
Agenda Item:	5.3
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Site:	Former Alumasc Grundy Ltd, Hawkins Lane, Burton-on-Trent, DE14 1GY
Proposal:	Erection of 203 dwellings, comprising 87no. affordable dwellings, alterations to access, landscaping, acoustic fencing and associated works (Revised Information received)

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/2016/01847	
Planning Officer:	Charlotte El Hakiem	
Type of Application:	Detailed Planning Application	
Applicant:	Maplevale Developments Ltd	
Ward:	Burton	
Ward Member (s):	Councillor H Hall	
Date Registered:	02 February 2017	
Date Expires:	03 May 2017	

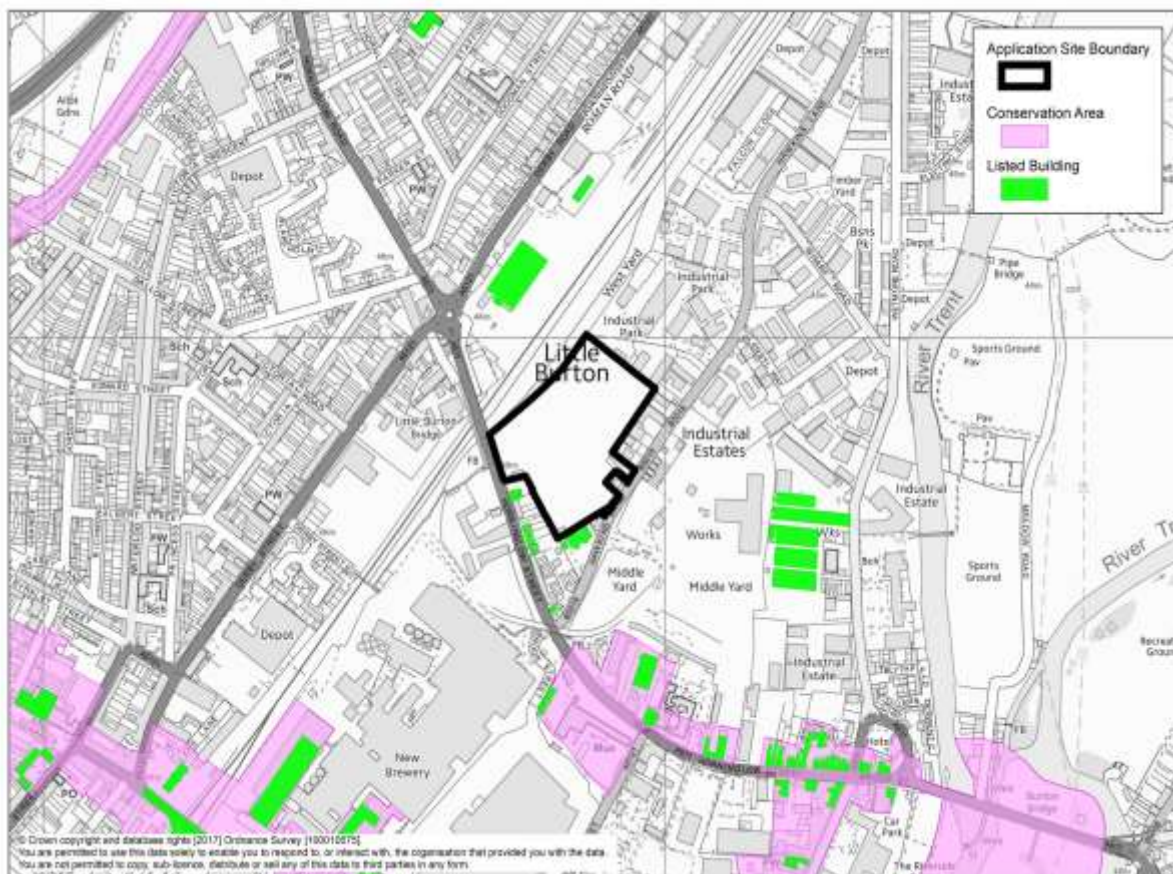
1. Executive Summary

- 1.1 The application relates to the former Alumasc Grundy Ltd site that has a previous consent for a Tesco store. The site is accessed from Hawkins Lane and is adjoined by a mixture of commercial uses and some residential properties.
- 1.2 The proposal is a full application for the erection of 203 dwellings (87 affordable units) including vehicular access, associated landscaping and community open space.
- 1.3 The proposed development is situated in the Burton Ward of Burton upon Trent which is characterised in the immediate area by warehouses and commercial

premises that have been in situ for some time and rows of residential development surrounding the site. The application site is 4.48 hectares in extent and access is proposed to be taken from Hawkins Lane.

- 1.4 Statutory consultees have raised no objections. 13 residents have been in contact with the Local Planning Authority raising concerns in relation to parking and noise issues.
- 1.5 It is considered that the development is of sufficiently high quality design within its context and complies with the Design SPD.
- 1.6 Whilst there are challenges with regard to noise from surrounding uses these are considered to be capable of being mitigated satisfactorily through the imposition of suitably worded planning conditions.
- 1.7 Subject to various Section 106 requirements and conditions the development will be acceptable in terms of the impact on the highway network, highway safety, flood risk and drainage, air quality, contamination, ecological interests and the amenity of nearby residents
- 1.8 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report**

Map of site



2. The site description

- 2.1 This brownfield site is situated to the north-west of Hawkins Lane and comprises a former railway sidings. The site is 4.48 hectares in size and is to the north of Burton Town Centre. The site has been vacant since 2003 when it was used by Alumasc for the manufacture, repair and storage of beer barrels. Prior to demolition the site accommodated a 9754 square metre building with the remainder of the site being hard standing.
- 2.2 The railway line is to the north of the site, and to the south-east and west are residential and commercial properties that front Hawkins Lane and Horninglow Street. The site is bound by a linear development of houses on Horninglow Street some of which are Grade II Listed Buildings. Within closer proximity to the site, the former Trinity School is also Grade II Listed. The remaining surrounding properties are industrial and commercial premises including Coors Brewery to the south. The site is within Flood Zone 2/3; the National Forest Boundary; and suffers from some land contamination from previous uses.
- 2.3 The site is currently accessed between residential, terraced properties known as 12 and 17 Hawkins Lane. Hawkins Lane can be accessed from Horninglow Street, Derby Road or Wharf Road.
- 2.4 Horninglow Street forms the site's western boundary and links the application site to the northern end of the town centre and the Middleyard Retail and Leisure Park. The town centre boundary is located approximately 500m away.
- 2.5 Views into the site are relatively limited as the site is bound by residential and industrial units along both Horninglow Street and Hawkins Lane. Glimpses into the site can be achieved through gaps between existing buildings. When travelling north along Horninglow Street the site is only visible from the north western corner as the road rises to cross the railway line.
- 2.6 The site benefits from an extant planning permission for the construction of a mixed use development comprising an A1 food store, petrol filling station, servicing and plant, car parking, landscaping, access works and other associated works. This was approved subject to a Section 106 Agreement in 2011 and remains extant by virtue of the fact that a lawful material commencement has occurred by way of the implementation of a section of the approved internal access road.

