
Agenda Item: 5.1

Site:	Land to the rear of, 2 Harbury Street, Burton upon Trent, Staffordshire, DE13 0RX
Proposal:	Reserved Matters application relating to P/2016/00980 for the erection of 14 dwellings including the demolition of dwelling, shed and garage at 2 Harbury Street and garages at the rear including details of access, appearance, landscaping, layout and scale

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](#)

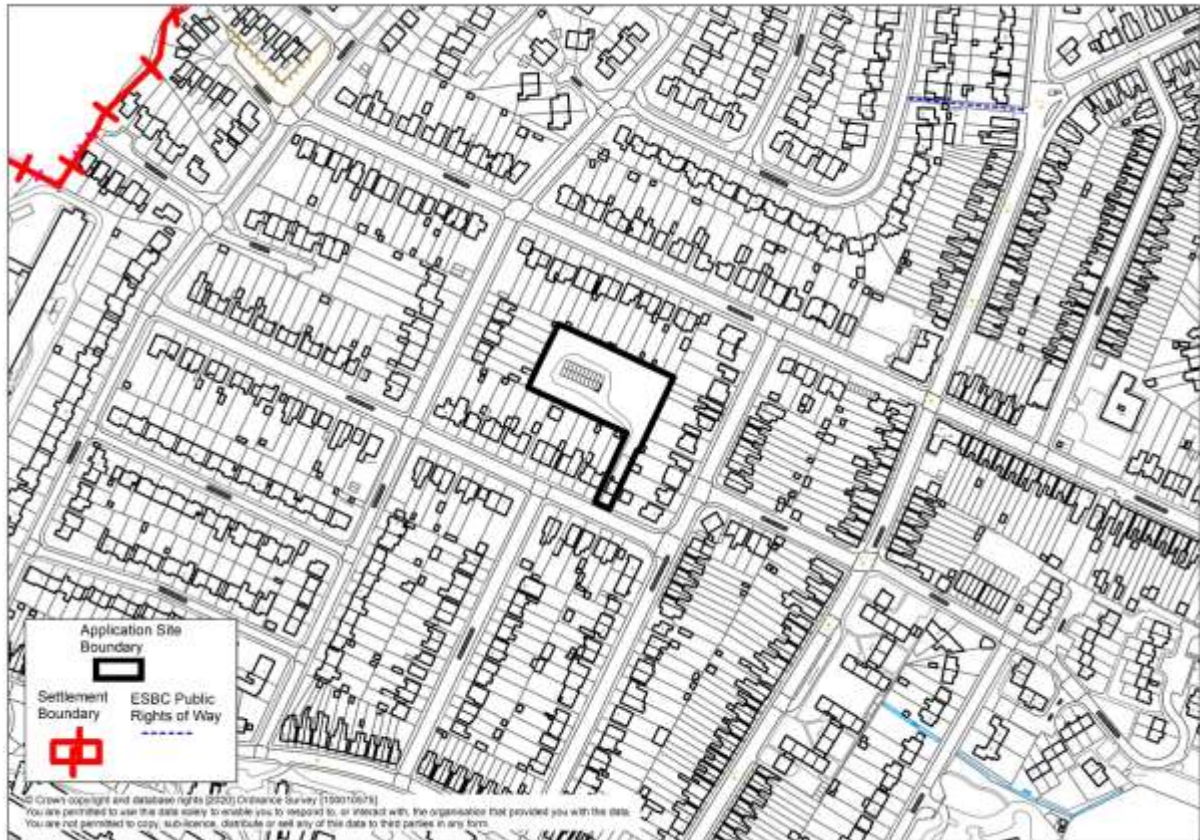
Application Number:	P/2019/01511	
Planning Officer:	Kerry Challoner	
Type of Application:	Reserved Matters	
Applicant:	Wyggeston Hospital	
Ward:	Horninglow	
Ward Member (s):	Councillor D Florence-Jukes Councillor K J Builth Councillor M Shrive	
Date Registered:	19 December 2019	
Date Expires:	19 March 2020	
Reason for being on Agenda	The scheme seeks reserved matters approval for residential development on the site where the outline consent was approved by Planning Committee.	
Officer Recommendation	Approval subject to conditions.	

