

Agenda Item:	5.1
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Site:	Victoria Crescent, Burton upon Trent, Staffordshire
Proposal:	Demolition of existing warehouse building, storage tanks and electricity sub-station to facilitate the erection of 47 dwellings including construction of vehicular access, associated landscaping and community open space.

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](#)

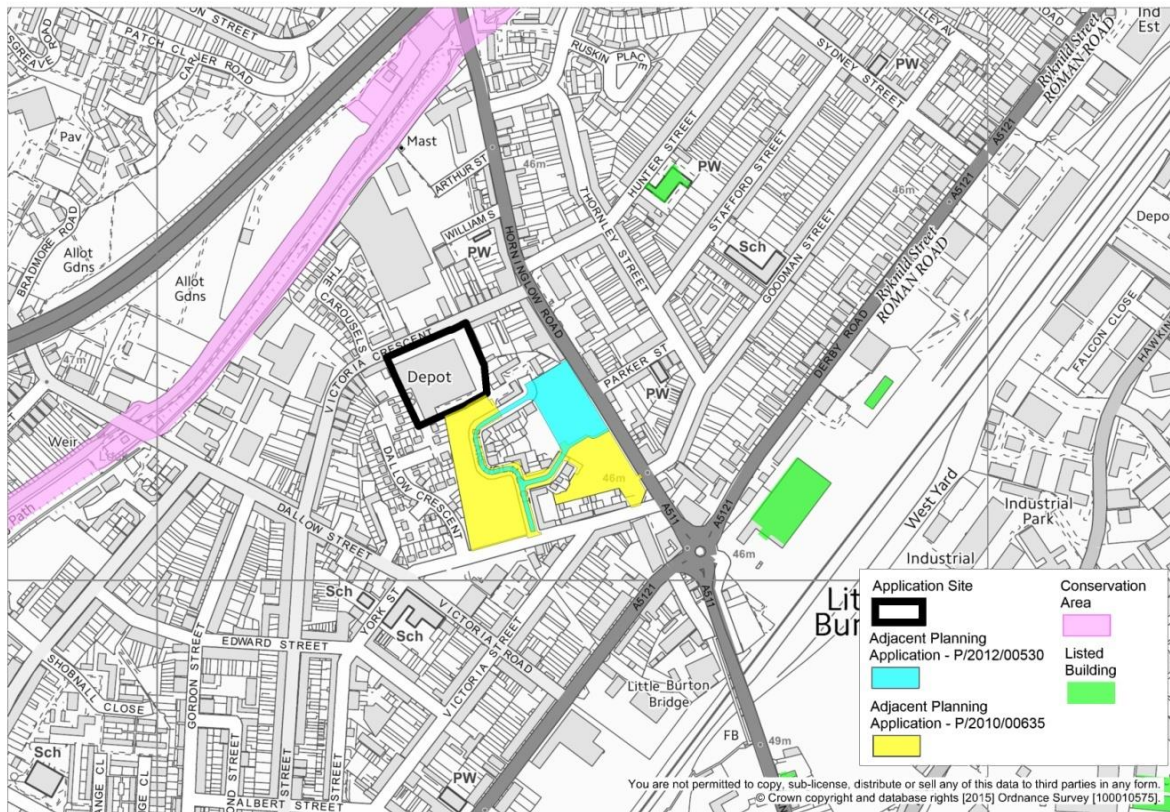
Application Number:	P/2014/01488	
Planning Officer:	Anna Miller	
Type of Application:	Full Planning Application	
Applicant:	Coleman Investments Ltd	
Ward:	Eton Park	
Ward Member (s):	Cllr S Andjelkovic	
Date Registered:	17 December 2014	
Date Expires:	Extension of time negotiated	

1. Executive Summary

- 1.1 The proposal is a full application for the demolition of an existing warehouse building to facilitate the erection of 47 dwellings including vehicular access, associated landscaping and community open space.
- 1.2 The proposed development is situated in the Horninglow and Eton Ward of Burton upon Trent which is characterised in the immediate area by high density residential development interspersed with employment warehouses and businesses that have been in situ for some time. The application site is 0.92 hectares in extent. Access is taken from Victoria Crescent.
- 1.3 Statutory consultees have raised no objections. The Parish Council supports the scheme. Two residents have been in contact with the Local Planning Authority raising concerns in relation to asbestos and boundary treatments. These are dealt with in the report.

- 1.4 It is considered that the development is of sufficiently high quality design within its context and complies with the Design SPD.
- 1.5 Whilst there are challenges with respect to separation distances these are not considered significant and can be mitigated through landscaping.
- 1.6 The proposal will not have an unacceptably adverse impact on the existing highway network.
- 1.7 **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 proposed development is situated in the Parish of Horninglow and Eton which in the immediate area is characterised by high density residential development interspersed with employment warehouses and businesses that have been in situ for some time. The application site is 0.92 hectares in extent. Access is taken from Victoria Crescent.
- 2.2 The site is bounded on its south, east and west boundaries by residential development. To the north the site is bordered directly by Victoria Crescent which contains high density late 18th century terraced residential units. To the south

east, and directly adjacent to the site Morris Homes have recently developed a scheme for 75 dwellings (P/2010/00635/MB) and a further extension of 22 dwellings (P/2012/00530), see location plan.

- 2.3 There is a Conservation Area which extends along the length of the canal and a couple of listed buildings located in the near vicinity, shown on the location plan, however all of which are a distant from the site.
- 2.4 The buildings on site comprise a modern double bay steel portal frame industrial unit with lower brick elevations and profile steel sheet cladding to the upper elevations and roof. A large two storey brick built office is situated adjacent to the warehouse buildings to the south of the site along with an open sided canopy for loading/unloading. There are two large (approx. 10m tall) storage tanks to the west of the main buildings and an electricity substation situation along the northern boundary of the site. A loading cell weighbridge is located south of the office building. The buildings are in a generally good state of repair and were until recently utilised by Ritchie's, a beer and wine manufacture products specialist and Consortia's, a Construction Completion service operator. Ritchie Products has recently relocated to Derby Road in Burton. Consortia have consolidated its business in Derby.
- 2.5 These buildings are primarily surrounded by open hard standing with no trees or green space on the site. The site topography is generally flat, and had been surfaced with concrete and tarmac to create outdoor parking and circulation space. The site is enclosed by palisade fencing with a gated entrance.

