

Agenda Item:	5.3
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Site:	Adjacent, 89 Rosliston Road, Stapenhill, Burton Upon Trent, Staffordshire, DE15 9RG
Proposal:	Demolition of existing outbuildings and erection of 25 Affordable Homes comprising 5 pairs of semi-detached dwellings, 11 terraced dwellings and a detached building comprising 4 flats and construction of vehicular acces

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/2016/00392	
Planning Officer:	Charlotte El Hakiem	
Type of Application:	Detailed Planning Application	
Applicant:	Orbit Homes	
Ward:	Stapenhill	
Ward Member (s):	Councillor A Legg Councillor C B Jones Councillor Michael Fitzpatrick	
Date Registered:	01 April 2016	
Date Expires:	01 July 2016	

1. Executive Summary

- 1.1 The proposal is a full application for the demolition of existing buildings to facilitate the erection of 25 affordable dwellings including vehicular access.
- 1.2 The proposed development is situated in the Stapenhill ward of Burton upon Trent which is characterised in the immediate area by high density residential development in the form of terrace dwellings and a mixture of semi-detached and detached properties. There is also a medical centre adjacent to the site.

and Brakenwood Road. The site is vacant apart from some redundant storage buildings.

- 2.2 The site's lawful use was car sales and was previously used as a service station with a forecourt which was used for selling fuel. As such vehicle access to the site from Rosliston Road can be gained in two locations (typical of a service station forecourt) with the principal access being positioned in the centre of the site.
- 2.3 At the front of the site, adjacent to the principal vehicle access, are two existing residential buildings which are to be retained and which will be largely unaffected by the new development. One is a single storey bungalow which appears to have been constructed in the last 30 years and the other is a large, two storey, bay fronted building constructed around the turn of the 19th century.
- 2.4 Adjacent to these buildings are a number of existing vehicle workshops constructed in the 20th century which have a tired appearance and which are to be demolished as part of this application.
- 2.5 To the rear of the site is an open area of grassland which is overgrown in some locations and is understood to have been unused for some time.
- 2.6 The site is surrounded on three sides by residential properties, with a medical centre on the north eastern boundary.

3. Planning history

- 3.1 No relevant history

4. The proposal

- 4.1 The proposal seeks detailed planning consent for 25 dwellings, including access, affordable housing, landscaping. The application is made by Orbit homes, who are a registered affordable homes provider.
- 4.2 The submitted layout and supporting drawings indicate the following land uses:
 - 25 affordable units
 - A mixture of house sizes including 1, 2 and 3 bedrooms
 - Vehicular and pedestrian access points from Rosliston Road
- 4.3 A summary of the main uses of the proposal is as follows:
 - Residential units will be all be two storey
 - 5 pairs of semi detached dwellings
 - 11 terrace dwellings
 - 4 apartments
 - 15 no. affordable rented units and 10 no. shared ownership units.
 - Parking for 43 cars can be accommodated equating to an average of 1.5 spaces per property.
 - The mix comprises of 4 one bed, 15 two bed and 6 3 bed properties.

