

Agenda Item:	5.2
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Site:	77 Outwoods Street, Burton upon Trent, Staffordshire DE14 2PL.
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Proposal:	Erection of a single storey rear extension.
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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/2020/01221	
Planning Officer:	Kerry Challoner	
Type of Application:	Detailed Planning Application	
Applicant:	Acorn Housing Solutions	
Ward:	Shobnall	
Ward Member (s):	Councillor Mrs S Mckiernan	
	Councillor Mr P Walker	
Date Registered:	13 November 2020	
Date Expires:	07 January 2021. An extension of time has been agreed with the agent to allow time for consultations to be carried out and for the application to be reported to Planning Committee.	
Reason for being on Agenda	The application was called to be heard at Planning Committee by Cllr Paul Walker (Ward Councillor).	
Officer Recommendation	Approval subject to conditions.	

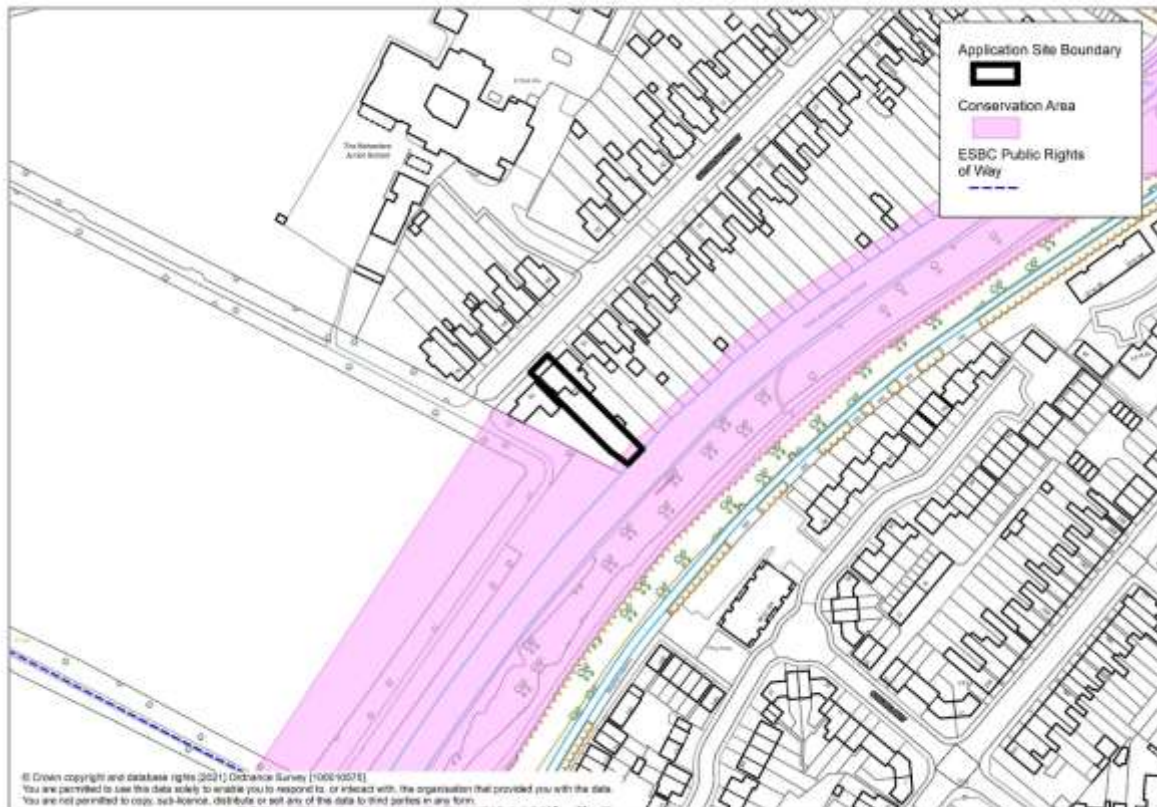
1. Executive Summary

- 1.1 The application seeks approval for a single storey rear extension. During the course of the application the proposals have been revised to reflect the proposed use of the property. The original planning application proposed to change the use of the application property to a residential care home and to extend the dwelling with a single storey rear extension. However, an application for a Lawful Development Certificate submitted during the assessment of the application has established that the proposed care home use does not require planning permission as it can be carried out under a

general planning permission issued by parliament. The general planning permission parameters are set out in the General Permitted Development Order.

