
Agenda Item:	5.1
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Site:	7 Stanton Road, Stapenhill, Burton upon Trent, Staffordshire, DE15 9RW
Proposal:	Outline application for the demolition of existing buildings and farmhouse to facilitate the erection of up to 24 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](#)

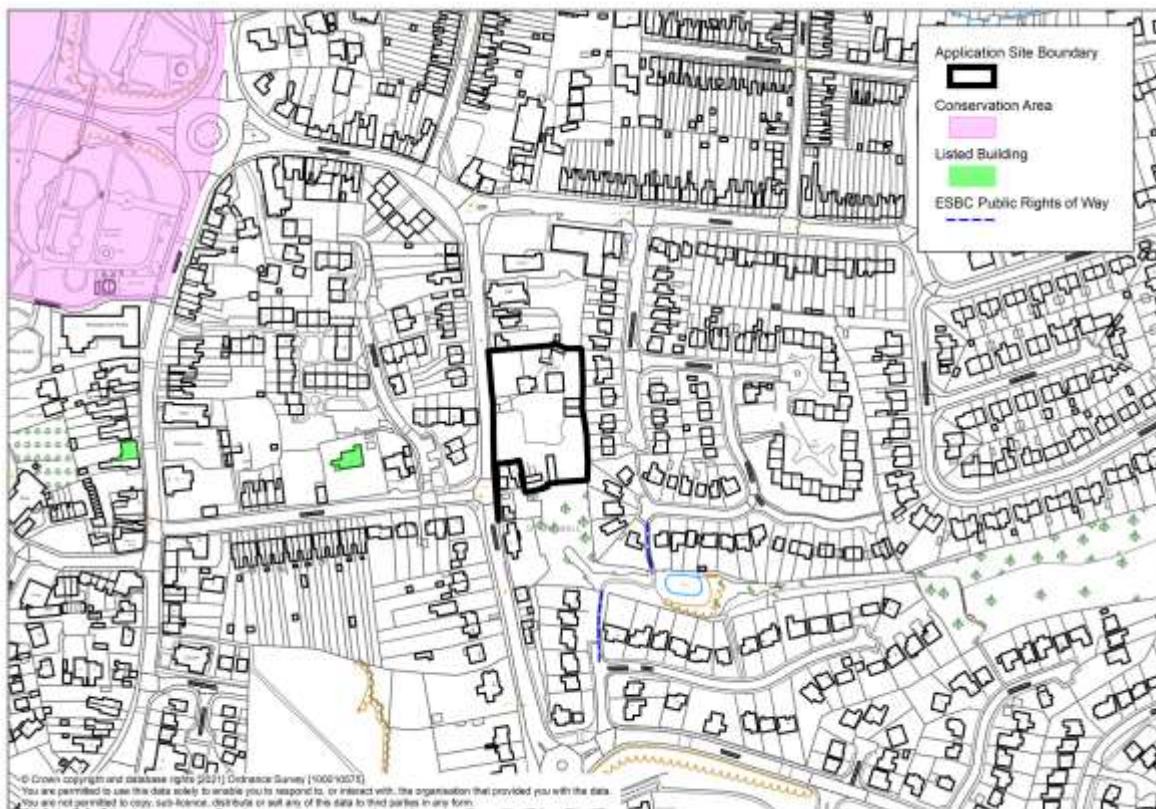
Application Number:	P/2019/01244	
Planning Officer:	Emma Carrington	
Type of Application:	Outline Planning Application	
Applicant:	Mr D Long	
Ward:	Brizlincote	
Ward Member (s):	Councillor B G Peters Councillor C D Wileman	
Date Registered:	04 March 2020	
Date Expires:	02 June 2020	
Reason for being on Agenda	To enable members to decide where to allocate the secured S106 Monies	

1. Executive Summary

- 1.1 The application seeks outline approval for residential development for up to 24 dwellings on a site within the settlement boundary, in the parish of Brizlincote. All matters are reserved for subsequent approval except the means of vehicular access to the site, which is from Stanton Road. The details reserved for future approval are Appearance, Landscaping, Layout and Scale. The site area is 0.43 Hectares.
- 1.2 The proposal also involves the demolition of a detached two storey dwelling, 7 Stanton Road, and the removal of existing outbuildings in the associated yard area.

