

Agenda Item:	5.2
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Site:	Imex Business Centre, Shobnall Road, Burton Upon Trent, DE14 2AU
Proposal:	Outline application for residential development for up to 144 dwellings including details of access.

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

[Hyperlink to Application Details](#)

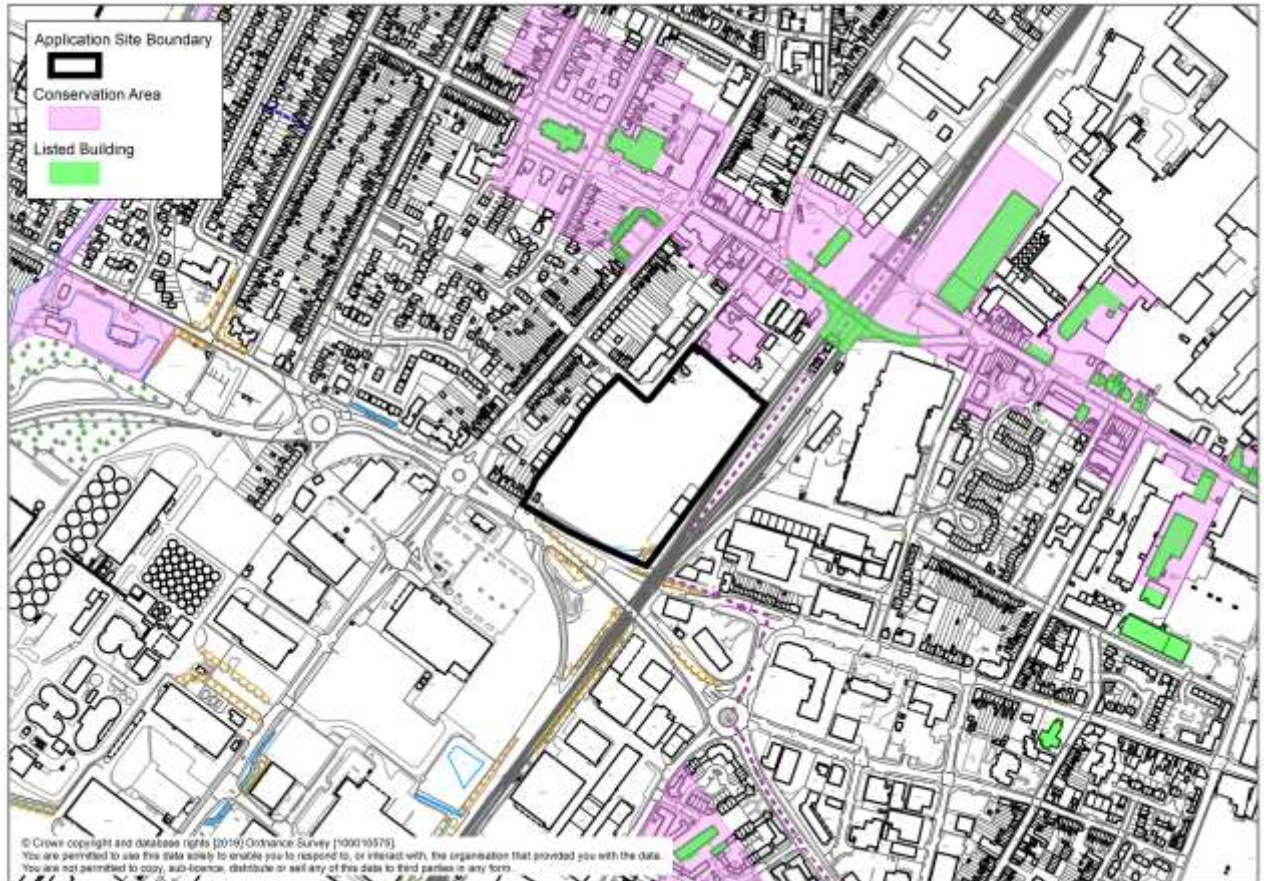
Application Number:	P/2019/00056	
Planning Officer:	Kerry Challoner	
Type of Application:	Outline Planning Application with some matters reserved.	
Applicant:	Homes England	
Ward:	Shobnall	
Ward Member (s):	Councillor Mrs S McKiernan Councillor P Walker	
Date Registered:	31 January 2019	
Date Expires:	02 May 2019. An extension of time has been agreed until 19 July 2019 by the applicants to seek to resolve issues raised through the viability assessment process.	

1. Executive Summary

- 1.1 The application site consists of 3.5 hectares of brownfield land that was formerly occupied by the Imex Business Centre. The site is bound by small industrial units and residential development to the West, the Cross Country Railway to the East and Moor Street with the Shobnall Road fly over to the South. The surrounding area comprises a mix of residential and industrial uses.
- 1.2 The application is an outline submission for the erection of up to 144 dwellings including details of pedestrian and vehicular access arrangements. All other matters are reserved. The site is located within the settlement boundary for Burton upon Trent and in principle the redevelopment of the site for residential purposes is considered to be acceptable. An indicative layout has been

provided which demonstrates that 116 houses along with two blocks comprising 14 apartments could be accommodated within the site.

