

Agenda Item:	5.4
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Site:	61 Tower Road, Burton Upon Trent, Staffordshire, DE15 0NH
Proposal:	Erection of 3 dwellings and erection of a detached double garage to serve existing dwelling.

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/2016/00650	
Planning Officer:	Christina Farrer	
Type of Application:	Detailed Planning Application	
Applicant:	Walton Homes - Mr Steve Cassie	
Ward:	Winshill	
Ward Member (s):	Councillor D C Leese	
	Councillor D Fletcher	
	Councillor R A Faulkner	
Date Registered:	15 June 2016	
Date Expires:	08 August 2016	

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

<p>I wish to call in the application principally in relation to Detailed Policy 3 of The Local Plan (2015), Overlooking, Overbearing and Over intensive Development concerning adjacent dwellings.</p>
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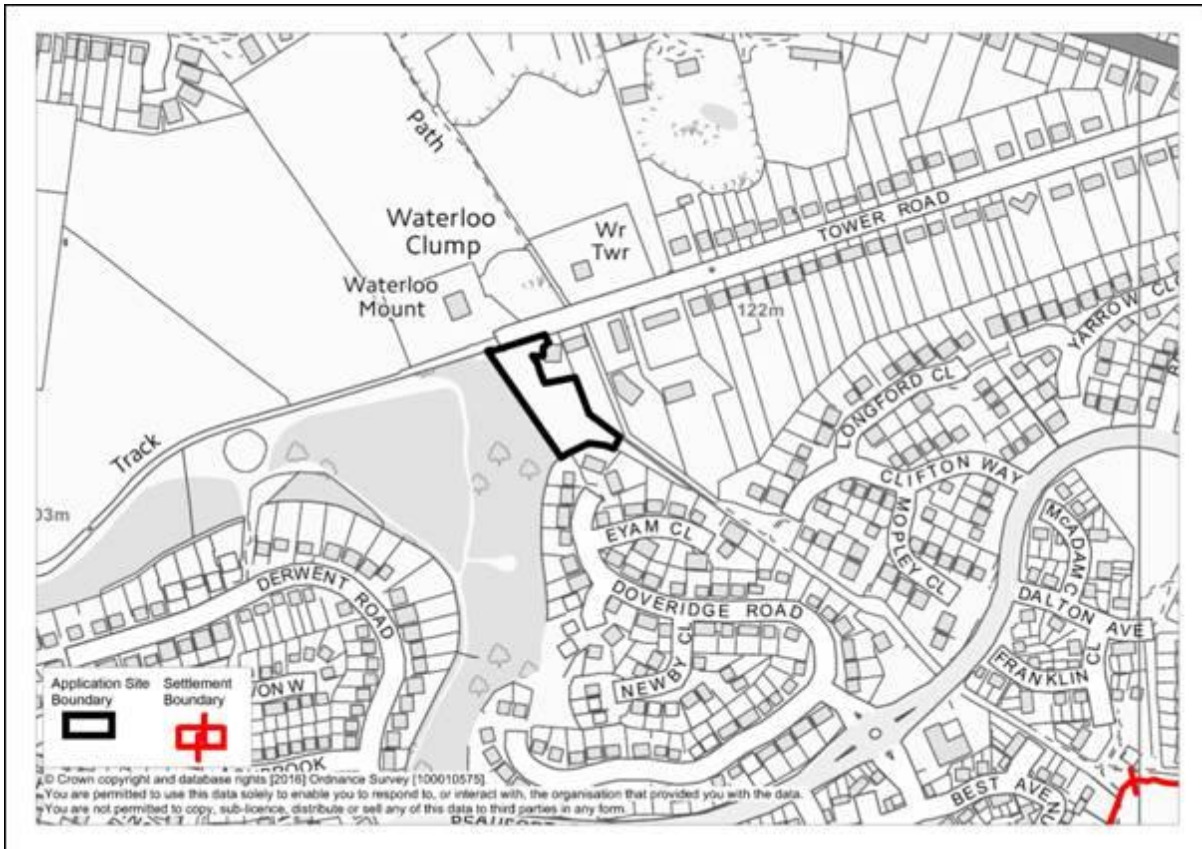
1. Executive Summary

- 1.1 Planning permission is sought for the erection of 3 two storey detached dwellings and also a detached garage to serve 61 Tower Road, which would involve the demolition of the existing garage, sheds and summerhouse.

- 1.2 The application site is a significant part of the side and rear garden of 61 Tower Road.
- 1.3 Statutory consultees have raised no objections. It is considered that the development is of sufficiently high quality design within its context and complies with the Design SPD.

1.4 The proposal will not have an unacceptably adverse impact on the existing highway or sewerage network or on the residential amenity of neighbouring properties.

Map of site



2. The site description

- 2.1 The application site is a significant part of the side and rear garden of 61 Tower Road, which is the last property on the southern side of Tower Road as one moves in an east to west direction. The road is unadopted. The site measures a maximum of approximately 110m by 40m and has a total site area of 0.33 hectares.
- 2.2 The majority of the site is lawned with a gentle gradient falling by around 2m from the front to rear. The land also falls west to east by around 2m.
- 2.3 Towards the front of the site to the side of No.61 is a collection of small outbuildings consisting of a garage and 3 small sheds. There is also a small summer house further down the rear garden close to the site's eastern boundary with No.59.