- 1.2 Therefore consent is only required for the erection of a single storey extension which would replace an existing conservatory to the rear of the property. The overall design and appearance of the proposed extension is considered to be acceptable and would not result in any detriment to the residential amenities of neighbouring occupiers.
- 1.3 With regards to the parking and highway impacts of the proposal, objections were received from local residents, the Ward Councillor, a County Councillor and Shobnall Parish Council. Concerns were raised that the proposed use of the property would result in additional pressure on parking in the locality. The use of the property has now been established to be permitted development, and as such planning permission is not required to change the use of the property in the manner proposed by the applicant.
- 1.4 The proposed single storey rear extension would provide a sensory room, and would not require additional parking provision as set out in the Councils Car Parking Standards SPD or the parking policy contained within Shobnall Neighbourhood Plan. The County Highway Officer has raised no objections to the proposal. It is therefore considered that the parking and highway impacts of the scheme are considered to be acceptable.
- 1.5 The proposal would cause no detriment to the character and appearance of the Trent and Mersey Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore engaged by this scheme and has been satisfied.
- 1.6 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to the necessary conditions.
- 1.7 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site



2. The site description

- 2.1 This application relates to a traditional Victorian detached property located on the South Eastern side of Outwoods Street, Burton upon Trent. The property has brick elevations with a double frontage and the front garden area has been laid out to hardstanding for the off road parking of a vehicle. To the rear the property has an original two and single storey wing, along with a lean to conservatory and covered verandah area. There is a large rear garden containing mature landscaping.
- 2.2 Both immediate neighbouring properties, No's 75 and 77 Outwoods Street have two storey flank walls with no windows along the side boundary with the application site.
- 2.3 Outwoods Street is residential in character with a mix of detached and semi-detached dwelling houses. At the South Western end is a pedestrian access to Shobnall Fields public open space. The road is effectively a 'dead end' for vehicles as no exit is possible at the South Western end. Access to the Burton Fields Primary School is also provided off Outwoods Street, to the North of the application site. On street parking is prevalent in the locality.
- 2.4 To the rear of the application site is the Trent and Mersey Canal, along with its associated Conservation Area. The site lies within the Settlement boundary of Burton Upon Trent as defined by the Local Plan and is within the Parish of Shobnall.

3. Planning history

- 3.1 05 February 2021- **P/2021/00067**- Application for a Certificate of Lawfulness for the change of use to a Care Home (Class C3 (b) (Dwelling houses) for up to six people living together as a single household and receiving care- Approved, Certificate Issued.
- 3.2 With reference to the above application for a certificate of lawfulness, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. There are a number of permitted changes which can be made within the same use class, as defined in the legislation. Class C3 'dwelling houses' is formed of three parts, whereby planning permission is not required to move between each part:
- C3(a): those living together as a single household as defined by the Housing Act 2004 (basically a 'family');
 - C3(b): those living together as a single household and receiving care, and
 - C3(c): those living together as a single household who do not fall within the C4 definition of a house in multiple occupation.
 - The following information was supplied in support of the application:
 - The property would be used as a small residential home for 4 residents.
 - The 4 residents would be living as a single household and receiving care.
 - The 4 residents would be adults with learning difficulties, some of which could be complex.
 - The care provided would be over 24 hours with carers working two shifts- 7.30am-9.30pm and 9.30pm to 7.30am.
 - There would be a maximum of three staff present during the day, with 1 staff member working the night shift 9.30pm to 7.30am.
 - Residents would not leave the property unattended and would be encouraged to live together as a single household in line with an overall care strategy for the property.
- 3.3 In the above case, taking into consideration the information provided in terms of the age and number of residents and the shift patterns of necessary carers, the proposed change of use would constitute permitted development as set out in national legislation and planning permission is not required. A Lawful Development Certificate has therefore been issued on this basis.

4. The proposal

- 4.1 During the course of the application the proposals have been revised to reflect the proposed use of the property. The original planning application proposed to change the use of the property to a residential care home and to extend the dwelling with a single storey rear extension. The Council raised concerns with the applicant regarding the proposed use and in particular the impact on parking, and essentially asked for further information to fully assess the scheme.
- 4.2 The applicants responded by applying for a lawful development certificate (LDC) for their proposed use- see planning history. This is not the same as planning permission but is an application to clarify whether or not a

development or proposed use is lawful. Officers have assessed the application for the LDC, and, on the basis of the information provided in terms of the age and number of residents and the shift patterns of necessary carers, it is considered that the proposed change of use would constitute permitted development as set out in national legislation. Planning permission is not required to change the use of the property.