3. Planning history

- 3.1 OU/00229/060 Redevelopment of site for B1, B2 and B8 use, with trade sales facilities and construction of a new vehicular access- Conditionally approved 13/01/2006.
- 3.2 RM/00229/062 Reserved Matters application for the erection of a detached building to form class B1, B2 and B8 unit with associated car parking, including details of siting, design and external appearance and landscaping. Approved 13/01/2006.
- 3.3 P/2010/01312/ Formal screening opinion for the erection of 10,500 sq/m A1 food store and associated works.- No EIA required 4/11/2010

- 3.4 P/2010/01452/CEH/PO - Construction of a mixed use development comprising an A1 food store, petrol filling station, servicing and plant, car parking, landscaping, access works and other associated works – Approved 25/10/2011
- 3.5 P/2014/01452 Discharge of Condition applications and a Deed of Variation dated 24.6.12 to the original Section 106.
- 3.6 P/2014/01128 application including a full planning application for the erection of a new retail food store, retail unit and petrol filling station with associated servicing and plant equipment, hand car wash area, recycling area, landscaping, access and other associated works, and an outline planning application with all matters reserved for the erection of a restaurant with hot food takeaway with associated car parking and works –Withdrawn by Applicant.

4. The proposal

- 4.1 Erection of 203 dwellings, comprising 87 no. affordable dwellings, alterations to access, landscaping, acoustic fencing and associated works.
- 4.2 The submitted layout and supporting drawings (as revised) indicates the following land uses:
- 203 dwellings including 87 affordable units
 - A mixture of house sizes including 1, 2, 3 and 4 bedrooms
 - Vehicular and pedestrian access points from Hawkins Lane
 - Landscaping and community open space
- 4.3 The dwellings on site include housing mix details
- 4.4 A summary of the main uses of the proposal are as follows:
- Residential units will be a mix of apartments, bungalows and housing, ranging between 1 and 3 storey.
 - 43 % of the houses will be affordable units (on site provision)
 - average of two car parking spaces per property.

List of supporting documentation

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

Documents associated with Planning Application, Reference ID: P/2016/01847

P_2016_01847 ADDITIONAL Existing Noise Climate Report 11.04.17.pdf
P_2016_01847 ADDITIONAL Final Gas & Groundwater Risk Assessment RECEIVED 11.04.17(17-0313 - B16272).pdf
P_2016_01847 ADDITIONAL Transport Statement Addendum RECEIVED 10.04.17.pdf
P_2016_01847 LETTER FROM AGENTRECEIVED 09.08.17.pdf
P_2016_01847 REVISED Affordable Apartments Plots 104-109 & 118-123 Plans & Elevations RECEIVED 26.06.17(1452_81).pdf
P_2016_01847 REVISED - REPORT OF EXISTING NOISE CLIMATE RECEIVED 09.08.17.pdf
P_2016_01847 REVISED Acoustic Barrier Image RECEIVED 09.08.17 (1452_96).pdf
P_2016_01847 REVISED Affordable Apartments Plots 140-145 Elevations A and B RECEIVED 09.08.17 (1452_94A).pdf
P_2016_01847 REVISED Affordable Apartments Plots 140-145 Elevations C and D RECEIVED

09.08.17 (1452_95A).pdf
P_2016_01847 REVISED Affordable Apartments Plots 140-145 Floor Plans RECEIVED 09.08.17 (1452_93A).pdf
P_2016_01847 REVISED Affordable House type B and F Block of 3 Elevations RECEIVED 10.04.17 (1452_36B).pdf
P_2016_01847 REVISED Affordable House type B and F Block of 3 Plans RECEIVED 10.04.17 (1452_35B).pdf
P_2016_01847 REVISED Affordable House type E6 Block of 4 Elevations RECEIVED 10.04.17 (1452_79).pdf
P_2016_01847 REVISED Affordable House type E6 Block of 4 Floor Plans RECEIVED 10.04.17 (1452_78).pdf
P_2016_01847 REVISED Affordable Housetype G Block of 4 Elevations RECEIVED 09.08.17 (1452_90A).pdf
P_2016_01847 REVISED Affordable Housetype G Block of 4 Plans RECEIVED 09.08.17 (1452_89A).pdf
P_2016_01847 REVISED Affordable Housetype H Terrace Elevations RECEIVED 09.08.17 (1452_92A).pdf
P_2016_01847 REVISED Affordable Housetype H Terrace Floor Plans RECEIVED 09.08.17 (1452_91A).pdf
P_2016_01847 REVISED Affordable Housetypes B and F Pair Plans and Elevations RECEIVED 09.08.17 (1452_80).pdf
P_2016_01847 REVISED Affordable Housetypes B and F Pair Plans and Elevations RECEIVED 26.06.17 (1452_80).pdf
P_2016_01847 REVISED Apartments Plots 74-79, 102-107, 122-127 Floor Plans RECEIVED 09.08.17 (1452_86B).pdf
P_2016_01847 REVISED Apartments Plots 74-79,102-107,122-127 Elevations A&B RECEIVED 09.08.17 (1452_87B).pdf
P_2016_01847 REVISED Apartments Plots 74-79,102-107,122-127 Elevations C&D RECEIVED 09.08.17 (1452_88B).pdf
P_2016_01847 REVISED Boundary Treatments Plan RECEIVED 09.08.17 (1452_77C).pdf
P_2016_01847 REVISED Ecological Appraisal - Revision B RECEIVED 09.08.17.pdf
P_2016_01847 REVISED Health Impact Assessment_2017 07 27 rev f (4) RECEIVED 09.08.17.pdf
P_2016_01847 REVISED Noise Assessment and Acoustic Mitigation Design Statement RECEIVED 09.08.17 (17987A).pdf
P_2016_01847 REVISED Orgreave Housetype Terrace Elevations and Section RECEIVED 09.08.17 (1452_85B).pdf
P_2016_01847 REVISED Orgreave Housetype Terrace Elevations and Section RECEIVED 26.06.17 (1452_85A).pdf
P_2016_01847 REVISED Orgreave Housetype Terrace Floor Plans RECEIVED 09.08.17 (1452_84A).pdf
P_2016_01847 REVISED Orgreave Housetype Terrace Floor Plans RECEIVED 26.06.17 (1452_84).pdf
P_2016_01847 REVISED Overlay Housetype Terrace Elevations and Section RECEIVED 09.08.17 (1452_83A).pdf
P_2016_01847 REVISED Overlay Housetype Terrace Elevations and Section RECEIVED 26.06.17 (1452_83).pdf
P_2016_01847 REVISED Overlay Housetype Terrace Floor Plans RECEIVED 09.08.17 (1452_82A).pdf
P_2016_01847 REVISED Overlay Housetype Terrace Floor Plans RECEIVED 26.06.17 (1452_82).pdf
P_2016_01847 REVISED Proposed Site Layout RECEIVED 09.08.17 (1452_10Z).pdf
P_2016_01847 REVISED Proposed Site Layout RECEIVED 10.04.17 (1452_10J).pdf
P_2016_01847 REVISED Proposed Site Layout RECEIVED 26.06.17 (1452_10P).pdf
P_2016_01847 REVISED PRPOSED SITE LAYOUT RECEIVED 23.05.17 (1452_10N).pdf