1. Executive Summary

- 1.1 The application site comprises a broadly rectangular piece of land located to the rear of residential properties fronting onto Harbury Street, Norton Road, Foston Avenue and Swannington Street. The site also includes No.2 Harbury Street which would be demolished to facilitate the development of the site and provide access off Harbury Street.
- 1.2 This application is a reserved matters submission for the erection of 14 No. dwellings along with associated parking, creation of vehicular and pedestrian

access including details of access, appearance, landscaping, layout and scale. The Outline Consent was granted in January 2017 for the erection of up to 14 dwellings with all matters reserved. This consent was subject to a number of conditions and a S106 agreement.

- 1.3 Local residents were notified of the application, a press notice published and a site notice posted. 11 responses were received from neighbouring occupiers raising objections to the scheme. No responses were received from the Horninglow and Eton Parish Council or Ward Members.
- 1.4 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 either by conditions of this reserved matters application or via discharge of condition submissions in relation to the original outline approval. The proposal would not be likely to adversely affect the amenities of occupiers of existing nearby dwellings, and would provide an acceptable level of amenity for the future occupiers of the new dwellings.
- 1.5 The proposals would be in keeping with the visual amenities of the locality and would not give rise to any increased flood risks or environmental concerns. The scheme includes the provision of 4 No. affordable dwellings on site and would not harm ecological and biodiversity interests as a scheme of mitigation would secure ecological enhancements across the site.
- 1.6 The proposed scheme would also not impact on the character and appearance and setting of any conservation area or the setting of any listed buildings. Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are therefore not engaged by this scheme.
- 1.7 It is therefore considered that the scheme is in line with the conditions and remit of the outline planning approval - and its associated Section 106 Agreement - and is compliant with the aims of the relevant development plan policies, Horninglow and Eton Neighbourhood Plan Policies and the National Planning Policy Framework in the delivery of sustainable residential development.
- 1.8 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to conditions.
- 1.9 **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 The site is an area of vacant scrubland, of some 0.919 acres in extent, to the rear of existing dwellings on Hanbury Street. The site is located within a dense residential area, predominately made up of semi-detached dwellings.
- 2.2 The character of the area is generally a grid form of long linear rows of properties; and as such the application site is uncharacteristic of the locality by being an 'open space' with 21 No. lock up garages in the centre of the site. The site is enclosed on all sides by existing residential properties and their gardens.
- 2.3 The site is largely screened from the surrounding roads by the existing residential properties. The site is populated by a number of trees - many of which are evergreen - whereas the perimeter of the site consists of a more mature tree line and hedgerows.
- 2.4 The application site is located in the parish of Horninglow and Eton and is within the Settlement Boundary for Burton upon Trent as defined in the Local Plan.

3. Planning history

- 3.1 Application Ref: P/2014/01353 - Outline application for the erection of up to 17 dwellings with all matters reserved including the demolition of a dwelling, shed and garage at 2 Harbury Street and garages at the rear - Withdrawn on 4 February 2015.

- 3.2 Application Ref: P/2016/00980 - Outline application for the erection of up to 14 dwellings with all matters reserved including the demolition dwelling, shed and garage at 2 Harbury Street and garages at the rear - Approved subject to a Section 106 Agreement and conditions on 17 January 2017.
- 3.3 The Section 106 Agreement attached to the approved outline permission P/2016/00980 provides for the following:-

Item	Planning Obligation	Cost (where applicable)
Education	First school provision	£33,093
	Secondary school provision	£33, 244
	Total Contribution	£66,337
Affordable Housing	25% of dwellings on site to be Affordable Housing	N/A
Open Space	£250 per bedroom created	Dependant on reserved matters submissions
Refuse Containers	Contribution to provide refuse storage containers	£1050
Parking	Parking is to be provided on site to serve the application dwellings	N/A