- 1.3 Statutory consultees have raised no objections to the proposal with the exception of the Local Lead Flood Authority which is Staffordshire County Council, but this can be overcome by the use of appropriate conditions.
- 1.4 One letter of objection has been received from a neighbouring property, and one letter seeking clarification of details.
- 1.5 It is considered that the scheme complies with the provisions of the relevant adopted development plan policies and the National Planning Policy Framework.
- 1.6 It is not considered that the proposal will have an adverse impact on the residential amenities of nearby residents, have a detrimental impact on highway safety, biodiversity or heritage assets, or increase the risk of flooding either on the application site or elsewhere.
- 1.7 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to conditions and subject to a S106 Agreement to secure, where appropriate, the financial contributions requested by consultees, which include Affordable Housing, Education, Public open space, Health and Waste bins.

Map of site



2. The site description

- 2.1 The application site includes a detached dwelling situated in a yard formerly known as Longs Farm, and a range of agricultural style outbuildings, used latterly for commercial purposes which the applicant states was for a haulage business. The site area is 0.43 Hectares.

- 2.2 The dwelling is located towards the northern part of the site, and is set back from the front boundary with Stanton Road. The outbuildings are grouped around the edge of the site, with an open hard surfaced yard area in the middle, adjacent to the existing access.
- 2.3 The site is located in an established residential area in the settlement boundary, and gains direct vehicular access on to Stanton Road which lies along the site frontage to the west. Residential properties lie to the north, south and east.
- 2.4 The site slopes gently upwards from north to south with neighbouring properties at the rear of the site on Holme Farm Avenue being positioned on a higher ground level than the application site. The site is also on a lower ground level than Stanton Road and slopes downwards from the front of the site.
- 2.5 There are a mix of boundary treatments around the perimeter of the site including walls, hedging/tree planting and fencing. A mature Yew tree is situated on the site frontage towards the northern part of the site that is protected by a tree preservation order (TPO). The yard area is surfaced in tarmac, but the site also includes overgrown garden areas for the existing dwelling and rough grassland.

3. Planning history

- 3.1 21/07/2005 – Outline application for residential development – Withdrawn
- 3.2 10/11/2011 – Works to a Protected Yew tree – Delegated Approval

4. The proposal

- 4.1 The application seeks outline planning permission to erect up to 24 dwellings. The only matter for consideration at this stage is the means of vehicular access which is on to Stanton Road.
- 4.2 No formal layout for the dwellings or internal road has been submitted at this stage, but the application is accompanied by an indicative layout that shows a mix of 1, 2 and 3 bed houses and apartments, parking, access and garden areas, with the TPO Yew tree retained and set in a small area of open space. Communal gardens are illustrated for the proposed apartments, with cycle storage facilities.
- 4.3 The proposed means of access will replace the existing access, and will be re-located to the south western part of the site. The existing access will be closed up.
- 4.4 The proposal also includes a S106 Financial contribution.

List of supporting documentation

- 4.5 The following documents have been provided as part of the application:
 - Planning application form
 - 1:1250 Site Location Plan and 1:200 Existing Block Plan

- 1:1250 Proposed Site Location Plan and access 1:200 Indicative Block Plan
- Preliminary Ecological Appraisal
- Bat Activity Report
- Phase 1 Contamination Report
- Tree Survey Schedule
- Tree Constraints Plan
- Arboricultural Impact Assessment
- Viability Assessment
- Planning Statement
- Indicative levels and drainage details, road construction details

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	Parish Council	I am writing to you on behalf of Brizlincote Parish Council regarding the above planning proposal. The Parish Council are fully behind this proposal, but we would like to suggest that all new proposals have solar panels and electric charging points for cars.
5.3	SCC Highways	No objection subject to conditions and informatives
5.4	SCC Education	No objection subject to S106 contributions for the provision of Secondary School Places and Sixth Form places
5.5	SCC Flood Risk Team	In the absence of an acceptable Drainage Strategy we OBJECT to the grant of planning permission and recommend refusal on this basis for the following reasons: Reason The proposed finished floor levels of plots 7,8,9 and 10 appear show that the properties may be vulnerable to overland flood risk from manhole S4 in a design exceedance event. Please provide further information relating to external levels around these plots or raised FFL's which demonstrate exceedance flows will not result in internal property flooding.
5.6	Severn Trent Water	No objection subject to conditions
5.7	Natural England	Comments that the application is not likely to result in significant impacts on designated nature conservation sites or landscapes
5.8	Clinical Commissioning	No objections subject to S106 Contribution