- 2.4 The site includes various trees along the frontage and close to the mentioned outbuildings and along certain boundaries. This includes Norway Spruce along part of the frontage and a row of poplars along the full length of the site's western boundary. These separate the site from the woodland area to the west.
- 2.5 No.61 itself is a good sized 2 storey property as is the nearest neighbouring dwelling at No.59, which has a long garden of a similar length of the application site's. To the west of No.59 are more detached dwellings lining the road in a linear fashion, whilst to the rear of Nos.53 and 55 are two detached dwellings which were allowed at appeal.
- 2.6 The nearest dwelling on the northern side of Tower Road is Waterloo Mount, which sits slightly further west than the application site with undeveloped land around it. Burton Water Tower, which is a local landmark, is also located on the northern side of Tower Road opposite No.55. The rear gardens of dwellings fronting Doveridge Road (Brizlincote Valley) abut the site's southern boundary.

3. Planning history

- 3.1 The only recent planning history relating to the site is permission for a rear conservatory at 61 Tower Road.

4. The proposal

- 4.1 Planning permission is sought for the erection of 3 two storey detached dwellings and also a detached garage to serve 61 Tower Road, which would involve the demolition of the existing garage, sheds and summerhouse. All three dwellings would be of a traditional style including design features of cills under most windows, brick arches over certain windows, a walk-in double height bay at Plot 3, chimneys at Plots 1 and 3 and open timber framed porches. The proposed materials for the three dwellings are predominantly brick and tile with some cream coloured monocouch render and tile hanging. The windows and doors would be white UPVC with the garage doors being of a vertical boarded design. All rainwater goods would be black.
- 4.2 The proposed dwelling at Plot 1 would be sited alongside No.61 and fronting Tower Road. This would be a 5- bedroom dwelling positioned broadly in line with the front elevation of No.61 albeit on a slight angle like No.61. It would be a maximum of 14.6m wide by 11.9m deep and have a maximum ridge height of 8.3m. The main roof would be hipped as per that at No.61. This dwelling would have a garden to the rear immediately to the side (east) of the section of rear garden that would be retained for No.61. Appendix 1 provides a site layout. (good idea).
- 4.3 To the rear of Plot 1 and No.61 would be the two further new 5-bedroom dwellings accessed by a drive to the side (east) of the proposed frontage dwelling. These dwellings would front onto a parking and turning area and have long gardens to the rear. The access, parking and turning would be completed in permeable blocks.
- 4.4 The proposed dwelling at Plot 3 (to the rear of No.61), and west of No.59's rear garden, would have an L-shaped design and include 2 storey and one and a half storey elements and half hipped roof detailing and vary in height between 6.7m and 8.1m. This dwelling's maximum width would be 13.3m and its

maximum depth, including the lower front projection to create the L-shaped footprint, would be 19.3m. This elevation would run roughly parallel with the site's boundary with No.59's rear garden.

- 4.5 The neighbouring new dwelling at Plot 2 would also have different sized elements to break down its mass with its maximum width and depth being 16m and 10.1m respectively. The maximum ridge height would be 8.6m.
- 4.6 All 3 dwellings would have integral garaging (2 bays) in addition to the proposed external parking bays. The proposed garage for No.61 would be sited between this retained dwelling and the proposed new dwelling at Plot 1 rather than sitting forward of No.61. It would have a pyramid style pitched roof.
- 4.7 The scheme would include the removal of a number of trees to accommodate the development but the retention of many more, including a number fronting Tower Road. A low feature wall with railings and a gate would be erected along part of Plot 1's front boundary with Tower Road. 2m high close boarded timber fencing is detailed for rear garden boundaries.

List of supporting documentation

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

- 1 1:200 Tree Survey Plan including assessment of the tree's retention value based on quality and value including life span.
- 09 Rev. A 1:1250 Site Location Plan
- 002 Rev. K 1:500 Proposed Planning Layout
- 003 Rev. C Proposed Materials Plan
- 003 Rev. D 1:500 Enclosure (Boundary Treatment) Plan
- 05 Rev. B 1:100 Proposed floor plans of House Type C (Plot 3).
- 05 Rev. C 1:100 Proposed elevations of House Type C (Plot 3).
- 05 Rev. D 1:100 Roof Plan of House type C (Plot 3)
- 06 Rev. E 1:100 Proposed elevations of House Type B (Plot 2).
- 06 Rev. E 1:100 Proposed floor plans and roof plan of House Type B (Plot 2).
- 10 Rev.E 1:50 Proposed floor plan and elevations of detached double garage
- 11 Rev. C 1:100 Proposed elevations of House Type B (Plot 1).
- 11 Rev. C 1:100 Proposed floor plans and roof plan of House Type A (Plot 1).
- 12 1:50 House Type C Section A-A
- 13 Rev.A Proposed 1:10 Section and 1:25 elevations and plan of proposed front wall with railings and gate.
- 14 Rev.B 1:100 Street Scenes
- 3/8 Rev.C Proposed 1:10 section and elevation of proposed close boarded fencing.
- Design and Access Statement
- Preliminary Ecology Appraisal
- Activity Survey for Bats

4.9 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	No comments received.
5.3	SCC Highways	No objections.
5.4	Severn Trent Water	No objection subject to a condition to secure a suitable drainage scheme for the disposal of foul and surface water flows.
5.5	Staffordshire Wildlife Trust	No comments received.
5.6	The National Forest	No comments received.