List of supporting documentation

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

P-2016_00392_1B2P Flat Elevations.pdf

P-2016_00392_Design and Access Statement.pdf

P-2016_00392_Ecological Appraisal.pdf

P-2016_00392_Impermeable Area Plan.pdf

P-2016_00392_Phase II Site Appraisal Report.pdf

P-2016_00392_Proposed Levels.pdf

P-2016_00392_Streetscenes.pdf

P_2016_00392 AMENDED Proposed Site Plan RECEIVED 24.01.17 (3298-05F).pdf

P_2016_00392_1B2P Flats.pdf

P_2016_00392_2B4P Rear Kitchen Diner.pdf

P_2016_00392_2B4P.pdf

P_2016_00392_3B5P.pdf

P_2016_00392_Application Form.pdf

P_2016_00392_Boundary Treatments.pdf

P_2016_00392_Existing Site Plan.pdf

P_2016_00392_Final Gas Risk Assessment.pdf

P_2016_00392_Location Plan.pdf

P_2016_00392_Phase I Site Appraisal Report.pdf

P_2016_00392_Planning and Sustainability Statement.pdf

P_2016_00392_Proposed Site Plan.pdf

P_2016_00392_Russells Lothian Roof Tile Spec.pdf

P_2016_00392_Strategic Drainage Plan.pdf

P_2016_00392_Topographical Survey.pdf

P_2016_00392_Track Refuse Vehicle.pdf

P_2016_00392_Tree Constraints Plan.pdf

P_2016_00392_Tree Protection Plan.pdf

4.5 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	<p>Stapenhill Parish Council wish to make comments where we feel the application varies from our policies in our Neighbourhood Plan as follows:-</p> <p>1. <i>Neighbourhood Plan Policy SH3. We would argue that the proposed scheme is not in keeping with the surrounding vernacular of Stapenhill. We would have liked the application to take a stronger design cue from buildings such as no. 89 Rosliston Road (the property on whose land this development lies). Although the property in the area is mixed, it does contain some strong design features, particularly on dwellings on Rosliston Road.</i></p> <p>2. <i>Neighbourhood Plan Policy SH4. Under this policy the site was identified as having potential for a mixed use development, particularly the inclusion of community facilities. As the proposal only provides residential units, the policy requires the applicants to demonstrate why a mixed use cannot be achieved.</i></p> <p>3. <i>Neighbourhood Plan Policy SC4. This Policy seeks an enhancement of green infrastructure across the parish. The development removes trees and only replaces them minimally. We would argue that the scheme could do much more to implement an attractive landscape plan, including planting of trees and planting plans for the verges and incidental areas of green space.</i></p> <p>4. <i>Neighbourhood Plan Policy SL1. We would argue that the proposed scheme could offer a higher quality of materials, which fit in better with the locality.</i></p> <p><i>The Parish are concerned at the high number of properties on the development, and also that there are no recreation facilities at all on a family development of 25 homes.</i></p> <p><i>The Parish Council are in desperate need of funding for</i></p>

		<p><i>playground improvements, as the area has not had any for some 20+years. The East Staffordshire Borough Council have over the years put financial support into many other areas in this regard, particularly evident to residents here are the Winshill and Branston areas where playgrounds are bang up to date. Policies have changed at the Borough Council meaning that the Parish, with the support of the Neighbourhood Team now have to raise funds themselves, and from charitable organisations to be able to update play equipment. The Parish would respectfully ask the developer for £10,000 to part fund the improvement of Heath Road Recreation Park as part of the application, since they are avoiding paying Section 106 payment in this regard.</i></p> <p><i>The Parish has concerns on the entrance/exit onto Rosliston Road. This is already an extremely busy road, a route to school, and the junctions onto this road already have a high incidence of accidents.</i></p>
5.3	SCC Highways	No objection subject to conditions
5.4	SCC Education	No objection subject to conditions
5.5	Severn Trent Water	No objection subject to conditions
5.6	Natural England	No response received
5.7	Staffordshire Wildlife Trust	No response received
5.8	Architectural Liaison Officer	No objections

Internal Consultees		Response
5.9	Environmental Health	No objections subject to conditions
5.10	Open Spaces	No response received

6. Neighbour responses

6.1 6 number were received. The issues raised are summarised below

Neighbour responses	
Principle	<ul style="list-style-type: none"> Overdevelopment
Impacts on Amenity	<ul style="list-style-type: none"> Two storey adjacent to single storey is not acceptable. Garden overshadowed by flats

	<ul style="list-style-type: none"> • Loss of privacy • Overlooking • Poor visual outlook • The flats should not be part of the application. • Impact on sunlight on garden, the development will cause shadow on my garden.
Highways Impacts	<ul style="list-style-type: none"> • Concerns over congestion • The access is dangerous, particularly vehicles egressing.
Character and appearance	<ul style="list-style-type: none"> • Will not fit in with form and character of the area. • Density too high for the site and then the issues such as overlooking • The gardens area cramped and not large enough
Ecology	<ul style="list-style-type: none"> • Loss of habitat • There is a lot wildlife
Miscellaneous	<ul style="list-style-type: none"> • Nothing is being contributed towards local resources • Removal of asbestos in the roofing material of the outbuildings. • Loss of employment of a business that has been in existence for more than 30 years. • Will there be adequate retaining walls on our boundary. • Impact on services in the area, in particular school places. • Doesn't meet health policies • Its just a cash machine for the developer • It will have a negative impact on surrounding values. • We don't want our drive and fence moving when the bank is removed. • Concerns over safety of our rear gardens. I would like to see metal security fencing as a boundary.
Ward Member	<p>I have to be honest and state that I don't see any difference in the revised plans. I know that some neighbours have concerns and some have expressed concern that the application might not go before the planning committee.</p> <p>I would still suggest that in view of neighbours' concerns and the size of this application, it might be more palatable to the residents if they saw the application go before the planning committee. Also. Neighbours would then have the opportunity to speak at committee, something they would not get otherwise.</p>

