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| Agenda Item: | 5.1 |
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| Site: | Land to the rear of , 2 Harbury Street, Burton upon Trent, Staffordshire, DE13 0RX |
| Proposal: | Outline application for the erection of up to 14 dwellings with all matters reserved including the demolition of a dwelling, shed and garage at 2 Harbury Street and garages at the rear. |

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](#)

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| Application Number: | P/2016/00980 | |
| Planning Officer: | Charlotte El Hakiem | |
| Type of Application: | Outline Planning Application | |
| Applicant: | Wyggeston Hospital | |
| Ward: | Horninglow | |
| Ward Member (s): | Councillor J H Mott (M.A.) Councillor K J Builth Councillor R Johnston | |
| Date Registered: | 04 October 2016 | |
| Date Expires: | Extension of time – 31 st January 2017 | |

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

Cllr Mott

Over development

Parking issues in Harbury Street and Norton Road as the development can only make things worse.

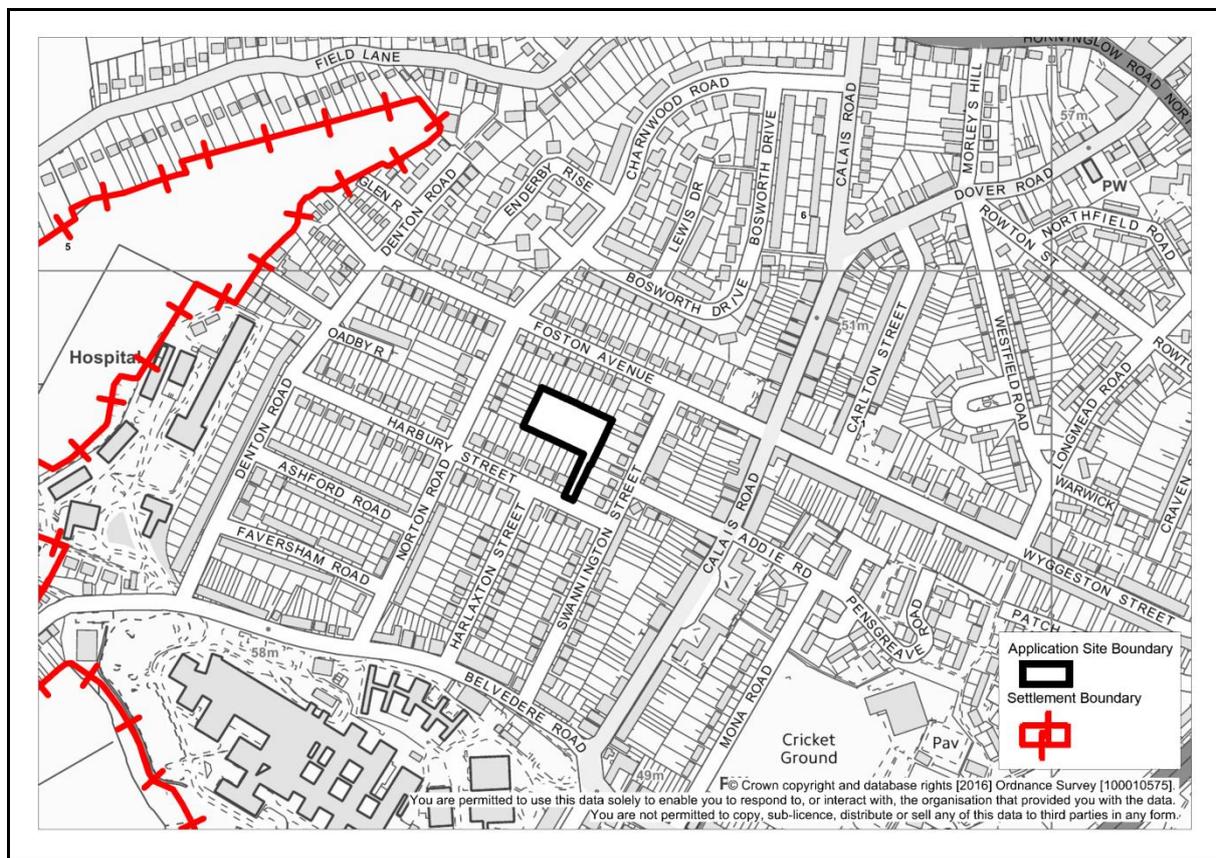
Cllr Johnston

Over development, Flooding, Layout of the proposed development

1. Executive Summary

- 1.1 Outline Planning permission is sought for the erection of 14 dwellings and associated parking. The application also includes the provision of 10 additional car parking spaces in compensation of the loss of garages.
- 1.2 The application site forms a vacant and disused space. The application site is home to 21 garages.
- 1.3 Statutory consultees have raised no objections. It is considered that the development is of sufficiently high quality design within its local context and complies with the supplementary Design Guide.
- 1.4 12 objections have been received from local residents, objections have been received from Horninglow and Eton Parish Council and the application has been called in by Councillor Mott and Councillor Johnston.
- 1.5 The proposal will not have an unacceptably adverse impact on the existing highway or sewerage networks or on the residential amenity of neighbouring properties

Map of site



2. The site description

- 2.1 The site is located in the parish of Horninglow and Eton and is an area of vacant scrubland. The site has 21 lock up garages in situ. The site is located within a dense residential area, predominately made up of semi detached dwellings.