- 1.3 The County Highway Authority have raised no objections in principle to the scheme and other statutory consultees have raised no objections that cannot be overcome via planning conditions. Shobnall Parish Council have raised no objections to the principle of the proposal.
- 1.4 Local residents were notified of the application, a press notice published and several site notices were posted. One local Resident provided a response in support of the proposal.
- 1.5 The proposal would not adversely affect the residential amenities of occupiers of existing nearby dwellings, and would be likely to be able to provide an acceptable level of amenity for the occupiers of the future new dwellings. The indicative layout plans provided help to demonstrate that the site is capable of accommodating the level of housing being proposed. However, all layout details are reserved and would be dealt with under a later application. It is considered that the scheme would also enhance the visual amenities of this urban environment. The proposal will not have an unacceptably adverse impact on the surrounding highway network nor give rise to any environmental concerns. The scheme would also provide necessary mitigation in relation to ecological and biodiversity impacts.
- 1.6 The scheme would not detrimentally affect any Listed Building or the adjoining Station Street/ Borough Road Conservation Area. Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are therefore not engaged by this scheme and have been satisfied accordingly.
- 1.7 Overall, the proposed scheme would see a residential development coming forward on a vacant and featureless site within the settlement boundary. The scheme would provide for 25% of the total number of dwellings on site being brought forward to be affordable. No technical issues have been raised through the consultations and the County Highway Authority have raised no objections to the proposed access arrangements. The viability of the scheme has been tested and reasonably related financial contributions have been agreed.
- 1.8 It is therefore considered that the proposal would meet with the objectives of Local Plan Policies and is recommended for approval.
- 1.9 **Members are advised that the above is a brief summary of the complex proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site**2. The site description**

- 2.1 The application site which extends to approximately 3.5 hectares comprises a recently cleared site which was previously occupied by the Imex Business Centre. Site remediation has taken place, with all previous buildings demolished and removed from the site, with the exception of a telecommunications mast which is located adjacent to Curzon Street.
- 2.2 There are two vehicular/ pedestrian accesses which serve the site and are located off Curzon Street to the North and Shobnall Road (an 'A' classified road) to the South West. The Cross Country railway runs along the Eastern Boundary of the site and Moor Street, a pedestrianised route, runs along the Southern edge of the site. The Station Street/ Borough Road Conservation Area lies to the North Eastern boundary and to the North Western boundary is Green line Business Park which comprises of several small scale industrial units, beyond which are residential dwellings fronting onto Shobnall Road and Wellington Road. No.63-79 Curzon Street, a three storey block of apartments is located adjacent to the Northern tip of the site.
- 2.3 The site is located within the Ward of Shobnall within the settlement boundary for Burton upon Trent as set out in the Local Plan.

3. Planning history

3.1 There are various planning history associated with the previous use of the site a large business complex housing a mixture of uses. The most recent planning history is as follows:

- 26 February 2018- **P/2018/00045**- Prior notification for the demolition of existing buildings- Prior approval given.
- 19 July 2018- **P/2018/00827**- Prior Notification for the demolition of existing buildings and structures- Prior Approval not required.
- 22 October 2018- **P/2018/01021**- Site Works and Remediation of land- Approved subject to conditions.

4. The proposal

- 4.1 Outline planning permission is sought for a residential development of up to 144 dwellings at the site. The application also seeks to approve details of the proposed access points off Shobnall Road and Curzon Street.
- 4.2 The applicant, Homes England, are committed to delivering 25% affordable housing units on site which will be secured through the S106.
- 4.3 All matters in relation to ‘appearance’, ‘landscaping’, ‘layout’ and ‘scale’ are reserved and would therefore be dealt with under a later application.

List of supporting documentation

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

- Site Location Plan 1:1250
- Proposed Site Layout 1:500
- Planning Statement
- Heritage Assessment
- Design and Access Statement
- Affordable Housing Statement
- Tree Survey
- Statement of Community Involvement
- Employment Land Statement
- Travel Plan
- Transport Assessment
- Remediation Strategy
- Archaeological Assessment
- Energy and Sustainability Assessment
- Air Quality Assessment
- Flood Risk Assessment (Revised)
- Noise and Vibration Assessment
- Ecological Appraisal
- Sustainable Drainage Statement (Revised)

