

Agenda Item:	6.3
Site:	Barton Marina, Barton Turn, Barton under Needwood, Staffordshire, DE13 8DZ
Proposal:	Erection of 3 three storey blocks comprising 50 two bedroomed apartments and a detached two storey gate house comprising 4 apartments with associated refuse stores car parking and landscaping

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](#)

Application Number:	P/2015/01588	
Planning Officer:	Emily Christie	
Type of Application:	Full Planning Application	
Applicant:	Cameron Homes Ltd	
Ward:	Needwood	
Ward Member (s):	Cllr J Jessel	
	Cllr J Jones	
Date Registered:	3 rd December 2015	
Date Expires:	30 th June 2016	

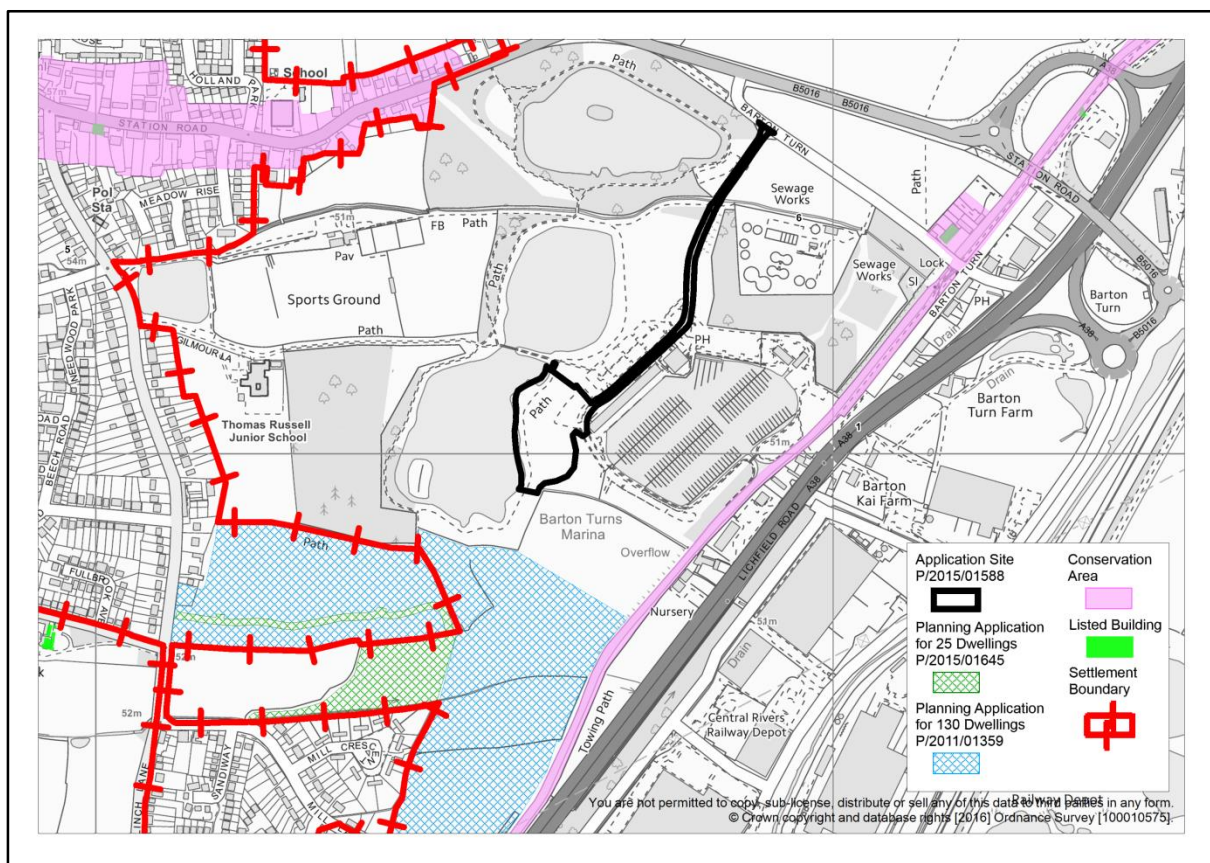
1. Executive Summary

- 1.1 The site is located within the Barton Marina complex and covers an area of 1.75 hectares. The site is currently used as an informal parking area and green open space adjacent to the formal car parking areas, a lake and the Red Carpet Cinema complex.
- 1.2 The application seeks approval for the erection of 3 three storey blocks comprising 50 two bedroom apartments and a detached two storey gate house comprising 4 apartments with associated refuse stores car parking and landscaping
- 1.3 Statutory consultees have raised no objections that cannot be overcome via planning conditions. The Parish Council has raised concerns regarding the lack of justification of the design ethos of the scheme, flood risk, highway

safety and the lack of affordable housing units to be delivered on the site. Three letters of objection have been received from local residents.

- 1.4 The site has consent for the erection of 71 dwellings. The outline consent was granted by the Secretary of State following an appeal against non-determination in 2015 and the reserved matters were granted consent by the Local Planning Authority in February 2016.
- 1.5 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.
- 1.6 The proposal will also not adversely affect the amenities of occupiers of existing nearby dwellings, and will provide an acceptable level of amenity for occupiers of the new dwellings.
- 1.7 The proposal will not have an unacceptably adverse impact on the existing highway network.
- 1.8 **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 description

- 2.1 The site is located within the Barton Marina complex and covers an area of 1.75 hectares. The site is currently used as an informal parking area and green open space adjacent to the formal car parking areas, a lake and the Red Carpet Cinema complex.
- 2.2 The site is accessed via the main entrance/access road serving the Barton Marina complex. The access is located off the B5016/Barton Turn.