P_2016_01847 REVISED Schedule of Documents 08.08.17 RECEIVED 09.08.17.pdf
P_2016_01847 REVISED Site Sections RECEIVED 09.08.17 (1452_60K).pdf
P_2016_01847 REVISED Site Sections RECEIVED 10.04.17 (1452_60B).pdf
P_2016_01847 REVISED SITE SECTIONS RECEIVED 23.05.17 (1452_60F).pdf
P_2016_01847 REVISED Site Sections RECEIVED 26.06.17 (1452_60G).pdf
P_2016_01847 UPDATED TO AIR QUALITY REPORT RECEIVED 19.05.17.pdf
P_2016_01847_Accoustic Fence Details.pdf
P_2016_01847_Addendum Planning Statement.pdf
P_2016_01847_Affordable Apartments Plots 103-118 Floor Plans.pdf
P_2016_01847_Affordable Apartments Plots 103-118 Side and Rear Elevations.pdf
P_2016_01847_Affordable Apartments Plots 103-188 Front and Side Elevations.pdf
P_2016_01847_Affordable Housetype A Elevations.pdf
P_2016_01847_Affordable Housetype A Floor Plans.pdf
P_2016_01847_Affordable Housetype B and F Block of 3 Elevations.pdf
P_2016_01847_Affordable Housetype B and F Block of 3 Plans.pdf
P_2016_01847_Affordable Housetype B Block of 3 Floor Plans and Elevations.pdf
P_2016_01847_Affordable Housetype C1 Semi Detached Elevations.pdf
P_2016_01847_Affordable Housetype C1 Semi Detached Floor Plans.pdf
P_2016_01847_Affordable Housetype C2 Block of 3 Elevations.pdf
P_2016_01847_Affordable Housetype C2 Block of 3 Floor Plans.pdf
P_2016_01847_Affordable Housetype D2 Semi Detached Plans and Elevations.pdf
P_2016_01847_Affordable Housetype D3 Block of 3 Elevations.pdf
P_2016_01847_Affordable Housetype D3 Block of 3 Floor Plans.pdf
P_2016_01847_Affordable Housetype D4 Block of 3 (Handed) Elevations.pdf
P_2016_01847_Affordable Housetype D4 Block of 3 (Handed) Floor Plans.pdf
P_2016_01847_Affordable Housetype D4 Block of 3 Elevations.pdf
P_2016_01847_Affordable Housetype D4 Block of 3 Floor Plans.pdf
P_2016_01847_Affordable Housetype D5 Block of 4 (Handed) Elevations.pdf
P_2016_01847_Affordable Housetype D5 Block of 4 (Handed) Floor Plans.pdf
P_2016_01847_Affordable Housetype D5 Block of 4 Elevations.pdf
P_2016_01847_Affordable Housetype D5 Block of 4 Floor Plans.pdf
P_2016_01847_Affordable Housetype E1 Semi Detached Plans and Elevations.pdf
P_2016_01847_Affordable Housetype E2 Semi Detached Plans and Elevations.pdf
P_2016_01847_Affordable Housetype E3 Block of 3 Floor Plans and Elevations.pdf
P_2016_01847_Affordable Housetype E3 Block of 3 Handed Plans and Elevations.pdf
P_2016_01847_Affordable Housetype E4 Block of 3 (Handed) Plans and Elevations.pdf
P_2016_01847_Affordable Housetype E4 Block of 3 Floor Plans and Elevations.pdf
P_2016_01847_Affordable Housetype E5 Block of 4 Elevations.pdf
P_2016_01847_Affordable Housetype E5 Block of 4 Floor Plans.pdf
P_2016_01847_Affordable Housetypes D1 Semi Detached Plans and Elevations.pdf
P_2016_01847_Air Quality Report.pdf
P_2016_01847_Application Form.pdf
P_2016_01847_Barton Housetype Floor Plans and Elevations.pdf
P_2016_01847_Blithbury Housetype Elevations.pdf
P_2016_01847_Blithbury Houseype Floor Plans.pdf
P_2016_01847_Clifton Housetype Floor Plans and Elevations.pdf
P_2016_01847_Ecological Appraisal Revision A.pdf
P_2016_01847_Flood Risk Assessment.pdf
P_2016_01847_Garage and Carport Details.pdf
P_2016_01847_Hadley Housetype (Handed) Plans and Elevations.pdf

P_2016_01847_Hadley Housetype Floor Plans and Elevations.pdf
P_2016_01847_Heritage Statement.pdf
P_2016_01847_Landscape Statement including tree survey part 1.pdf
P_2016_01847_Landscape Statement including tree survey part 2.pdf
P_2016_01847_Landscaping Proposals Sheet1.pdf
P_2016_01847_Landscaping Proposals Sheet2.pdf
P_2016_01847_Landscaping Proposals Sheet3.pdf
P_2016_01847_Linton Housetype (handed) Elevations.pdf
P_2016_01847_Linton Housetype (Handed) Floor Plans.pdf
P_2016_01847_Linton Housetype Floor Plans.pdf
P_2016_01847_Linton Housetypes Elevations.pdf
P_2016_01847_Location Plan.pdf
P_2016_01847_Milton - Barton Housetypes Block of 3 Elevations.pdf
P_2016_01847_Milton - Barton Housetypes Block of 3 Floor Plans.pdf
P_2016_01847_Milton_Barton Block of 3 (Handed) Elevations.pdf
P_2016_01847_Milton_Barton Block of 3 (Handed) Floor Plans.pdf
P_2016_01847_Milton_Barton Semi Detached (Handed) Plans and Elevations.pdf
P_2016_01847_Needwood Housetype Block of 3 (NE2) Plans and Elevations.pdf
P_2016_01847_Needwood Housetype Block of 3 (NE3) Plans and Elevations.pdf
P_2016_01847_Needwood Housetype Block of 3 (NE4) Plans and Elevations.pdf
P_2016_01847_Needwood Housetype Block of 4 (NE5) Elevations.pdf
P_2016_01847_Needwood Housetype Block of 4 (NE5) Floor Plans.pdf
P_2016_01847_Needwood Housetype Semi-Detached (NE1) Plans and Elevations.pdf
P_2016_01847_Newton Housetype Floor Plans and Elevations.pdf
P_2016_01847_Phase II Site Appraisal Report Hawkins Lane BoT 2.pdf
P_2016_01847_Planning Design and Access Statement.pdf
P_2016_01847_Proposed Site Layout showing finished floor levels.pdf
P_2016_01847_Rangemore Housetype Elevations.pdf
P_2016_01847_Rangemore Housetype Floor Plans.pdf
P_2016_01847_Report on Existing Noise Climate.pdf
P_2016_01847_Repton Housetype Floor Plans and Elevations.pdf
P_2016_01847_REVISED LANDSCAPE PLAN RECEIVED 21.08.17 Sheet 2 (ae1620-01c).pdf
P_2016_01847_REVISED LANDSCAPE PLAN RECEIVED 21.08.17 Sheet 3 (ae1620-01c).pdf
P_2016_01847_REVISED LANDSCAPE PLAN RECEIVED 21.08.17-Sheet 1 (ae1620-01c0).pdf
P_2016_01847_Ridware Housetype Elevations.pdf
P_2016_01847_Ridware Housetype Floor Plans.pdf
P_2016_01847_Site Sections.pdf
P_2016_01847_Topographical Survey.pdf
P_2016_01847_Transport Assessment.pdf
P_2016_01847_Wychnor Housetype Elevations.pdf
P_2016_01847_Wychnor Housetype Floor Plans.pdf

4.6 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	Burton Parish Council	No response received
5.3	SCC Highways	No objection subject to conditions
5.4	SCC Education	No objection subject to conditions
5.5	SCC Flood Risk Team	No objection subject to conditions
5.6	SCC (all other departments)	No objection subject to conditions
5.7	Environment Agency	No objection subject to conditions
5.8	Severn Trent Water	No objection subject to conditions
5.9	Burton Civic Society	Object due lack of play space
5.10	The National Forest	No objection subject to conditions
5.11	Architectural Liaison Officer	No objection subject to conditions

Internal Consultees		Response
5.12	Environmental Health	No objections subject to conditions
5.13	Housing Strategy	No objections
5.14	Open Spaces	Would prefer to see one large play space.