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	Shobnall Parish Council	<p>Generally in favour but reserve the right to comment when the detailed plans are available for consultation.</p> <p>Is it possible to ensure that the developer provides an information board highlighting the Roman road, Ryknild Street, together with its relationship to the town? The following information has been provided by the Civic Society:</p> <p>“Roman Ryknild Street would have run through the Imex site. This road ran from the Fosse Way in Gloucestershire to South Yorkshire. Much of the route is now the A38. The line through Burton is roughly along Clays Lane and through Bean’s Covert (rear of Morrisons) where bits have been found, on south-east and parallel to Wellington Road, through the Imex site and then along Derby Street and Derby Road to cross the Dove (probably where Monks Bridge is) and on to Derby. This is not new information, but not widely known locally and an information board is a great idea”</p>
5.3	SCC Highways	<p>No objections were raised subject to conditions to ensure that new access points are completed appropriately, off site highway improvements are carried out, a masterplan is provided to include a street layout with speed restraints, parking strategy, development phasing and a clear outline of roads which are to be offered for adoption and visibility splays to be provided and maintained in accordance with details provided.</p> <p>A Travel Plan Monitoring fee of £6,760.00 would be required.</p> <p>The applicant has entered into a separate Highway Works Agreement with the County Highway Authority to provide off site highway works which include amending existing tactile paving in Curzon Street, providing new tactile paving at the junction between Grants Yard and Station Street and the re surfacing of an existing cycle route on Shobnall Road.</p>
5.4	SCC Education	Requested total contribution of £216,086 based on 144 dwellings. This would provide the required secondary school places.
5.5	SCC Flood Risk Team	No objection subject to conditions

5.6	Environment Agency	No objection subject to conditions relating to the development being carried out in accordance with the Flood Risk Assessment and the prevention of land/ water contamination.
5.7	Severn Trent Water	No objection subject to conditions relating to drainage.
5.8	Network Rail	No objection subject to a condition relating to drainage.
5.9	Office of Road and Rail	No objections were raised.
5.10	The National Forest	No objection subject to a financial contribution of £24,500 and a condition to secure appropriate landscaping.
5.11	Architectural Liaison Officer	No objections were raised. Advice provided regarding design and layout to increase natural surveillance and provide crime deterrents.
5.12	East Staffs Clinical Commissioning	A financial contribution of £60,480 is required to develop/ support primary care services in the area.
5.13	Cadent	No objections were raised.
5.14	Arquiva Networks	No objections were raised- advice provided regarding potential development adjacent to the existing telecommunications mast.

Internal Consultees		Response
5.15	Environmental Health	No objections subject to conditions requiring noise and dust mitigation schemes at reserved matters stage.
5.16	Open Spaces/ Playing Pitches	Open Spaces- Requested off-site contribution of £63,200 which would be directed towards improvements at the Link play area (the play area opposite Imex) as the evidence base recognises the quality could be improved. Playing Pitches- Requested financial contribution of £166,340 (made up of £36,240 for pitch provision and 20 year annual maintenance contribution of £6,505).
5.17	Environment Manager	Request that the developer provides adequate storage containers for refuse and recycling collection (£75 per dwelling).
5.18	Council's appointed Viability Expert	Confirmed that following sensitivity testing there is justification for the reduced offer of financial contributions. This is based on the provision of 25% of affordable dwellings on site and the minimum price that a hypothetical reasonably minded landowner would be willing to accept to release the site for housing development and reasonable build costs.
5.19	Tree Officer	No objections

6. Neighbour responses

- 6.1 Neighbours have been notified of the application, a site notice posted and a press notice published. One representation was received from a local resident in support of the proposal.

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
- SP3: Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- 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
- 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
- DP7 Pollution and Contamination

'Made' Neighbourhood Plans

Shobnall

- T1 – Transport Assessment
- T2- Highway Design and Traffic Calming
- T3- Travel Planning
- T4- Traffic Management
- T5- Parking
- T6- Sustainable Transport

- HD1- Developer Contributions
- HD2- Housing Design Quality
- HD3- Housing Mix
- HD4- Development Sites
- GN3- Open Spaces

Supplementary Planning Documents

- Housing Choices SPD
- Car Parking Standards SPD

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'.

8.3 Although the Council can currently demonstrate a 5 year land housing supply there is a general context nationally for significantly boosting housing. The application site lies within the settlement boundary as set out in the Local Plan for Burton upon Trent and is therefore considered to be a sustainable location where new dwellings can play a part in meeting local housing needs.

9. Local Plan

9.1 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.

9.2 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.
- 9.3 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 and a windfall allowance, expected to take place within the settlement boundary.
- 9.4 The site is allocated as site 7 in the 'Made' Shobnall Neighbourhood Plan for development, which seeks a mixed use development to include offices, residential uses and where possible light industrial premises.
- 9.5 Although the proposed scheme does not provide a mixed use development including offices and light industrial units, it is noted that the site is not

allocated specifically for employment uses in the local plan. The submissions include an industrial and commercial market assessment which refers (with evidence) to Burton having a good supply of employment sites which will satisfy the needs of businesses for some time and concludes that the application site itself does not meet the requirements of modern businesses. On balance it is considered that the applicants have justified that the loss of employment land in this case to be acceptable. The development of this site is considered to be in line with national and local policies for the sustainable location of new residential development.