- 2.2 The character of the area is generally a grid form of long linear rows of properties; the site is uncharacteristic of the area by being an open space with the provision of 21 garages in the centre of the site. The site is bordered on every side by residential properties and gardens.
- 2.3 The site is screened from the road by residential properties; the site is populated by a number of trees many of which are evergreen. The perimeter of the site consists of a more matured tree line and hedgerow.
- 2.4 The application site comprises of 0.919 acres.

3. Planning history

- 3.1 P/2014/01353 Outline application for the erection of up to 17 dwellings with all matters reserved including the demolition of a dwelling, shed and garage at 2 Harbury Street and garages at the rear -Withdrawn 04/02/2015.

4. The proposal

- 4.1 Outline application for the erection of up to 14 dwellings with all matters reserved including the demolition of a dwelling, shed and garage at 2 Harbury Street and garages at the rear.
- 4.2 The application has all matters reserved and therefore the application seeks approval of the principle of up to 14 dwellings.
- 4.3 The application also proposes the demolition of No.2 Harbury Street, associated shed and garage in order to provide access to the site. No.2 is a detached dwelling.
- 4.4 The site is currently home to 21 lock up garages accessed via a tarmac track, adjacent to No.2 Harbury Street. The proposal involves the demolition of these garages. It is not clear who owns or occupies these garages and what their current uses are. Information has been received which indicates that some owners may own more than one garage and do not live in the immediate local area. It is also estimated that the majority are used for storage of household items and only four are used for parking of vehicles. The application seeks therefore to compensate the loss of these garages by providing ten car parking spaces. It is unknown at this stage how these spaces would be allocated or assigned. This could be dealt with via condition at the reserved matters stage.
- 4.5 An indicative layout has been submitted and the properties are illustrated to be two or three bedroom dwellings, all with two parking spaces.