6. Neighbour responses

6.1 13 number were received. The issues raised are group together and summarised below:

Neighbour responses	
Principle	<ul style="list-style-type: none"> The council have a 5 year land supply there is no need to develop an inappropriate site. The benefits of the site do not outweigh the impacts environmentally. I can't see an impact on schooling in the area. The land is unallocated in the local plan but this does not mean that residential is automatically acceptable.

	<ul style="list-style-type: none"> • It will threaten long term businesses due having residents adjacent and their amenity.
Impacts on character	<ul style="list-style-type: none"> • Concerns over the boundary wall between my property and new dwellings whether it will be maintained and secured.
Highways Impacts	<ul style="list-style-type: none"> • Concerns over turning right out of the estate into oncoming traffic • Impaired visibility • Children will have to walk to school, all the major roads are dangerous with heavy vehicles, no provision has been made for safe crossing. • Concerns over loss of parking outside a shop due double yellow lines. • We don't want any vehicular or pedestrian access adjacent to our property. • People park outside the terrace houses and walk into town, concern over residents of the estate parking on the road. • There has been a loss of designated parking for residents.
Amenity	<ul style="list-style-type: none"> • Concern over loss of light to my house and garden, the land is higher by approx. 1m. The plan shows a boundary wall which will be higher. I don't know what to expect from the plans. • Impact on construction will be unbearable. • Concerned over security.
Noise	<ul style="list-style-type: none"> • The noise barrier will not be tall enough to screen the shipping containers. • The application does not address noise pollution or aesthetic concerns. • Families should be able to open their windows and enjoy their gardens. • There is an over-estimate of the noise reductions claimed to arise from the 7.5m high acoustic screen. • It is unreasonable for the mitigation strategy to rely on residents having to keep windows and doors closed. • The day time assessments continue to use a very high and unrealistic background sound level. • The application of low acoustic penalties (3dB) is inappropriate. • The submission from Cameron Mckenna Nabarro Olswang LLP fails to account for the site specific

	<p>industrial noise of an adjoining user.</p> <ul style="list-style-type: none"> • The proposal is likely to cause significant adverse impact on the future residents of the development. • The impacts on residential amenity of future residents and the likely consequential impacts on an adjacent business remain and despite several attempts to resolve these matters by the applicant, the application remains unacceptable. The application therefore conflicts with Policies SP34 and DP7 of the adopted Local Plan and paragraphs 17 and 123 of the NPPF. • The mitigation will not be sufficient. The evidence is unconvincing. • The noise from the Brewery centre will disturb the residents of the new estate. • The noise from the railway depot people have complained.
Burton Civic Society	<p>There is no play equipment provided.</p> <p>The Washlands are too far in for young children to walk to enjoy open space and play equipment and to school and it is not a safe route to get there with many main roads. Due to the provision of all the houses and the necessity to provide affordable housing there is no room left for open space. This is an untenable argument and lack of play equipment.</p>
Ward Member	<p>Cllr Helen Hall objects to the application raising three areas of concern: rear parking for Hawkins Lane residents, better parking provision for some Horninglow Street residents, and not allowing a footpath to be situated by no. 98/99 Horninglow Street leading to the railway bridge.</p> <p>On the first matter, I am concerned that parking will be lost for residents in the houses on Hawkins Lane which sit either side of the site entrance. On the plan submitted when it was a Tesco proposal, rear parking was planned for those houses, and I would like to ensure that this can take place under the new plan.</p> <p>On the second matter, one of my Horninglow Street residents has queried changing the parking scheme in front of the cottages there, and would like to pursue a plan to change the layout from parallel kerb parking (facing away from the railway bridge and facing towards the brewery bridge by the Brewery Centre) to diagonal parking, coming up to the front of the cottages. I would like to hear your thoughts on this proposal. I have attached a diagram from my resident to explain how this would work. The current parking is</p>

	<p>insufficient to accommodate the residents, and they frequently have to park far down Hawkins Lane, thus taking some of their parking space. Part of the pavement near to the front doors are actually the property of the residents, and the idea that they have is for cars to park close to the houses and for the pavement to be at the rear of the cars. Under the current situation the pavement is only used by houses running up to no. 98/99, as the road ends there and there is no crossing at the railway bridge.</p> <p>If that proposal would not be possible, an alternative could be if we are able to provide them with some parking for those houses on the new building site.</p> <p>On the third matter, there was a plan for a footpath around 98/99 Horninglow Street in the original Tesco plan, but it was removed from the plans after my predecessor Cllr Michael Rodgers objected. The police also stated that they considered it dangerous, as it will create an isolated corner that leads to a bridge without a crossing, and could result in accidents. The residents of 98/99 are concerned that the plan for the building site looks to incorporate the original Tesco plan, not the revised one, and that a footpath may be planned again.</p> <p>I hope you will accept these issues as objections to the current plan, and I particularly would like to hear from you with regard to a change of the parking scheme on Horninglow Street.</p>
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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
- SP3: Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- SP5 Distribution of Employment Growth 2012 – 2031
- SP6 Managing the Release of Housing and Employment Growth 2012 – 2031
- SP13 Burton and Uttoxeter Existing Employment Land Policy
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP23 Green Infrastructure
- 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
- 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
- DP6 Protecting the Historic Environment: Other Heritage Assets
- DP7 Pollution and Contamination
- DP8 Tree Protection

Supplementary Planning Documents/Guidance

- East Staffordshire Design Guide
- Parking Standards
- Open Spaces
- Waste Storage and Collection Guidance for New Development
- Housing Choice

Other Documents

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

8. Principle of Development

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. 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 published calculation uses figures as at 31st March 2017 and concludes there is 5.29 years of supply. Therefore the relevant policies in the development 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 This site is located off Hawkins Lane and falls within Burton ward and is within walking distance to the town centre and local amenities at Derby Turn. Hawkins Lane is also on a bus route. The location of the site is considered to be sustainable and the principal of developing this site for housing in accordance with SP4 is appropriate in this context.