3. Planning history

- 3.1 P/2014/00755 - Outline application for residential development for up to 75 residential units including details of access and layout (Revised Flood Risk and Drainage Information) – Appeal allowed (Ref: APP/B3410/A/14/2228678) 12th March 2015.
- 3.2 P/2014/00868 - Formation of a 23 space car parking area – Approved 6th October 2014.
- 3.3 P/2015/01650 - Reserved matters for the erection of 71 residential units including details of appearance, landscaping and scale – Approved by Planning Committee February 2016.

4. The proposal

- 4.1 The application seeks consent for the erection of three 3 storey blocks comprising fifty 2 bed roomed apartments and a detached two storey gate house comprising four 2 bed apartments with associated refuse stores, car parking and landscaping.
- 4.2 The site lies within the Barton Marina complex adjacent to the existing built form comprising a cinema and restaurant and a linear development comprising retail outlets, restaurants and a public house. It is located in the position of the extant permission for an 80 bed hotel that was granted in 2001. The site area is almost identical to that of the previously approved consents for the erection of 71 dwellings. The layout plan shows a development of 54 apartments served via the main access road into the marina complex from the B5016/Barton Turn.
- 4.3 The proposed elevations show three 3 storey blocks comprising 50 2 bed roomed apartments and a detached two storey gate house comprising a further four 2 bed apartments. The layout of the buildings proposed is reminiscent of the hotel complex and the approved 71 dwellings previously approved with a curved arrangement making the most of the views over the lake at the rear.
- 4.4 Parking for each property is provided immediately adjacent to the properties, in a landscaped car park, accessed through the gatehouse which has entrance gates. The entrance gates will ensure that the parking bays remain for the use of resident only. 108 parking bays are proposed providing an average of 2 spaces per dwelling.
- 4.5 The Unilateral Undertaking being prepared as part of the application secures a figure amounting to 40% affordable housing contribution which proposes that the

full 40% to be provided off site. The applicant has confirmed that the intention is to provide the financial contribution for the 40% off site in this instance. This is a similar arrangement to the Unilateral Undertaking signed as part of the outline and reserved matters consents previously granted consent on the site.

List of supporting documentation

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

- Design and Access Statement
- Preliminary Ecological Appraisal
- Transport Statement
- Phase 1 Desk Study and Preliminary Ground Investigation
- Flood Risk Assessment and addendum report
- Planning Statement
- Open Space Assessment
- Utilities Statement
- Health Impact Assessment
- 2086/01/01/Location Rev A – Location Plan - dated as received 15th March 2016.
- 2086/01/Location and Village Context Rev A – Location and Village Context Plan - dated as received 15th March 2016.
- 2086/02/Topo Survey – Topographical Survey - dated as received 15th March 2016.
- 2086/03 Rev A – Proposed Site Layout - dated as received 15th March 2016.
- 2086/11/Gatehouse Rev A – Gatehouse Floor Plans and Concept Elevations - dated as received 15th March 2016.
- 2086/12/Bin Store Rev B – Bin Store Elevations and Layout Plan - dated as received 15th March 2016.
- 2086/14/Apartments – Apartment Floor Plans Elevations Block 1 – dated as received 15th March 2016.
- 2086/15/Apartments – Apartment Floor Plans Elevations Block 2 – dated as received 15th March 2016.
- 2086/16/Apartments – Apartment Floor Plans Elevations Block 3 – dated as received 15th March 2016.
- 2086/20/Streetscenes Rev A – Streetscenes - dated as received 15th March 2016.
- 2086/21/Site Section Rev A – Site Section - dated as received 15th March 2016.

4.7 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	Parish Council	<i>Councillors comments are that they have grave concerns about the amount of parking spaces that will be lost to customers of the retail and leisure units at the site.</i>

Summary

The proposal appears to be contrary to Policy SP 8 of the East Staffordshire Local Plan regarding development outside settlement boundaries;

The Parish Council strongly urges the Local Planning Authority to request a design review under Policy SP 24 High Quality Design;

The Parish Council encourages the applicants and the Borough Council to work together so as to ensure affordable housing for rent is provided on site;

As the Planning Inspector felt, on balance, that the site could be regarded as sustainable, the Parish Council feels strongly that a Travel Plan should be prepared so as to ensure its sustainability for the future;

The Parish Council sees the proposed pedestrian link to the open space being promoted by the Bellways development as essential to integrate this development with the rest of the village and welcomes it accordingly;

The Parish Council remains concerned about the potential risk to flooding in the area, especially as no detail about this aspect is included in the applicant's Planning Statement;

The Parish Council welcomes the opportunity to up date the applicants and the Borough Council with regard to the Better Safer Barton scheme at any appropriate time.

(1) Introduction

1.1 Our understanding is that this is a fresh planning application for 54 new apartments at Barton Marina. It follows the granting on appeal by the Planning Inspector in March 2015 for 75 dwellings. A S106 agreement has been signed in relation to this outline planning permission and in the normal course of events we would have expected to see a detailed planning application submitted. Instead there appears to have been a rethink on the overall design and numbers of the apartments necessitating a fresh application.

1.2 The main planning aspects are:-

- a reduction in the number of units from 75 to 54;
- each proposed unit has 2 dedicated spaces, a total of 108 spaces;
- the scheme has moved away from an integrated building to 6 individual buildings composing five apartment buildings and a gatehouse – 10 units in each block and 4 in the gatehouse.

(2) Principle of development

2.1 The applicants lodged an appeal against non-determination by East Staffordshire Borough Council on the original outline planning application for 75 units (P/2015/00755). In order to provide a stance to take to the appeal, the Borough Council took the planning application to the Planning Committee on 8th December 2014. The recommendation to approve the proposal was accepted and, therefore, the Borough Council supported the application at the subsequent Planning Inquiry.

2.2 The Parish Council objected to the planning application on the basis that the site was outside the settlement boundary for the village and that the proposal would be contrary to the emerging Local Plan strategy for concentrating development in Burton and Uttoxeter with modest amounts of development in the villages. The Parish Council did not feel that the site was in a sustainable location as it was located some considerable walking distance from the services and facilities on Main Street and that it would not promote sustainable transport. In addition, the Parish Council also felt that the proposal would compound an existing sewer flooding problem for residents along Lichfield Road unless an appropriate solution could be found.