List of supporting documentation

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

P_2016_00980 Application Form.pdf
 P_2016_00980 Arboricultural Survey and Impact Assessment - Plan.pdf
 P_2016_00980 Arboricultural Survey and Impact Assessment.pdf
 P_2016_00980 Block Plan.pdf
 P_2016_00980 Design and Planning Statement.pdf
 P_2016_00980 Design, Access and Planning Statement.pdf
 P_2016_00980 Flood Risk Assessment.pdf
 P_2016_00980 Location Plan.pdf
 P_2016_00980 Proposed Site Plan.pdf
 P_2016_00980 Protected Species Assessment.pdf
 P_2016_00980 Topographical Survey.pdf

4.7 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

| Statutory and non statutory consultee | Response |
|---------------------------------------|--|
| Parish Council | <p>Re: OUTLINE PLANNING APPLICATION – HARBURY STREET, HORNINGLOW P/2016/00980</p> <p>Horninglow and Eton Parish Council wish to object to the above outline planning application. When the neighbourhood plan was adopted, it was felt that additional development would be limited as the parish was already the highest densed parish in east Staffordshire.</p> <p>This outline application is not in the spirit of the adopted Neighbourhood plan in particular the following policies have not been considered:-</p> <p>Policy HE4 Off-Street Car Parks The Parish Council will support proposals for car parks on sites of underused or disused land in areas of densely developed terraced housing, subject to access and highways</p> <p>Policy HE6 Garage Colonies and Residential Car Parks Residential development of existing communal garage colonies and residential car parks will not be permitted unless adequate off-street parking is provided to replace those lost, and for the new development.</p> <p>Where garage units are in poor condition and beyond economic repair, schemes for improvements and environmental enhancements of parking areas will be supported.</p> <p>Proposals to improve residential car parking areas through landscaping, tree planting and provision of security will be supported.</p> <p>Each application for changes to garage colonies will be considered on its merits and a level</p> <p>The parish council wish to also object for the following reasons:-</p> <p>Street scene- Existing properties have been built in the 90's. The proposed new developments will not complement the existing properties. Flood risk – properties surrounding the proposed development already have flooding issues as a result of the open space, additional properties will not resolve these issues Over development: Too many properties for the proposed site</p> |
| SCC Highways | No objection subject to conditions |
| SCC Education | No objection subject to conditions |

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| SCC Flood Risk Team | No objection subject to conditions |
| Environment Agency | No objection |
| Severn Trent Water | No objection subject to conditions |
| Natural England | No comments received |
| Staffordshire Wildlife Trust | No objections |
| Architectural Liaison Officer | No objection subject to conditions |

| Internal Consultees | Response |
|----------------------|---|
| Environmental Health | No comments received |
| Housing Strategy | No response received |
| Open Spaces | No response received |
| Environment Manager | No objections subject to bin reciprocals for each property. |

6. Neighbour responses

6.1 13 responses were received.

| Neighbour responses | |
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| Principle | <ul style="list-style-type: none"> • I know there is a need for housing but this is not the answer. • Too many houses proposed. • This is garden grabbing • overdevelopment |
| Impacts on Amenity | <ul style="list-style-type: none"> • The majority of housing runs along the boundary adjacent to my fence, concerned about security. • It will ruin our privacy. • Footpath at the end of our garden would make us feel less secure. • Have the nuisance of headlights shining into our houses due to the layout. |
| Highways Impacts | <ul style="list-style-type: none"> • The surrounding roads are very congested and therefore this will make the situation worse. • This proposal reduces parking options in the area • There will be insufficient parking for visitors • Contamination caused by all the cars. • Difficult junction will not be able to see oncoming |

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| | traffic. |
| Flood and drainage impacts | <ul style="list-style-type: none"> • Flooding does not seem to be addressed my garden and driveway floods with heavy rain and need to be assured my house will not flood. |
| Trees | <ul style="list-style-type: none"> • Shouldn't remove all of the trees. • Loss of nature and habitat. • Its environmental vandalism • The attractive beech tree should be retained. • Loss of animals • The greenery is why we bought our properties. |
| miscellaneous | <ul style="list-style-type: none"> • The garages have not been maintained for 12 years, it could become a car park. • Its all for profit • The garages are used and rented. • Where will be bins stored. • Should be used as an area for a playground. |
| Ward Member | The Application has been called in by Councillor Mott and Councillor Johnston and their comments are listed above in full. |

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
- 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

'Made' Neighbourhood Plans

Horninglow and Eton

- HE4- Off Street Car Parks
- HE5 – Parking Standards
- HE6 – Garage Colonies and Residential Car Parks

8. Principle of Development

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

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

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

9. 5 Year land Supply

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

10. Local Plan

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

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

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

10.3 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton Upon Trent 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

10.4 The site is within reasonable walking distance of services and facilities of Horninglow Local facilities and is close to existing public transport network that is encouraged by Local Plan Policy SP1. 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 in this location, 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.