- 9.6 The site has no formal allocations in the Local Plan and is therefore land within the settlement boundary which could accommodate development. There is desirability for optimising vacant land within the settlement boundary and the provision of housing would play a part in meeting the boroughs housing requirements and achieving sustainable growth. It is considered that the indicative layout plan helps to satisfy that the site is capable of accommodating the level of housing being proposed. The general principles for sustainable development can be integrated and are discussed further in the assessment below.

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

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 Detailed Policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 10.5 Policy HD2 from the Shobnall Neighbourhood Plan requires new housing development to achieve a high standard of design to include appropriate levels of green space, provision of car parking, sustainable design measures and sustainable drainage systems.
- 10.6 The indicative site layout demonstrates that the site is capable of accommodating the level of housing being proposed, along with two areas of public open space. The proposal for up to 144 dwellings does not raise design or visual impact concerns and it is considered that a residential scheme would significantly improve the appearance of the area. The Lead

Local Flood Authority have confirmed that a suitable drainage system could be integrated into the site alongside the residential development. A landscaping scheme would ensure that appropriate green infrastructure is included with any scheme coming forwards at Reserved Matters Stage, and can be secured by an appropriately worded condition.

- 10.7 Overall, at this outline stage it is considered that the application site can adequately accommodate upto 144 dwellings and would not result in a development which is over intensive. Full details in terms of layout, positioning of dwellings and plot sizes would be fully assessed at the necessary reserved matters stage.
- 10.8 Energy efficiency techniques would be secured in a detailed reserved matters scheme. Similarly, the provision of associated domestic infrastructure such as space for bin and cycle storage would be addressed in any reserved matters submissions.

11. Residential Amenity

- 11.1 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.
- 11.2 Although the layout plan provided within the submissions are for illustrative purposes only, it is possible to conclude at this stage that the site is of sufficient size to accommodate upto 144 dwellings without giving rise to negative impacts on existing and future residential amenity. The particulars of the design, massing and positioning of the houses would ensure an appropriate level of residential amenity is achieved and would be fully assessed as part of the determination of the reserved matters in relation to 'scale', 'appearance' and 'layout'.
- 11.3 With regard to the future occupants of the dwellings which are located close to the boundary with the train line, it is acknowledged that there would be trains regularly using this line at all hours of the day. The Borough Councils Environmental Protection team are satisfied that the development of the scheme would not give rise to any significant concerns provided necessary noise mitigation measures are put in place in terms of acoustic glazing installation. These provisions will - as they were proposed in relation to the previous scheme - be secured by way of condition to any outline approval. These would similarly mitigate any impact of existing background noise generated by vehicular traffic on surrounding roads.
- 11.4 In terms of noise and disturbance it is considered that the activities generated by the occupation of the proposed development, including traffic movements, would not be detrimental to local residents in this urban environment. In line with advice provided by the Environmental Health Officer conditions are recommended to provide for noise and dust mitigation and controls on hours of operation during the construction phase(s).

12. Sustainability (energy efficiency and low carbon)

12.1 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;

12.2 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 it is considered that the proposed dwellings will be constructed to a high standard in terms of energy efficiency and will not result in a significant increased carbon footprint. It is therefore considered that the proposals would accord with policy SP2 of the Local Plan.

13. Highway Matters

13.1 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.

13.2 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.

- 13.3 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.
- 13.4 The Shobnall Neighbourhood Plan in policy T5 sets out parking requirements new developments as follows:
- 1.5 spaces for 1 bedroom dwellings
 - 2 spaces for 2/3 bedroom dwellings
 - For larger dwellings, provision of 1 additional space per additional bedroom.
- 13.5 The Shobnall Neighbourhood Plan requires new development to mitigate its own traffic generation and impact through policy T1 (Transport Assessment). Policy T2 (Highway design and Traffic Calming) builds on this by achieving high quality in highway design to achieve accessibility and connectivity and creating a sense of place. Policy T3 requires all new major proposals to be supported by travel plans and Policy T4 sets out how local traffic should be managed. Support for sustainable transport systems is provided through Policy T6 where it is confirmed that developer contributions should be sought to deliver necessary improvements.
- 13.6 The County Highways Authority have worked with the developer and are satisfied with the transport assessment which has been submitted. Off site highway improvements have been negotiated which include improvements to the Shobnall Road access junction and the Curzon Street access along with the provision of tactile paving at the Curzon Street/ Station Street junction and at the Grants Yard junction with Station Street. It is therefore considered that subject to the off site highway works, the proposal would cause no detriment to safety and free flow of the Highway in the wider area.
- 13.7 In terms of parking it is considered that the site has a sufficient area to accommodate the level of housing proposed with off street parking to serve each dwelling in line with the requirements of the Councils Car Parking standards and the requirement of Policy T5 of the Neighbourhood Plan. These details would come forward at reserved matters stage and would be fully assessed as part of the 'layout' reserved matter.
- 13.8 As part of this application details of access have been provided. The 'access' reserved matter deals with accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding network. The site would have a main vehicular access point off Shobnall Road and a further two vehicular access points off Curzon Street. The proposed internal road network would be assessed as part of the 'layout' reserved matter. Generally, as long as internal roads are of adoptable standard this would allow emergency vehicles or the Council's fleet of refuse vehicles to safely service each new plot. In terms of walkability through the site the indicative layout