2.3 In her report the Planning Inspector felt that, whilst the Marina's facilities were not necessarily capable of providing for everyday needs, they were sufficient to reduce vehicle reliant trips. In the terms of the National Planning Policy Framework's definition of sustainable development she therefore felt that, on balance, the benefits of the development outweighed any identified harm. Whilst acknowledging the concerns of local residents regarding significant flooding incidents, the Inspector saw no reason why a solution could not be found.

2.4 The Planning Inspector duly granted planning permission for this outline proposal for 75 units. Following the Inquiry a S106 agreement was signed

and this commits the developer to certain obligations including the provision of 30k for the Better Barton Scheme. The Inspector noted that this scheme,, “...could be used to help offset the effects of additional traffic through the village”.

2.5 At the time of the planning inquiry the Planning Inspector could give only modest weight to the emerging Local Plan. The Local Plan has now been adopted and in accordance with legislation proposals for development must be determined in accordance with the development plan unless material considerations indicate otherwise.

2.6 Because this is a fresh planning application it falls to be determined under the provisions of the newly adopted Local Plan. In addition, in determining this planning application the Local Plan itself can be given considerable weight.

2.7 The Local Plan strategy is for residential development to be directed to Burton and Uttoxeter with a modest amount of development in the villages. Barton has an identified settlement boundary and, therefore, any development falling outside of the main built up part of the village falls within the open countryside.

2.8 The key planning policy in regarding the principle of development for this planning application is Policy SP 8 Development outside Settlement Boundaries. This is a long and complex policy and is divided into two sections. Firstly any proposals outside settlement boundaries have to meet certain criteria. If they are deemed to have met those criteria then they are assessed against further criteria. The first part of this policy is set out below:-

Strategic Policy 8

Development outside settlement boundaries

Development outside settlement boundaries will not be permitted unless it is:-

- *essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by a relevant justification for a rural location; or*
- *providing facilities for the use of the general public or local community close to an existing settlement which it is reasonably accessible on foot, by bicycle or by public transport; or*

- *in accordance with a ‘made’ Neighbourhood Plan; or*
- *development under the Rural Exception Sites policy; or*
- *appropriate re-use of Rural Buildings.....: or*
- *infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or*
- *development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or*
- *the provision for renewable energy generation of a scale and design appropriate to its location;*
- *otherwise appropriate development in the countryside.*

2.9 It does not appear to the Parish Council that the proposal meets any of these criteria. We, therefore, feel that it is contrary to this policy governing development in the open countryside. Curiously, the applicant’s Planning Statement makes no reference to Policy SP 8 and, therefore, we have no way of knowing whether or not there are any factors justifying a rural location. Instead the Planning Statement relies on the material considerations of the recent planning appeal decision and the presumption in favour of sustainable development as set out in the National Planning Policy Framework. As we have seen above the Planning Inspector, at the time and in relation to the previous planning application, found that the site could be regarded as being in a sustainable location.

2.10 The debate that East Staffordshire Borough Council needs to have in determining this planning application is the weight they can now attach to the Local Plan as opposed to the material consideration of a successful appeal decision and the Government’s definition of sustainable development. In addition, we assume that the amount of development proposed in the original application will have been taken into account to help establish a five-year supply of housing land for the Borough.

(3) Design

3.1 According to the Design and Access Statement, the apartment buildings have been designed to form a contemporary style elevation. This utilises a number of traditional materials, which can be seen on the adjacent buildings and in Barton itself. The five apartment buildings have been positioned to follow a gentle arc, which follows the line of the water’s edge. This will allow west-facing apartments

to take maximum advantage of the vista across the lake. The spacing of the blocks also provides an opportunity to see glimpses of the marina when viewed from the north with the lake and the existing landscape visible from the south. The gatehouse building is sited to the south east of the apartments buildings. The style of this building has been designed to respect the more traditional elevation yet still retain some contemporary features.

3.2 Because this is a fresh planning application, we suggest that, it needs to take account of relevant policies in the now adopted Local Plan and also appropriate design guidance. We can see no reference In particular, in either the Design and Access or Planning Statements to the key design policy SP 24 High Quality Design. Similarly there is no reference to other documents which we had assumed would be of importance notably the East Staffs Design Guide, the National Forest Design Charter and the House Builders Federation (HBF) “The sign of a good place to live”. As a consequence we have no way of knowing whether the applicants have taken account of these documents in coming up with this new design.

3.3 The National Forest’s Design Charter general principles suggests that development should :-

- have distinctive character and help to create an identity and sense of place;
- be sustainable....;
- be inspiring places – urban design should uplift the spirits and provide imagination and a variety of experiences to become truly memorable places;
- have an integrated design – built design and green infrastructure must function together;
- people focused – urban and green spaces should be designed to look good work well and feel safe;
- have legibility and connectivity – new developments should be easy to navigate.

3.4 The HBF’s design guide ‘The sign of a good place to live’ asks a range of questions about the design of new developments:-

- does the scheme integrate into its surrounding be reinforcing existing connections and creating new ones?;
- does the scheme create a place with locally inspired or otherwise distinctive character?;
- are buildings designed and positioned with landscaping to define and enhance streets and spaces and are building designed to turn street corners as well?;.....