10.5 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. The visual amenity of the area would not be harmed and the balance between loss of vacant land and the achievement of an appropriate residential layout is considered appropriate taking account of the amenity value of the area. 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.

10.6 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.

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 Policies 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policies 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 is outline form with all matters reserved. The application does however include an indicative layout which illustrates how 14 dwellings, amenity areas and parking could be accommodated on the site.
- 11.8 The indicative layout shows the access drive being created by the demolition of No.2 Harbury Street to the south of the site. The access road would run in between No.4 Harbury Street and No.53 Swannington Street. The access road is shown to sweep into the site and turn towards the west and run to two rows of four terrace style dwellings to the west of the site with gardens being in a back to back arrangement ranging from 10m in length reducing to approximately 8m. Parking is illustrated to the front of these dwellings and shows a maximum of two spaces per property.
- 11.9 The plan further indicated the provision of another six dwellings on the northern boundary of the site, which would be semi detached. Again each property has two parking spaces. Gardens are indicated to be approximately 6m in length.

- 11.10 It is important to advise members that the indicative plan and access is for illustrative purposes and that the site is accessed via the widening of the existing access to the site, achieved by the demolition of No.2 Harbury Street. All matters including access are reserved for future consideration. However it is considered that the loss of No.2 Harbury Street would not be harmful to the overall streetscene and character of the area.
- 11.11 The layout also indicated landscaped screening around the boundaries of the site and a buffer of landscaping directly to the rear of properties on Harbury Street.
- 11.12 There are no details submitted with the application which indicate the design of the proposed properties.
- 11.13 In terms of the general character and context of the area the size of the proposed properties the density of properties is slightly higher than those surrounding the site. The general character of the area is defined by 3 bedroom semi detached or detached properties, with long gardens, this is unlikely to be achieved with such high numbers on this site. However, the site seeks to provide smaller accommodation with a mix of some larger semi detached properties. The site is an unusual pocket of land in the parish of Horninglow and Eton where densities are high. It is considered that the principle of residential dwellings can be achieved technically but possibly not up to 14 dwellings, if adequate amenity space and impacts on surrounding residents are to be minimised. However the principle can be granted consent and the detail of layout approved at reserved matters stage.
- 11.14 Overall, whilst the development would be different to the existing spatial pattern of the area, this land is not in good condition nor used for any specific purpose. Therefore it is considered that the development will blend well with the existing built form, density and grain rather than being unacceptable intensification.
- 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 The application site has a dense boundary of trees to the rear of the site and none are the subject of a TPO. All of these trees are to be retained but obviously again this will be dependent on the final layout. This is considered acceptable in relation to Detailed Policy 8 and Strategic Policy SP24 regarding existing trees.
- 11.17 In conclusion, subject to the stated conditions development in this location can suitably comply with the character and appearance requirements of Local Plan Policies SP24, DP1 and DP3, the East Staffordshire Design Guidance and the NPPF.