4. The proposal

- 4.1 This application for reserved matters approval relates to the proposed erection of 14 No. dwellings (of which 4 No. are affordable housing units) including details of appearance, landscaping, layout and scale. The proposed vehicular access to the site is located off Harbury Street.
- 4.2 The residential accommodation in total comprises:-
- 8 No. two bedroom houses;
 - 6 No. three bedroom houses;
- 4.3 The proposed houses are a mix of two storey semi-detached and terraced units. The 4 No. affordable units comprise 4 No. two bed terraced houses.
- 4.4 Parking facilities are proposed by way of drive ways and parking bays interspersed with landscaping. Full details of 38 No. parking spaces, proposed landscaping and boundary treatments have been provided.

List of supporting documentation

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

- Application Form
- Location Plan
- Proposed Site Plan
- Topographical Survey
- Site Access Plan
- Proposed Site and Landscaping Plan (Revised)
- Proposed House Type A Plots 1-4 Plans and Elevations
- Proposed House Type B Plots 5-6 Plans and Elevations
- Proposed House Type C Plots 7-10 Plans and Elevations
- Proposed House Type D Plots 11-14 Plans and Elevations
- Proposed Street Elevations

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
Horninglow and Eton Parish Council	No response was received.
SCC Highways	No objection subject to conditions
Designing Out Crime Officer	No objections were raised.

Internal Consultees	Response
Environment Manager	No objections were raised subject to the provision of appropriate refuse containers.

6. Neighbour responses

6.1 Neighbouring occupiers have been notified of the application and a site notice has been posted. 11 responses raising objections/concerns were received from neighbouring occupiers in Harbury Street, Foston Avenue, Swannington Street and Norton Road. Objections/concerns can be summarised as follows:

Neighbour responses	
Principle	<ul style="list-style-type: none"> • Overdevelopment of the site • No more housing is needed in the area
Impacts on Amenity	<ul style="list-style-type: none"> • Loss of privacy • Increased noise and disturbance • Layout, scale and design is not in keeping with the character and appearance of the locality. • Proposed boundary treatments are impractical and

	inadequate
Highways Impacts	<ul style="list-style-type: none"> • Impact on highway safety, particularly at the access • Insufficient parking facilities are proposed • Parking would be difficult to control once provided • Construction hours should be controlled • Lack of turning facilities for larger vehicles - e.g refuse lorry, emergency vehicles • Loss of on street parking on Harbury Street
Flood and drainage impacts	<ul style="list-style-type: none"> • Drainage and flooding issues
Trees/ Biodiversity	<ul style="list-style-type: none"> • Loss of trees • Impact on wildlife/ecology • The site has not been managed for a number of years
Miscellaneous	<ul style="list-style-type: none"> • Loss of property value • Layout would lead to anti social behaviour
Ward Member	No response was received from the Ward Member.

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- NP1: Role of Neighbourhood Plans
- SP4 Distribution of Housing Growth 2012 – 2031
- SP9 Infrastructure Delivery and Implementation
- SP10 Education Infrastructure
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP24 High Quality Design
- SP25 Historic Environment
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- 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

Horninglow and Eton 'Made' Neighbourhood Plan

- HE5 – Parking Standards
- HE11 – Local Built Heritage Assets

Supplementary Planning Documents/Guidance

- Housing Choice SPD 2019
- East Staffordshire Design Guide
- Parking Standards SPD
- Separation Distances and Amenity 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'.

9. 5 Year land Supply

9.1 The most recent calculation uses figures as at 30th September 2019 and concludes there is 6.30 years of supply. Therefore the policies in the plan can be considered up to date.