3. Planning history

- 3.1 Various planning applications that relate to employment storage and distribution use.

4. The proposal

- 4.1 The proposal seeks detailed planning consent for 47 dwellings, including access, affordable housing, landscaping and community open space on land at Victoria Crescent, Burton upon Trent. The submitted layout and supporting drawings (as revised 28th July 2016) indicates the following land uses:

- 47 dwellings including 4 affordable units
- A mixture of house sizes including 1, 2 and 3 bedrooms
- Vehicular and pedestrian access points from Victoria Crescent
- Landscaping and community open space
- The relocation and regeneration of the on-site electricity sub station

- 4.2 The dwellings on site include 3 x 1 bed, 18 x 2 bed and 26 x 3 bedroom properties (see plan 6898_140). This includes 2 x 1 bed and 2 x 2 bed of affordable housing.

- 4.3 A summary of the main uses of the proposal are as follows:

- Residential units will be 2 and 3 storeys
- At the entrance of the site is a 3 storey block of apartments
- 10% of the houses will be affordable units (4 dwellings)

- Parking for 94 cars can be accommodated in accordance with the Neighbourhood Plan equating to an average of two spaces per property.

List of supporting documentation

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

- Location Site OS plan (001 Rev B) dated as received 28.7.16
- Site Existing Topographic plan (010 Rev A)
- Area Plan Proposed (100 Rev F) dated as received 28.7.16
- Site GF Plan (110 Rev G) dated as received 28.7.16
- Site 1F Plan (111 Rev F) dated as received 28.7.16
- Site 2F Plan (112 Rev F) dated as received 28.7.16
- Site Roof Plan (113 Rev H) dated as received 28.7.16
- Mix and Tenure Plan (130 Rev G) dated as received 28.7.16
- Access parking Strategy (131 Rev E) dated as received 28.7.16
- Waste Recycling Strategy (132 Rev E) dated as received 28.7.16
- Boundary Treatment Plan (135 Rev J) dated as received 28.7.16
- Mix and Parking Strategy (140 Rev D) dated as received 28.7.16
- Street Elevations 1 (150 Rev F) dated as received 28.7.16
- Street Elevations 2 (151 Rev F) dated as received 28.7.16
- House Types 2 bed (200 Rev C) dated as received 6.7.16
- Apartment Types 1 2 bed (205 Rev C) dated as received 6.7.16
- House Types 3 Bed A (210 Rev C) dated as received 6.7.16
- House Types 3 Bed B (215 Rev C) dated as received 6.7.16
- House Types 3 Bed C (216 Rev C) dated as received 6.7.16
- Visualisations 2 (301 Rev C) dated as received 6.7.16
- Phase 1 Site Appraisal (Desk Study) Geotechnical
- Extended Phase 1 Habitat Survey
- Ambient Noise Assessment
- Statement of Community Involvement
- Electrical Infrastructure Report
- Transport Statement
- Access Parking Strategy
- Affordable Housing Statement
- Design and Access Statement
- Flood Risk Assessment Level 2
- Landscaping Planting Plan and Schedule
- Planning Statement
- Waste Recycling Strategy
- Health Impact Assessment

4.5 The relevant findings are dealt with in later sections.

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	<p>February 2015</p> <p>Just to confirm Horninglow and Eton Parish Council wish to object to this planning application. The proposal unfortunately does not reflect the policies proposed in the emerging Horninglow and Eton Neighbourhood Plan, in particular proposed parking standards. The proposal is also deemed by the Parish Council as over development. As you know the referendum is planned for the 5th March with regards the Neighbourhood Plan.</p> <p>January 2016</p> <p>The Parish Council wish to object to the proposed planning application. Whilst the application now meets the onsite parking requirement as set out in the Horninglow and Eton NDP, the proposal represents an over development of the site. This is because meeting the parking standards is at the expense of any visitor parking and this may exacerbate existing on street parking problems in the area as set out in para 6.21 and 6.2.5 of the adopted plan.</p> <p>The Parish Council also have concerns in relation to drainage provision and the proposed entrance to the site; they would like to obtain if possible SCC's comments to this application if you have received them yet.</p> <p>A council representative would like to speak to the planning committee about this application at the planning committee meeting scheduled in February please.</p> <p>July 2016</p> <p>Further to our meeting with you and the agent, the parish council have confirmed that they support the above application.</p> <p>They were in particular pleased that the developer had applied the Neighbourhood Plan parking standards.</p> <p>As discussed they would like to ensure that adequate drainage is introduced as the surrounding areas to this development do have on a regular basis overflowing drains which results in pedestrians getting wet by passing cars.</p> <p>The parish council would also like highways to consider the introduction of double yellow lines as part of this development prior to completion, along Victoria Crescent in particular by the entrance points to prevent cars parking</p>