12. Residential Amenity

- 12.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 12.2 The proposed development would introduce a new residential use into the area. Due to the positioning of surrounding dwellings in long linear rows, all houses back on to the site. The surrounding dwellings all have extensive rear gardens and therefore the separation distances between the existing and proposed dwellings would vary from 21m to 38m as indicated on the indicative layout. These distances would all be considered acceptable and above the minimum standards expected.
- 12.3 The indicative layout shows the relationship between the proposed dwellings would also be acceptable under the provisions of Local Plan Policy DP3 as there would be no overlooking or overbearing relationship between the proposed dwellings.
- 12.4 The separation distances, together with the retention of natural screening (which would be conditioned through the landscaping scheme), on the site from existing trees and vegetation this will negate any issues of loss of amenity in compliance with Local Plan Policies DP1 and DP3.
- 12.5 The indicative layout indicates varying garden sizes, whilst some gardens are shorter than others it is considered that acceptable gardens sizes commensurate for the sizes of the dwellings can be achieved through the design of the layout of the reserved matters. Based on the indicative plan the 6 m garden size is too small.
- 12.6 The development will have no amenity impacts on dwellings to the rear of the site or opposite given the separation distances involved and suitably complies with Policy DP3, the East Staffordshire Design Guide and the NPPF.
- 12.7 If during the designing of the reserved matters stage regard was given to the relationship with surrounding properties, dwellings could be 1.5 half storey and have roof lights to the rear in order to reduce the perception of overlooking.
- 12.8 With regard to noise and disturbance during the construction phases of the development, it is recommended that construction hours should be limited given the location of the property within an established residential area, within this it is considered appropriate to limit works to include no working at weekends or on bank holidays and hours of working to be kept to sociable times in the interests of residential amenity.
- 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. 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 (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 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, the 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). This can be dealt with via submission of the reserved matters application.

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 The application is in outline with all matters reserved, including access. The access is shown indicatively through the demolition of No.2 Harbury Street and associated buildings. Staffordshire County Council Highway Authority do not have any objections to the proposal as submitted. Therefore in principle the application complies with Local Plan Policies SP1 and SP35.

Neighbourhood Plan policies (those relating to parking)

- 14.5 The Horninglow and Eton Neighbourhood Plan set out 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.
- 14.6 The application shows the provision of 14 dwellings with two and three bedrooms, each property is shown to have two spaces either as frontage parking or tandem parking. This number meets the criteria of Neighbourhood Plan policy HE5.
- 14.7 Neighbourhood Plan Policy HE6 Garage Colonies and Residential Car Parks states that residential development of existing communal garage colonies and residential car parks will not be permitted unless adequate off-street parking is provided to replace those lost, and for the new development. Where garage units are in poor condition and beyond economic repair, schemes for improvements and environmental enhancements of parking areas will be supported. Proposals to improve residential car parking areas through landscaping, tree planting and provision of security will be supported. Each application for changes to garage colonies will be considered on its merits and a level of use established at the time.

- 14.8 The application would see the loss of 21 garages and the provision of 10 spaces in compensation of this loss. In terms of this replacement, it is considered that given that a large proportion of the garages are not used for the parking of vehicles, it is not reasonable to expect a like for like replacement. Ten spaces are proposed to be provided to those who use a garage to park a vehicle (thought to be four) in a garage in the first instance and then in order to relieve the immediate on street parking issues in the area they would then be offered to those immediately adjacent to the site, with the potential of creating rear accesses to those properties. The designation of these garages would be tied through the S106 agreement.
- 14.9 Policy HE6 seeks to maintain the use of parking facilities in areas where onstreet parking creates congestion. The applicant has in this case advised that only 4 garages have been used regularly for the day to-day parking of cars, therefore the potential number of displaced cars is lower than the actual number of garages on the site. The applicant has therefore tried to meet the requirements of NP HE6. It is difficult as the LPA does not have any control over the provision or ownership of these garages and indeed the applicant could cease all tenancy agreements on these garages at any point in time without permission from the LPA and not provide any replacement car parking in lieu of their loss. Therefore it would be difficult to base a refusal given that the applicant has provided some compensatory parking.
- 14.10 It is therefore considered that given the usage of the existing garages, the likely displacement of cars would not be harmful to the safe and efficient use of the highway network. The Applicant has attempted to provide compensation for the loss of the garages by providing just under 50% of the existing situation. The Applicant has also explained the rationale of providing just car parking spaces as opposed to replacing with garages is to ensure that the spaces are used for parking as opposed to storage as per the existing situation. It is therefore considered that the application complies with policy tests of Local plan Policies SP1, SP35 and Neighbourhood Plan Policy HE6.
- 14.11 The other pertinent policy of the Neighbourhood Plan is HE4 which seeks for car parks to be provided on sites which are underused or disused in areas of developed terraced housing, subject to access and highways. Whilst the site is predominately vacant with the exception of the current garages, the LPA can only judge the application that has been submitted for consideration.