10.5 The Local Plan in Strategic Policy 5 allocates new employment development on Sustainable Urban Extensions and on sites at Burton upon Trent and Uttoxeter. Strategic Policy 13 aims to protect existing employment uses and is supported by and refers to the Employment land review as a key source of evidence in both evaluating the need for new employment sites and listing those sites which should be retained as employment use within the Borough.

10.6 The brownfield site is vacant and was previously occupied by Alumasc Grundy which was a barrelling company. The site has remained vacant for over 10 years despite various planning consents for industrial and commercial uses and substantial marketing for these uses. The site was not identified in the 2013 Employment Land Review (ELR). The review ensures that there are sufficient quality employment sites available prior to the release of such accessible sites. Given that the site was not identified in the ELR it would be difficult to argue that it is required in relation to the Local Plan evidence that was prepared. There is no evidence submitted as part of this application that there is a reduced need for employment premises in Burton. The Borough's employment base is always restructuring and there is a trend for accessible and modern premises to meet modern demands. There are a number of employment sites elsewhere in Burton, some relatively close to the application site, and given the above context it is considered that despite attempts to bring other uses forward on the application site, this development would appropriately develop a

brownfield site and not undermine the economic development aspirations set out in the adopted local plan.

10.7 Therefore the principle of residential redevelopment is considered to accord with the relevant policies of the East Staffordshire Local Plan and provisions of the National Planning Policy Framework.

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

11.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

11.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.

11.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.

11.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still compliment its surroundings.

11.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:

- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
- (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
- (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
- (d) Repetitive house types should be avoided;
- (e) The cramming together of large numbers of detached properties should be avoided.
- (f) High proportions of frontage car parking will not be acceptable.

- 11.6 Detailed Policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.7 The application includes full 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 walkways, circulation routes and parking for the proposed buildings have been submitted along with plans and elevations of each house type.
- 11.8 The existing residential development surrounding the application site has a fairly uniform character and appearance, predominately terraced housing, some directly onto the public footpath with some further set back with small front gardens. The majority of the properties have long gardens. The remainder of the site is adjoined by Horninglow Street, a busy vehicular route, the railway to the north and surrounding commercial and industrial premises. The prevailing character of the area is therefore varied with a range of density with regard to existing surrounding development.
- 11.9 The proposed residential layout shows a high density of dwellings per hectare. On balance it is considered appropriate in this urban context. Buildings are generally sited to present an active frontage to the main roads and natural surveillance through the site. The proposal attempts to establish a new character to the area with more of a contemporary design. The layout consists of a variety of terraced and semi-detached properties. The design of the proposal contributes positively towards the varied character of the wider area. Buildings have been arranged to provide views into and within the site, with consideration given to the provision of active frontages, especially on the entrance points. An area of open space is provided. However the landscaping plan shows planting throughout the site, particularly on the entrance points.
- 11.10 The layout of the site has very much been dictated by the constraints of the site which includes a variety of surrounding land uses comprising industrial premises, road, railway and the adjacent container operators. Concern has been raised by the Environmental Health Manager over the noise from these uses and the quality of living experienced by the proposed residents of the dwellings. Therefore in addition to the noise barriers proposed to be erected around the site and the landscaping buffer, the houses on the northern edge of the site have been designed to provide a terrace to assist as a physical block to mitigate potential noise issues. These properties are all market houses and are proposed to be 3 storey in height. This would seek to reduce the amount of noise emanating to the rear gardens of these properties.
- 11.11 The design of the development has been prepared based on grain, density and layout. As referenced earlier, the layout shows a relatively high density of development, which is considered appropriate in the sites urban context. The layout shows the Hawkins Lane frontage consisting of semi-detached dwellings and apartments located at the entrance of the site. This is again considered appropriate given the established built context of the local area. The proposed scale of mostly 2 but with some 3 storeys properties is considered to be in keeping with the general scale of the existing neighbourhood. The provision of bungalows is also welcomed in terms of providing variety and a break in the height and scale of development, especially in the central area of the proposals.

- 11.12 The Design and Access Statement promotes the use of clear and legible development blocks. There are views into the site with some open space providing a focal point for the development. The majority of properties face onto the central area providing active frontages and natural surveillance.
- 11.13 The design and layout of the application has evolved considerably during the lifetime of the application. The Local Planning Authority further negotiated changes to the layout to reduce the car dominance of the scheme in the way that parking was proposed to be arranged.
- 11.14 The residential design has a contemporary and contextual architecture. The design reflects terraced properties but adds a modern and updated feel to the proposals. Generally parking is provided immediately in front of properties some of it private, some of it public and there is surveillance of parking for each property. A variety of parking solutions is therefore employed throughout the scheme. Although frontage parking is used, this is broken up by landscaping, and parking areas do not dominate the overall layout. Parking is also provided opposite some dwellings. Whilst this is not ideal, due to the constraints of the site, it is considered that the provision of the continuous block of housing to overcome noise issues is of more benefit to the design and amenity of the scheme to future residents.
- 11.15 Building lines are staggered to add variety with the majority of properties two storey and the apartment blocks three storey. Consideration has been given to providing views within the development and the framing views towards the site. Landscaping and planting is employed throughout the development to soften frontages. These techniques used together provide a logical, coherent scheme.
- 11.16 The predominant materials are brick and tile with recessed rendered panelling to provide a counterpoint to the natural texture of the brickwork. Recessed timber panelling is used on some house types next to and between windows.
- 11.17 Boundary treatment on individual plots consists of either walling or traditional closely boarded fencing.
- 11.18 It is evident that the layout has taken account of the provisions of the East Staffordshire Design Guide as well as its surrounding context, and the scheme proposed is considered acceptable. It is considered that the proposal satisfactorily accords with the aforementioned policies and guidance and meets the relevant requirements of the NPPF by providing a high quality built environment.

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 location of the site is a dense urban area which has seen considerable change from employment to residential. The site is surrounded by traditional original terraced properties and more modern housing. This proposal is dense and with existing housing or industrial premises located on all boundaries to the application site the relationship between the proposal and existing uses and the

amenity issues that this raises have been considered in detail as part of the assessment of the proposal.

- 12.3 Environmental Health officers originally recommended refusal of the application due to concerns regarding the level of residential amenity provided for future occupiers of the proposed development given the industrial and commercial users nearby contrary to the relevant provisions of both the Local Plan and the National Planning Policy Framework. As a result of concerns and objections relating to the original proposal, further noise monitoring was undertaken and the proposal has been amended with the final version submitted with a revised noise impact assessment and a proposed scheme of noise mitigation measures. Given the sensitivity of the end user of this proposal and potential impact on adjacent businesses should complaints be received, East Staffordshire Borough Council engaged an external consultant to provide expert advice and opinion to inform the planning assessment. This review was undertaken by Temple Group Limited.
- 12.4 The scope of the review was, amongst other points, detailed in the Temple Group report, to include a review of the latest noise impact assessment and noise mitigation scheme, to consider the issues raised in objections to the scheme and to make recommendations, including planning conditions as appropriate.
- 12.5 It was considered that unless carefully considered at the planning stage and suitable mitigation incorporated in the design, layout and construction of the proposed residential scheme there was clearly potential for noise from the adjacent sources to negatively affect future occupiers of the proposed dwellings; and in regard to the non-transportation sources for these residents to raise complaints that might lead to enforcement action and restriction of the operation of the neighbouring businesses.
- 12.6 Temple agreed with the Local Planning Authority, the developer and main objector that noise from nearby transport, industrial and commercial sources has potential to negatively impact on new residents of the proposed houses.
- 12.7 Following the review of the detailed additional submissions from the applicant, Temple consider that the submitted noise assessments and proposals for incorporating noise mitigation into the scheme now provide adequate control of noise so that unacceptable adverse effects are prevented, significant adverse effects are avoided, and adverse effects are suitably mitigated and minimised in accordance with government and local policy.
- 12.8 Furthermore, Temple consider that the urban nature of the location and the mitigation proposed within the scheme, including using the continuous building line, properties to have windows closed to provide noise insulation with alternative means of ventilation and control of overheating provided, is likely to prevent any unreasonable restrictions being put on nearby businesses arising from the change of the site to residential use potentially giving rise to noise complaints.
- 12.9 It is therefore considered that subject to conditions relating to the mitigation measures outlined in the noise impact assessment and the development carried out in accordance with the proposed layout of buildings, there will not be any significant adverse impact on the occupiers of the proposed residential