shows an acceptable pedestrian and cycle route which circulate the site and link the Shobnall Road entrance/ exit to those proposed in Curzon Street. In terms of legibility, it is considered that an appropriate level of cohesiveness within the site along with links to the built form surrounding the site could be achieved.

13.9 The County Highway Authority have raised no objections to the proposed access points and are satisfied with the details submitted. As such no technical issues have been raised and it is considered that a residential scheme at this site could be achieved without prejudicing the safe and free flow of the adjacent highways. There are insufficient grounds to refuse the proposal at outline stage based on highway safety, traffic generation or parking issues. A financial contribution has also been requested with respect of a monitoring fee for an agreed Residential Travel Plan. This will be addressed in section 21 later in this report.

13.10 It is therefore considered that, in terms of Highway matters the proposal would comply with the objectives of the Local Plan, the Shobnall Neighbourhood Plan and the NPPF.

14. Historic Environment

14.1 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.

14.2 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.

14.3 Section 66 (1) 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.

14.4 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.

- 14.5 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.
- 14.6 The North Eastern boundary of the site adjoins the Station Street/ Borough Road Conservation Area, which was amended and extended in 2018. The nearest Listed Buildings are the Grade II listed Former Midland Grain Warehouse (which has been converted to a Travel Lodge) off Station Street, 125-145 Wellington Street which are Grade II listed Almshouses and Burton Town Hall which is also Grade II listed. Therefore, Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged by this scheme.
- 14.7 The application site previously contained large industrial buildings known as the Imex Business Centre. The site has recently been cleared and levelled and now forms a vacant brownfield site. It is considered that the site at present does not form a positive contribution to the setting of the adjacent Conservation Area. Taking into consideration the separation distances and the scale of the intervening buildings it is not considered that the scheme would cause any detriment to the significance or setting of any Listed Buildings.
- 14.8 The applicants Heritage Appraisal values the heritage significance of the site as being low- medium. Areas which scored a 'medium' value where a result of the general location of the site within the town and its associated historical context. Due to the scale of physical change which has occurred within and around the locality over a number of years, the appraisal considered that there is clear scope for significant future intervention across the site.
- 14.9 The current application is in outline form and whilst an indicative layout has been provided, all details such as layout, design, materials and scale would be reserved for assessment at reserved matters stage. At this stage the assessment is being made in principle as to whether the development is acceptable in heritage asset terms. It is considered that there is an opportunity to enhance the setting of the Conservation Area by providing a more cohesive street scape. The success of the scheme will depend on any reserved matters submissions (over which the Council will have necessary control in due course if outline approval is forthcoming), considering the limited contribution that the existing site makes to the setting of heritage assets there is at this outline stage considered to be sufficient potential scope for positive development to come forward to conclude that the scheme will preserve or enhance the Conservation Area. Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are satisfied accordingly.
- 14.10 In relation to archaeological matters, taking into consideration the recent remediation works carried out it is not considered that an archaeological recording condition would be relevant in this case.

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 site falls within Flood Zone 2. Flood Zone 2 is deemed to have been shown to have between 0.1% to 1% chance of flooding in any year. The Environment Agency have confirmed that the scheme is located outside of all the relevant flood events therefore they have no objections to this application. A condition is recommended to ensure the development is carried out in accordance with the mitigation measures set out in the Flood Risk Assessment.
- 15.4 There are a number of groundwater abstractions in the vicinity of the site and this location is regarded as sensitive in terms of groundwater. The Environment Agency have advised that development activities in this location must be strictly controlled to ensure pollution of groundwater does not result, as such a suitably worded condition is recommended to ensure that any further remediation measures are approved prior to commencement of works on site.
- 15.5 A drainage strategy has also been submitted and revised in line with comments provided by the Lead Local Flood Authority. The strategy demonstrates how a residential development could be designed to be appropriately flood resilient in terms of surface water run off. The drainage strategy is considered to be acceptable in principle, however as this could evolve at reserved matters stage the LLFA would be consulted again for their technical expertise.
- 15.6 Severn Trent Water Company have raised no objections to the proposal in principle, the details of foul and surface water drainage would be subject to a condition.
- 15.7 Overall, taking into account the technical opinion of the Environment Agency, the LLFA and Severn Trent it is considered that the proposed scheme would be appropriately flood resilient, flood risk would not increase elsewhere and surface water flows can be suitably managed by giving priority to a sustainable drainage system. The scheme would achieve compliance with Policy SP27 from the Local Plan.