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 723 metres away (Trent and Mersey Canal Conservation Area).
- 15.7 The nearest Listed Building is The Chestnuts on Horninglow Road north 563m away.
- 15.8 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.

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 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.
- 16.4 The neighbours comments are noted and The Environment Agency have no objections to the application. The Lead Flood Authority has however recommended conditions relating to surface water.
- 16.5 They have recommended that the scheme shall be restricted to 5 litres per second and include surface water attenuation up to the 100 year plus 40% climate change storm and supply details of future maintenance. The drainage works shall be completed in accordance with the details and timetable agreed and the development hereby permitted shall not be commenced until such time as a scheme for a filter drain or raised buffer across the site main entrance to intercept any overland flows has been provided
- 16.6 Site levels will need to be carefully considered in order to transport surface water flows to the external drainage network by gravity. As with any development it is also advised that external levels fall away from property to minimise the flood risk from a variety of sources. Any overland flows generated by the proposed development must be carefully controlled; safe avenues of overland flow away from any existing and proposed buildings are advised.
- 16.7 The Lead Flood Authority are therefore confident that any localised flooding can be mitigated via condition and therefore a refusal of the application could not be substantiated. The application satisfactorily complies with Local plan policy SP27.

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 | | | 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% |

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. However in November 2014, housing minister Brandon Lewis announced in a written statement that for developments of 10 homes or fewer, local councils would not be able to impose affordable housing contributions through section 106 agreements and this position was incorporated within the Planning Practice Guidance in May 2016. Affordable housing can now only be sought on schemes of 10 dwellings or more, and therefore the policy is still applicable in this case. 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 SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.

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

17.8 This site is a brownfield site within Burton Upon Trent, the applicant is therefore required to provide 25% affordable housing. This can be provided fully onsite (4 units) or split as on site and off site provision. This will be determined through the submission of the reserved matters application.

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

18.3 The application is in outline and therefore no landscaping details have been included. However based on the site area an offsite contribution would be required for national forest.

18.4 Again whilst no layout is confirmed based on a site assessment (the site trees contributes to the greening of the area), the fact that the site

is within the National Forest and the submitted tree survey details, the proposed development should incorporate the retention of a number of trees. At this stage the key ones appear to be T1, T2, T6, T7, T11, G1, G2 and possibly G9 (cypress) also for boundary screening purposes. The Applicant should incorporate these trees around the layout submitted at reserved matters stage. Whilst it is inevitable that a number of trees will need to be removed, it is considered with the sensitive retention of a number of trees to encourage natural screening of the development, it is considered that the proposal is acceptable under the provisions of Local Plan Policy DP8.

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 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.
- 19.4 The phase 1 habitat survey and protected species assessment has been submitted which concludes that overall the habitats on site are of low ecological value. The ecological value of the site is largely concentrated within the hedgerow which therefore should be conditioned to be retained.
- 19.5 The buildings were found to have negligible potential for supporting roosting bats and therefore no further survey work is required.
- 19.6 The Ecology survey recommends Ecological Enhancement measurement in measures such as bird and bat boxes and therefore these measures would be conditioned.

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.

- 20.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 20.3 SP32 and SP33 set out the requirements of open space provision across the Borough.
- 20.4 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.
- 20.5 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document.
- 20.6 The application does not provide any onsite provision of open space and therefore an offsite contribution will be provided for £10,500.