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

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

'Made' Neighbourhood Plans

Stapenhill

- SH1- Housing for all
- SH3 -High Quality Design
- SH4- Mixed use and other uses
- ST2- Parking and servicing
- SC4- Nature Conservation
- SL1- Streets and Spaces

8. Principle of Development

- 8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 8.2 Paragraph 14 of the NPPF states that for decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- 8.3 Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

9. 5 Year land Supply

- 9.1 The most recent calculation uses figures as at 30th September 2016 and concludes there is 5.55 years of supply. Therefore the policies in the plan can be considered up to date.

10. Local Plan

- 10.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.
- 10.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:
- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
 - it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
 - retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
 - re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting

- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- would result in the removal of contamination and other environmental problems associated with the site.
- The proposal meets these principles and the detail is set out in later sections of this report.

10.3 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton upon Trent is identified as a main settlement to take housing development mostly in the form of sustainable urban extensions topped up with a development requirement associated with windfalls. Windfalls are unknown development sites which come forwards during the plan period such as this proposal. The site lies within the settlement boundary as set out in the adopted East Staffordshire Local Plan, is defined as previously developed land and as such is appropriate for development and will contribute to the development requirement set out in Policy SP4.

10.4 The site is located within Stapenhill ward and is within walking distance to primary, junior and secondary schools and local shops and public houses on Rosliston Road which is also a bus route. The location of the site is considered to be sustainable and the principle of developing this site for housing in accordance with SP4 is appropriate in this context.

10.5 With regard to the compliance with the Stapenhill Neighbourhood Plan, SH1 supports the delivery of smaller residential dwellings, in particular two bedrooms or less, that are suitable for families, first time buyers or elderly. The policy states that affordable housing should accord with the local plan and Registered Social Landlord accommodation will be supported to improve the quality and quantity of social housing. The application would meet the principle of this policy.

- 10.6 Policy SH4 of the neighbourhood plan supports developments of over 10 dwellings on the application site. However the policy seeks the incorporation of community facilities and mixed use facilities. Mixed use in the sense of a mixed tenure of properties. The application proposes some shared ownership and some affordable rented properties. The application does not propose any onsite community facilities or any contributions towards the community. The acceptability of this will be discussed later in the report.
- 10.7 The site was previously used as a commercial garage. It is not considered unacceptable that there would be a loss of this commercial use in this area. The area is mixed in terms of uses such as residential, commercial, health and retail, and the introduction of residential development on this site would meet the criteria of Local Plan Policies SP1, SP2 and SP4.

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

- 11.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 11.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policies list 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 complement its surroundings.
- 11.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
 - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
 - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;

- (d) Repetitive house types should be avoided;
- (e) The cramming together of large numbers of detached properties should be avoided.
- (f) High proportions of frontage car parking will not be acceptable.

11.6 Detailed Policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.

11.7 The application has been submitted in full. The application includes details of access, layout, appearance, scale and landscaping for consideration. A block plan and street scenes showing details of the points of access, the position of buildings, pedestrian walkway, circulation routes and parking for the proposed buildings have been submitted along with plans and elevations of each house type.

11.8 The site is located in a part of Stapenhill which is traditionally characterised by a mixture of land uses. The surrounding area is a mixed character of commercial and residential, including the adjacent medical centre. The prevailing character is of terrace properties with a mixture of semi detached and detached bungalows and two storey dwellings.

11.9 The design of the development has been prepared based on grain, density and layout. The layout shows a relatively high density of development (which is considered appropriate in this more urban context). The layout shows the Rosliston Road frontage consisting of two pairs of semi detached dwellings located on the highway, reflective of the established built context. The site also proposes another 3 pairs of semi detached dwellings, three blocks of terrace dwellings and one apartment block, comprising 4 apartments. The proposed scale of development is two storey, in keeping with the general scale of the existing neighbourhood.