Internal Consultees		Response
5.7	Environmental Health	No objections subject to a condition regarding the remediation of any contamination found during the construction stage and a further condition regarding landfill gas (i.e. prove site not affected by such or demonstrate, if it is, that the buildings will be constructed to fulfill the minimum standards of BS8485:2007 regarding preventing gas ingress).

6. Neighbour responses

6.1 Twelve letters/emails have been received, including 2 from the same objector. The following issues have been raised:

Neighbour responses	
Principle	<p>It is an unsustainable form of development given the adverse impact on nearby properties and fails to maintain or improve the standard of urban design.</p> <p>The scheme would set a precedent for similar development on Tower Road.</p>
Impacts on Amenity	<p>Many residents on tower Road are elderly and may well not comment on how the development will affect them.</p> <p>No 59 's rear extension contains this dwelling's principal living room with its south east facing patio window being the main source of light. The main bedroom windows are on the dwelling's rear elevation also.</p>

	<p>The development would have an overbearing impact on No.59 as the dwelling at Plot 3 would have a 19.3m long elevation 1.5m to 4.5m from the garden boundary, reaching heights of 6-8.5m. It will be visible from No.59 and affect the occupiers enjoyment of their garden by being oppressive.</p> <p>The dwelling at Plot 3 will cast a shadow over a substantial part of No.59's rear garden particularly in the afternoon and evenings, affecting the fruit trees and greenhouse. The overshadowing will spoil the occupiers enjoyment of their garden also.</p> <p>The side elevation includes 3 windows at ground floor level. Views into No.59's rear garden will be possible through the thin boundary hedge. The two first floor en suite windows would cause privacy issue unless obscure glazed and non-opening. The top hung opening lights would still allow overlooking.</p> <p>The dwellings at Plots 2 and 3, including certain windows, would be close to the garden and dwelling at No.61 and Plot 1, which could have amenity implications for the occupier of these dwellings.</p>
Highways Impacts	<p>Each dwelling would generate around 3 cars, meaning an extra 9 in total using Tower Road. There could be even 16 cars (based on garage bays and outdoor bays per dwelling (4)) and hence around 50 vehicle movements could occur each day.</p> <p>There would be increased traffic using the Tower Road/ Ashby Road junction, which has limited visibility and a sloping gradient, and this would result in highway safety issues. The Highway Authority may, however, not consider the additional number of trips to be significant in terms of this junction.</p> <p>There would be a substantial increase to traffic on Tower Road itself, which was not designed for such. Previous approvals for houses on Tower Road have already added traffic.</p> <p>There would be extra traffic on a Tower Road that has no pavements, which would be a safety issue for walkers, the elderly and children.</p> <p>Driver visibility of pedestrians using Tower Road from the drives of dwellings along the road is poor.</p> <p>Cars could speed along Tower Road from the top of the road.</p> <p>Vehicles use the part of Tower Road near the application site for turning purposes and extra car movements from the</p>

	<p>application site (up to 50 movements per day) will conflict with such and cause safety issues.</p> <p>The road is narrower at this point and the scheme makes no plans to widen it.</p> <p>The application should only be approved if the junction with Ashby Road is improved, Tower Road is adopted and a footway (pavement) installed.</p>
Flood and drainage impacts	<p>The drainage system on Tower Road is old and cannot cope with more connections.</p> <p>Drainage problems already mean costly repairs for existing residents.</p> <p>Additional connections could reduce the poor water pressure further.</p> <p>The scheme should not be approved until detail drainage plans are agreed.</p>
Visual Impact	<p>The scheme would change the look of the road near the iconic Water Tower.</p> <p>This part of Tower Road has a spacious open character with properties mainly set in plots of substantial size. It is an urban fringe area with nearby land being undeveloped, including woodland, and essentially countryside in character, harming area's open character.</p> <p>The development would erode the character and traditional pattern of development and harm the area's open character.</p> <p>No.61 is the last dwelling before woodland area.</p> <p>It is an over-intensive development derived from trying to 'shoe horn' 3 dwellings onto that part of the site that is excluded from the restrictive covenant (see below),</p>
Other issues	<p>The original plans did not show No.59's 4m deep rear extension and had some discrepancies in terms of building heights. It is acknowledged that these issues have been corrected.</p> <p>Relevant Local Plan policies and the East Staffordshire Design Guide and the NPPF are cited, including how new dwellings in existing gardens should not intensify the area, and be being sensitively integrated, not visually obstructive or poorly screened.</p> <p>The NPPF's stance regarding good design and how poor design (Para.64) should be refused is referenced. Amenity issues as described in the design guide are stated (e.g. avoiding overlooking).</p>