		<p>and consequently blocking drivers vision when entering the development.</p> <p>Finally, prior to commencement the parish council would value the planning committee considering a contribution of £30,000 to be given to the parish council towards a parish facility. The parish council are currently in consultation with ESBC for the introduction of an independent extension to Carver Road Community Centre to enhance the facilities for local residents and hopes that this work will be approved.</p>
5.3	SCC Highways	No objections subject to the inclusion of 8 conditions.
5.4	SCC Education	36 houses, 9 apartments and 4 social rented properties generates a contribution of £296,000 (£152,000 for primary school and £144,000 for secondary school based upon 8 primary, 5 high and 1 sixth form pupils)
5.5	SCC Flood Risk Team	No objections. The amended Flood Risk Assessment (FRA) is acceptable and three conditions are proposed relating to the submission of further information on the design and storage of surface water within and from the site and to ensure that the drainage system remains in good working order throughout its lifetime.
5.6	SCC (all other departments)	<p>No objections (Historic Environment - Archaeology). There is potential for archaeological remains to survive on that part of the site which coincides with the historic brewery. An archaeological watching brief recommended to be secured via condition.</p> <p>No objections (Public Rights of Way).</p>
5.7	Environment Agency	No comments received.
5.8	Severn Trent Water	No objections providing details of surface and foul water sewers are submitted for approval and secured via condition.
5.9	Natural England	No comments received.
5.10	Burton Civic Society	No comments received.
5.11	Ramblers Association	No comments received.
5.12	Staffordshire Wildlife Trust	No comments received.
5.13	The National Forest	Requirement for an offsite contribution of £3,800 secured via s.106 agreement.
5.14	Architectural Liaison Officer	No objections. Amended designs have taken previous comments into account regarding surveillance and back garden security. Further guidance is provided.

5.15	Historic England	No comments received.
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Internal Consultees		Response
5.16	Environmental Health	Requires further site investigations and remediation to protect from possible contamination - secured by condition.
5.17	Housing Strategy	In accordance with the new Local Plan the site should deliver 25% affordable units of which 13% must be on site. A financial contribution for the remaining 12% would need to be secured.
5.18	Open Spaces	0.054 ha of open spaces is provided on the site with a £30,960 off site contribution secured by s.106. The money would be utilised on improving safer access routes to existing open spaces in the vicinity.
5.19	Environment Manager	Requires financial contribution for refuse and recycling containers secured by s.106. Concerns are raised regarding the central courtyard area and the ability of refuse vehicles to use the area if cars are not parked in designated bays. Requires parking to be prohibited in the block paved courtyard area.

6. Neighbour responses

6.1 1 response was received from Grief UK Ltd. and 2 comments were received from residents.

Neighbour responses	
Impacts on Amenity	<p>Grief expressed the following in relation to noise:</p> <p>Noise is a concern because during the day there are various activities that contribute to noise pollution, particularly the HGV despatches, which are often as early as 4.00am other noise pollutants are the shunting activities of trailers in the yard areas, fork lift truck movements and vehicles warning alarms. There is also some noise emitted from the factory itself from the production lines.</p> <p>Air quality and odours are also a concern because Grief applies both solvent and water based coatings to its products. A purpose built Emissions Control System was installed in 2011 costing circa £450K and sited as far away from residents housing. However the factory still emits a certain amount of air pollutants, within the regulatory limits, resulting in odours in and around the area of the site.</p>
Highways Impacts	<p>Grief UK Ltd express serious concerns over the proposed development, the vehicular access which is opposite the Grief factory entrance on Victoria Crescent.</p> <p>The vehicle access is also a concern because the Grief entrance provides access for HGV vehicles. Additional</p>

	vehicles would park on Victoria Crescent causing congestion, thus making it difficult or even impossible for HGV's to be able to turn into the yard.
Amenity of residents	1 resident has raised issues around the procedures relating to any asbestos located in the buildings due for demolition. 1 resident has raised issues regarding the boundary treatment in relation to property 117 Victoria Crescent.
Ward Member	Cllr Andjelkovic wrote ` This plan for the area is so much better and I have no objections'.

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1 East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1 Role of Neighbourhood Plans
- SP4 Distribution of housing Growth 2012-2031
- SP5 Distribution of Employment Growth 2012-2031
- SP13 Burton and Uttoxeter Existing Employment Land Policy
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP24 High Quality Design
- SP25 Historic Environment
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding
- SP28 Renewable and Low Carbon Energy Generation
- SP29 Biodiversity and Geodiversity
- SP32 Outdoor Sports and Open Space
- SP33 Indoor Sports Policy
- SP34 Health and Wellbeing
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed buildings, Conservation Areas and archaeology

Horninglow and Eton – this plan is `Made`.

- HE5 – Parking Standards
- HE9 – Protection and Enhancement of Local Green Spaces and Other Areas of Open Space

Supplementary Planning Documents/Guidance

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

Other Documents

- Strategic Housing Land Availability Assessment (2014)
- Employment Land Review (2013)

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.

8.2 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.

8.3 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;
- would result in the removal of contamination and other environmental problems associated with the site.

10.3 The proposal meets these principles and the detail is set out in later sections of this report.

10.4 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. The site lies within the settlement boundary as set out in the adopted East Staffordshire Local Plan, is defined as previously developed land and as such is appropriate for development and will contribute to the development requirement set out in policy SP4.

- 10.5 The site is located within Horninglow and Eton and is within walking distance to Victoria Community School and Lansdowne Infant School, local shops and public houses on Horninglow Road which is also a bus route. The location of the site is considered to be sustainable and the principal of developing this site for housing in accordance with SP4 is appropriate in this context.
- 10.6 The Local Plan in Strategic Policy 5 allocates new employment development on Sustainable Urban Extensions and on sites at Burton upon Trent and Uttoxeter. Strategic Policy 13 aims to protect existing employment uses and is supported by and refers to the Employment land review as a key source of evidence in both evaluating the need for new employment sites and listing those sites which should be retained as employment use within the Borough.

The site is vacant and was previously occupied by Ritchie's, a beer and wine manufacture products specialist and Consortia's, a Construction Completion service operator. Ritchie Products has recently relocated to Derby Road in Burton. Consortia have consolidated its business in Derby. The buildings, which are relatively modern industrial buildings, would be demolished.