11.10 The Design and Access Statement promotes the use of clear and legible development blocks. Dwellings have been grouped as semi-detached houses or as terraces of four to create a repetition in the stepping of the finished floor levels and to generate a certain level of elevational consistency. Interest in the street scene is generated by the different dwelling types, each with slightly different window arrangements and by the introduction of a variety of porch types. Relief in the elevation is also gained by stepping some of the units forward.

11.11 The design and layout of the application has evolved considerably during the lifetime of the application. The Local Planning Authority has negotiated changes to the layout to reduce the car dominance of the scheme in the way that parking was arranged, particularly at the southern western end of the site. Whilst there is a run of parking spaces in a row on the north side of the site, it is considered with the variation and stepping in of buildings on the opposite side of the site, plus the addition of a planting area and some trees, this will help to soften views into the site. Generally parking is provided immediately in front of properties some of it private, some public, and there is surveillance of parking for each property.

- 11.12 The architecture draws upon the concept of the terrace which is simple, repetitive expression - gables, bay windows, chimneys, gabled porches and recessed dormers. It is considered that the design of the dwellings, whilst simplistic, fits with the local vernacular and therefore complies with the provisions of Local Plan Policy SP24, DP1 and DP3.
- 11.13 Boundary treatment on individual plots consists of either walling or traditional closely boarded fencing. There are existing boundary treatments but these would be conditioned to be replaced with new 1.8m fencing to provide security and prevent issues of amenity with nearby properties.
- 11.14 SH3 of the neighbourhood Plan seeks high quality design for buildings and spaces. Applications should respond to site context in terms of scale, mass and density. Stapenhill Parish Council consider the development not in keeping with the surrounding vernacular of Stapenhill. They state that the application should take a stronger design cue from buildings such as no. 89 Rosliston Road. It is considered that the surrounding area is quite mixed in style and character and therefore the proposal is not undesirable in design terms.

12. Residential Amenity

- 12.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seek 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 site is located within an urban area which would see considerable change from employment to residential use. The site is surrounded by traditional, original terraced properties and more modern housing. The proposal is equally dense and with existing housing located on three sides. The relationship between the proposal and existing housing is difficult in places.
- 12.3 The northern side of the site adjoins a boundary with a medical centre. This relationship is acceptable subject to the provision of a suitable boundary treatment. Plots 20 and 21 however neighbour the existing dwellings (within the blue line) and the existing terraces fronting Rosliston Road. The rear windows of these plots are approximately 10m from the boundary. Due to the length of the adjacent gardens it is not considered that there would be any significant adverse impact on the amenity of the occupiers of these properties.
- 12.4 Concerns have been raised by neighbours on the opposite side of the site who would be situated side on to plots 1, 5 and the apartment block. All of these existing properties have principal windows in the gable end which look out over the site. Following assessment of these windows applying the 25 degree rule it is considered that whilst the outlook would be different, there would not be any significant adverse impact on light to these properties.
- 12.5 Concern has also been raised with the potential overlooking from plots 8 and 9 into the rear garden and private amenity space of no.9 Brakenwood Road. There is a distance of approximately 9.5m between the rear windows of the plots 8 and 9 and the boundary. These concerns have been expressed to

the applicant and the LPA are awaiting details of any potential mitigation. This will be reported to members as an update.