Private Matters	<p>There would be increased wear and tear of Tower Road which is an unadopted road that is maintained by existing residents through the Tower Road Residents Association (i.e. at residents cost).</p> <p>Construction traffic will harm the unadopted road putting a financial burden on existing residents as it is doubtful that the developers would cover this cost - but they should be required to do so.</p> <p>The association spent a significant sum on repairing pot holes last year.</p> <p>Cars swinging out of the access will impact on the front garden of the dwelling opposite.</p> <p>Land was given to dwellings on this side of Tower Road to provide a buffer between them and the new houses on Brizlincote Valley. However, a legal covenant requires the land such not be built on. The proposed rear gardens of Plots 2 and 3 [but not the buildings] are within this intended buffer zone.</p>
Ward Member Cllr Faulkner	<p><i>'I would be grateful if you kept me informed on the progress of Planning application P/2016/00650. I would be pleased to discuss the objections with you and their relevance as soon as you are able. Should the matter be likely to receive approval via delegated authority, could you please give me sufficient notice to allow for a call in.'</i></p>

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP4 Distribution of Housing Growth 2012-2031
- 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
- SP29 Biodiversity and Geodiversity
- SP34 Health and Wellbeing
- 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
- DP6 Protecting the Historic Environment: Other Heritage Assets
- DP7 Pollution and Contamination
- DP8 Tree Protection

Emerging Winshill Neighbourhood Plan

- Policy 8: Support for Creative and Innovative Infill Development
- Policy 9: Support for Good Design
- Policy 12: Parking

8. Principle of Development

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

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

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

9. 5 Year land Supply

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

10. Local Plan

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

10.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and

economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

10.3 As will be discussed below, it is considered that the development suitably satisfies SP1.

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 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.

10.5 The site is not within reasonable walking distance of services and facilities contrary to that encouraged by Local Plan Policy SP1, and the nearest bus stop of Ashby Road is at some distance from 61 Tower Road such that car usage is likely. However, the application site is within the development boundary of Burton upon Trent such that there is a policy presumption in favour of the principle of residential development here, as per Local Plan Policies SP2 and SP4. It is also noted that the site is well located to the strategic highway network and is considered acceptable in terms of highway safety by the Highway Authority (i.e. in terms of the Ashby Road junction).

10.6 As will be discussed in more detail below, in terms of sustainable development and other aspects of Local Plan Policy SP1 it is considered that the development would not have an adverse impact of the physical environment or the amenity of neighbours. It would integrate well with the area's existing character including its grain and the style and size of nearby dwellings and demonstrates good design and high quality materials. The visual amenity of the nearby Water Tower would not be harmed and the balance between tree retention and removal and the achievement of an appropriate residential layout is considered appropriate taking account of the amenity value of the affected trees. Furthermore, issues relating to drainage, contamination, energy efficiency/sustainable construction, new landscaping/tree planting, biodiversity and residents privacy can all be suitably resolved by conditions.

10.7 In terms of the public economic aspect of sustainable development (as detailed in the NPPF) the development is considered to be neutral, bringing only benefits for a very short duration during the construction phase.

10.8 Policy 8 of the emerging Winshill Neighbourhood Plan, which in its current form has limited weight, supports creative and innovative infill development. Proposals that provide additional housing capacity and fits with the overall character of the area, would be of appropriate scale in terms of plot size, layout and density and would not significantly impact on the amenity of others would be supported. Proposals will need to make a positive contribution to the immediate areas with particular attention made to the design matters of building height, scale, mass, design, appearance and materials.

10.9 In principle the use of garden land as infill is supported by the emerging Neighbourhood Plan. Matters of detail are covered in later sections of this report.

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 The NPPF (Para.53) also require proposals for dwellings in gardens to not have a detrimental impact on the character and appearance of an area. The Council's Supplementary Planning Document regarding design states "*the Council will expect new houses... to be well-designed and well-related to their context*". The National Planning Policy Framework (paragraphs 131 and 132) advises that development should be "*making a positive contribution to local character and distinctiveness*" and that the suitability of an application should be judged through a balance between impact upon the street scene and securing the optimum viable use of a site. Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. Policy SP24 lists a number of criteria that developments are expected to achieve including *creating a sense of place, reinforcing character, reflecting densities, achieving an appropriate layout that integrates with the existing environment and context, including space around dwellings, and where possible minimise the production of carbon through sustainable construction.*
- 11.3 Detailed Policy 1 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. Issues raised include the development's density, height and massing relative to any views, vista and skylines and how the proposed materials relate to context including local vernacular.
- 11.4 Detailed Policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible, including orientation in terms of solar gain..
- 11.5 Detailed Policy D6 requires development to respect the setting of non listed historic assets, which the Water tower is considered to be.
- 11.6 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 is considered to be important, as this can support local distinctiveness. It also states that "*On an 'infill' site the development must be appropriate not just to the prevailing character of the area, but also to the buildings and spaces immediately adjacent to the plot*". DP3 ...
- 11.7 Policy DP 3 of the Adopted Local Plan ensures that `where infilling is proposed in the gardens of houses, it will only be permitted where 1) it would not result in the unacceptable intensification of the area 2) it would be sensitively integrated into the townscape or landscape 3) it would not be visually obtrusive or poorly screened from neighbouring properties and 4) the size of the garden to the new dwelling, and existing building is appropriate for the size of the dwelling and reflects the spatial pattern of the area.
- 11.8 Draft Policy 9 of the emerging Winshill Neighbourhood Plan supports new development proposals that exhibit good design and contribute positively to the built environment of the Parish.