- 10.7 The site is not identified in the 2013 Employment Land Review (ELR), two other sites on Victoria Crescent are identified – Grief UK and Steel Fabs Industrial Estate, both north of the application site. Both sites are graded as 'average' in the Employment Land Review (2013). The review ensures that there are sufficient quality employment sites available prior to the release of such accessible sites. Given that the site was not identified in the ELR it would be difficult to argue that it is required in relation to the Local Plan evidence that was prepared. There is no evidence submitted as part of this application that there is a reduced need for employment premises in Burton. The Borough's employment base is always restructuring and there is a trend for accessible and modern premises to meet modern demands. As such it is acknowledged that the site is not a usual industrial or employment unit in that it is mostly surrounded by residential use and the immediate road network may be too narrow and not suitable for larger industrial vehicles. A number of employment sites located within residential areas in Horninglow and Eton have already been consented for residential development in recent years. There are a number of employment sites elsewhere in Burton, some relatively close to the application site which benefit from better highway access and modern premises. Whilst the loss of the current use is unfortunate, it is considered that there are more suitable premises for such uses within the local area. Therefore the broad principle of residential redevelopment is considered to accord with the East Staffordshire Local Plan and the National Planning Policy Framework. The submitted Planning Statement supports this assessment.

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 application has been submitted in full. The application includes details of layout, appearance, scale and landscaping for consideration. A block plan and street scenes showing details of the points of access, the position of buildings, pedestrian walkway, circulation routes and parking for the proposed buildings have been submitted along with plans and elevations of each house type.
- 11.8 The site is located in a part of Horninglow and Eton which is traditionally characterised by employment activity. It is clear though that over time as

employment sectors have changed and modern demands and trends have emerged the immediate area has seen the employment activity transition to one of residential opportunity. The character of the area is therefore mixed and should be viewed in the context of Victoria Crescent and the wider Horninglow and Eton which is terraced Victorian properties. There are also a couple of new build sites in the immediate vicinity; these are detached and terraced properties of a more modern design.

- 11.9 The design of the development has been prepared based on grain, density and layout. The layout shows a relatively high density of development (51 dwellings per hectare), which is considered appropriate in this urban context. The surrounding area contains densities upwards of 45 dwellings per hectare. The layout shows the Victoria Road frontage consisting of 2 bed terraced dwellings located on the highway, reflective of the established built context, with the proposed apartments which are three storeys in height. Three bed mews are situated as rows of terraces in the four corners of the site. Three storey three bed dwellings are arranged as terraces along the access ways reinforcing the edging to the central green. The proposed scale of mostly 2 but with some 3 storeys is in keeping with the general scale of the existing neighbourhood. In particular the new housing development immediately adjacent to the site has 3 storey dwellings.
- 11.10 The Design and Access Statement promotes the use of clear and legible development blocks. There are vistas into the site with a central square at the heart of the proposal. The central area breathes space into the proposal and provides a focal point for the development. The majority of properties face onto the central area providing natural surveillance and active frontages.
- 11.11 The design and layout of the application has evolved considerably during the lifetime of the application and there has been discussion with the Parish Council and the Borough Councils Ward Members for Horninglow and Eton Parish. Initially the proposal did not take into account the emerging Neighbourhood Plan. When this plan was 'Made' the layout had to accommodate further parking to be in compliance with this policy. The Local Planning Authority further negotiated changes to the layout to reduce the car dominance of the scheme in the way that parking was arranged and with the provision of integral garages on some properties. In particular the original proposals had housing in the central area with further car parking which dominated the street scene. Amendments to the scheme have included the incorporation of the central square which created a more legible, useable space with greater public surveillance and buildings positioned to frame views and enclose street scenes.
- 11.12 The residential design has a contemporary and contextual architecture. The design reflects terraced properties but adds a modern and updated feel to the proposals. Generally parking is provided immediately in front of properties some of it private, some of it public and there is surveillance of parking for each property. The three storey houses have an integral garage and one additional space.
- 11.13 The architecture draws upon the concept of the terrace which is simple, repetitive expression, gables, bay windows, chimneys, deep reveals, and pleasing proportions.

- 11.14 The materials are brick and tile with front projecting bay windows rendered to provide a counterpoint to the natural texture of the brickwork. Recessed timber panelling is used on some house types next to and between windows.
- 11.15 Boundary treatment on individual plots consists of either walling or traditional closely boarded fencing. There are also hedges in some locations and the landscaping on the Victoria Crescent frontage consists of brick planters in front of properties. The detail of the boundary treatments can be found on drawing 6898_135. In response to the resident at 117 Victoria Crescent a meeting was held on site and the outcome has resulted in the treatment of the boundary changing to incorporate the existing wall with an additional trellis of 0.5 metres in extent on the top. This change was to overcome the residents' concerns regarding the ability of occupiers of the new housing being able to access the plot of land at the rear of 117 Victoria Crescent. Trees are also proposed to be planted and the location of these trees are on drawing 6898_100. It is proposed that tree species have been selected for their suitability to the urban environment. They will have a compact form to avoid conflicts with dwellings and vehicles. Species will be native and display autumnal colours.
- 11.16 The site has two access points which join with a loop arrangement. Parking is arranged around the site and has been organised so that from Victoria Crescent car parking isn't seen when viewed from the road. The central square seeks to provide a focal point to break up the number of car parking spaces required to ensure that the car parking doesn't dominate the street scene.

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 existing building on the site is 7.5 metres high to the ridge. The new 2 storey 2 bed properties fronting Victoria Crescent are approximately 7 metres in height. The 3 bed two storey properties (house types 3.1 and 3.2) at the back of the site are approximately 6.9 metres in height. In the same location house types 3.3 and 3.4 are approximately 9 metres in height. The 3 bed three storeys properties arranged fronting the access road on the East and West of the site are 9.5 metres in height. The three storey apartment block fronting Victoria Crescent is approximately 10 metres in height.
- 12.3 The location of the site is a dense urban area which has seen considerable change from employment to residential. The site is surrounded by traditional original terraced properties and more modern housing. The Victoria Crescent proposal is equally dense and with existing housing located on all sides the relationship between the proposal and existing housing is difficult in places.
- 12.4 There are a number of relationships that require special attention. Plot 21 in the south west corner in relation to 48 Dallow Close, which has a single storey rear extension requires highlighting. The distance between plot 21 and extension of 48 Dallow Close is 13 metres. Plot 21 has a first floor landing window which is not a habitable room overlooking 48 Dallow Close. The proposed house is taller than the original employment building by 1.5 metres and is closer to the proposal site boundary by 3 metres. Having viewed the relationship on site the owners of

48 Dallow Close have planted fast growing leylandii trees which block this view. The trees are in their ownership. The effect of screening and the gable-end combined with the fact that the mass of the housing in this location is considerably less than the mass of the existing employment unit mitigates the impact of the proposal. The applicant has also confirmed that the original brick wall which will have an additional trellis is to be retained and will be continued along this section of the proposal providing further mitigation.