- 12.6 The other relationship issue worthy of note is to the properties backing onto the site on Ridgeway Road. These properties are in a more elevated position to the site and their gardens level out to the top end of the site. A sectional plan has been submitted by the applicant to show the difference in levels. It is concluded that there would not be any significant adverse impact on the amenity of these properties. There are no side windows overlooking the properties and the roof of plots 8 and 9 has been hipped to slope away from the gardens.
- 12.7 Unfortunately whilst greater distances would be preferred by officers the viability of the site prevents fewer houses being built. Mitigation in the form of a high quality landscaping scheme has been offered by the applicant instead. The Borough Council's Design SPD sets out in paragraph 2.9 separation distances required. It concludes that there are no set standards specified in terms of separation distances between buildings. The performance of development will be considered in terms of its acceptability in design terms with regard to overlooking.
- 12.8 On balance the proposed layout shows each new house is sufficiently distant or landscaped from both existing residential properties and proposed residential properties to avoid causing them an unacceptable loss of light or privacy. The scheme is therefore compliant with the provisions of Local Plan Policies DP1 and DP3.
- 12.9 Garden lengths are approximately between 8m and 10m. The recently consented Webb Ivory application on Queen Street, Burton Upon Trent had similar garden sizes. Sheds and outdoor storage can be provided given PD rights for householders. Whilst this ensures outside storage of items such as those for garden maintenance and bicycles, which is supported, it reduces the size of the garden. Should permitted development be implemented for any properties this could compromise the use of the garden space and also impact on the amenity of other properties. Therefore it is appropriate to remove permitted development rights for all dwellings on site. The removal of permitted development rights for these properties will ensure amenity is protected. This does not prevent the occupiers from having garden storage or indeed bicycle storage but it gives the LPA control over the size and quantity of structures and extensions.
- 12.10 The proposed layout shows that 25 dwellings can be accommodated on the site without compromising the reasonable amenities of their future occupiers, and allowing for sufficient outdoor private amenity space. The proposed development integrates satisfactorily with the adjoining built form, again complying with the provisions of Local Plan Policy DP1 and DP3.
- 12.11 It is not considered that the development of the site by the erection of 25 dwellings would materially increase noise and disturbance through either general activity or comings and goings compared to that associated with the current commercial uses. There will be noise and disturbance during the demolition phase however this can be controlled via a suitably worded condition as advocated by the response from Environmental Health officers.

13. Sustainability (energy efficiency and low carbon)

13.1 The Climate Change Act 2008 sets legally binding targets to reduce the UK's greenhouse gas emissions by at least 80% by 2050 and sets carbon budgets on the pathway to this target. The Council supports the local generation of energy from renewable or low carbon sources in order to meet the UK targets. It is aware that some technologies can have a higher impact on their surrounding environment than others. However, over the time period of this Plan it is clear that existing technologies will develop, new technologies may emerge, and the ability of installations to integrate into their surroundings, or into the built development they serve may change. Strategic policy 28 is therefore flexible to changing circumstances, whilst protecting interests of acknowledged importance such as residential amenity, nature conservation and landscapes of high value.

13.2 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;

13.3 The proposed dwellings will be constructed using modern and efficient methods resulting in buildings that are well insulated and energy efficient. Whilst there is no specific design for solar gain or other such highly sustainable design techniques it is considered that the proposed dwellings will be much more energy efficient than those in the vicinity and will not result in a significant increased carbon footprint. The proposals incorporate sustainable energy efficient techniques and accords with policy.

14. Highway Matters

- 14.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 14.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 14.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 14.4 The application proposes to use the existing access to the site. The application site's last lawful use was a car garage and sales.
- 14.5 The proposal has been judged against its lawful use as a car garage and the likely traffic generated from this type of use. The use of 25 dwellings will intensify the use of the site, however the Highway Authority has no objections to the proposal including the properties fronting Rosliston Road.
- 14.6 The site is on a principal bus route and is well located to the services provided in the local area, such as retail and recreational use.
- 14.7 Cycle parking is provided for all dwellings through access to back gardens
- 14.8 Significant negotiation has taken place since the application was submitted in order for the applicant to demonstrate how the parking standards required by the Neighbourhood Policy can be met.
- 14.9 Neighbourhood Plan policies (those relating to parking)
- 14.10 Policy ST2 requires 1 space per 2 bed dwelling, and 2 spaces per 3 bedroom dwelling.
- 14.11 In accordance with the parking policy the development needs to provide 43 spaces and 43 are provided. Therefore the proposal accords with the neighbourhood plan and the Council's supplementary planning document on Parking standards. The majority of parking is at the front of properties or in parking bays around the development blocks. Consideration has been

given to provision of vistas within the development and the framing of views to the site.

- 14.12 It is considered once again, owing to the density of the scheme, technically the proposal can meet the criteria in the Council's parking SPD and the provisions of Neighbourhood Plan ST2.

Historic Environment

- 14.13 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 14.14 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.
- 14.15 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.
- 14.16 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 14.17 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 14.18 The proposal site is not located in a Conservation Area nor does it involve the alteration or demolition of a Listed Building. The nearest Listed Building is on Main Street which is 940m from the centre of the proposal site. There is no inter-visibility between the two locations and the intervening development comprises a mix of residential properties and garden land, employment areas and highways. The nearest Conservation Area is the

Washlands which is approximately 1000 metres from the centre of the proposal site and again there is no inter-visibility between the two locations.

