Tree or its root protection area.
- 18.5 The previous Phase 1 Habitat Report has been submitted with the planning application in order to determine the ecological value of the site and the buildings contained therein, specifically the garage, which has now been demolished to facilitate this development. The document concluded that the ponds located near the site have no habitat value for great crested newts, whilst the tree and buildings offer no bat roosts. However, the report does offer some enhancement measures and mitigation measures pertaining to birds. Therefore subject to the securing of works in accordance with the Arboricultural report and a suitable landscaping scheme to address any loss in habitat value, the development will comply with the NPPF (particularly Section 11).
- 18.6 Draft neighbourhood plan policy SC4 seeks to ensure that proposals demonstrate how they will support and protect wildlife and enhance biodiversity both on and off the site. The development proposal reflects this approach.

## **19. Other Matters**

### **19.1 Vibration, Noise and Pollution**

19.2 Some vibration and noise will be present during construction and following completion noise and vibration will be minimised. The number of car journeys is not expected to result in disturbance and the road will be constructed in a substantial manner to be agreed through condition. Pollution is not expected to increase by any significant degree, car fumes will increase but the cars entering and exiting the site will only have a short distance to travel and the number of trips generated is not considered significant.

19.3 Foundations of the neighbouring drive and garage will not be disturbed. There is always a risk of neighbouring properties being affected by developments but the Party Wall Act deals with the issue where any ill effects caused will need to be rectified by the developer.

19.4 The dwellings, as amended, are appropriate for the site, whilst a precedent may be set every site has its own constraints and will be assessed at the time for what is most suitable. In this instance one and a half storeys is considered acceptable but elsewhere it may not be; it all depends on the prevailing character and/or neighbour amenity.

## **20. Conclusions**

20.1 The proposal offers additional dwellings, in a sustainable location, within the settlement boundary of Burton upon Trent. House building supports the economy and the new occupants of the houses will use the local shops and facilities, of which there are many, in the Stapenhill community. The proposal presents good design and site layout to ensure that the reasonable amenity of



neighbours is maintained. Environmentally, subject to a condition, there are no quality trees or habitats that would be detrimentally impacted upon by this proposal.

- 20.2 Given the site's distance from the nearest conservation area and the form of existing built development, it is not considered that the proposal would have an impact on views into, or those out of the conservation area and given its distance from the nearest Listed Building, no listed building or its setting is affected and that therefore the statutory duties under Sections 66 and 72 are not engaged.
- 20.3 Given these arguments and the material weight attached to each it is concluded that this development is acceptable and therefore it is recommended the development be approved conditionally.

### **RECOMMENDATION**

For the reasons set out in the above report then **PERMIT** subject to the following conditions:-

1. Time Limits
2. Drawings
3. No development until details of materials including samples, submitted and approved
4. No development until details of landscaping including screening of properties to rear to provide privacy and protection of trees to be retained submitted and approved.
5. Implementation of landscaping
6. Development not brought into use until the access, within the limits of the highway has been completed.
7. Any redundant site openings to be closed prior to first use of development.
8. The parking and turning areas shall be made available at all times for their designated purpose.
9. No development shall commence until revised details showing the visibility line across the site road frontage, 2.4m rear of the carriageway edge has been provided and approved.
10. Details of foul and surface water drainage – a plan has already been submitted but Severn Trent Water commented that the drawings need submitting – Clarification is being sought.
11. No development until it is proven that the site is not affected by contamination or any landscaped areas will have a suitable cap. Removal of Schedule 2, Part 1, classes A, B and D or the General Permitted Development Order to prevent extensions, roof developments and porches

12. Details of ecological enhancement measures to be submitted and approved.
13. Any window inserted into east elevation of Plot 3 shall be obscure glazed to a minimum level 4.

## **21. Background papers**

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

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference P/2015/01497
- Papers on the Planning Application file reference P/2014/00865
- Papers on the Planning Application file reference OU/09326/008/SM
- Papers on the Appeal file reference APP/B3410/A/08/2082901

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

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

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

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

## **24. Equalities Act 2010**

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

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