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 responds to this requirement.
- 16.2 Strategic Policy 16 states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence.
- 16.3 Policy HD3 of the Shobnall Neighbourhood Plan requires new development to deliver an appropriate mix of housing types and sizes. Particular need in Shobnall relates to starter homes for young families, affordable housing and larger family homes.
- 16.4 The Housing Choice SPD expects the market housing mix for Shobnall as shown in the table below. An indicative housing mix has been included within the submissions.

	Shobnall	<i>Proposed indicative scheme 1</i> <i>144 dwellings</i>
1-bedroom homes (flats, houses or bungalows)	3%	14%
2-bedroom homes (flats, houses or bungalows) and Housing for Older People	33%	47%
3-bedroom houses	29%	38%
4-bedroom houses	23%	1%

- 16.5 Although the indicative housing mix does not comply with the suggested mix set out in the Housing Choice SPD, at this stage taking into consideration the overall benefit of bringing this site back into use and the delivery of housing the mix is considered to be acceptable. It is considered that the requirements of the Neighbourhood Plan set out in Policy HD3 could be achieved through this proposal. The housing mix would be reassessed at the necessary reserved matters stage.
- 16.6 Local Plan Policy SP16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(2) relating to accessible and adaptable dwellings. Further guidance has been prepared setting out how this policy will be applied. The guidance states that the standard will be expected on 10% of major applications and the standard should be applied to a range of properties. The developer has confirmed that

the properties would be built to Homes England Design criteria and 10% of the properties would meet with the requirements of the M4(2) standards. The proposal would therefore meet with the requirements of Policy SP16. A condition would be attached which requires the M4(2) compliant units to be delivered. It would be reasonable to include a proviso within this condition that the number of units achieving M4(2) could be changed by agreement in writing with the Council taking into account that the housing level overall may be reduced as the scheme comes forward under reserved matters details.

- 16.7 Strategic Policy 17 states that housing- led residential development that will provide 4 or more dwellings shall provide up to 25% of affordable housing on previously developed land within the built up areas of Burton.
- 16.8 SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings and the Housing Choice SPD provides guidance on the expected affordable housing mix of sites.
- 16.9 The submissions indicate that the full 25% requirement for affordable housing would be provided on site. The exact tenure, type, design and location of affordable units within the layout would be assessed during any reserved matters application. This affordable housing requirement would be legally binding on the developer via a Section 106 Agreement.

17. National Forest

- 17.1 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.
- 17.2 Given the scale of the site and the number of dwellings proposed it is unlikely that meaningful planting in line with the National Forest guidelines could be achieved on site. As such, an off site contribution of £24, 500 has been requested. This will be addressed in Section 20 of this report.
- 17.3 It is acknowledged that an existing tree group along the Shobnall Road boundary of the site is shown to be retained on the indicative site layout plans provided, this is welcomed. The National Forest Company have requested that these trees be retained and protected during construction works and beyond, this can be secured by an appropriately worded condition. In addition, an appropriate landscaping scheme which can also be secured by condition could also include details of tree planting within the site as suggested in the indicative layouts provided.

18. Biodiversity

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

- 18.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 18.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 18.4 The site has recently been cleared and regraded in accordance with previous planning consents. The site is presently considered to be of low ecological value at present, however it is noted that the future development of the site provides an opportunity to enhance the existing situation through mitigation measures such as bird boxes and gaps in fencing to allow the movement of hedgehogs. A suitably worded condition is recommended to ensure that appropriate ecological enhancement measures are provided as part of the redevelopment of the site.

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 Policy GN3 of the Neighbourhood Plan requires new development to provide appropriate public, private and shared amenity space and meet with the objectives of the National Forest.
- 19.5 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.
- 19.6 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document.
- 19.7 The Indicative Site Plan outlines that there could be two main areas of community open space within the site alongside 144 dwellings. These areas would be provided adjacent to the Curzon Street to the North of the site and along the South Western boundary of the site. Based on the site area and the indicative layout of 144 dwellings, open space of 0.22 hectares is proposed. This would equate to around 1/5 of the 1.29 hectares required by the Open Space and Playing Pitch SPD. The remaining 4/5 can be commuted off site in

line with the provisions of the SPD. It is therefore reasonable to assume that there will be some open space within the site itself. A Management Company would look after any open space and SUDS on the site in perpetuity and this would be legally binding on the developer through the Section 106 Agreement.