- 12.5 Plot 22 in the south west corner of the site has a close relation with number 11 Dallow Close. The distance between the two dwellings is 16 metres. 11 Dallow Close is gable-ended with a landing window which is not a habitable room. Plot 22 is located further away than the original employment structure which is almost directly adjacent to 11 Dallow Close. The relationship is considered to be better than the current relationship with the employment units.
- 12.6 Plots 34 and 35 at their narrowest point are 17.5 metres to the properties on Blakeholme Court. These houses have habitable rooms which back onto each other. Landscaping is provided in the rear gardens of the proposed properties to screen the gardens to provide privacy.
- 12.7 Plots 16-19 on the eastern side of the proposal site have a relationship with a planning permission which has yet to be implemented. Three pairs of semi detached houses were granted consent in 2011 and whilst there does not appear to be a start on site the Borough Council's building control team have made a site inspection which essentially deems the planning consent as extant. It is therefore important to consider the 2011 application which has the potential to be delivered. The distance between the proposal and the adjacent consent is 15.5 metres and these properties are back to back. Mitigation is proposed with the planting of landscaping within the control of the occupiers of flats at Victoria Crescent.
- 12.8 Unfortunately whilst greater distances would be preferred by officers the viability of the site prevents fewer houses being built. Mitigation in the form of a high quality landscaping scheme has been offered by the applicant instead. The Borough Council's Design SPD sets out in paragraph 2.9 separation distances required. It concludes that there are no set standards specified in terms of separation distances between buildings. The performance of development will be considered in terms of its acceptability in design terms with regard to overlooking.
- 12.9 On balance the proposed layout shows each new house is sufficiently distant or landscaped from both existing residential properties and proposed residential properties to avoid causing them unacceptable loss of light or privacy. The scheme is therefore compliant with the provisions of Local Plan Policies DP1 and DP3.
- 12.10 Garden sizes start at 7.5 metres. The recently consented Webb Ivory application on Queen Street, Burton Upon Trent had similar garden sizes. Sheds and outdoor storage can be provided given PD rights for householders. Whilst this ensures outside storage of items such as those for garden maintenance and bicycles which is supported, it reduces the size of the garden. Should permitted development be implemented for any properties this could compromise the use of the garden space and also impact on the amenity of other properties. Therefore it is appropriate to remove permitted development rights for all

dwellings on site. The removal of permitted development rights for these properties will ensure amenity is protected. This does not prevent the occupiers from having garden storage or indeed bicycle storage but it gives the LPA control over the size and quantity of structures.

- 12.11 The proposed layout shows that 47 dwellings can be accommodated on the site without compromising the reasonable amenities of their future occupiers, and allowing for sufficient outdoor private amenity space and integrates satisfactorily with the adjoining built form again complying with the provisions of Local Plan Policy DP1 and DP3.
- 12.12 An Ambient Noise Assessment was submitted with the application. Acoustic assessments for both the day and night indicate that the measured noise levels are suitable for residential development provided that adequate acoustic attenuation is provided to habitable areas. An assessment has been undertaken to evaluate the external living spaces to assess compliance with noise guidance. For the majority of the site the requirements have been achieved however the gardens of the plots closest to Victoria Crescent the criteria may be marginally exceeded, however the site layout affords maximum attenuation to the external amenity areas by providing shielding from Victoria Crescent due to the building layout.
- 12.13 It is not considered that the development of the site by the erection of 47 dwellings would materially increase noise and disturbance through either general activity or comings and goings compared to that associated with the current uses. There will be noise and distribution during the demolition phase however this can be controlled via a suitably worded condition as advocated by the response from Environmental Health.
- 12.14 A resident who lives at Blakeholme Court flats which is adjacent to the site submitted comments regarding procedures in relation to asbestos which was felt to almost certainly to be in the buildings. The resident is concerned owing to his own ill health and any disruption on his life and asked what necessary protection will be employed to guarantee his health. The applicant has indicated that there may be some asbestos in a small section of the building and that this would be investigated further before demolition and disposed of.
- 12.15 The Borough Council's Environmental Health team have advised that if asbestos is located in the building that HSE legislation is relevant which concerns itself with its identification, removal and disposal. The HSE legislation takes precedence and so the Environmental Health team do not require a condition.
- 12.16 If there is any reason to suspect that asbestos is in the ground the standard contaminated land conditions can be attached to the permission. Given the historic use of the site as a former brewery followed by more recent modern employment, these conditions would be attached to the permission in any event.

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 design of the houses within this scheme responds as follows:

- Energy efficiency – Building Regulations Part L
- Water efficiency – Applicable building regulation: Max water efficiency standard of 110L per person per day

13.3 The site orientation is approximately 23 degrees to the south east which provides good solar opportunity for development as buildings will have south east and/or south west aspects.

13.4 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. The proposals incorporate sustainable energy efficient techniques and accords with policy.