	Group (CCG)	
5.9	Architectural Liaison Officer	Offers advice regarding Crime prevention measure

Internal Consultees		Response
5.10	Environmental Health	No objections subject to conditions in relation to contaminated land, noise assessment and hours of construction
5.11	Housing Strategy	Affordable Housing contributions required
5.12	Waste Manager	No objections subject either a S106 Contribution or condition to provide refuse containers on site
5.13	Conservation Officer	In my view the building (7 Stanton Road) has only limited value as a non-designated heritage asset and it's likely that the wider redevelopment of the site would weigh heavily in favour of approval – particularly if there are any affordable housing in the proposed mix.

6. Neighbour responses

6.1 Two letters have been received from local residents and the Georgian Group raising the following issues:

Neighbour responses	
Impacts on Amenity	<ul style="list-style-type: none"> - concerns about maintenance of landscaped areas and that if unmanaged will become wasteland - concerns about maintenance of existing walls – the land would be better included in neighbouring gardens - the new dwellings will give rise to loss of privacy due to overlooking - reduction in amenity due to loss of light - noise disturbance from construction process
Highways Impacts	<ul style="list-style-type: none"> - concerns about traffic congestion during construction and once the development is complete - A mini roundabout at the junction of Stanton Road and Woods Lane would help
Biodiversity	<ul style="list-style-type: none"> - the bat mitigation measures need to be clarified
The Georgian Group NB The Georgian Group are not a Statutory consultee	<ul style="list-style-type: none"> - Object on the grounds that, despite its neglected condition, the dwelling remains of considerable architectural and historic interest, and would recommend that it is retained as part the development. Concerned that a heritage statement has not been submitted that assesses the impact of the proposal on

but have seen the publicity for the application and have raised concerns	the existing dwelling.
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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
- SP2 Settlement Hierarchy
- NP1: Role of Neighbourhood Plans
- SP3: Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 – 2031
- 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
- SP28 Renewable and Low Carbon Energy Generation
- SP29 Biodiversity and Geodiversity
- 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
- DP7 Pollution and Contamination
- DP8 Tree Protection

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 31st March 2021 and concludes there is 5.67 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 application site is within an established residential area in the settlement boundary for Burton, therefore the principle of developing the site for residential purposes is acceptable. The site is currently developed and occupied by a dwelling and associated commercial outbuildings, and is considered to be a brownfield site.

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

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

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

- 11.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 11.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.
- 11.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
 - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
 - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
 - (d) Repetitive house types should be avoided;
 - (e) The cramming together of large numbers of detached properties should be avoided.
 - (f) High proportions of frontage car parking will not be acceptable.
- 11.6 Detailed policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.7 The application is in outline form with only the means of vehicular access to be considered at this stage. The detailed layout, design and number of properties will be established at reserved matters stage. However, the supporting documents indicate that the development is expected to reflect the residential character of the surrounding area, which is mix of house types and designs, and these specific details will be assessed when further applications are submitted.

12. Residential Amenity

- 12.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 12.2 As the application is in outline form, the impact of the built development on the amenities of neighbouring properties will be considered in full at reserved matters stage. Neighbours have made comment about the differing levels of the

site in relation to existing dwellings, which has been noted. Conditions on the outline approval are recommended that will require the developer to submit details of the proposed site levels to ensure that there is no adverse impact on the amenities of existing residents. Separation distances are not yet established for the site, but will be assessed in relation to current policies and guidance at the reserved matters stage.

- 12.3 In relation to noise during the construction period and hours of working, the council's environmental health department has recommended an hours of working condition that will help to control activities on the site and mitigate against the noise impact on surrounding properties.
- 12.4 It is considered that subject to a full assessment of the detailed particulars at reserved matters stage, the development will not have a significant adverse effect on the amenities of the surrounding residents. The scale, siting and design of the new properties will be assessed to ensure that the development will not be overbearing, will not reduce light to habitable rooms and will not create any overlooking. The conditions in relation to the noise assessment and construction management plan on the outline application will help to ensure that any disturbance due to noise and general construction activities will be kept to a minimum and will help to retain the level of residential amenities currently enjoyed.