*East Staffs Local Plan Strategic Policy 24**High Quality Design*

Development proposals must contribute positively to the area in which they are proposed and :

- help create a sense of place, building on the urban, suburban and rural local character, respecting local patterns of development and the historic environment and using heritage assets to their best advantage;*
- provide safe communities, through the use of clearly defined public and private spaces, passive surveillance and active frontages;*
- reinforce character and identity, through local distinctiveness;*
- enhance the landscape and protect and enhance biodiversity;*
- aid movement and accessibility by providing clear and legible connections that work with existing routes and streets and account for pedestrians and cyclists;*
- retain, enhance and expand green infrastructure assets within the development.....;*
- present an appropriate layout for new development that integrates with the existing environment and context , including space around dwellings, public and private space and open spaces;*
- be adaptable in order to enable a change of uses where this is possible;*
- provide innovative and contemporary architecture where this is appropriate;*
- within the National Forest reflect the character of the Forest in their design, through street tree planting, showcasing timber in building construction where appropriate, incorporating wood fuel systems and green roofs.....;*
- minimise the production of carbon through sustainable construction and reuse of materials where possible and promote the use of renewable energy source technology solutions where possible.*

Development proposals should reflect the existing density of its locality and therefore its character and form. Intensification of an existing built up area will only be allowed where the development would represent a benefit and would not be harmful to the character and amenity of an area.....

The Council will consider referring proposals to a design review panel to secure good design. Such a review will take place at an early stage of the

application process and the applicant will be expected to meet any associated costs and respond positively to any recommendations.

3.5 The waterfront complex is not traditional but it seemed to the Parish Council that the original designers had tried very hard to create a faux 'wharfside' style, which was at least distinctive and reflected the heritage of the area and the proximity to the Trent and Mersey Canal Conservation Area. We are, therefore, disappointed that the applicants have chosen to abandon that thinking within this present planning application.

3.6 The 'contemporary' feel of the current design does not do justice to its context. The separate apartment blocks mean that there is no continuity, in design terms, with the existing Waterfront buildings and the feel is of a suburban office complex.

3.7 The notion of a Gatehouse building is a contrivance. We cannot see that this architectural feature serves any purpose. Traditionally our understanding is that a gatehouse stood by an entrance to either a grand house or a parkland. In either case, there was a sense of enclosure. How can it perform this role when the area to which it is meant to relate consists of five separate and detached blocks with purposely-designed space between them? There is no sense, therefore, in which the gatehouse approach and the archway provide that sense of enclosure. In addition, we feel that the amenities of the residents of this gatehouse will be severely hampered by all vehicles entering the site having to pass through the archway.

3.8 We cannot see that the design has a distinctive character or a sense of place - it could be anywhere. We do not feel that it is people focused. We cannot see how it integrates with the existing environment and context, or even contributes positively to its surroundings in accordance with Policy SP 8. The East Staffordshire Design Guide is not referred to. We see no mention of the National Forest Design Charter. We do not feel it is an inspiring design that lifts the spirits!

3.9 It is clear that from the National Planning Policy Framework (para 56) that the government sees good quality design as a key aspect of sustainable development as it should, "... contribute positively to making places better for people". It is, therefore, disappointing that the wealth of design guidance

available in order to demonstrate good quality design does not appear to have been taken into account.

3.10 We would strongly request the Borough Council to exercise its powers under Policy SP 24 High Quality Design and to refer the proposal to a design review at the earliest opportunity.

(4) Affordable Housing

4.1 The previous application made provision for a proportion of affordable housing on site. This Planning Statement indicates that it now wishes to negotiate a new undertaking to provide a commuted sum for affordable housing off-site. Our understanding is that there is still a need for social rented housing in the village. As we also understand that an off-site financial contribution may not actually go towards affordable housing within the village, we cannot see that the Borough Council's housing objectives can be achieved by accepting an off-site contribution for affordable housing.

4.2 We understand that sustainable development means, "...building strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations....." (para 7 National Planning Policy Framework). This presumably includes a range of house types and tenures. We would, therefore, encourage the applicants and the Borough Council to strive to incorporate an element of affordable housing on site within this development.

(5) Travel Plan

5.1 Our contention in making representations on the previous application was that site was not sustainable. This was based on the distance residents would have to walk to get to the village's services and facilities and because of this there would be a propensity for private vehicles to be used. Whilst we respect the Planning Inspector's decision, we still strongly feel that there is a need for a Travel Plan for the site so as to ensure that all means are use to promote sustainable transport. We would, therefore, urge that a Travel Plan should be prepared as a condition of any planning permission, so that it can be demonstrated that sustainable transport is at the heart of the proposal.

(6) Footpath links

		<p>6.1 We are pleased to note that, in one of the context setting plans accompanying the application, there is a desire to establish footpath links with the rest of the village and in particular the open space to the south proposed as part of the Bellways development off Efflinch Lane. The Parish Council sees this link as an essential part of integrating the Marina with the rest of the village. We understand that this public access link may previously have been problematic, so we are more than pleased to see this link is now being actively promoted. We would, therefore, suggest that in order to aid effective integration of the proposal that this proposed footpath link either be conditioned or negotiated as part of any further legal agreement.</p> <p>(7) Flood Risk</p> <p>At the Planning Inquiry the Inspector came to the view that, whilst she acknowledged the Parish Council's concerns about the proposal potentially exacerbating the risk of future flooding, she saw no reason why an appropriate solution could not be found.</p> <p>We understand that measures are now being promoted but no detail is provided within the applicant's Planning Statement. Until the detail of this information is forthcoming we remain concerned about a potential risk to flooding.</p> <p>(8) Better Barton</p> <p>The S 106 agreement accompanying the outline planning application sets aside 30k for the Better Barton village enhancement scheme. The applicant's Planning Statement states, " Safer Barton payments were included in the previous S 106 to the sum of 30k and the applicants remain willing to negotiate this matter with the Council based on the up to date position with regard to that infrastructure project".</p> <p>In response we would wish to state the Parish Council's willingness to discuss the Better Barton scheme, at any time, with the applicants and the Borough Council and whoever is appropriate. We would certainly be happy to bring all parties up to date with progress on this important scheme for the future of the village.</p>
5.3	SCC Highways	No objection subject to a condition requiring a construction management plan.