development, in compliance with Local Plan Policies DP1, DP3 and DP7 and the provisions of paragraph 123 of the National Planning Policy Framework.

- 12.10 In terms of the layout of the site and the amenity of existing surrounding residents and occupiers of the proposed dwellings, garden depths are a minimum of approximately 7 metres. 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 considered appropriate to remove permitted development rights for all dwellings proposed on the site. The removal of permitted development rights for these properties will ensure that an adequate level of outdoor amenity space is provided. This does not prevent the occupiers from having garden storage or indeed bicycle storage but it gives the LPA control over the size and quantity of structures.
- 12.11 The proposed layout shows that 203 dwellings can be accommodated on the site without compromising the reasonable amenities of their future occupiers, and allowing for sufficient outdoor private amenity space whilst integrating satisfactorily with the adjoining built form, complying with the provisions of Local Plan Policies DP1 and DP3.
- 12.12 It is not considered that the development of the site by the erection of 203 dwellings would materially increase noise and disturbance through either general activity or comings and goings compared to that associated with the current or previous uses or the mixed use development that has an extant planning consent.
- 12.13 On balance the proposed layout shows each new house is sufficiently distant or landscaped from both existing residential properties and proposed residential properties to avoid causing them unacceptable loss of light or privacy or any overbearing impacts. The scheme is therefore compliant with the provisions of Local Plan Policies DP1 and DP3.

13. Sustainability (energy efficiency and low carbon)

- 13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:
- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
 - incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
 - use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
 - incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;

- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in ‘Biodiversity by Design’ or future revisions;
- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;
- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

13.2 The 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 ensuring 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 In terms of the applications compliance with the Council’s Parking SPD, the SPD requires

- 1 bedroom x30 = 40 spaces
- 2 bedroom x 67 = 134 spaces
- 3 bedroom x 97 = 194 spaces

The scheme provides

- 44 (4 extra visitor spaces) spaces for the 1 bed
- 134 for 2 bed
- 194 spaces for 3 bed
- 27 for the 4 bed

- 14.5 A transport assessment has been submitted with the development the Transport Assessment has considered the highway and transport implications of proposals for 203 new dwellings.
- 14.6 It is proposed that access to the site will be provided via an improved access junction at the location of the existing access to the site. A priority T-junction will be provided which is adequate to serve the development. Double yellow lines will be installed along the frontage of Hawkins Lane to achieve the junction. This will be done via a Traffic Regulation Order (TRO). Appropriate pedestrian access will be provided at the site access to link with the existing footway provision. The site is located within a sustainable location within walking distance to local bus stops, retail outlets, education and health facilities.
- 14.7 The previous planning application for mixed use retail development on the site, which received no objection from the Local Highway Authority, is a material consideration in the assessment of this application. The mixed use development was forecast to generate significantly higher traffic flows than for the currently proposed residential development. Trip rates have been derived from the TRICS database and the distribution of traffic is based on Census 2011 journey to work data. The site access junction has been tested for capacity and will operate with no queueing or delay in 2021.
- 14.8 The proposed internal roads are not to be adopted by the County Council and will remain under private management. The County Council has no objections to this arrangement. It has provided comments to confirm that the internal workings of the site are acceptable in terms of parking provision and bin lorry tracking.
- 14.9 The Highway Authority is satisfied with the development in terms of highway safety and network capacity subject to various conditions and Section S106 requirements, including a £170,000 contribution towards the Burton Interactive Transport Strategy.
- 14.10 Following receipt of the independent review of the viability assessment contributions towards improving the highway network are not achievable. The applicant has agreed to pay for the junction improvements to the entrance of the site, however the viability of the scheme does not allow for further contributions. It is therefore for members to consider the benefits of a brownfield site being developed, the provision of 203 dwellings of which over 40% is on-site affordable housing and the impact of the development on the surrounding highway network. On balance, the LPA consider that this loss of contribution is not sufficient to warrant refusal of the application.
- 14.11 Overall, the development proposals are in accordance with Local Plan Policies SP1, SP35 and paragraph 32 of NPPF and the impact of the proposals

will not be 'severe'. On this basis there are no highways or transport grounds for refusing planning permission.

15. Historic Environment

- 15.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 15.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 15.5 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed Policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 15.6 The proposal will have no impact on any conservation area given the site's separation distance from the nearest one, the Horninglow Street/Guild Street Conservation Area.
- 15.7 There will also be no direct physical impact on any listed building or non-listed heritage assets. The application site is currently devoid of buildings although historic mapping indicates that built form, likely associated with the railways and breweries, has previously existed on the site. The submitted Heritage Assessment correctly identifies the nearby Grade II Listed Buildings and provides an accurate assessment of their significance. The nearby terraces, cottages and school buildings are considered of moderate significance based

on their architectural features and history, and they are described as having tightly defined settings in relation to the frontage roads and rear boundary walling and fencing. The principal attractive elevation of the former school is indeed its front elevation and the former walled playground does provide a clearly defined narrow setting for the two listed school buildings that it contains. The significance of the setting of the heritage assets greatly derives from their location within the town reflecting its historic development and associations. Due to the degree of alteration to the site and the loss of its historic function and associations it is not considered to contribute to the significance of the setting of the listed buildings.

- 15.8 The scheme will have no direct physical impact on the nearby listed buildings and the on their settings will be positive given the following: the tightly defined nature of their settings; existing boundary treatment; proposed boundary treatments to separate the buildings and the proposed landscape buffer (which includes trees). The proposed fencing and tree planting will create a new acceptable backdrop to the school listed buildings when viewed from the road. The scheme will change direct views of the site, but this will not result in harm considering the lack of contribution that the existing site makes to the significance of the setting of the heritage assets.
- 15.9 The overall scheme would enhance the character and distinctiveness of the area and preserve the significance of the settings of the nearby listed buildings. The existing relationship between the vacant site would be improved by the proposal and would see a vacant site being bought back into viable use. It is important to give considerable importance and weight to the balance of any impact to the listed buildings and the benefits of bringing this vacant site back into use. As described above due to the change in the appearance and views of the site, the impact is minimal and insignificant. It is therefore considered that overall the heritage impact of the scheme will be acceptable in terms of the requirements of the NPPF.
- 15.10 In accordance with Sections 66 and 72 the LPA has had special regard to the significance of the nearby heritage assets and carefully considered the proximity of the nearby listed buildings and conservation area. The proposal will have no impact on any conservation area given the site's separation distance from the nearest one, the Horninglow Street/Guild Street Conservation Area. It is considered that the provision of built development adjacent to the curtilages of the school house and terraces fronting Horninglow Street with their long gardens and defined settings, whilst changing the views locally, would not result in harm to the character or appearance or setting of any Listed Buildings or conservation areas. Therefore the statutory duties under Sections 66 and 72 are not engaged.