13. Sustainability (energy efficiency and low carbon)

13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:

- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
- incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
- use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
- incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in 'Biodiversity by Design' or future revisions;
- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;
- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

- 13.2 Appropriate conditions will be included on the outline approval to ensure that when an application is made for the detailed particulars, it includes details of sustainable construction measures and energy efficiency provision.

14. Highway Matters

- 14.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 14.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 14.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 14.4 Although the application is in outline form, the supporting documents confirm that the development will make provision for adequate parking that complies with current policy requirements. This will be demonstrated in detail when an application is submitted for approval of reserved matters.
- 14.5 The means of vehicular access to the site has been submitted for approval with the current proposal. This involves the closing up of the existing access to the site and a new access on to Stanton Road at the south eastern side of the site, closer to 14 Stanton Road.
- 14.6 Neighbours have raised concerns about increased congestion during construction and after the development is occupied. However, no objections subject to conditions, have been raised by the County Highway Authority, as it is considered that the means of access is acceptable, and the level of traffic generated will not have a significant adverse impact on highway safety over and above the traffic generated by the existing or previous uses of the site.

15. Historic Environment

- 15.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 15.3 Section 66(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.
- 15.5 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 15.6 The site is not within a conservation area, and there are no listed buildings on the land. The nearest Listed Building is approximately 80 metres away to the west, Number 13 Holly Street, which is a Grade II listed dwelling. There are other residential streets (Holly Green) and dwellings between the application site and 13 Holly Street, and the proposal is not considered to have an impact on the character or appearance, or the setting of this building.
- 15.7 The Georgian Society have raised concerns about the demolition of the existing dwelling and that it should be retained as part of the proposed development as it is a prominent landmark on Stanton Road, with considerable architectural and historic interest. However, 7 Stanton Road is not identified as either a designated or non-designated heritage asset. The council's conservation officer considers that the building only has limited merit as a non-designated heritage asset and that the overall benefits of the re-development scheme outweigh the merits of retaining the existing dwelling.

16. Flood Risk and Drainage

- 16.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The

Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

- 16.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 16.3 The application is within Flood Risk Zone 1. Supporting documents submitted with the application indicate that the developer will use a SuDS drainage system, but as the detailed layout has yet to be approved at reserved matters stage, the details of the drainage system cannot be finalised until the precise layout is known. No objections have been raised by Severn Trent Water in relation to the foul or surface water drainage of the site, subject to a condition requiring these details to be approved at reserved matters stage.
- 16.4 The LLFA has raised objections to the application, and considers that there is insufficient detail submitted with the application to demonstrate that all of the proposed plots will be safe from flooding. However, these comments are based on an indicative layout. The positions of the dwellings within the site and the proposed levels will be the subject of a further reserved matters application, and conditions can be imposed on the outline approval regarding the surface water drainage from the site.

17. Affordable Housing and Housing Mix

- 17.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.
- 17.2 Strategic Policy 16 states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according to the Council's evidence base or other evidence.
- 17.3 The Housing Choice SPD expects the following housing mix:

	Burton	Uttoxeter	Strategic Villages
1-bedroom homes (flats, houses or bungalows)	3%	3%	2%
2-bedroom homes (flats, houses or bungalows)	2%	20%	20%

	Branston	Angelsey	Brizlincote		
	Burton	Horninglow	Stapenhill		
	Eton Park	Shobnall	Winshill		
	Outwoods	Stretton			
Housing for Older People**	11%	20%	50%	10%	35%
2-bedroom houses	14%	13%	8%	8%	6%
3-bedroom houses	32%	29%	17%	30%	23%
4-bedroom houses	26%	23%	14%	20%	10%
5-bedroom houses	11%	10%	6%	9%	4%

17.4 Strategic Policy 16 states that all dwellings providing ground floor accommodation should meet Building Regulations 2010 Standard M4(3) relating to accessible and adaptable dwellings. Further guidance has been prepared setting out how this policy will be applied. The guidance states that the standard will be expected on 10% of major applications. The standard should be applied to a range of properties and not just those larger properties.