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 Two points of access onto Victoria Crescent are proposed providing a road loop through the site. The proposed roads will remain private and a management company will be established in order to maintain the internal roads and parking facilities. The applicant has demonstrated that refuse vehicles can move through the site to collect refuse. However the Environment Manager is concerned that should any vehicles park outside the delineated parking bays, that the refuse lorries would not be able to negotiate the site. In response the Local Highways Authority have considered this issue and have set out that the passage of the refuse truck through the site, the full provision of car parking and the core width of the street should be sufficient. Their pragmatic view is that if there are issues with indiscriminate parking this would be for an initial period only, with residents becoming aware of 'bin collection day'.
- 14.5 At the request of the Parish Council double yellow lines will be applied to the entrance points to ensure that parking on Victoria Crescent does not impede the visibility of the access points. This improvement will be delivered by a Traffic Regulation Order. This is not essential for the development to proceed but desirable and addresses an issue that has arisen elsewhere in Horninglow and Eton. Victoria Crescent already benefits from a restricted parking zone with a single yellow line. This denotes no parking between 7.30am and 7.30pm.
- 14.6 Horninglow and Eton's parking policy (HE5) is important to the local community because of the terraced properties across the Ward and the lack of off street parking. As a consequence the area is dominated by parked cars at key times of the day and congestion in these roads occurs frequently as a result.
- 14.7 The Horninglow and Eton Neighbourhood Plan policy HE5 states that

New development in Horninglow and Eton must provide off street car parking provision to the following standards:

- ***A minimum of 2 parking spaces for each residential unit up to and including 3 bedroom units***
- ***Provision of 1 additional parking space per additional bed space for each residential unit.***
- ***For one bedroom affordable housing a parking standard of 1.5 parking spaces per dwelling shall apply.***

These parking standards will not apply to residential care homes and similar facilities such as supported accommodation. However such developments will be required to provide adequate car parking

spaces for visitors and staff as well as sufficient provision for residents as appropriate.

- 14.8 Significant negotiation has taken place since the application was submitted in order for the applicant to demonstrate how the parking standards required by the Neighbourhood Policy can be met.
- 14.9 A further iteration of proposals led to car dominance on the site and the creation of a mini car park in the central area. A further re-shuffling of the house types which reduced the parking requirement coupled with the insertion of the central square has led to the most recent scheme.
- 14.10 In accordance with the parking policy the development needs to provide 94 spaces and 94 are provided. An additional visitor space is also provided. Therefore the proposal accords with the neighbourhood plan. The majority of parking is at the front of properties or in parking bays around the development blocks and Central Square. The three storey properties have an integral garage. Consideration has been given to provision of vistas within the development and the framing of views to the site. Views into the site will not see the parking areas.
- 14.11 There is an existing bus stop on Victoria Crescent in front of the Consortias building and the proposed western access is located in broadly the same position. Plan 6898_131 provides the details of the new location of the bus stop and shows the bus stop shifted to the west. The double yellow lines proposed at the western access point will assist with keeping the bus stop area and western access clear of parked cars. Cycle parking is provided for all dwellings through access to back gardens.

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 the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 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 the Section 72 duty referred to above, case law has established that this means that

considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.

- 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 the Church of St Chad on Hunter Street which is 340m from the centre of the proposal site. There is no inter-visibility between the two locations and the intervening development comprises a mix of residential properties and garden land, employment areas and highways. The nearest Conservation Area is the Canal which is approximately 206 metres from the centre of the proposal site 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 The Flood Risk Assessment Level 2 which was submitted with the application states that the site lies entirely within Flood Zone 1 where the annual probability of flooding is 0.1% or less. Therefore the risk of flooding from fluvial sources is considered to be negligible. The site is at low to medium risk from pluvial flooding. There is potential for groundwater flooding to occur at the surface. However, groundwater flood risk is difficult to quantify but is often slow in its

response and therefore not considered to be a significant risk. The proposed development will have ground levels set to reflect the surrounding ground levels at the site boundaries. This will avoid any localised low points within the site. Measures are suggested to mitigate any increased risk from surface water runoff including attenuation storage, surface water discharge via land drains and avoidance of topographical low points for the layout of housing. Mitigation can be conditioned. The preliminary SuDS proposals ensures that the 1 in 100 year plus an allowance for climate change rainfall event can be controlled onsite via the provision of underground attenuation features. It is recommended that further site investigations including a drainage survey and soakaway testing are undertaken at detailed drainage design stage to obtain sufficient evidence to reduce the required attenuation storage volumes. With regard to foul drainage, Severn Trent Water has confirmed that there is a 300mm diameter public foul sewer adjacent to the site in Victoria Crescent and have agreed to accept foul sewerage from 47 residential dwellings subject to the arrangements being formalised in an agreement with the applicant.

- 16.4 The proposal accords with policy and any impact arising from the development of the scheme can be mitigated. This will address the concerns of the Parish Council who have indicated that flooding occurs on the road in the vicinity of the site and standing water is often clearly visible ponding on Victoria Crescent.

17. Affordable Housing and Housing Mix

- 17.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.
- 17.2 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.

- 17.3 The Housing Choice SPD expects the following housing mix:

	Burton		
1-bedroom homes (flats, houses or bungalows)	3%		
2-bedroom homes (flats, houses or bungalows)	2%		
	Branston	Angelsey	Brizlincote
	Burton	Horninglow	Stapenhill
	Eton Park	Shobnall	Winshill
	Outwoods	Stretton	

Housing for Older People**	11%	20%	50%
2-bedroom houses	14%	13%	8%
3-bedroom houses	32%	29%	17%
4-bedroom houses	26%	23%	14%
5-bedroom houses	11%	10%	6%

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

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

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

17.6 The dwellings on site include 3 x 1 bed, 18 x 2 bed and 26 x 3 bedroom properties (see plan 6898_140). It is notable that 4 and 5 bed houses are not being delivered and that these types of houses are required in Horninglow and Eton Park. The housing mix was discussed with the Parish Council and Ward Members who felt that larger properties in this location were not appropriate. It was also the case that the larger car parking requirements set out in the Neighbourhood Plan prevented a viable scheme from being delivered which included 4 and 5 bed properties. The housing mix is now deemed appropriate and in accordance with community wishes.

17.7 The proposal includes 4 affordable homes (2 x 1 bedroom and 2 x 2 bedroom). During pre-application discussions in 2014 an expectation of 10% affordable housing on site was agreed. For a site accommodating 47 dwellings this would mean provision of 4 affordable units. However time has moved on and the adopted Local Plan expects a brownfield site such as this to provide 25% affordable housing which would equate to 12 units of which 13% or 6 units would be delivered on site and the rest commuted off site.