16. Flood Risk and Drainage

- 16.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of

lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

- 16.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 16.3 The site is located within Flood Zone 2 and 3 and a detailed Flood Risk Assessment has been submitted. Draft drainage details have also been submitted and firm commitments are made to sustainable urban drainage including limiting surface water runoff to that which a greenfield site would produce and roof water run-off being to just 20 litres/second/hectare. Clear methods for achieving this, in spite of the inability to use standard infiltration drainage given water quality impact issues, have been presented. The submitted information accords with that required by Section 10 of the NPPF and Local Plan Policy SP27.
- 16.4 The Environment Agency and the Flood Risk Officer at Staffordshire County Council have no objections to the proposal in terms of flood risk subject to the development being carried out in accordance with the submitted FRA, including the approval of the surface water drainage scheme which should achieve the stated discharge targets. Setting the finished floor level of all buildings no lower than 45.73m AOD and the provision of the proposed evacuation plan can also be secured by condition.
- 16.5 Severn Trent similarly raises no objections subject to approval of the drainage scheme.
- 16.6 Subject to the conditions sought by the Environment Agency, the County's Flood Risk Officer and Severn Trent the development is considered acceptable in terms of flood risk and drainage including not creating any pollution problems related to the disposal of foul or surface water, the latter being as required by Section 11 of the NPPF and Local Plan Policy SP27.
- 16.7 It is noted that the County's Flood Risk Officer seeks confirmation of the maintenance arrangements for the future surface water drainage system over the development's lifetime but it is considered that a standard condition requiring the approved drainage system to be 'maintained for the lifetime of the development' rather than requiring details of the these arrangement for such is sufficient from a land use planning perspective.

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(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.

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

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

17.6 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 The proposal aims to deliver 87 affordable units out of 203 dwellings which is 43% onsite provision. The site is predominately aimed at delivering managed affordable housing. Whilst the proposal conflicts with the aim to see affordable housing interspersed across the site, due to the large amount of onsite provision, it has been provided in groups across the site. On balance it is considered that the benefits of the proposal outweigh the conflict of the coverage of units and their limited interspersed nature. The provision of this amount of affordable housing is a significant benefit to the scheme.

18. Green Infrastructure and National Forest

- 18.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.
- 18.2 Strategic Policy 26 supports the National Forest Strategy 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.
- 18.3 In addition to National Forest planting the Landscaping Planting Plan and Schedule identifies the location of public and private trees and planting, hedgerows and garden planting. The National Forest Company are happy with the onsite provision and do not request any further contributions off site.
- 18.4 The proposals will introduce to the site heavy standard tree planting (not whips) around the open space and in front of some properties. These will soften the urban form and create interest in the street scene. Properties will have evergreen hedges or landscaped strips in front of properties and a deciduous hedge will be planted around the central area. The trees proposed to line the streets will be conditioned to be larger set trees to provide coverage to the area within a shorter time period. It is considered that the landscaping details are in accordance with the requirements of local and national planning policy. The introduction of this green infrastructure is a benefit when considering the current appearance of the site.
- 18.5 One of the main design features of this scheme is an acoustic barrier known as a “Soundblok” which is proposed to run around the northern perimeter of the site, its purpose is to act as a sound buffer between the residential development and the commercial uses. This acoustic barrier was originally proposed to be a 7.5m acoustic fence, which would not have been an attractive solution. The Soundblok is an ecowall, which provides a living wall of plants and greenery which will soften the overall feel of this element of the development and add a significant amount of greenery and habitat into the proposals. The final landscaping features are recommended as a condition.

Given the above context it is considered that the application proposal complies with the provision of Local Plan Policy SP26.

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 Given its past use and limited levels of vegetation the site is of very limited ecological value currently and is hence not afforded any nature related designations. Its ecological potential would be enhanced by the submitted landscape scheme that includes native shrub and tree planting. The submitted survey does, however, acknowledge the potential for the site to offer habitat for nesting birds at certain times of the year, including ground nesting birds and those making use of scrub areas.
- 19.5 Nesting birds are afforded protection under European legislation but harm to them will be avoided by either not undertaking site clearance during the bird nesting season or only carrying such works under the supervision of an ecologist. This commitment in the submitted ecology reports can be secured by condition and an informative can refer to the applicant's/developer's general responsibilities regarding protected species.
- 19.6 Subject to the provision of the submitted landscaping scheme and compliance with the ecology reports regarding site clearance, the development is considered to suitably comply with the Section 12 of the NPPF, including ecological enhancement., as well as Policy SP29 of the Local Plan.

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 Council's Open Space Manager suggests that a development of this scale in this location should provide open space in one area rather than the provision of smaller spaces. It is also calculated that, for the number of houses, 2.5 ha of open space should be provided or contributed towards in the form pitches, allotments, play areas and parks and gardens. This site is relatively well distanced from public open space such as play equipment and open space, the nearest being the Burton Washlands. A condition can secure provision of play equipment on site, however the LPA have taken a view that taking into account the general urban area and character of the site, the provision of housing on this brownfield site is important and provision of less housing and more open space would challenge the overall viability of the scheme.
- 20.7 Following receipt of the independent review of the viability assessment contributions towards improving accessibility to open spaces is not achievable. On balance, the provision of a small area of onsite open space is still considered a benefit of the scheme and will meet the needs of the residents. Equally, 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 the lack of a contribution is not sufficient to warrant refusal of the application.

21. Education

- 21.1 There is a need for education facility provision in East Staffordshire, particularly at Burton Upon Trent. The need is for both primary and secondary education. Strategic Policy 10 identifies areas where new schools will be expected in Uttoxeter and Burton Upon Trent. 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 that it is intended to meet.
- 21.2 The application site falls within the catchment areas of Holy Trinity Primary School and Abbot Beyne Secondary School. Staffordshire County Council Education have been consulted and have confirmed that 38 places would be required for primary education and 19 for secondary education as a result of the proposals.
- 21.3 The applicant proposes to build two new classrooms and office accommodation at Holy Trinity School as part of the provisions of the S106 agreement. Through the application the Governors and the Head Teacher have all been consulted and are in agreement with this proposal. The proposal would require planning

permission and the LPA have seen a draft scheme in this respect. The LPA conclude that a viable proposal could be brought forward.