- 14.19 Given these separation distances and the form of existing built development, it is considered that the proposal would not have an impact on views into, or those out of the conservation area nor would any Listed Building or the setting of any heritage asset be affected. Therefore there is no impact from the proposal on any conservation area or listed building and the statutory duties under Sections 66 and 72 listed above are not engaged.

15. Flood Risk and Drainage

- 15.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 15.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 15.3 The Flood Risk Assessment Level 2 which was submitted with the application states that the site lies entirely within Flood Zone 1 where the annual probability of flooding is 0.1% or less. Therefore the risk of flooding from fluvial sources is considered to be negligible. The site is at low to medium risk from pluvial flooding. There is potential for groundwater flooding to occur at the surface. However, groundwater flood risk is difficult to quantify but is often slow in its response and therefore not considered to be a significant risk. The proposed development will have ground levels set to reflect the surrounding ground levels at the site boundaries. This will avoid any localised low points within the site. Measures are suggested to mitigate any increased risk from surface water runoff including attenuation storage, surface water discharge via land drains and avoidance of topographical low points for the layout of housing. Surface water storage tanks are proposed. This is acceptable to the Lead Local Flood Authority. With regard to foul drainage, Severn Trent Water has confirmed that they have no objections.
- 15.4 The proposal accords with policy and any impact arising from the development of the scheme can be mitigated.

16. Affordable Housing and Housing Mix

- 16.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17

along with the guidance set out in the Housing Choice SPD respond to this requirement.

16.2 Strategic Policy 16 states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence.

16.3 The Housing Choice SPD expects the following housing mix:

	Burton			Uttoxeter	Strategic Villages
1-bedroom homes (flats, houses or bungalows)	3%			3%	2%
2-bedroom homes (flats, houses or bungalows)	2%			20%	20%
	Branston	Angelsey	Brizlincote		
	Burton	Horninglow	Stapenhill		
	Eton Park	Shobnall	Winshill		
	Outwoods	Stretton			
Housing for Older People**	11%	20%	50%	10%	35%
2-bedroom houses	14%	13%	8%	8%	6%
3-bedroom houses	32%	29%	17%	30%	23%
4-bedroom houses	26%	23%	14%	20%	10%
5-bedroom houses	11%	10%	6%	9%	4%

16.4 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(3) 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.

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

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

16.6 This site provides 100% affordable provision.

16.7 The dwellings on site include 4 x 1 bed, 15 x 2 bed and 6 x 3 bedroom properties. It is notable that 4 and 5 bed houses are not being delivered and that these types of houses are required in Stapenhill. It is felt that larger properties in this location would not be appropriate.

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

16.9 A viability assessment has been submitted with the application which has been independently assessed by the District Valuer. The assessment by the District Valuer demonstrates that the site cannot support any contributions, other than the on-site affordable housing.

17. Green Infrastructure and National Forest

17.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration in planning decisions where relevant.

17.2 Strategic Policy 26 supports the National Forest Strategy and expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines. Due to scheme viability an offsite contribution is not sought. It is considered that this loss of contribution is not sufficient to warrant refusal of the application.

17.3 The proposals will introduce to the site heavy standard tree planting (not whips) in front of properties and in and around the parking areas. These will soften the urban form and create interest in the street scene. The trees proposed to line the streets will be conditioned to be larger set trees to provide coverage to the area within a shorter time period. It is considered that the landscaping details are in accordance with the requirements of local and national planning policy. The introduction of this green infrastructure is a benefit when considering the current employment use and appearance of the site.

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 that development should retain features of biological interest that 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 is accompanied by an extended Phase 1 Habitat assessment which included a daytime bat inspection. The Survey concludes that there are no statutory or non-statutory designated sites within the survey area or immediately adjacent to it. Therefore impacts to designated sites are considered unlikely and no specific mitigation will be required. Habitats within the survey area were considered to be of low conservation concern, as the majority of the site was occupied by hardstanding and a large warehouse building. Ecological impacts on habitats in relation to the proposed residential development are considered unlikely. There was no evidence of active bird nests, however given that there is some potential for nesting, vegetation removal should be undertaken outside of the bird nesting season (March to August inclusive). If any nests are found during the build, for example attached to building canopies, the nests must remain unaffected until all chicks have fledged. The whole site was assessed and was considered to be of negligible potential for roosting bats. No further survey work or mitigation will be required. No other notable species are likely to be impacted upon. The report recommends good practice ecological enhancement measures and that the application is carried in accordance with the submitted ecology survey. The proposals would therefore accord with Local Plan Policy SP29.