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

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

17.6 SP17 states that affordable housing provision should be delivered across the site and not in clusters of more than 8 dwellings.

17.7 The Housing Choice SPD provides guidance on the expected affordable housing mix of sites.

17.8 The application does not provide for any designated affordable housing units, as the applicant considers that the proposal would not be deliverable if units were to be provided on the site, or an off-site contribution was required. The supporting documents indicate that the units will be a range of 1, 2 and 3 bed units that will provide a range of smaller house types for the area.

17.9 The applicant has submitted a viability statement to justify why the scheme does not provide any affordable housing contributions, which has been assessed on behalf of the council by an independent consultant. The result of this assessment is that the scheme can deliver some profit, which can be used to meet some of the S106 requirements, but not all. This matter is discussed in the relevant section below, and will be for members to decide how to allocate the limited financial contribution.

18. National Forest/Landscaping

- 18.1 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.
- 18.2 Strategic Policy 26 supports the National Forest Strategy expects developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest planting guidelines.
- 18.3 The site area is below the size threshold for provision of National Forest planting and S106 contribution (which is 0.5 hectares with the application site area being 0.43 hectares), however the re-development of the site does present an opportunity to provide some additional landscaping within the site. Some existing trees are retained, including a protected Yew tree on the site frontage. A condition is recommended that a landscaping scheme be submitted at reserved matters stage.

19. Biodiversity

- 19.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 19.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 19.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 19.4 The application is accompanied by a Preliminary Ecological Survey and a Bat Activity Report. The presence of bats has been established and the buildings to be demolished have been identified as potential bat roosts. As the potential roosts will be lost, the mitigation measures in the Bat survey make provision for a new bat loft in the development, the exact location of which will be established once the detailed layout has been submitted for approval at reserved matters stage. In relation to nesting birds, the mitigation measures include no working or site clearance in the nesting season, and the provision of bird boxes across the site, with the exact details of such provision to be determined at the reserved matters stage.

20. Open space

- 20.1 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 20.2 Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
- 20.3 SP32 and SP33 set out the requirements of open space provision across the Borough.
- 20.4 The Borough Council will seek to deliver new provision and protect and enhance existing outdoor open space and sport facilities by safeguarding sites for the benefit of local communities and applying the standards set out in the Local Plan.
- 20.5 Developers should provide open space to the local standard identified for the area. Local Standards are identified in the Local Plan Supplementary Planning Document
- 20.6 The size of the proposed development would generate a requirement for the provision of open space of approximately 0.21 hectares. It is considered that given the minimum policy requirement for open space and the nature of the proposed development, an off-site contribution would be more appropriate, as the on-site provision would cover half of the existing site area. The required contribution is detailed below. In addition, there are existing areas of open space, green links and a play area in the area that can be utilised by future residents.

21. Education

- 21.1 There is a need for education facility provision in East Staffordshire, particularly at Burton Upon Trent. The need is for both primary and secondary education. Strategic Policy 10 identifies areas where new schools will be expected in Uttoxeter and Burton Upon Trent. In addition, the policy describes how proposals for education facilities will be assessed. Applications will be required to demonstrate that the location is accessible for the need for which it is intended to meet.
- 21.2 Staffordshire County Council has identified the need for secondary school and sixth form places in the area, and has requested a financial contribution as detailed below.

22. Section 106 Contributions

- 22.1 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.

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

Item	Planning Obligation	Cost (where applicable)
Education	Secondary and sixth form provision required for the Paulet High School	£79,470
Refuse Containers	Contribution to provide refuse storage containers at £75 per dwelling (but could also be provided by use of a condition)	£1,800
Open space	Provision & maintenance	£13,500
Affordable Housing	On site provision of 4 dwellings plus an off-site contribution	£80,000
CCG	Contribution requested to be allocated to the Stapenhill Surgery GP Practice	£17,760
Total		£192,530

22.3 In relation to the requested provision of S106 financial contributions, the applicant has submitted a viability statement which states that the development will not raise enough profit to make the full contributions requested, and that the proposal will be undeliverable if the total contribution of £192,530 is made.

22.4 The submitted viability statement has been independently assessed on behalf of the council, and after lengthy discussions, it has been established that the scheme will achieve enough profit to make a partial contribution of £89,462. The viability assessment also concludes that the delivery of 4 affordable housing units on site would not be viable.