5.4	SCC Education	No objection - No education contribution will be requested as it is not current policy to request a contribution from developments purely consisting of 1 or 2 bed apartments.
5.5	SCC Flood Risk Team	<p>No Objections subject to the following condition:</p> <p>The development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:</p> <ul style="list-style-type: none"> • The utilisation of holding sustainable drainage techniques; • The limitation of surface water run-off to equivalent greenfield rates; • The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and • Responsibility for the future maintenance of drainage features. <p>Reason To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.</p>
5.6	SCC (all other departments)	<p><u>Archaeology</u> No objections subject to the submission of a written scheme of archaeological investigation.</p> <p><u>Planning, Policy and Development Control</u> No objections</p>
5.7	Environment Agency	No objections subject to compliance with the submitted Flood Risk Assessment
5.8	Severn Trent Water	No objections to the proposals subject to the inclusion of the following condition. '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. 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 reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution.'

5.9	Natural England	No objection
5.10	The National Forest	No objection – a contribution of £7,000 is required to provide 0.35ha of National Forest planting.
5.11	Architectural Liaison Officer	No objection but provides advice on crime prevention measures to be employed.
5.12	Highways Agency	No objection.
5.13	Forestry Commission	No objection
5.14	Inland Waterways Association	No objection
5.15	Canal and River Trust	No objection
5.16	Ramblers	No objection

Internal Consultees		Response
5.17	Environmental Health	<p>If during the course of development, contamination is found to be present at the site, then no further development shall be carried out until the developer has submitted a method statement to the Local Planning Authority (LPA) for approval, detailing how the contamination is to be dealt with.</p> <p>Upon completion of the approved remediation, a signed declaration outlining the works that have been carried out shall be submitted to the LPA, including confirmation that remedial targets have been achieved. This shall be submitted and approved prior to any occupation of any of the dwellings on site unless otherwise agreed in writing by the LPA.</p> <p>Any imported soil materials should be analysed to ensure their suitability for the site; the results of which should be submitted for approval.</p>
5.18	Housing Strategy	The expected amount of affordable housing for the scheme would be 40% with 13% onsite.
5.19	Open Spaces	54 x 2 bed homes equates to £27,000 for an offsite sum.
5.20	Waste Management	Overall provision for the development will be 22 no. Eurobins (1100) and 11 no. 240l wheeled bins at a cost of £5,500.

6. Neighbour responses

6.1 3 letters were received.

Neighbour responses

Principle	Inappropriate development in this location
Impacts on Amenity	Loss of public open space
Highways Impacts	Increased traffic using the Junction at Barton Turn will increase highway safety issues. Loss of car parking on the site as a result of the development.
Flood and drainage impacts	The development would significantly alter the water table causing issues with drainage and flooding. Inadequate local facilities to deal with the additional sewage and surface water.
Local Services	Additional pressure on existing local services such as the school that are already at capacity.
Ward Member	<p><u>Cllr J Jessel</u></p> <p>I can see that the design will meet with approval from a greater number of people who prefer the traditional, although I think this will look like a very solid block at the back of the lake and spoil the open aspect. However, I recognise that I am probably in the minority and in terms of the proposal now, I have no particular objection.</p> <p>I am rather concerned about the lack of replacement car parking for the Marina and Red Carpet Cinema and would ask that this be looked at. Also the landscaping scheme will be extremely important with this development and I would like to see the detail of this when submitted.</p>

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

Principle 1 – Presumption in Favour of Sustainable Development

Strategic Policy 1 – East Staffordshire Approach to Sustainable Development

Strategic Policy 2 – A Strong Network of Settlements

Strategic Policy 4 – Distribution of Housing Growth 2012 – 2031

Strategic Policy 8 – Development Outside Development Boundaries

Strategic Policy 16 – Meeting Housing Needs

Strategic Policy 17 – Affordable Housing

Strategic Policy 24 – High Quality Design

Strategic Policy 26 – National Forest

Strategic Policy 27 – Climate Change, Water Body Management and Flooding

Strategic Policy 28 – Renewable and Low Carbon Energy Generation

Strategic Policy 29 – Biodiversity and Geo-diversity
 Strategic Policy 32 – Outdoor Sports and Open Space Policy
 Strategic Policy 33 – Indoor Sports Policy
 Strategic Policy 35 – Accessibility and Sustainable Transport
 Detailed Policy 1 – Design of New Development
 Detailed Policy 2 – Designing in Sustainable Construction
 Detailed Policy 3 – Design of New Residential Development, Extensions and Curtilage Buildings
 Detailed Policy 5 –Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and Archaeology
 Detailed Policy 6 - Protecting the Historic Environment: Other Heritage Assets

Supplementary Planning Documents/Guidance

East Staffordshire Design Guide
 Parking Standards
 Waste Storage and Collection Guidance for New Development
 Community Infrastructure Levy (CIL) Regulations 2010

Principle of Development

7.1 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.

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

8. 5 Year land Supply

8.1 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.

9. Local Plan

- 9.1 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.
- 9.2 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.

- 9.3 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries. The following elements guide the development strategy:
- Focus the majority of development at Burton Upon Trent
 - Allocate a significant level of development at Uttoxeter
 - Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
 - Control new development in all other villages and hamlets
- 9.4 The site subject to this application is not located within an area earmarked for residential development as a sustainable urban extension in the Local Plan, neither is it within the development boundary of Barton under Needwood. Therefore the proposal is contrary to the above policy context and constitutes development outside of a development boundary.
- 9.5 Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless it is:
- essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or
 - providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
 - in accordance with a 'made' Neighbourhood Plan; or
 - development under the Rural Exception Sites policy
 - Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
 - Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
 - Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
 - Provision for renewable energy generation, of a scale and design appropriate to its location
 - Otherwise appropriate in the countryside
- 9.6 Whilst the proposed development does not meet the criteria set out in Strategic Policy 8, there is planning history on the site with two implementable planning permissions; one for a hotel and leisure building and one for the erection of 71 dwellings. Therefore this is a material consideration which has significant weight in the assessment of this proposal.
- 9.7 The extant permission for the hotel and leisure building would allow for the erection of an 80 bed facility with associated infrastructure on the site. The design of the hotel and detached leisure building are not considered to be high quality

and would not be considered to be in accordance with the current design guidance in the Local Plan or the Design SPD.