19. Open space

- 19.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 19.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 19.3 SP32 and SP33 set out the requirements of open space provision across the Borough.

- 19.4 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.
- 19.5 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document.
- 19.6 Neighbourhood Plan Policy SC4 seeks an enhancement of green infrastructure across the parish. The parish council has raised concerns that the development removes trees and only replaces them minimally.
- 19.7 The Parish are concerned at the high number of properties on the development, and also that there are no recreation facilities at all on a family development of 25 homes. There is no off site contribution towards open spaces or onsite provision.
- 19.8 Following receipt of the independent review of the viability assessment contributions towards improving accessibility to open spaces is now not achievable. Given there were no specific open spaces referred to by the Open Spaces Manager for improvement or proposals for how accessibility would be improved to nearby open spaces it is considered that this loss of contribution is not sufficient to warrant refusal of the application.

20. Education

- 20.1 There is a need for education facility provision in East Staffordshire, particularly at Burton Upon Trent. The need is for both primary and secondary education. Strategic Policy 10 identifies areas where new schools will be expected in Uttoxeter and Burton Upon Trent. 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.
- 20.2 Staffordshire County Council has assessed the proposal against existing school infrastructure. A contribution is sought by Staffordshire County Council to enable planned development at local schools and delivery of new schools.
- 20.3 Following receipt of the independent review of the viability assessment, contributions towards education are now not achievable. Dialogue with Staffordshire County Council confirmed that whilst a contribution is sought it is ultimately the decision of the Local Planning Authority whether to require a S106. There are known education infrastructure issues in Burton upon Trent. It is therefore necessary to consider whether the benefits of the proposal outweigh the absence of the financial contributions sought.

21. Section 106 Contributions

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

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

21.2 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.

21.3 The following contributions would normally be sought. These contributions are set out below:

Item	Planning Obligation	Cost (where applicable)
Education	Primary, secondary and sixth form provision Violet Way and Edge Hill	Infant/Junior School places (4 x £11,031 = £44,124) 2 High School places (2 x £16,622 = £33,244). £77,368.
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling	2100
Affordable Housing	40% affordable housing	100% on site
National Forest		On site landscaping
Others		

21.4 The Parish Council also seek funding for playground improvements, as the area has not had any for some 20+years. The Parish request the developer for £10,000 to part fund the improvement of Heath Road Recreation Park as part of the application under SH4 of the neighbourhood plan.

21.5 Further to the independent review by the District Valuer of the applicant's viability assessment it concluded that there is no viability in the scheme to financially support any of the aforementioned contributions other than the site providing 100% affordable housing. In assessing the scheme regard has been given to the benefits of a brownfield site being re developed providing affordable housing in an area with identified need. It is recognised

that there are no other financial benefits of the scheme in terms of contributions but it is considered that the benefits outweigh any harm of no contributions

22. Conclusions

- 22.1 The application site constitutes previously developed land within the Burton upon Trent settlement boundary. Although the application would see the loss of an existing employment use, the principle of residential development is considered appropriate.
- 22.2 The proposal provides a mix of houses and flats which meets the aspirations of the parish council and Neighbourhood Plan Policy SH1.
- 22.3 The proposal is sufficiently high quality design and would appropriately fit in with the local vernacular of the area. Conditions are recommended to secure appropriate materials. It is considered that the application therefore complies with Neighbourhood Plan Policies SL1 and SH3.
- 22.4 Neighbourhood Plan Policy SH4 seeks mixed use development, particularly the inclusion of community facilities. The application has been assessed against the Stapenhill Neighbourhood Plan; the site does not provide any contribution to recreational facilities either on site or off site which the neighbourhood plan aspires to achieve. The proposal there does not meet the intentions of this policy.
- 22.5 Neighbourhood Plan Policy SC4 seeks an enhancement of green infrastructure across the parish. The Parish are concerned at the high number of properties on the development, and also that there are no recreation facilities at all on a family development of 25 homes. Due to the high intensity of the scheme, the application does not provide any open space. It does have an ecology report which details the biodiversity enhancement methods that would be implemented. It is considered that this work would suitably meet the requirements of Neighbourhood Plan Policy SC4
- 22.6 Whilst the aspirations of the neighbourhood plan are recognised, it falls to members to balance out the benefits and any harm from the scheme. The proposed development offers affordable housing in an area with an identified need on a brownfield site in a sustainable location. It is therefore considered that there is therefore a strong presumption in favour of the proposed development and the application is in compliance with the development plan.
- 22.7 The proposal is a design which demonstrates that the development will fit acceptably into the context of adjoining built form by way of its siting, scale, massing and design and accords with the Borough Council's own design SPD. The proposed layout shows that separation distances between existing and proposed dwellings have challenges in a few locations set out in section 12. In the majority of cases smaller separation distances are between the gable ends of properties and existing dwellings. Where relationships are back to back screening mitigation is proposed with trees. The assessment of the impact of the separation distances on existing and future properties is that it is not significant in terms of the detrimental impact on the reasonable amenities of neighbouring properties and when balanced against the