10. Local Plan

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

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

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

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

10.3 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton Upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries. The following elements guide the development strategy:

- Focus the majority of development at Burton Upon Trent
- Allocate a significant level of development at Uttoxeter
- Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
- Control new development in all other villages and hamlets

10.4 The principle of the development of the site for up to 14 dwellings has been established with the approval of the outline planning permission (planning reference P/2016/00980). This reserved matters application for 14 No. dwellings deals with the appearance, landscaping, layout, scale and means of access for the development but will be subject to the requirements of the conditions and the Section 106 Agreement attached to the related outline planning permission. These provisions are referenced where relevant in the following sections of the report.

11. Design, Landscaping, National Forest and Impact on the character and appearance of the area

- 11.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 11.2 Strategic Policies 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The 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 Policy 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 Strategic Policy 26 of the Local Plan supports the National Forest Strategy and expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines.
- 11.5 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.
- 11.6 The layout of the development is predominantly one of dwellings surrounding a cul de sac which is located off the main access road off Harbury Street. In general terms the layout is dictated by the shape and size of the site which results in the simple cul de sac arrangement. The layout has been arranged to maximise back garden separation, privacy levels, and good connectivity

through the site. There is a broad mix of two storey semi-detached and terraced dwellings proposed which respects the established character of the surrounding locality.

- 11.7 The proposed buildings utilise a simple vocabulary of red facing brickwork and pitched tiled roofs. A condition is attached to the host outline permission requiring samples of materials to be provided prior to works commencing on site. Canopies are also proposed to the front elevations to add visual interest. The proposed common boundary treatment on individual plots is largely of close boarded fencing.
- 11.8 Parking is generally provided in front or alongside properties and there is good surveillance of parking. It is considered that the parking would not be visually over-dominant, with the use of soft landscaping to break up parking areas within the street scene. A landscaping scheme has been submitted which includes the planting of 17 trees around the edges of the site along with shrub and hedge planting. The planting is considered to be commensurate with the scale of the development in a National Forest location and, along with the grassed amenity areas would provide appropriate landscaping.
- 11.9 In conclusion, therefore, it is considered that the scheme in terms of its design and proposed materials would respect the character of its locality and having regard to the siting and scale of the proposed dwellings would be in line with the criteria of Policies SP1, SP24, SP26, DP1 and DP3 of the Local Plan, the Horninglow and Eton Neighbourhood Plan and the East Staffordshire Design Guide.

12. Residential Amenity

- 12.1 The National Planning Policy Framework and DP1 and DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 12.2 The Councils recently adopted Separation Distances and Amenity SPD sets out overall spacing standards for new residential development to ensure that existing and future occupiers have a good level of amenity and privacy to enjoy the place where they live.
- 12.3 With regard to the relationship with existing properties around the periphery of the site in Harbury Street, Norton Road, Foston Avenue and Swannington Street, Officers are satisfied that distances and levels between the existing and proposed dwellings remain acceptable to ensure that residential amenity is protected. It is noted that the recommended 10m separation distance between first floor windows and rear common boundaries with neighbouring properties is not met by 9 of the proposed dwellings by up to 0.5m. Notwithstanding this, given that all of the remaining separation distances are met in terms of the distances between respective facing habitable windows and the private amenity spaces afforded to each property would comply with the requirements set in the Separation Distances and Amenity SPD, it is considered that the proposal is acceptable.
- 12.4 In summary, the proposed layout shows that the 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 objections have been raised on the basis of the impact on the privacy of existing residents, it is considered that the proposed development integrates satisfactorily with the adjoining built form, in compliance with the provisions of Local Plan Policies DP1 and DP3 and the aims of the Separation Distances and Amenity SPD.

12.5 Accordingly, the scheme is therefore considered to be compliant with the provisions of Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide, the Separation Distances and Amenity SPD, the Horninglow and Eton Neighbourhood Plan and the NPPF.

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. A number of criteria apply to ensure sustainable development.