- 9.8 A recent consent granted permission for the erection of 71 dwellings on the site in the same location as the extant consent for the hotel. The outline consent was approved by the Planning Inspectorate at an appeal on the grounds that the Council could not demonstrate a five year land supply at the time it was determined and on the grounds that the development would not result in demonstrable harm to the character and appearance of the area.
- 9.9 The consent for the 71 dwellings is therefore a material and key consideration in the assessment of this proposal. Residential development has been accepted on the site and could be implemented in line with the approved details of applications P/2015/00755 and P/2015/01650.
- 9.10 It is therefore considered, when taking into account the relevant planning history on the site and given that there is a planning permission in place that could be implemented for residential development, the presumption is in favour of residential development on the site.

10. Design and Impact on the character and appearance of the area

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 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 complement its surroundings.
- 10.5 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.
- 10.6 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 10.7 The site is viewed in context with the existing Barton Marina complex adjacent to the existing built form which is typically two storeys with a mixture of roof styles incorporating both gables and hipped roof designs. The buildings are constructed in traditional red brick and blue tiles with traditional design features including eaves detailing.
- 10.8 The form of the development is reminiscent of the residential development comprising 71 dwellings previously approved with a wharf style appearance arranged to make the most of the views over the lake at the rear. The scheme incorporates parking bays within the site area to serve the development with scheme of landscaping to soften the area and break it up into sections rather than creating a large open area of hard surfacing therefore retaining the green open nature of the site.
- 10.9 The elevations show three 3 storey blocks arranged around the edge of the lake with a gatehouse delineating the access to the site and car parking area. The style and layout of the buildings proposed is reflective of the layout of existing marina buildings and will also include an effective mix of materials, textures and finishes all of which would contribute positively to the views of the development when viewed from surrounding vantage points. The approved residential development comprised a terrace of dwellings curving along the edge of the lake with parking spaces both at the front and the rear to serve the development. The proposed scheme breaks up the massing of the previous scheme to allow for views through the development to the lake from the marina buildings and retains the footpath around the lake to allow access to the public.
- 10.10 The gatehouse building has been designed to create an entrance into the residential development, separating the development from the marina buildings. The entrance will be gated to ensure that the parking bays provided are retained for the parking of residents rather than visitors to the marina complex.
- 10.11 The original design of the proposal was considered to be inappropriate within the marina setting as it comprised five detached blocks that did not reflect the design ethos of the marina complex. Several meetings were held with officers, the parish council and the ward member to discuss the design of the scheme and

subsequent meetings with the developers were held to provide the feedback on the design. The developer redesigned the scheme in light of the comments from the aforementioned meetings and as such a formal design review was not considered to be necessary in this instance as an appropriate design approach was arrived at through negotiations.

- 10.12 It is considered that the resultant design of the apartment blocks and the gatehouse is appropriate within the context of the marina complex. Simple proportions with traditional detailing and a mix of materials which give the essence of a wharf style development. There is a mixture in the proposed palette of materials from brick and render to grey slate cladding and stainless steel and glass balconies. It is considered that blue clay or slate tiles would be appropriate to use across the site. This is the approach advocated by the East Staffordshire Design Guide and is appropriate in this context.
- 10.13 The indicative landscaping plan shows both hard and soft landscaping including boundary treatments around the perimeter of the site which help to delineate the areas of public access and the areas of shared amenity space and car parking areas for the occupiers of the apartments. A set of entrance gates are proposed within the gatehouse building to restrict access to the parking areas to the general public to retain the parking bays for residents and their visitors. The site has a number of pedestrian links around the perimeter retaining walkways that run adjacent to the lake to the west.
- 10.14 A schedule of materials to be used within the hard landscaping areas is required to ensure that parking bays, pathways and accesses are clearly demarcated to add some interest to shared area and car park. This will be required as part of a condition requiring details of the landscaping scheme.
- 10.15 Any trees proposed within the landscaping of the development complex will be conditioned to be larger set trees to provide coverage to the area within a shorter time period.
- 10.16 It is considered that the layout and design accords with the principles and provisions of the East Staffordshire Design Guide, and demonstrate that the site can provide a high quality development appropriate to its context which accords with East Staffordshire Local Plan Policies SP24, DP1 and DP3.

11. Residential Amenity

- 11.1 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.
- 11.2 The proposal demonstrates that there is sufficient space within the site to accommodate the number of apartments proposed without compromising the amenities of the future occupiers of the development. The design and the orientation of the buildings allow sufficient levels of natural surveillance over communal areas and the car parking facilities.
- 11.3 The boundaries of the closest dwellings to the west are approximately 394m and 420m to the northwest from the development, whilst the distance to residential

moorings within the marina complex is approximately 40m. These distances are considered sufficient to avoid any unacceptable loss of daylight or privacy.

- 11.4 With regards to residential amenity during the construction process, the submission of a construction management plan will be secured by a suitably worded condition to require the routing of construction traffic into the site to be agreed. This will minimise the use of local roads by construction traffic, ensuring that any impact on existing residents within the village is kept to a minimum level, and for as short a duration as possible.
- 11.5 In conclusion the proposal is likely to lead to an element of additional noise and disturbance through increased activity and comings and goings. However, it is not considered that this would unacceptably affect the amenities enjoyed by the occupiers of neighbouring dwellings therefore complying with Local Plan Policies SP24 and DP3.

12. Sustainability (energy efficiency and low carbon)

- 12.1 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;
- 12.2 Whilst the proposal does not propose to incorporate any renewable energy sources or specific green construction techniques it does propose the incorporation of a Sustainable Urban Drainage System (SUDS) and ecologically sensitive design features as recommended in the ecology report prepared by Absolute Ecology. The measures include the provision of at least eight bat boxes and eight bird boxes and appropriate landscaping and lighting schemes to limit the impact upon ecological interests within the area.