- 19.8 It is therefore considered that the objectives of the Local Plan and the Neighbourhood Plan can be met by this proposal. The final open space and private amenity areas would be given full consideration at reserved matters stage.

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 The Education Authority identify that that the application scheme - as proposed for up to 144 No. dwellings - could add to the education roll in the locality. The development falls within the catchments of Grange Community School (Infant School), Kingfisher Academy (Junior School) and Abbot Beyne School. Specifically, the development could add 24 primary pupils, 13 secondary school pupils and 3 sixth form places. The Education Authority have advised that there are projected to be sufficient primary and sixth form places within the vicinity of the site to serve the need arising from the development. A commuted sum of £216, 086 for 13 secondary school places has been requested. This will be addressed in Section 21 of this report below.

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 Policy HD1 of the Shobnall Neighbourhood Plan relates to Developer Contributions'. The community have identified a range of local improvements

which should be supported by contributions arising from planning permissions granted in the plan area. These improvements include traffic calming in areas experiencing high volumes of traffic, including along Shobnall Road, signposting to direct HGV vehicles and improvements to existing cycle infrastructure/ creation of new facilities.

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

Item	Planning Obligation	Cost (where applicable)
Education	Commuted sums for 13 new secondary school places at Abbot Beyne School	£216, 086
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling	£10,800
Open space	Off-site contribution which would be directed towards improvements at the Link play area (the play area opposite Imex)	£69, 400
Affordable Housing	25% of affordable housing to be provided on site	
Travel plan monitoring	Travel Plan Monitoring fee	£6,760
National Forest	Off site contribution requested of £24, 500	£24, 500
Healthcare	Request a commuted sum of £62,160 towards primary health care provision in Burton.	£60, 480

21.5 A Viability Appraisal has been put forward by the developer, which has been independently assessed by the Councils appointed Viability Expert. In conclusion it has been agreed that whilst the proposal cannot afford all usual contributions, the scheme can provide capital and on-site contributions which can help to benefit the local community.

21.6 The site has recently been remediated by the applicant Homes England, with a view to delivering new homes in a timely manner. In line with the requirements of Homes England, 25% of all dwellings being brought forward on the site would be affordable. As such, the full policy requirement for affordable homes as set out in Policy SP17 would be provided on site.

21.7 The applicant has put forward an obligation offer following rigorous viability testing. The Officer recommendation is that this offer of £75,000 alongside 25% of on site affordable housing is acceptable. It is considered reasonable that the financial contributions can be used to provide refuse storage containers at £75 per dwelling (£10,800), with the remaining money (£64,200) from the developers offer to be used within the local area to improve the Link play area (the play area opposite Imex) as the evidence base recognises the

quality of this site could be improved. It is noted that Shobnall Parish Council manage the site and so the S106 will include provisions to state that the monies are intended to go to them. This would ensure further compliance with Policy SP23.

- 21.8 As set out above Policy HE1 of the Neighbourhood Plan sets out spending priorities for developer contributions. Whilst the proposal would not strictly meet with these, it is noted that off site highway works would form part of the scheme. These would include improvements to the Shobnall Lane Junction with the site and the resurfacing of a section of the cycle pathway along Shobnall Road. Taking into consideration the limited financial contributions available, the off site highway works which would be secured and the improvements to the Link Play Area, whilst the requirements of Policy HE1 would not be strictly met, it is considered that the aspirations of the neighbourhood plan would be achieved.
- 21.9 The Officer opinion is that the developer contribution has been split reasonably so as to benefit the local community. Members of Planning Committee should be aware that there is flexibility to change where the £75,000 is spent if there is a feeling that other areas are higher priority such as supporting a local project or a sum to support National Forest planting. It should be noted that there will be some on site tree planting which will come forwards as part of a landscaping strategy at the Reserved Matters stage and so whilst officers are not proposing any monies to the National Forest, there will be some elements of the proposal which meet their aspiration. In line with national guidance planning obligations can also be pooled into funding 'pots' intended to support common types of infrastructure for the wider area however it should be ensured that no more than 5 obligations are pooled towards a single project.
- 21.10 The following planning obligation has been negotiated and the Planning Officer's recommendation is that the developer's offer has been reasonably split for priority areas that can benefit the local community:
- **Affordable Housing- 25% of Units delivered on-site.** The tenure of the affordable housing would be agreed at reserved matters stage.
 - **Open Space contribution of £64,200** which would be spent on new equipment at The Link Play Area, Shobnall.
 - **£75 per plot** for appropriate external storage containers for refuse and recycling collection
 - **Management Company** appointed to look after all open space including wildlife areas and SuDS on-site in perpetuity
 - **Off Site Highway Works** to improve access points at Shobnall Road and Curzon Street, provide new surfacing for existing cycle route on Shobnall Road between Wellington Street and the site access, and to provide new tactile paving at the Curzon Street Junction with Station Street and Grants Yard Junction with Station Street.
- 21.11 Overall, given the site context, surroundings and local knowledge from Ward Members it is considered acceptable that the developers planning

obligation prioritises delivery of on-site Affordable Housing, Education Authority contribution and Local Open Space contribution to support the community.