- 4.3 Notwithstanding the above, planning permission is required for the proposed extension, which now forms the basis of this application.
- 4.4 Consent is therefore sought for a single storey rear extension. The proposal would replace the existing conservatory and would provide a sensory room in accordance with the aforementioned use. The extension would measure 5.95m in depth and 3.9m in width and would have a flat roof over. The extension would be constructed in materials to match the existing property.

List of supporting documentation

- 4.5 The following documents have been provided as part of the application:
- Application Form
 - Location Plan
 - Proposed Plans and Elevations
 - Supplementary Statement
 - Heritage Statement
- 4.6 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

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

Statutory and non statutory consultee		Response
5.2	Shobnall Parish Council	<p>ORIGINAL SUBMISSIONS Object to the proposal. The proposed development will result in traffic/parking issues in an area which already has parking challenges.</p> <p>REVISED PROPOSAL Shobnall Parish Council reiterates its original objection as it does not think that the revised wording solves the problem.</p>
5.3	SCC Highways	No objections were raised.
5.4	Canal and River Trust	No objections were raised.
5.5	Architectural Liaison Officer	No objections were raised.

Internal Consultees	Response
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5.6	Environmental Health	No objections were raised.
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6. Neighbour responses

6.1 Site and Press notices were posted and neighbouring occupiers were notified by letter of the proposal. Responses were received from 4 local residents raising objections to the original proposal which are summarised below. A re consultation exercise was carried out following the revisions made to the scheme, no further responses were received.

Neighbour responses	
Principle	<ul style="list-style-type: none"> • A Residential Care Home is not appropriate for this location
Impacts on Amenity	<ul style="list-style-type: none"> • Concerns were raised regarding privacy • Concerns were raised regarding the future use of the property and if the applicants will be able to further change the use.
Highways Impacts	<ul style="list-style-type: none"> • There is insufficient parking and turning available • The property only has 2 designated parking spaces one of which would be over a white line • School run traffic from Burton fields School results in significant congestion and at parking is an issue at week ends, as the park can be very busy due to football matches which take place at Shobnall fields.
Ward Member	Councillor Walker supports the objections made by the Parish Council to the original scheme which will result in serious traffic and parking issues, in an area which already has parking challenges. This already goes against Shobnalls Neighbourhood Plan together with the parking/ drop off problems for Burton Fields Primary School.
County Councillor	<p>I am Ron Clarke the County Councillor for the Burton Town Division for the last 10 years, this is the first time I have emailed ESBC to strongly object to this Planning Application which is in part of my area.</p> <p>Over the last two weeks I have been involved with the Burton Fields School, and County Education Officers, to observe the problems created when children are dropped off and picked up at the School. The school have at to put in social distancing for the benefit of the Children Staff and Parents, this has added to the already traffic problem with the school being located on a no through road, this means that vehicles have to turn round at the top of the road, which has caused complaints from the residents when vehicles try to turn around by mounting their driveway, this is close to the entrance to Shobnall Park Playing Fields which is used by pedestrians and many of the parents taking their children to</p>

	<p>the Burton Fields School. This Planning Application if agreed by the planning Committee would only had to the problem, which the County Council are trying to address.</p> <p>Even If this Planning Application is permitted with conditions the Council would not have control of the number of vehicles owned by the residents, visits from Anchor Staff relatives and friends, this would add to the problems. Please give some consideration to the residents</p>
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7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP24: High Quality Design
- SP25: Historic Environment
- SP27: Climate Change, Water Body Management and Flooding
- SP35: Accessibility and Sustainable Transport
- DP1: Design of New Development
- DP3: Design of New Residential Development, Extensions and Curtilage Buildings
- DP5: Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and Archaeology

Supplementary Planning Documents

- Car Parking Standards SPD
- Separation Distances and Amenity SPD
- East Staffordshire Design Guide SPD

Shobnall Neighbourhood Plan

- T5- Parking

8. Principle of Development

Relevant Policies

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 11 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- 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.

8.2 Local Plan Policy SP1 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.

8.3 Having regard to the adopted Development Plan policies, the application site is located within the settlement boundary for Burton upon Trent as defined in the Local Plan. As such, in principle the proposed extension would adhere with the sustainability criteria within Policy SP1. The material impacts of the proposal are discussed below.