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 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 further noted that condition 9 of the host outline consent requires further details regarding sustainable construction and energy efficiency to be provided prior to commencement of works starting on site. It is therefore considered that the proposals would accord with Policy DP2 of the Local Plan.

14. Highway Matters

14.1 The NPPF sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

14.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

14.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.

- 14.4 The Horninglow and Eton Neighbourhood Plan was updated in February 2020. The plan sets out a standard of a minimum of 2 parking spaces where 1 or 2 bed accommodation is provided, with the provision of 1 additional parking space per additional bed space for each residential unit.
- 14.5 The County Highway Authority are satisfied that the detailed access arrangements to serve the development are acceptable in highway safety terms and that adequate car parking provision has been accommodated to serve dwellings within the site. In terms of parking provision, 38 spaces are provided, which exceeds the minimum of 34 spaces required in the Horninglow and Eton Neighbourhood Plan Policy HE5 and the Car Parking Standards SPD. Parking is situated close to properties to facilitate easy access for residents to the housing. It is also pointed out that as the minimum parking requirements have been met 4 No. spaces will be available to be offered to surrounding residents as per the requirements of the Section 106 Agreement.
- 14.6 The impact of the new access on existing parking provision within Harbury Street is noted. The loss of unrestricted on street parking is not sufficient reasoning to refuse this application. Parking restrictions can be applied within the access road to ensure that the access road does not become blocked.
- 14.7 The Parking Standards SPD also requires 1 secure cycle storage unit per property to encourage an increase in the number of journeys made by bicycle. There is sufficient room within each plot to provide weatherproof cycle storage, a condition is recommended to ensure that appropriate cycle storage is provided prior to first occupation of the dwellings (and retained as such thereafter).
- 14.8 Accordingly, and having regard to the stated position of the County Highway Authority, it is concluded that the proposal in itself would not prejudice the safe or efficient use of the highway network.

15. Historic Environment

- 15.1 Paragraph 184 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 (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.

- 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. Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology.
- 15.5 The Horninglow and Eton Neighbourhood Plan Policy HE11 'Local Built Heritage Assets identifies historic assets within the Parish to be protected.
- 15.6 There are no formally designated heritage assets - Conservation Areas or Listed Buildings - within the immediate vicinity of the application site. Furthermore, none of the Local Built Heritage Assets identified under Policy HE11 of the Neighbourhood Plan are in close proximity to the application site. It is not considered that the proposal will have any impact on views into, or those out of any designated areas, or affect any listed building or its setting and that the statutory duties under Section 66(1) and under Section 72 are not therefore engaged.

16. Flood Risk and Drainage

- 16.1 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 falls within Flood Zone 1 and as such there is not a flooding concern in principle. The Environment Agency, Severn Trent Water and the Lead Local Flood Authority did not raise objections at outline stage, and it is noted that detailed foul and surface water details are required to be submitted in due course under the requirements of the conditions of the outline approval (and will need to be approved in conjunction with the relevant authorities above).
- 16.4 It is considered that any localised drainage or flooding issued can be mitigated via the conditions attached to the outline approval and the scheme is developable in accordance with Local Plan Policy SP27 and the NPPF.

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 for sites within Horninglow:

	Horninglow and Eton
Housing for Older People	20%
2 Bedroom Dwellings	13%
3 Bedroom Dwellings	29%
4 Bedroom Dwellings	23%
5 Bedroom Dwellings	10%

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 to 10% of dwellings on 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 on previously developed land within the built up areas of Burton an Uttoxeter shall provide 25% affordable housing. Policy SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.

17.6 Insofar as affordable housing provision is concerned, the scheme proposes 4 No. 2 bed units in total as required by the Section 106 Agreement attached to the outline approval.