13. Highway Matters

- 13.1 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.
- 13.2 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.
- 13.3 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.
- 13.4 The development is to be accessed via the main access road into the marina complex from the B5016/Barton Turn. The Highway Authority has been consulted and has raised no objections to the access arrangements.
- 13.5 Parking is situated close to properties to facilitate easy access for residents to the apartments. The parking requirements conform to the Borough Council parking standards. It is not therefore considered that the proposal would prejudice the safe or efficient use of the existing highway network. Therefore complying the principles of Local Plan Policy SP35.
- 13.6 Access for refuse vehicles has been considered as part of the proposal and adequate access and turning facilities have been provided to enable the service vehicles to enter the site and manoeuvre safely in order to access the communal bin facilities serving the development.
- 13.7 Concerns have been raised regarding the loss of car parking provision on the site to serve the existing uses and businesses on the Marina complex as the development will result in the loss of an area currently being used as an informal overflow car park facility. Whilst the loss of the overflow car park is regrettable it is acknowledged that the site is privately owned and as such any shortfall in available spaces within the site should be addressed by the complex owner under separate cover. It is noted that a grassed area adjacent to the access drive to the Marina complex has recently started being used as overflow car parking.

14. Historic Environment

- 14.1 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.
- 14.2 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.
- 14.3 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.
- 14.4 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.
- 14.5 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.
- 14.6 The nearest listed building is located at Barton Turn, some 519m to the north east of the site and a listed bridge over the canal is located 556m to the south. The nearest conservation areas are the Trent and Mersey Canal Conservation Area which is located approximately 172m to the east and the Barton under Needwood Conservation Area which is approximately 384m to the north. Located between the proposal site and the various heritage assets listed are a number of buildings and uses that means that there is limited inter visibility.
- 14.7 Given these separation distances 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 these conservation areas nor would any Listed Building or its setting be affected and therefore the statutory duties under Sections 66 and 72 are not engaged.
- 14.8 There is evidence of archaeological interest in the area, and it is considered that a written scheme detailing a program of archaeological investigations should be required. In light of this a suitably worded condition is proposed to ensure that a scheme of archaeological investigation is secured as part of any scheme. It is therefore not considered that the proposal would unacceptably affect archaeological interests.

15. Flood Risk and Drainage

- 15.1 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.
- 15.2 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.
- 15.3 The site lies entirely within Flood Zone 1 and as such is at a low risk from fluvial flooding. The application has been considered by all relevant consultees in relation to flood risk and drainage. Staffordshire County Council's Flood Risk Officer has raised no objections to the proposal subject to the submission and approval of a scheme for the disposal of surface water and the maintenance of any necessary infrastructure.
- 15.4 The application is supported by the submission of a Flood Risk Assessment which concludes that the development can be accommodated on the site without having a detrimental impact upon the locality or downstream catchment area.

16. Affordable Housing and Housing Mix

- 16.1 The NPPF states that Local Planning Authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD respond to this requirement.
- 16.2 Strategic Policy 16 states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence.
- 16.3 The Housing Choice SPD expects the following housing mix:

	Burton			Uttoxeter	Strategic Villages
1-bedroom homes (flats, houses or bungalows)	3%			3%	2%
2-bedroom homes (flats, houses or bungalows)	2%			20%	20%
	Branston	Angelsey	Brizlincote		

	Burton	Horninglow	Stapenhill		
	Eton Park	Shobnall	Winshill		
	Outwoods	Stretton			
Housing for Older People**	11%	20%	50%	10%	35%
2-bedroom houses	14%	13%	8%	8%	6%
3-bedroom houses	32%	29%	17%	30%	23%
4-bedroom houses	26%	23%	14%	20%	10%
5-bedroom houses	11%	10%	6%	9%	4%

16.4 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(2) relating to accessible and adaptable dwellings. Further guidance has been prepared setting out how this policy will be applied. The guidance states that the standard will be expected on 10% of major applications. It is confirmed that all 22 ground floor apartments will be delivered to Building regulation 2010 standard M4(2) Accessibility and adaptable dwellings which equates to approx. 35% of the properties. The remainder of the dwellings will be compliant to M4(1) visitable dwelling.

16.5 Strategic Policy 17 states that housing- led residential development that will provide 4 or more dwellings or on a site of 0.14 hectares or more shall provide up to 40% of affordable housing. This will now not be possible under the Government's Policy and the Council will only be able to seek affordable housing contributions from applications for 10 or more dwellings. National Planning Policy Guidance states that Local Planning Authorities can set a lower threshold where contributions can be sought. For those sites only a financial contribution can be sought, not on site affordable housing. Either way this site meets the national threshold comfortably.

16.6 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%

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

16.8 In a Tier 1 strategic settlement such as Barton under Needwood, we would expect 40% of the dwellings to be affordable units. Whilst the policy does not provide a specific percentage to be provided on site for Tier 1 settlements, for sites in Burton and Uttoxeter the policy would expect 13% of dwellings to be delivered on site and so it would be reasonable to expect at least 13% of affordable units to be delivered on the site in this instance.

16.9 The developer has provided evidence to demonstrate that the adoption of affordable units on the site by social landlords and similar organisations is not

desirable due to the likely maintenance costs and fees payable as a result of the development being located within a privately owned site. Therefore in light of this evidence the Council considers that in this instance, a monetary contribution secured by the Section 106 Agreement to the sum of £864,000.00 (Eight Hundred and Sixty Four Thousand Pounds) to be paid to the Council in lieu of onsite affordable housing is considered acceptable.

17. Green Infrastructure and National Forest

17.1 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.

17.2 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.

17.3 The site is located within the National Forest area and as such the proposed development is required to acknowledge and positively contribute to the creation of the National Forest through on site landscaping and tree planting and/or through monetary contributions to be used within off-site projects.