9. Design, Impact on the character and appearance of the area and the Historic Environment

9.1 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.

9.2 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.

9.3 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.

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

9.5 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.

- 9.6 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.
- 9.7 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 including Conservation Areas.
- 9.8 The proposed extension is located to the rear of the application property and would be sited between the existing original two and single storey rear wing of the property and the two storey flank side elevation of No.79 Outwoods Street. The extension would not be visible from wider public amenity or the Trent and Mersey Canal Conservation Area and the flat roofed design is considered to be in keeping with the character and appearance of the existing property. It is not considered that the proposal would cause demonstrable harm to the character and appearance of the property or the locality.
- 9.9 Based on the above assessment, it is considered that the design of the proposal is acceptable and suitably reflects the surroundings of the site. The proposal would cause no harm to the character and appearance of the Trent and Mersey Canal Conservation Area given the separation distances and intervening screening provided by mature trees and landscaping. The proposed rear extension would therefore comply with the relevant local plan policies, East Staffordshire Design Guide and the National Planning Policy Framework.

10. Residential Amenity

- 10.1 The National Planning Policy Framework 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.
- 10.2 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.
- 10.3 The proposed layout shows each new dwelling is sufficiently distant from surrounding residential properties within the wider scheme to avoid causing them an unacceptable loss of light or privacy or any overbearing impacts.

- 10.4 Taking into consideration the siting of the proposed extension there would be no loss of light or overbearing impact to surrounding residential properties. The use of the extension would remain residential and as such would not give rise to unacceptable levels of noise.
- 10.5 The scheme would ensure that the minimum amenity space provision is retained to serve the host dwelling in line with the guidance set out in the Separation Distances and Amenity Supplementary Planning Document.
- 10.6 The extension is therefore not considered to cause any unacceptable harm to the amenities of the occupiers of neighbouring dwellings sufficient to warrant a refusal of the proposal. The application complies with Local Plan Policy DP3 and the Separation Distances and Amenity SPD.

11. Highway Matters

- 11.1 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.
- 11.2 Policy T5 of the Shobnall Neighbourhood Plan relates to the provision of car parking. This policy requires adequate and suitable off street parking to be provided in all new developments to avoid worsening the negative impacts of on street parking.
- 11.3 The application is for the erection of a single storey rear extension to form a sensory room in connection with the lawful residential use of the property. The proposed extension would not require additional parking to be provided under the Councils Car Parking Standards SPD.
- 11.4 Furthermore, the Highway Authority have raised no objections to the proposal on highway safety grounds stating that "it is not considered that the development will lead to increased highway dangers or a severe impact on highway capacity."
- 11.5 In conclusion, the parking arrangements would remain acceptable as existing and there will be no adverse impact on highway safety. Therefore the proposal is considered to comply with the objectives of Local Plan Policies SP1 and SP35, Shobnall Neighbourhood Plan Policy T5 and the Parking Standards SPD.

12. Flood Risk and Drainage

- 12.1 Section 14 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.

- 12.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS).
- 12.3 The site lies entirely within Flood Zone 1 and as such is at a low risk from fluvial flooding. There is no requirement to submit a flood risk assessment. Therefore the application complies with the provision of Local Plan Policy SP27.

13. Conclusions

- 13.1 Having to due regard to the planning merits of the case set out in detail in the Assessment section of this report – and as summarised in the Executive Summary - the application is recommended for **approval** subject to the following conditions.

13.2 RECOMMENDATION

- 13.3 Approve, subject to the following conditions:

1. Time Limit (Standard)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Plan Numbers (Standard)

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

Drawing No.s:

50487-2020-GC-01 dated as received 29 October 2020

50487-2020-GC-03B dated as received 29 October 2020

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, heritage assets, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, SP27, SP35, DP1, DP3 and DP7, Shobnall Neighbourhood Plan Policy T5, the Car Parking Standards SPD, Separation Distances and Amenity SPD, the East Staffordshire Design Guide SPD and the National Planning Policy Framework.

3. Matching Materials (Standard)

All external materials used in the development shall match those of the existing building including colour, size, coursing and texture unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and heritage assets in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1, DP3 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

Informatives

1. Standard Engagement

The During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

14. Background papers

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

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference: P/2021/00067

15. Human Rights Act 1998

15.1 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.

16. Crime and Disorder Implications

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

17. Equalities Act 2010

17.1 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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