17.8 Policy SP 17 states that **'To evidence what other amount of affordable housing is viable an applicant will need to submit their development appraisal and supporting evidence to the Council on an open book basis and to fund the Council's costs of assessing this'**.

17.9 A viability assessment has been submitted with the application which has been independently assessed by the District Valuer. The assessment by the district valuer demonstrates that the site cannot support any contributions, including on site affordable housing. Despite this, the applicant has confirmed commitment to providing 4 affordable dwellings on site. The site is unable to support further affordable housing provision in line with the adopted Local Plan Policy.

17.10 The Housing Choice SPD provides guidance on the expected affordable housing mix on sites in Burton.

Type	Mix
4-bedroom 6-person rented houses	10%
4- bedroom 7-person rented houses	10%
2-bedroom 4-person rented houses	45%
1-bedroom 2-person rented flats or houses	25%
3 bedroom 6-person rented houses	10%

17.11 The Housing Strategy Manager previously commented that there is a local need for two 1-bedroom 2-person rented flats and two 2 bedroom 4-person rented houses. This advice has been revised to ensure that all 4 units are affordable rented with a level of rent at 80% market rent levels. These units will be located in the north of the site, lining Victoria Crescent, and would be externally indistinguishable from the open market properties.

18. Green Infrastructure and National Forest

18.1 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.

18.2 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. Due to scheme viability an offsite contribution is not sought. It is considered that this loss of contribution is not sufficient to warrant refusal of the application.

18.3 In addition to National Forest planting the Landscaping Planting Plan and Schedule identifies the location of public and private trees and planting, hedgerows and garden planting. The schedule includes a detailed schedule of the types of tree and planting specification.

18.4 The proposals will introduce to the site heavy standard tree planting (not whips) around the central square and in front of some properties. These will soften the urban form and create interest in the street scene. Properties will have evergreen hedges or landscaped strips in front of properties and a deciduous hedge will be planted around the central area. The trees proposed to line the streets will be conditioned to be larger set trees to provide coverage to the area within a shorter time period. It is considered that the landscaping details are in accordance with

the requirements of local and national planning policy. The introduction of this green infrastructure is a benefit when considering the current employment use and appearance of the site.

19. Biodiversity

- 19.1 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.
- 19.2 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.
- 19.3 Strategic Policy 29 lists criteria including development that s 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.
- 19.4 The application is accompanied by an extended Phase 1 Habitat assessment which included a daytime bat inspection. The Survey concludes that there are no statutory or non-statutory designated sites within the survey area or immediately adjacent to it therefore impacts to designated sites are considered unlikely and no specific mitigation will be required. Habitats within the survey area were considered to be of low conservation concern, as the majority of the site was occupied by hardstanding and large warehouse building. Ecological impacts on habitats in relation to the proposed residential development are considered unlikely. There was no evidence of active bird nests however given that there is some potential for nesting vegetation removal should be undertaken outside of the bird nesting season (March to August inclusive). If any nests are found during the build for example attached to building canopies, the nests must remain unaffected until all chicks had fledged. The whole building was assessed and was considered to be of negligible potential for roosting bats. No further survey work or mitigation will be required. No other notable species are likely to be impacted upon.

20. Open space

- 20.1 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. SP32 and SP33 set out the requirements of open space provision across the Borough.
- 20.2 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. Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document. Policy HE9 of the Neighbourhood Plan supports proposals for the

enhancement of identified local green spaces, tree planting along major corridors and on suitable open spaces through developer contributions.

- 20.3 The Council's Open Space Supplementary Planning Document suggests that a development of this scale in this location should provide 0.56ha of open space and the site delivers 0.054ha of open space. Therefore it is necessary to request a commuted sum for the remainder of the open space requirement (0.506ha) equates to a commuted sum of £30,960.
- 20.4 The Open Spaces Manager has confirmed that there are limited open spaces in this location and that they are inaccessible. The nearest parks are Eton Road, Carver Road, Shobnall Leisure Centre Unity Park and the small play area on the recent Morris Homes development. All of which are difficult to reach or require the crossing of busy roads.
- 20.5 Within the onsite open space a play area will be provided. It is suggested via an informative that the developer works with Horninglow and Eton Parish Council to determine how the central area should be used by the community, for example by providing benches, formal planting, tree planting or a footpath through. The applicant is willing to enter into discussions to ensure that the community get the best possible outcome in this respect. Maintenance of this open space will be via a management company.
- 20.6 Following receipt of the independent review of the viability assessment contributions towards improving accessibility to open spaces is now not achievable. However on balance, the provision of on site open space is still considered a benefit of the scheme and will meet the needs of the residents. Given there were no specific open spaces referred to by the Open Spaces Manager for improvement or proposals for how accessibility would be improved to nearby open spaces it is considered that this loss of contribution is not sufficient to warrant refusal of the application.

21. Education

- 21.1 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.
- 21.2 Staffordshire County Council has assessed the proposal against existing school infrastructure. A contribution is sought by Staffordshire County Council to enable planned development at local schools and delivery of new schools. The primary school contribution will contribute to the expansion of the Victoria Community School.
- 21.3 Following receipt of the independent review of the viability assessment, contributions towards education are now not achievable. Dialogue with Staffordshire County Council confirmed that whilst a contribution is sought it is ultimately the decision of the Local Planning Authority whether to require a S106. There are known education infrastructure issues in Burton upon Trent. It is therefore necessary to consider whether the benefits of the proposal outweigh the absence of the financial contributions sought.