- 11.9 The application site is the side and part rear garden area of No.61 Tower Road, which is the last dwelling in the linear row of dwellings on the southern side of the road. The site has the appearance of a residential garden area with some relatively unattractive outbuildings close to the frontage to the side (west of the dwellings). Frontage trees provide some screening of the site from the road and the row of poplars along the western boundary provide a clear demarcation between the large lawned garden and the undeveloped woodland to the west. The land directly opposite has a more open appearance as there is just one dwelling within a large plot and a treed area, which separates it from the site of the Water Tower. The linear row of dwellings on the northern side of the road currently start around 60m from the tower, albeit there is planning permission for a large dwelling on the intervening plot.
- 11.10 Whilst the overall feel of the road as one approaches the plot from the east is one of a linear arrangement of detached dwellings of different styles and scales in large plots, there is already development at depth to the rear of Nos.53 and 55.
- 11.11 The proposed development would have a frontage dwelling that respects the area's building line and style of dwellings, with this dwelling being in keeping with the size, style, height and general design of No.61. The low walling with railings and the retention of the various trees would contribute to the streetscene seeing the removal of the current outbuildings and without extending beyond the western boundary of the existing garden. The detached garage would sit well between No.61 and this new dwelling, both of which would have good sized gardens.
- 11.12 The two dwellings proposed to the rear have been designed and sited to reflect the varying style of houses along Tower Road (including the use of a half hip roof feature), sited to avoid built form on that part of the garden covered by a restrictive covenant, optimise the site as encouraged by the NPPF and avoid amenity issues for neighbours. Their sitting and layout has also been influenced by the dwellings to the rear of 53 and 55 and their massing has been carefully reduced by the use of the setting back of certain elevations and resulting differing roof heights. Their scale and footprint is in keeping with dwellings in the locality and the plots allow for a large garden for each dwelling. (added a sentence below in para 11.13)
- 11.13 The suggested materials for the overall development are all high quality and would be in keeping with the local vernacular.
- 11.14 Overall it is considered that the proposed development is well considered presenting a suitable siting, density and design for its setting. It will blend well with the existing built form, density and grain rather than being unacceptable intensification and be well contained within the current garden area of No.61. There will be no impact on the Water Tower or its setting given the separation distance involved and the limited height of the proposed dwellings in relation to this local landmark.
- 11.15 Visually appropriate external materials, rooflights, boundary treatment, landscaping, surfacing materials and a restriction on future extensions, alterations, outbuildings, solar panels and alterations can all be secured by condition for visual amenity reasons.

- 11.16 As noted above, the scheme involves the removal of a number of trees to accommodate the development, with the majority of these being of low public amenity value. None are the subject of a TPO. The significant boundary trees on the frontage will be retained as will the poplars and various rear garden trees. This is considered acceptable in relation to Detailed Policy 8 and Strategic Policy SP24 regarding existing trees at development sites and the National Forest setting subject to a condition securing the planting of some compensatory replacement native trees. The retained trees also require protection during the construction phase, which can also be secured by conditions.
- 11.17 In conclusion, subject to the stated conditions the development will suitably comply with the character and appearance requirements of Local Plan Policies SP24, DP1 and DP3, the East Staffordshire Design Guidance and the NPPF.
- 11.18 The proposal is also felt to conform to the emerging Winshill Neighbourhood Plan Policies 8 and 9.

12. Residential Amenity

- 12.1 The National Planning Policy Framework and Policies DP1 and 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. Policy DP3 also advises that garden areas should be commensurate to the dwelling/household size and allow outdoor activities to be undertaken in reasonable privacy. The East Staffordshire Design Guide provides additional detail on the assessment of light to windows in Annex 1.
- 12.2 It is clear that each new dwelling and No.61 itself would have adequate private amenity space subject to the provision of suitable boundary treatment. The first floor windows of Plots 2 and 3 would be suitably distanced from the rear garden boundaries of Plot 1 and No.61 (11m distance) and their rear windows (over 22m) to also prevent any amenity issues between these 4 dwellings including any unacceptable overlooking.
- 12.3 The development will have no amenity impacts on dwellings to the rear of the site or opposite given the separation distances involved.
- 12.4 Again given the separation distances involved the development suitably complies with Policy DP3, the East Staffordshire Design Guide and the NPPF in terms of the amenity of the nearest dwelling (No.59) subject to:
- The provision of suitable boundary treatment along the side boundary between Plot 3 and No.59's rear garden to prevent any overlooking from the proposed ground floor side windows (i.e. through the hedge).
 - The two first floor windows on the eastern elevation of Plot 3 being permanently obscure glazed and either top hung or non opening only.
 - No additional first floor windows being installed within the eastern elevation of Plot 3.