17.7 The proposal is for 6 No. 3 bedroom dwellings and 8 No.2 bedroom dwellings, this would not meet with the housing mix set out above. Notwithstanding this, taking into consideration the parameters set by the outline consent of upto 14 dwellings, parking and landscaping requirements and the limited scale of the site, the proposed mix is considered to be acceptable. The benefit of bringing a

disused site into use and the delivery of housing, including affordable housing on site are considered to be significant benefits of the scheme.

- 17.8 With regard to the guidance in the Housing Choice SPD (2019) providing that ground floor accommodation should meet Building Regulations 2010 Standard M4(2) to 10% of dwellings on major applications, it is considered that this provision could be secured on this scheme by way of a condition.

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 scheme of ecological enhancement was secured at outline stage, which included measures to secure the provision of bat and bird boxes in specific areas. These details are to be secured by conditions attached to the host outline permission. The proposed landscaping scheme also includes planting which would encourage biodiversity gain. Accordingly, the objectives of Local Plan Policy SP29 and the NPPF would be met.

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. Local Plan Policies SP32 and SP33 set out the requirements of open space provision across the Borough and as such developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document
- 19.3 In respect of open space, the off site provision has been fixed at the outline stage with a commuted sum of £250 per bedroom created. This would equate to a payment of £8,400 with respect to this reserved matters scheme.

19.4 As such, the scheme would meet with the aim of the open space provision needs of the relevant policies contained within the Local Plan.

20. Section 106 Contributions

20.1 Insofar as the provisions are relevant to this reserved matters scheme, as set out in this report the proposals are in line with the requirements of the Section 106 Agreement attached to the outline approval. The commuted sums in respect of the local education provision were fixed at the outline stage and this meets the requirements of Policy SP10 of the Local Plan. The overall provisions of the outline and reserved matters submissions meet the requirements of the sealed Section 106 Agreement.

21. Conclusions

21.1 This reserved matters scheme complies with the overall parameters of the outline approval and its associated S106 agreement (under application ref: P/2016/00980) and represents a sustainable residential development in line with the aims of the housing delivery strategies set out in national and local planning policies.

21.2 There are no objections from the County Highway Authority in relation to the detailed highway layout or wider highway safety issues. There are also no other technical issues, for example in relation to matters such as drainage which would be dealt with successfully by way of conditions attached to the original outline consent.

21.3 It is also considered that the scheme would respect local visual and residential amenities and would be able to address biodiversity and ecological aims. The scheme would not give rise to increased flood risks subject to technical mitigations. Furthermore, the scheme would not engage the statutory duties under Section 66 (1) and 72 and therefore there would be no material impacts on heritage assets.

22. RECOMMENDATION

APPROVE RESERVED MATTERS, subject to the following conditions:-

- 1) Compliance with the approved plans (Standard Condition).
- 2) Details of bin storage to be provided and approved prior to works commencing on site (Bespoke)
- 3) Details of M4 (2) compliant dwelling to be provided (Bespoke)
- 4) The Access off Harbury Street shall revised and provided in line with the submitted drawings (Bespoke)
- 5) Parking and turning facilities to be provided before each dwelling is first occupied (Standard Condition).
- 6) Weatherproof Cycle Storage to be provided before each dwelling is first occupied and thereafter retained (Bespoke).

- 7) The landscaping shall be carried out in the first planting season. (Standard Condition).
- 8) The Boundary Treatments shall be installed prior to the first occupation of the dwellings (Bespoke).
- 9) Removal of permitted development rights in relation to alterations and extensions to dwellings and the erection of outbuildings in their curtilage.

Informatives

- 1) Standard Engagement informative.
- 2) Notification of outline permission conditions addressed by the reserved matters submission and which remain outstanding.
- 3) The site layout will need approval under Staffordshire Act 1983 and Highways Act 1980

23. Background papers

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

- The Local and Neighbourhood Plan Policies and National Planning Policies outlined in Section 7 above.
- Papers on Planning Application file ref: **P/2014/01353**
- Papers on Planning Application file ref: **P/2016/00980**
- Papers on Planning Application file ref: **P/2019/01511**

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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