benefits of bringing forward this site into residential use should be weighed in the balance. The Highway Authority has confirmed that there are no issues in relation to highway safety.

- 22.8 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 listed above are not engaged.
- 22.9 Whilst the scheme will undoubtedly change the character and appearance of the area, the benefits of the proposal including the provision of housing, including on site affordable, alongside the economic benefits associated with new development weigh heavily in support of the application. Whilst no contributions, other than the affordable houses, can be supported by the scheme due to the limited viability, it is still considered that the balance of the site being redeveloped and providing affordable housing outweighs any specific concerns that are raised in relation to the proposal. The proposal is therefore considered to accord with policies in the East Staffordshire Local Plan, the National Planning Policy Framework, and all other supplementary planning guidance.
- 22.10 It is considered that the proposed layout for the erection of 25 dwellings will not unacceptably affect the character or appearance of its surroundings, the amenities enjoyed by the occupiers of nearby dwellings, the safe or efficient use of the highway network or protected species and their habitat. On balance it is therefore considered that the proposal constitutes sustainable development which accords with Policies SP1, SP24, SP35, DP1, DP2 and DP3 of the East Staffordshire Local Plan, the National Planning Policy Framework and the East Staffordshire Design Guide.

22.11 **RECOMMENDATION**

PERMIT subject to the following conditions and the completion of a Section 106 agreement requiring 100% on site affordable housing:

1. Time limit for commencement (3 years) 0000001a
2. Submission and approval of samples and details of materials of construction 00002F
3. Submission and approval of drainage details 00005a
4. Submission and approval of the details relating to contaminated land as set out in the response from Environmental Health 00010a
5. Imported soils condition 00010c
6. Ground gases condition Bespoke
7. Submission and approval of finished floor levels 00016b
8. Submission and approval of details of highway construction 00004b
9. Submission and approval of a construction management plan including assessment of noise during construction and implementation of recommended mitigation measures 00016g
10. Submission and approval of details of remediation of contamination including verification. 000010c
11. Submission of landscaping scheme 00003a
12. Formation of access, parking and turning areas prior to first

- occupation0004a
13. Implementation of landscaping00003b
 14. Implementation of fencing and walling00003d
 15. Development to be carried out in accordance with mitigation measures set out in ecology appraisal (bespoke)
 16. Development to accord with the recommendations of the FRA (bespoke)
 17. Conditions recommended by the Contaminated Land Officer
 18. Removal of PD rights for all plots 00012a
 19. 10% of all new housing providing ground floor accommodation must meet Building Regulation M3(2)
 20. Heavy set trees on site (bespoke)
 21. Vegetation removal outside of the bird breeding season. An inspection of buildings undertaken to check for active nests prior to their demolition – nests must remain unaffected until chicks have fledged. (bespoke)
 22. Provision of refuse containers (bespoke)

Informatives

1. Standard engagement informative.
2. The applicant is advised to note and act upon as necessary the attached comments of the Police Architectural Liaison Officer. However, where there is any conflict between the recommendations of the Architectural Liaison Officer and the terms of the planning consents the latter take precedence
3. Pre-commencement conditions standard informative
4. The applicant to meet with the Parish Council and Ward Member to deliver on site open space that meets community wishes

23. Background papers

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

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference P/2016/00391

24. Human Rights Act 1998

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

25. Crime and Disorder Implications

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

26. Equalities Act 2010

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

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