22. Other Matters

- 22.1 The geotechnical and geo-environmental survey (Phase 1 Site Appraisal (Desk Study)) indicates that the site should be suitable for the proposed development, assuming compliance with the recommendations in the report which includes further ground investigation and chemical analysis prior to the commencement of development.
- 22.2 The Statement of Community Involvement outlines the pre-applications discussion undertaken including the creation of a public consultation website. Considerable consultation has been undertaken with the Local Planning Authority and the Parish Council/Ward Member regarding car parking and re-designing layouts to meet the requirements of policies set out in the Neighbourhood Plan.
- 22.3 The Electrical Infrastructure Report indicates that future electricity demand from the proposed development is highly unlikely to require any reinforcement of the High Voltage supply infrastructure.
- 22.4 The Waste Recycling Strategy illustrates the location of screened waste enclosures and the locations and associated waste vehicle route of waste collection. The collection distances from the access road are within 25 metres. A contribution is required by the Environment Manager for refuse containers, which can be secured via condition.
- 22.5 The Health Impact Assessment outlines that the scheme seeks to deliver sustainable development and contributes to the improvement and health of local communities by delivering a high quality living environment through the use of innovative architecture, landscaping and urban design and includes energy efficient buildings, bicycle storage within secure external spaces, bin storage for segregation and recycling, a central open space which provides an opportunity to meet and play and breathes some space into the dense urban area and private outdoor space for play and relaxation. This accords with Policy SP34.

23. Section 106 Contributions

- 23.1 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.
- 23.2 National Planning Practice Guidance states that when CIL is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.
- 23.3 The following contributions would normally be sought. These contributions are set out below:

Item	Planning Obligation	Cost (where applicable)
Education	36 houses, 9 apartments and 4 social rented properties generates a contribution of £296,000 (£152,000 for primary school and £144,000 for secondary school based upon 8 primary, 5 high and 1 sixth form pupils). The primary School contribution will be directed to the expansion of the Victoria Primary School.	£296,000
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling	£3,525
Open space	The site delivers 0.054ha of open space. Therefore it is necessary to request a commuted sum for the remainder of the open space requirement (0.506ha) which equates to a commuted sum of £30,960.	£30,960
Affordable Housing	10% on site and remainder off site contribution.	
Traffic Regulation Order	The TRO will ensure the provision of double yellow lines at the two entrance points.	£2,000
National Forest	Contribution in accordance with policy.	£3,800

23.4 Further to the independent review by the District Valuer of the applicants viability assessment it concluded that there is no viability in the scheme to financially support any of the aforementioned contributions. The review concludes that the 4 affordable units on site further add to the site remaining unviable however the applicant has confirmed commitment to these units being affordable. Therefore there will be no other contributions sought from the scheme.

24. Conclusions

24.1 The application site constitutes previously developed land within the Burton upon Trent settlement boundary. Although the application would see the loss of an existing employment use these uses could be carried out at an alternative location which is not surrounded by residential development. In addition the continued use of the site for employment is not supported by the Employment Land Review. The principle of residential development is therefore considered appropriate. The proposal provides a mix of houses and flats which meets the aspirations of the parish council and the parking provision on site accords with the Horninglow and Eton Neighbourhood Plan.

24.2 The proposal is a contemporary design which demonstrates that the development will fit acceptably into the context of adjoining built form by way of

its siting, scale, massing and design and accords with the Borough Council's own design SPD. The proposed layout shows that separation distances between existing and proposed dwellings have challenges in a few locations set out in section 12. In the majority of cases smaller separation distances are between the gable ends of properties and existing dwellings. Where relationships are back to back screening mitigation is proposed with trees. The assessment of the impact of the separation distances on existing and future properties is that it is not significant in terms of the detrimental impact on the reasonable amenities of neighbouring properties and when balanced against the benefits of bringing forward this site into residential use should be weighed in the balance. The Highway Authority has confirmed that there are no issues in relation to highway safety.

- 24.3 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.
- 24.4 Whilst the scheme will undoubtedly change the character and appearance of the area, the benefits of the proposal including the provision of housing, including on site affordable, alongside the economic benefits associated with new development weigh heavily in support of the application. Whilst no contributions, other than 4 affordable houses, can be supported by the scheme due to viability it is still considered that the balance of the site being redeveloped, provision of on site open space and affordable housing outweighs 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.
- 24.5 It is considered that the proposed layout for the erection of 47 dwellings will not unacceptably affect the character or appearance of its surroundings, the amenities enjoyed by the occupiers of nearby dwellings, the safe or efficient use of the highway network or protected species and their habitat. On balance it is therefore considered that the proposal constitutes sustainable development which accords with Policies SP1, SP24, SP35, DP1, DP2 and DP3 of the East Staffordshire Local Plan, the National Planning Policy Framework and the East Staffordshire Design Guide.

25. RECOMMENDATION

- 25.1 For the reasons set out in the above report then **PERMIT subject to the following conditions and the completion of a S106 agreement required for on site affordable housing:**

1. Time limit for commencement (3 years)
2. Submission and approval of samples and details of materials of construction
3. Submission and approval of drainage details
4. Submission and approval of the details relating to contaminated land as set out in the response from Environmental Health

5. Imported soils condition
6. Ground gases condition
7. Submission and approval of finished floor levels
8. Submission and approval of details of highway construction
9. Submission and approval of a construction management plan including assessment of noise during construction and implementation of recommended mitigation measures
10. Submission and approval of details of remediation of contamination including verification.
11. Formation of access, parking and turning areas prior to first occupation
12. Implementation of landscaping
13. Implementation of fencing and walling
14. Development to be carried out in accordance with mitigation measures set out in ecology appraisal
15. Development to accord with the recommendations of the FRA
16. Conditions recommended by the Contaminated Land Officer
17. Removal of PD rights for all plots
18. 10% of all new housing providing ground floor accommodation must meet Building Regulation M3(2)
19. Heavy set trees on site
20. Vegetation removal outside of the bird breeding season. An inspection of buildings undertaken to check for active nests prior to their demolition – nests must remain unaffected until chicks have fledged.
21. Provision of refuse containers

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
4. The applicant to meet with the Parish Council and Ward Member to deliver on site open space that meets community wishes

26. Background papers

26.1 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/2014/01488

27. Human Rights Act 1998

27.1 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.

28. Crime and Disorder Implications

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

29. Equalities Act 2010

29.1 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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