22. Conclusions

- 22.1 In overall locational terms, the scheme is considered to represent a sustainable residential development that would fully meet the housing delivery strategies set out in national and local planning policies.
- 22.2 The site is capable of accommodating the level of housing being proposed and statutory consultees and relevant departments who have been consulted have raised no objections to the proposal. Full details of the access have been provided and the access arrangements are considered to be acceptable by the County Highway Authority. At this stage all technical matters in relation to highways, flood risk, contamination and ecology can be covered by suitably worded pre-commencement conditions attached to any outline permission.
- 22.3 Overall, it is desirable to see this vacant and featureless site being sensitively developed where efficient use of the land can optimise the potential to bring forward new homes within the settlement boundary. In addition to the appropriateness of the scheme some weight should also be given to the Section 106 Agreement where appropriate financial contributions have been negotiated following viability testing.
- 22.4 It is considered that the scheme as proposed would not result in any demonstrable harm upon the character and significance of the historic environment and there are no other material considerations which should be added to the planning balance.
- 22.5 Accordingly, it is considered that the scheme complies with the aims and criteria of relevant policies from the Local Plan, the Council's SPD's, the Made Neighbourhood Plan and the National Planning Policy Framework 2019.

RECOMMENDATION

- 22.6 **The Planning Committee is asked to resolve to GRANT outline planning permission for the development subject to a SECTION 106 AGREEMENT and subject to the following conditions:**
1. Grampian Condition to ensure that the off site highway works are completed prior to the first occupation of any dwelling on the site (Bespoke)
 2. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved (00001d)
 3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (00001b)
 4. No development shall take place until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority:

- a - Appearance
 - b - Landscaping
 - c - Layout
 - d - Scale
5. The development hereby permitted relates to the following plans subject to compliance with other conditions of this permission:
- 1:1250 Site Location Plan Drawing No: 3842 AD (O) 012 received on 16/01/19
 T17525-001 Rev B Shobnall Road dated as received 13 May 2019
 T17525-002 dated as received 13 May 2019 (00002)
- 6. Details of a highway masterplan to be provided prior to submission of reserved matters (bespoke)
 - 7. Details of all finished floor levels to be provided (bespoke)
 - 8. Details of landscaping, including tree protection and provision of open space to provided (bespoke)
 - 9. Details of means of enclosure to the site and individual plots to be provided (bespoke)
 - 10. Details of a Construction Management Plan to be provided (bespoke)
 - 11. Details of electric charging points to be provided to 10% of dwellings (bespoke)
 - 12. Details of dwellings to be constructed in accordance with M4(2) compliance (bespoke)
 - 13. Details of weatherproof cycle storage to be provided (bespoke)
 - 14. Details of all external materials to be provided (00002F)
 - 15. Details of ecological enhancement measures to be provided (bespoke)
 - 16. Details of disposal of foul and surface waters (00005a)
 - 17. Details of a scheme of dust mitigation (bespoke)
 - 18. Details of a noise mitigation scheme (bespoke)
 - 19. Details of a remediation scheme (bespoke)
 - 20. Details of adequate drainage facilities to be provided (bespoke)
 - 21. Works to be carried out in accordance with Flood Risk Assessment (bespoke)
 - 22. Details of any vibro-compaction machinery to be provided (bespoke)
 - 23. Provision of visibility splays to be provided and maintained prior to first use (bespoke)
 - 24. Works to be carried out in accordance with approved remediation scheme (bespoke)
 - 25. Procedure to be taken in the event that contamination is found during works (bespoke)
 - 26. Works to be carried out in accordance with the approved landscaping scheme (bespoke)
 - 27. All fencing and walling to be provided prior to first use (bespoke)

Informatives

- 1. Standard engagement informative
- 2. Standard samples and details of materials to be provided
- 3. Standard pre commencement conditions
- 4. Clarification regarding landscaping scheme (bespoke)
- 5. Severn Trent Water advice regarding a public sewer (bespoke)
- 6. Request by Shobnall Parish Council for an information board (bespoke)
- 7. Details of guidance/ advice from the Designing out Crime Officer (bespoke)
- 8. Details of advice from Network Rail (bespoke)

9. Contact details of the management team responsible for the electronic communications base located within the site (bespoke)

23. Background papers

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

- The Local and National Planning Policies outlined in the report above.

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.

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