- 12.5 The neighbour's representative considers top hung windows to be ineffective in terms of privacy but this is not agreed with by the LPA. The submitted section drawing also demonstrates that no overlooking will be afforded over No.59 from the proposed rooflights on the eastern elevation of the dwelling at Plot 3.
- 12.6 The separation distance (approx.20m) and angle between the proposed development (including the dwelling at Plot 3) and the dwelling at No.59 is such that there will be no material impact on light to principal windows at No.59 or residents outlook from such.
- 12.7 It is accepted that the dwelling at Plot 3 will have some impact on sunlight to part of No.59s rear garden from around noon onwards. However, this impact will be limited to only parts of this 65m long south facing garden at any one time and not affect the private area directly to the rear of the dwelling.
- 12.8 The:
- maximum 2 storey height and broken up mass of the side elevation of the proposed dwelling at Plot 3, plus
 - the limited length (19.3m) of No.59's long rear garden that would be adjacent to new built form at the application site plus
 - the separation distance between the new dwelling at Plot 3 and the dwelling at No.59
- is such that it is not considered that the proposed development would have an overbearing or oppressive impact on the occupiers of No.59 when within the dwelling or their rear garden.
- 12.9 Permitted development should be removed to prevent any alterations, outbuildings and or extensions that would have a harmful impact on neighbours' amenity such as reducing separation distances to an unacceptable level. This and the 3 items listed above can be secured by condition. With such conditions imposed, the proposal will comply with the Local Plan, the NPPF and the Design Guide in terms of residential amenity.

13. Sustainability (including energy efficiency and low carbon)

- 13.1 Policy DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings including:
- incorporating the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
 - the use of appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
 - incorporating facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
- 13.2 In this case the orientation of the dwellings is very much necessarily dictated by the site's relationship with the road and other existing buildings. Notwithstanding this, all 3 new dwellings would benefit from solar gain by way of the south facing rear windows and natural lighting would be achieved in

principal rooms. A condition can be used to achieve sustainable construction techniques, energy efficiency and efficient water use, including grey water recycling if feasible. Sustainable drainage will also be sought by condition (see below).

14. Highway Matters

- 14.1 Section 4 of the NPPF 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 Policy SP1 aims to ensure development is located on sites with good links to the highway network, is convenient and safe to walk and cycle to 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.
- 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. For dwellings of this size the required number of parking bays is 3 per unit, including for No.61 itself.
- 14.4 The emerging Winshill Neighbourhood Plan would expect all new developments to provide suitable off street parking based on two spaces per dwellings. Any additional development which involves the paving of garden space should incorporate the use of permeable surfaces; this is discussed further in paragraph 16.3.
- 14.5 The issue of the site's good location in relation to the highway network but poor location in relation to future residents being able to use non car modes to reach services and faculties has been covered above. It is concluded that the site's location within the settlement boundary, and also close to where a dwelling has been approved next to the Water Tower, overrides any concerns regarding limited opportunities to use non car modes for sustainable travel.
- 14.6 It is appreciated that the road does not have a designated footway for future residents or other pedestrians. However, the use of Tower Road by pedestrians does not appear to be unduly unsafe given relatively low volume of traffic on this 'non through road', the low to moderate speeds and the road's straight alignment, which affords good forward visibility between vehicles and pedestrians. Adding additional vehicles from 3 dwellings to this situation will also not materially alter the present safety of pedestrians, including manoeuvres to and from the new access and driveway, which would be akin to manoeuvres from existing drives along the road.
- 14.7 Each dwelling will have 4 parking bays which will prevent day to day parking on that part of Tower Road that fronts the site, which could impact on the passage

and turning of other vehicles to a limited degree. The proposal conforms to the Borough Council's SPD and the emerging Winshill Local Plan.

- 14.8 The Highway Authority has limited its considerations to the impact of the scheme on highway safety in terms of the public highway i.e. the junction of Tower Road and Ashby Road, concluding that it has no objections. This stance is agreed with as the access offers sufficient visibility in both directions to make safe manoeuvres.
- 14.9 Neighbours have raised the issue of how the development will impact on the unadopted road that they pay to be maintained (through a private resident's association) both in terms of construction traffic and car usage by future residents. These, however, are private matters to be resolved by the developer and the Residents' Association. The applicant has noted that the new residents of the 3 dwellings would need to join the Residents' Association such that the yearly contributions to the general maintenance pot would increase. The separate private issue regarding making appropriate arrangements for making good any construction traffic related damage can be mentioned to the applicant/developer by the LPA via an informative.

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 nearest Conservation Area is approximately 486 metres away (Burton No. 2 and No. 3 Town Centre Conservation Area), starting at the eastern boundary of Stapenhill Cemetery. The nearest Listed Buildings are:
- The Stone Archway Gateway to the Cemetery (Grade II) - 895m from the application site.
 - Church of St Mark, Church Hill Street (Grade II) - 796m from the application site.
 - Church of St Peter, Stapenhill Road (Grade II) - 1130m from the application site
- 15.7 The separation distances involved are such that the proposed development will have no impact on these heritage assets such that Sections 66 and Section 72 are not engaged. Additionally, whilst the Water Tower is a local landmark, it is not a listed building and therefore the Section 66 duty is not engaged. In any event, given the distance between the site and the tower and its surrounding land, the proposed development will not visually affect the tower or its setting.
- 15.8 Flood Risk and Drainage
- 15.9 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.
- 15.10 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. Strategic Policy 34 and Detailed Policy 8 cover the issue of pollution in relation to human health , which is relevant to the disposal of foul water.
- 15.11 The site is located within Flood Zone 1 and as such there is not an issue in terms of flooding relating to nearby water bodies. A suitable surface and foul water drainage system can be secured by condition to prevent localised flooding and to protect human health and water environment. An informative can stress that the sustainable disposal of surface water will be sought first under the condition, as required by Policy SP27. The proposed use of permeable blocks for the access, parking and turning area will aid the

sustainable drainage of surface water. The use of such materials can be secured by condition for visual and drainage reasons.