- 21.4 Holy Trinity CE(C) Primary School currently has capacity for up to 20 pupils per school year group. This housing development would require additional capacity for the school to admit up to 26 pupils per school year group equalling 38 places and the proposal put forward to provide 2 additional classrooms would mitigate the impact of the development.
- 21.5 In relation to secondary education provision, the applicant is not proposing to give a financial contribution to fund the secondary places. However, they state as part of the application that the construction of the additional classrooms at Holy Trinity will provide for up to 60 additional school places, whereas their development will only create 38 school children. Therefore the applicant will be providing for 22 additional children. Whilst this does not equate to a financial contribution to the County Council for Secondary education, it does provide an over contribution for primary which will be utilised within the school that is currently at over capacity.
- 21.6 Following receipt of the independent review of the viability assessment contributions towards improving accessibility to secondary education is not achievable. On balance, the provision of 60 primary school places is still considered a benefit of the scheme and will meet the needs of the residents. It is considered that the lack of a contribution is not sufficient to warrant refusal of the application.

22. Air Quality

- 22.1 The site is adjacent to the larger of the town's two Air Quality Management Areas (AQMAs) where nitrogen dioxide pollutant levels already exceed standards. Although the site contributes only a small amount of additional air pollution from traffic, in order to prevent a creep in the deterioration of air quality in the AQMA Environmental Health were consulted.
- 22.2 The Environmental Health Manager has considered the Stage 3 revision of the air quality assessment by Hoare Lea and has no objections provided the offsetting measures suggested in the report are undertaken, namely:
- Installation of two electric vehicle charging points, with at least one charging point at a location and of a type where the client's vehicle fleet is likely to gain maximum use to increase any air quality benefit.
 - On site cycle parking provision
- 22.3 The final details of the two above offsetting measures are conditioned so that they are agreed prior to the first occupation of the site and maintained for the life of the development.
- 22.4 The application therefore complies with Local Plan Policy DP7 and the provisions of Paragraph 124 of the National Planning Policy Framework.

23. Section 106 Contributions

- 23.1 Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of

planning obligations. Obligations should only be sought where they meet the following tests:

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

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

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

Item	Planning Obligation	Cost (where applicable)
Education	Primary provision. The applicant has committed to building an extension to Holy Trinity School at a cost of £450,000.	£450,000
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling 203x £75	£15,225
Open space	Private Management company	None
Affordable Housing	On site provision 87 units	No further off site contribution
Travel plan monitoring / off site highway works	No contribution to recommended £170,000.	-
National Forest	No offsite provision required	-
Vehicle Charging points	Electric vehicle charging points one on site, one off site likely to be Trent and Dove Offices	Provision by Applicant

24. Conclusions

24.1 The application site constitutes previously developed land and a significant brownfield site within the Burton upon Trent settlement boundary. There are a number of employment sites elsewhere in Burton, some relatively close to the application site, and given the above context it is considered that despite attempts to bring other uses forward on the application site, this development

would appropriately develop a brownfield site and not undermine the economic development aspirations set out in the adopted local plan.

- 24.2 The principle of residential development is therefore considered appropriate. The proposal provides a mix of houses and apartments and the parking provision on site accords with the Council's newly adopted Parking Standards SPD.
- 24.3 The proposal is a contemporary design which demonstrates that the development will fit acceptably into the context of adjoining built form by way of its siting, scale, massing and design and accords with the Borough Council's own design SPD. The proposed layout shows that separation distances between existing and proposed dwellings have challenges in a few locations regarding noise. There would be no detrimental impact on the reasonable amenities of neighbouring properties and new occupants of the site. The Highway Authority has confirmed that there are no issues in relation to highway safety.
- 24.4 In accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority has had special regard to the significance of the nearby heritage assets and carefully considered the proximity of the nearby listed buildings and conservation area. The proposal will have no impact on any conservation area given the site's separation distance from the nearest one, the Horninglow Street/Guild Street Conservation Area. It is considered that the provision of built development adjacent to the curtilages of the Listed school house and terraced properties fronting Horninglow Street, with their long gardens and defined settings, whilst changing the views locally, would not result in harm to the character or appearance or setting of any Listed Buildings or conservation areas. Therefore the statutory duties under Sections 66 and 72 are not engaged.
- 24.5 Whilst the scheme will undoubtedly change the character and appearance of the area, it is considered that this will be a significant benefit to a brownfield site that has been vacant for over 10 years. The benefits of the proposal including the provision of housing, on site affordable housing, provision of primary contributions, mitigation against the poor air quality in the area, alongside the economic benefits associated with the construction phase of the new development weigh heavily in support of the application. Whilst some contributions cannot be supported by the scheme due to viability, as set out in this report, it is still considered that the balance of the site being redeveloped, provision of onsite open space and affordable housing outweighs any specific concerns that are raised in relation to the proposal. The proposal is therefore considered to generally accord with relevant policies in the East Staffordshire Local Plan, the National Planning Policy Framework, and relevant supplementary planning guidance.
- 24.6 It is considered that the proposed layout for the erection of 203 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 development which accords with Policies SP1, SP24, SP25, SP27, SP35, DP1, DP2, DP3, DP5 and DP7 of the East Staffordshire Local Plan, the National Planning Policy Framework and the East Staffordshire Design Guide.

24.7 RECOMMENDATION

24.8 For the reasons set out in the above report then **PERMIT subject to the following conditions and the completion of a S106 agreement to secure the infrastructure and contributions as set out in paragraph 23.3 of this report**

1. Time limit for commencement (3 years) (0000001a)
2. Approved plans condition (00002)
3. Submission and approval of samples and details of materials of construction (000002F)
4. Submission and approval of drainage details (00005a)
5. Submission and approval of the details relating to contaminated land as set out in the response from Environmental Health (00010a)
6. Imported soils condition (0010C)
7. Ground gases condition (bespoke)
8. Submission of details of Play equipment (bespoke)
9. Submission and approval of finished floor levels (00016b)
10. Submission and approval of details of highway construction (bespoke)
11. Submission and approval of a construction management plan including assessment of noise during construction and implementation of recommended mitigation measures (00016g)
12. Submission and approval of details of remediation of contamination including verification.(00010A)
13. All the noise mitigation, ventilation and control of overheating works set out in the Noise.Co.UK Report No 17987A-1, dated the 4/08/2017 (Bespoke)
14. Before the scheme is occupied the local planning authority shall confirm in writing that the works required in the Noise.CO. UK Report No 17987A-1, dated the 4/08/2017, or any alternatives agreed in writing by the local planning authority, designed to achieve within the dwellings the recommended internal noise levels from BS 8223:2014 have been satisfactorily completed. (Bespoke)
15. Details of noise and dust suppression during construction shall be submitted and approved. (Bespoke)
16. Formation of access, parking and turning areas prior to first occupation (
17. Detailed landscaping scheme including details of eco soundblok. (bespoke)
18. Implementation of landscaping (00003b)
19. Implementation of fencing and walling (00003c)
20. Development to be carried out in accordance with mitigation measures set out in ecology appraisal (Bespoke)
21. Development to accord with the recommendations of the FRA (Bespoke)
22. Removal of PD rights for all plots
23. Heavy set trees on site (Bespoke)
24. 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)
25. Provision of affordable housing (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. Highways informatives

25. Background papers

25.1 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/2016/01847

26. Human Rights Act 1998

26.1 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.

27. Crime and Disorder Implications

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

28. Equalities Act 2010

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

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