22.5 As it is clear that this amount will not provide sufficient funds to meet all the requested contributions, if planning permission is granted, the S106 contribution that can be made will need to be allocated accordingly.

22.6 Given that the proposal is for a fairly small scheme that could be delivered reasonably quickly it is considered that the impact of the development in terms of additional population in this area of Burton would put additional requirements on local services in a fairly short timescale. Therefore the recommendation is that education and healthcare provision are provided for within the S106.

22.7 There are a number of open spaces near the site which are in good condition which could meet the needs of additional residents.

22.8 The provision of bins can be secured by way of condition.

23. Conclusions

- 23.1 The development of this site for residential purposes is acceptable in principle being located in the defined settlement boundary for Burton on an existing developed site.
- 23.2 Subject to the submission of a reserved matters application for the outstanding reserved matters details of Appearance, Landscaping, Layout and Scale, it is considered that the site can be developed without any significant adverse impact on the character of the area, residential amenity for existing and future occupiers, flood risk, highway safety or impact on protected species.
- 23.3 Taking in to consideration the environmental, social and economic impacts of the scheme, it is considered that the development complies with the relevant policies in the East Staffordshire Local Plan, Supplementary Planning Documents and the NPPF.

23.4 RECOMMENDATION

- 23.5 That Outline planning permission be granted subject to the following conditions, and subject to the signing of a S106 Legal Agreement to cover the matters agreed at committee:

1.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.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990.

2.No development shall take place until plans and particulars of the layout, scale and appearance of the building(s) to be erected, and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3.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.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Drawing No. 00799_AL(0)04 Rev B – 1:1250 Site Location Plan and 1:200

Existing site Block Plan dated as received 3 March 2020

Drawing No. 00700_(0)03 Rev D – 1:1250 Site Location Plan and 1:200

Indicative Block Plan (Means of Access only) dated as received 3 March 2020

Drawing No. 02049/01 - 1:200 Topographical Survey dated as received 1 October 2019

Arboricultural Report Prepared by Tree heritage and dated as received 1 October 2019

Bat Activity Report Prepared by Absolute Ecology and dated as received 1 October 2019

Phase 1 Geo-Environmental Assessment Report Prepared by GIP Ltd and dated as received 1 October 2019

Preliminary Ecological Appraisal Prepared by Absolute Ecology and dated as received 1 October 2019

Planning Statement Prepared by Rob Duncan Planning Consultancy and dated as received 1 October 2019.

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, 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, SP35, DP1 and DP3, the East Staffordshire Design Guide, the parking standards SPD, the Separation Distances and Amenity SPD and the National Planning Policy Framework

5. No development shall take place until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork and roof tiles have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building(s) and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

6. No development shall take place until a scheme of landscaping, fencing and walling, and measures for the protection of trees and hedges to be retained during the course of development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Policy SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping referred to in condition 6 shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the

completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policy SP24, the East Staffordshire Design Guide and the National Planning Policy Framework.

8. Any scheme of walling and fencing approved as part of the landscaping scheme required by Condition 6 above shall be completed prior to the development first being brought into use.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP24 and DP3, and the National Planning Policy Framework.

9. The development hereby permitted shall not be commenced until the access to the site as indicated on submitted Drg. No.AL(0)03 Rev. D, within the limits of the public highway, has been completed to base course level.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

10. The development hereby permitted shall not be brought into use until the access has been constructed with a gradient not exceeding 1 in 15 for a minimum distance of 10 metres from the rear of the highway boundary in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

11. The development hereby permitted shall not be brought in to use until, the visibility splays shown on Drg. No.AL(0)03 Rev. D, the subject of this consent have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

12. The existing vehicular access shall be permanently closed immediately the use hereby approved is commenced and the access crossing shall be reinstated as verge/footway in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: As recommended by the Highway Authority in the interests of highway safety and in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage accommodation/parking spaces provided in connection with the development hereby approved shall be made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.

Reason: To ensure adequate off-street parking exists to serve the development to avoid vehicles parking on the adjoining road and obstructing the free flow of movement of traffic in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

14. The reserved matters submissions required under condition 2 above shall include details of weatherproof cycle storage to be provided prior to the first occupation of any dwelling, which shall thereafter be retained as such for the parking of cycles for the life of the development.