17.4 The National Forest Company has been consulted and has recommended that a sum of £7,000 be secured through the Section 106 Agreement to provide 0.35ha of forest planting.

17.5 Details of the landscaping to be provided on site will be secured via a suitably worded condition to ensure that the site is landscaped in a way to contribute positively to the locality and to reflect the green open nature of the site.

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 An ecology survey has been submitted with the application and includes recommendations for ecological enhancement measures to be employed within the design of the scheme. The survey concludes that the development of the site will not be to the detriment of protected or rare species of either flora or fauna and as such it is considered that there will not be an adverse impact upon the biodiversity of the area. The provision of bat and birds boxes will however provide roosting facilities which will benefit local populations.
- 18.5 The indicative landscaping scheme indicates that there will be a degree of tree planting on the site and the provision of new hedgerows as boundary treatments which will be to the benefit of local wildlife populations. Precise details of the landscaping scheme will be secured by a suitably worded condition with further stipulation on the type of trees to ensure heavy standards are planted to provide more immediate habitat and coverage on the site.

19. Open space

- 19.1 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.
- 19.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 19.3 SP32 and SP33 set out the requirements of open space provision across the Borough.
- 19.4 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.
- 19.5 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document
- 19.6 A development of this scale requires the provision of public open space. The developer has indicated that they intend on providing the monetary contribution for offsite provision in this instance. The Council's Open Space Supplementary Planning Document details that an appropriate offsite contribution would be £27,000 calculated on the basis of £500 per dwelling.

20. Education

- 20.1 There is a need for education facility provision in East Staffordshire, particularly at Burton upon Trent. The need is for both primary and secondary education. Strategic Policy 10 identifies areas where new schools will be expected in Uttoxeter and Burton upon Trent.

20.2 The development proposal has been assessed by the Staffordshire County Council Schools Organisation and as the development comprises 54 apartments no contribution towards education provision will be requested as it is not in their current policy to request a contribution from developments purely consisting of 1 or 2 bed apartments.

21. Section 106 Contributions

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

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

21.2 The following contributions are sought. These contributions are set out below:

Item	Planning Obligation	Cost (where applicable)
Education	Primary, secondary and sixth form provision	No contribution required
Refuse Containers	Contribution to provide 22 no. Eurobins (1100) and 11 no. 240l wheeled bins	£5,500
Open space	Offsite Provision	£27,000
Affordable Housing	Off site contribution	£864,000
National Forest	Off site contribution to the equivalent to 0.35ha of forest planting	£7,000
Safer Barton Scheme	Contribution to the local improvements scheme	£30,000

22. Conclusions

22.1 Section 38 of the Planning and Compulsory Purchase Act reinforces that the starting point for making a decision is the development plan and that a determination must be made in accordance with it unless material considerations indicate otherwise. The previous residential applications consented at the proposal site are a significant material consideration in relation to the determination of this application.

22.2 The principle of development is therefore considered to be acceptable because it has previously been set by the granting of outline planning permission in 2014 and subsequent reserved matters approval in 2015. The scale of the proposed development is less than the previously approved residential application and as such is not considered to present any additional constraints.

- 22.3 The submitted details demonstrate that the development will fit acceptably into the context of the marina complex by way of its siting, scale, massing and design. The Highway Authority has confirmed that there are no issues in relation to highway safety. Paragraph 128 of the NPPF requires Local Planning Authorities in determining applications to consider the potential of sites to impact upon heritage assets, and areas of archaeological interest.
- 22.4 Given the separation distances 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 any conservation areas nor would any Listed Building or its setting be affected and therefore the statutory duties under Sections 66 and 72 are not engaged.
- 22.5 Whilst the scheme will undoubtedly change the character and appearance of the area, the benefits of the proposal including the provision of housing, including affordable, alongside the economic benefits associated with new development weigh heavily in support of the application, and on balance the benefits of the scheme outweigh any specific concerns that are raised in relation to the proposal. The proposal is therefore considered to accord with policies in the East Staffordshire Local Plan, the National Planning Policy Framework, and all other supplementary planning guidance.

RECOMMENDATION

- 22.6 For the reasons set out in the above report then **PERMIT** subject to the following conditions:-
1. Time limit for commencement (3 years)
 2. Approved plans condition
 3. Submission and approval of samples and details of materials of construction
 4. Submission and approval of finished floor levels
 5. Submission and approval of joinery details
 6. Submission and approval of foul and surface drainage details including ongoing maintenance programme
 7. Submission and approval of a construction management plan including assessment of noise during construction and implementation of recommended mitigation measures
 8. Submission and approval of Landscaping
 9. Submission and approval of the details relating to contaminated land as set out in the response from Environmental Health
 10. Submission and approval of a written scheme of archaeological investigation.
 11. Submission and approval of scheme of ecological enhancement measures.
 12. Submission and approval of a scheme for the improvement of footpath link from the site to Barton village.
 13. Tree planting on the site shall be heavy standard or semi-mature specimens
 14. Implementation of landscaping, fencing and walling
 15. Imported soils condition
 16. Development to be carried out in accordance with mitigation measures set out in ecology appraisal

17. Development to accord with the recommendations of the FRA
18. Windows and door details
19. Rainwater goods finish and fixtures
20. Finish and fitting of rooflights.
21. 10% of all dwellings to meet building regulations M4 (2) standard.

Informatives

1. Standard engagement informative.
2. The applicant is advised to note and act upon as necessary the attached comments of the Police Architectural Liaison Officer. However, where there is any conflict between the recommendations of the Architectural Liaison Officer and the terms of the planning consents the latter take precedence
3. Pre-commencement conditions standard informative

23. Background papers

23.1 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 Planning Application files reference P/2014/00755, P/2014/00868 and P/2015/01650.

24. Human Rights Act 1998

24.1 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.

25. Crime and Disorder Implications

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

26. Equalities Act 2010

26.1 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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