15.12 The concerns of neighbours regarding new connections to the sewer along Tower Road are noted but cost issues are private matters. Notwithstanding this the agent has submitted a letter from Severn Trent whereby it confirms that it would approve the connection of 3 dwellings to the foul sewer on Tower Road subject the usual submission of an application to the company. This indicates that Severn Trent considers this sewer does have adequate capacity for the 3 dwellings. In terms of surface water, in the same letter Severn Trent stresses that surface water discharge to the nearest public surface water sewer on Eyam Close would only be supported if ground conditions made SUDS unachievable. The agent has confirmed in writing that the access to the Eyam Close sewer has been negotiated with the neighbouring land owner should such a connection prove necessary.

15.13 For the reasons discussed above it is concluded that subject to conditions the scheme will suitably comply with the NPPF and the Local Plan in terms of flooding and drainage matters including protecting the water environment and human health.

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. It stresses that 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.

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 The provision of a 100% 5 bedroom scheme in Stapenhill does not meet the mix sought by Policy SP16. However, it is considered that the type of housing proposed is appropriate in size and form for this setting taking account of the size and style of existing dwellings on Tower Road. Smaller units would be out of keeping and be likely to generate more car trips than the type of houses proposed. The 3 dwellings will also contribute towards the 9% of 5-bedrooms required in the Stapenhill area in a location where such are likely to be sought by purchasers wanting a dwelling of this type/size.

16.5 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(3) relating to accessible and adaptable dwellings. Further guidance has been prepared, however, which details how this policy will be applied. This sets the trigger being 10 dwellings, such that the M4(2) requirement of Strategic Policy 16 is not applicable to this application. Additionally, the number of dwellings proposed does not trigger a provision of affordable housing in terms of Strategic Policy 17.

17. Green Infrastructure and National Forest

17.1 Strategic Policy 26 supports the National Forest Strategy and expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines.

17.2 It is concluded that the design of the scheme is considered appropriate for its setting and the proposed tree retention and removal scheme is appropriate subject to a condition that secures a landscape scheme that include the planting of replacement native trees. Such an appropriate landscape scheme meets the National Forest planting requirement for a residential site of this limited size.

18. Biodiversity

18.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

18.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.

18.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire

biodiversity action plan species and supporting developments with multi-functional benefits.

- 18.4 The application includes a Preliminary Ecology Survey and a Bat Survey. These demonstrate that the proposed development including the tree felling and removal of the 5 small outbuildings would not impact on any bat roosting habitats. They also detail how any potential impact on bat foraging activities across and within the site can be suitably mitigated by the measures detailed in the bat report. These include the retention of the various trees and the use of appropriate low level external lighting only. The reports also specify how any impact on future nesting birds can be suitably mitigated (e.g. avoiding tree works during the bird nesting season). All such mitigation measures can be secured by a condition referring to compliance with the supported reports. An informative can stress the developers legal responsibilities regarding protected species
- 18.5 The reports detail no impact on other protected species such as badgers but the informative noted above will stress that any unexpected findings during the construction phase are covered by protected species legislation such that the services of a qualified ecologist should be immediately sought.
- 18.6 The reports also details how protected species can be enhanced through the provision of bird and bat boxes. Suitable details of such and new native tree planting can be secured by condition to achieve compliance with Section 9 of the NPPF and Strategic Policy 29 regarding ecological enhancement.

19. Contamination Issues

- 19.1 A condition and informative can suitably resolve the contaminated land and infill gas issues raised by the Contaminated Land Officer compliance with Policies SP34 and DP7.

20. Conclusions

- 20.1 Considering all of the above, it is concluded that subject to various conditions the proposal suitably complies with the overall aims of the relevant Local Plan Policies, the East Staffordshire Design Guide and the NPPF including the aims of the relevant sustainability criteria of Policy SP1.
- 20.2 Whilst the mix of house types does not conform to the Housing Choice SPD the proposal and house types are well suited in design and scale to the site within the settlement boundary and its location on Tower Road. The scheme will contribute to the number of 5 bedroom dwellings required in the Stapenhill area.
- 20.3 It is acknowledged that the development is not well located in terms of access to services by non car modes but it is nonetheless well located relative to the strategic highway network and the site is within the development boundary of Burton where residential development is supported in principle. The scheme which represents garden land development is in keeping with the layout, scale and density of dwellings in the locality including those to the rear of Nos.53 and 55 and will be well contained within the existing garden area. The plot sizes and dwelling designs and materials also complement the site's context. The dwelling at Plot 1 will appear as a logical final dwelling in this linear row west of

the woodland and the overall scheme will not harm the openness of the surrounding area.

20.4 The amenities of neighbouring dwellings will not be materially harmed subject to certain conditions given the separation distances involved and design and scale of dwellings and highway safety is not compromised. Issues relating to drainage, biodiversity, tree protection and planting, sustainable construction and contamination can all be resolved by conditions.