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. In addition, the policy describes how proposals for education facilities will be assessed. Applications will be required to demonstrate that the location is accessible for the need for which it is intended to meet.
- 21.2 This development falls within the catchments of Grange Community School, Kingfisher Academy and Paget High School.
- 21.3 The development is scheduled to provide 14 dwellings. A development of this size could add 1 Infant School aged pupil, 2 Junior School aged pupils and 2 High School aged pupils and all schools are projected to be full for the foreseeable future.
- 21.4 Therefore Staffordshire County Council Highways request a contribution towards Infant School provision, Junior School provision and Secondary provision:
- 1 Infant School place (1 x £11,031 = £11,031), 2 Junior School places (2 x £11,031 = £22,062) and 2 High School places (2 x £16,622 = £33,244). This gives a total request of £66,337.

22. Section 106 Contributions

- 22.1 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.

22.2 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.

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

| Item | Planning Obligation | Cost (where applicable) |
|--------------------|---|-------------------------|
| Education | Primary, secondary and sixth form provision 1 Infant School place (1 x £11,031 = £11,031), 2 Junior School places (2 x £11,031 = £22,062) and 2 High School places (2 x £16,622 = £33,244) | £66,337 |
| Refuse Containers | Contribution to provide refuse storage containers at £75 per dwelling | 1,050 |
| Open space | A 14 home development would require an off site contribution of £10,500 | 10,500 |
| Affordable Housing | 25% Onsite or combination of onsite provision and offsite financial contribution | |
| National Forest | The site is over 0.5 ha contribution to be confirmed | |

23. Conclusions

23.1 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.

23.2 It is acknowledged that the development is well-located in terms of access to services by non car modes and is 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 development is in keeping with the locality.

23.3 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.

23.4 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.

23.5 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 Horninglow and Eton Neighbourhood Plan.

23.6 **RECOMMENDATION**

PERMIT subject to a Section 106 agreement for the contributions set out in paragraph 22 and subject to the following conditions –

- Standard time limit for the commencement of the development.0000001a
- Time limit for submission of Reserved Matters 00001b.
- Compliance with the approved plans (subject to other conditions).00002
- approval of all external materials (including colours)
- Submission and approval of a surface water and foul water drainage scheme and implementation of such (with SUDS being required where ground conditions allow).00005a
- Submission of a scheme for a filter bed or raised buffer across the site entrance –bespoke condition
- Submission of full landscaping and boundary treatment including details of tree protection measures for retained trees on the boundary, the planting of native trees and the provision of boundary treatment along that part of the side boundary. 00003b
- Implementation of the approved landscaping scheme.00003b
- Submission and approval of a scheme regarding sustainable construction and energy efficiency and compliance with such. Bespoke Condition
- Completion and retention of the approved boundary treatment scheme.00003d
- 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.00004a
- Submission and approval of slab levels 00016b
- Construction Management Plan including construction hours 00016g
- Implementation of Ecological Enhancement Measures 00016l.
- Compliance with the FRA
- Compliance with the tree survey

- Compliance with the Ecology survey
- All rooflights to fit flush with the roof slope in which they are set and have black frames.000006i
- All windows and external doors to be set back from outer face of wall by 50mm 00006b

Removal of PD rights for future extensions, outbuildings, external alterations including any new windows and rooflights, boundary treatment for amenity and visual reasons.00012a

Informatives

1. Engagement informative
2. Submission of materials
The applicant should be advised that the distance of proposed rear gardens should in excess of 8m.

24. Background papers

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

- The Local and Neighbourhood Plan and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference P/2016/00980

25. Human Rights Act 1998

25.1 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.

26. Crime and Disorder Implications

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

27. Equalities Act 2010

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

For further information contact: Charlotte El Hakiem
Telephone Number: 01283 508729
Email: charlotte.elhakiem@eaststaffsbc.gov.uk