20.5 The site is not in a conservation area and 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.

20.6 On balance having taken account of the schemes overall environmental, social and economic impacts it is considered that the scheme does represent sustainable development and fits the overall aims of the Development Plan, SPDs and the NPPF. The proposal also complies with the emerging Winshill Neighbourhood Plan.

20.7 RECOMMENDATION:

20.8 **PERMIT** subject to the following conditions –

- Standard time limit for the commencement of the development.
- Compliance with the approved plans (subject to other conditions).
- Notwithstanding the stated details, approval of all external materials (including colours) and compliance with such, including the garage doors, the front wall and railings and the framework for the open porches and compliance with the approved details.
- Submission and approval of a surface water and foul water drainage scheme and implementation of such (with SUDS being required where ground conditions allow).
- Notwithstanding the submitted details, submission of full landscaping and boundary treatment including details of tree protection measures for retained trees, the planting of native trees and the provision of boundary treatment along that part of the side boundary with No.59 where such required to prevent any direct overlooking of this neighbouring garden.
- Submission and approval of full biodiversity enhancement measures and the implementation and maintenance of such.
- Implementation of the approved landscaping scheme.
- Submission and approval of a scheme regarding sustainable construction and energy efficiency and compliance with such.
- Completion and retention of the approved boundary treatment scheme.
- Completion of the access, parking and turning areas in a bound and porous material/s (with exact material/s to be first approved by LPA) and such remaining available for their dedicated purposes for the life of the development.
- All rooflights to fit flush with the roof slope in which they are set and have black frames.
- All windows and external doors to be set back from outer face of wall by 50mm unless first agreed in writing by the LPA and all not glazed parts of the garage doors to be of a vertically boarded design as shown on the elevations.

- Full compliance with all mitigation measures detailed in the ecology reports.
- measures, including enhancement measures for biodiversity protection and enhancement reasons.
- The two first floor windows in the eastern elevation of the dwelling at Plot 3 (windows serving en suite rooms) to be permanently obscure glazed and either non opening or top hung only.
- Removal of PD rights for future extensions, outbuildings, external alterations including any new windows and rooflights, boundary treatment and solar panels for amenity and visual reasons.

21. Background papers

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

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference P/2016/00650

22. Human Rights Act 1998

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

23. Crime and Disorder Implications

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

24. Equalities Act 2010

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

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P_2016_00650 Revised_PLANNING LAYOUT_Colour Received 18.07.16



The Contractor to be made and earth of building and site structures, levels and lower levels levels or concrete pads below work starts. The Contractor is to comply in all respects with current Building Regulations, British Standard BS6841:2009, Building Regulations, Construction (Design & Management) Regulations, Party Wall Act, etc. together with all applicable codes of practice. The drawings shall be read with the detailed notes on structural, geotechnical or other specialist recommendations provided. The drawings shall be read with the detailed notes on structural, geotechnical or other specialist recommendations. Each area of ground shall be prepared to support any structure depicted including drainage, etc. as shown on the drawings. A suitable method of drainage shall be provided allowing for existing ground conditions. Any aspect of flat ground, construction or or earth, the ground, should be further investigated and a suitable report. Any artwork construction shown on these typical slopes for gardens only it should be further investigated by a suitable report.

Where existing trees are to be retained they should be subject to a full Arboricultural Assessment for all trees to be retained to be in excess of 10m in diameter at 1.4m above ground level and 7.5m from buildings and services. A suitable method of landscaping to be provided to accommodate the proposed new planting.

Geoff Perry Associates Limited do not accept any responsibility for any losses (financial or otherwise) or any claims or third party arising out of the drawings if a Developer or Contractor has not been advised in writing in accordance with the conditions of purchase.

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Rev E	New DPs associated with	DPF	18/07/2016
Rev J	Site Boundary Amendments	HCE	09/03/2016
Rev I	New Amenities, Common Use Revised	HCE	20/02/2016
Rev H	Common Use Revised	HCE	18/04/2016
Rev G	Approved in accordance with previous comments	HCE	13/04/2016
Rev F	New Amenities	DPF	24/02/2016
Rev E	New Amenities	DPF	14/02/2016
Rev D	House Types in Planets	DPF	25/02/2016
Rev C	New Amenities	DPF	24/02/2016
Rev B	Approved in accordance with previous comments	DPF	22/02/2016
Rev A	Prepared following client comments	DPF	09/07/2015

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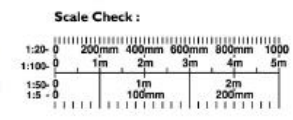
Client:
WALTON HOMES

Project:
TOWER ROAD,
BURTON-UPON-TRENT

Title:
PLANNING LAYOUT

Date: MAY 2015 **Scale:** 1:500 @ A3
Drawn by: GPA **Checked by:** -

Job No. **Drg No.** **Rev.**
A 662 002 K



Accommodation Schedule

Type Ref.	No. Beds	Sq.Ft	No. Units	Total Sq.Ft
A	5	2720	1	2720
B	5	2110	1	2110
C	5	2950	1	2950
TOTAL			3	7780