Reason: To ensure the development makes provision for the safe and secure storage of cycles and to encourage an increase in the number of journeys made by sustainable modes of travel in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

15. The reserved matters submissions required under condition 2 shall include garages and parking spaces (including disabled parking spaces) which accord with the standards and minimum dimensions set out in the Council's Parking Standards SPD.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35, and the National Planning Policy Framework

16. The reserved matters submissions required under condition 2 shall include designated waste/recycling bin collection points rear of the highway boundary.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP1 and SP35 and the National Planning Policy Framework

17. No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The details shall include a surface water drainage strategy for the site. The development shall be completed in accordance with the approved details prior to its first occupation.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution as recommended by Severn Trent Water

Limited in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

18. Prior to first occupation of the development hereby permitted details of electric vehicle charging points, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies SP1 and SP35 of the Local Plan and the Parking Standards SPD.

19. No development shall take place until a Noise Impact Assessment has been submitted to and approved in writing by the Local Planning Authority which shall include details of any noise mitigation measures required. The development shall only be implemented in accordance with the approved mitigation measures and maintained as such for the life of the development.

Reason: In the interests of the amenity of the future occupiers of the dwelling(s) in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

20. Before development commences an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of potential contamination. Ground gas, water and chemical analysis, identified as being appropriate by the GIP Phase I Assessment (ref: CFM/27699), should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be submitted to the Council, as a phase 2 report, for approval prior to any site remediation or construction works.

In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement should also include details of validation testing that will be carried out once works have been completed.

If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.

The development shall not be occupied until a validation report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

21. Any soil to be imported to the site shall first be chemically analysed for contaminants, with the results submitted to and approved in writing by the Local Planning Authority prior to the soil being installed.

Reason: In order to safeguard human health and the water environment in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework

22. There shall be no site works outside of the following hours, without the specific consent of the Local Planning Authority:

Mon-Fri 07:30-21:00

Sat 08:00-14:00

Sun and Bank holidays- no working

Reason: In the interests of the amenity of the future occupiers of the dwelling(s) in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

23. Prior to demolition, construction or earthworks on site, a scheme of construction noise mitigation shall be submitted to and agreed by the Local Development Control Department. The scheme shall be in line with BS 5288 Part 1+A1:2014.

Reason: In the interests of the amenity of the future occupiers of the dwelling(s) in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

24. The details required under condition 2 above shall include details showing the existing and proposed land levels of the site including site sections and the finished floor levels, ridge and eaves heights of all proposed buildings with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings. The development shall be undertaken in strict accordance with the approved details.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP1 the East Staffordshire Design Guide, the Separation Distances and Amenities Supplementary Planning Document and the National Planning Policy Framework.

25. Prior to the commencement of any construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction,

routing of HGV's, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

Reason: As recommended by the Highway Authority in the interests of highway safety and in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

26. The development shall be carried out in accordance with the findings and mitigation measures set out in the Preliminary Ecological Appraisal prepared by Absolute Ecology dated November 2018 and the Activity for Bats Survey also prepared by Absolute Ecology and dated August 2019 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework

27. No development shall take place until details of energy saving measures have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the dwellings to which they relate hereby permitted and retained as such for the life of the development.

Reason: To ensure that the site is sustainably developed in accordance with the National Planning Framework (particularly Section 10) and Policy DP2 of the East Staffordshire Local Plan.

28. Prior to the first occupation of the development hereby approved, each dwelling shall be provided with appropriate external storage containers for refuse and recycling collection. The containers must be available for use before commencement of the council's waste collection service.

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway in accordance with East Staffordshire Local Plan SP1, SP24, SP35, DP1 and DP3, the East Staffordshire Design Guide, and the National Planning Policy Framework.

Informatives

1. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which 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

secured 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.

2.The conditions identified below require details to be approved before commencement of the development/works.

Condition Nos 5, 6, 17, 19, 20, 23, 25 & 27

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

3.Road construction details submitted following the granting of Reserved Matters Consent will require approval under Section 7 of the Staffordshire Act 1983.

4.Any off-site highway works shall require a Highway Works Agreement with Staffordshire County Council.

5.The minor access reinstatement works referred to in Condition12 above involve work on the highway and as such require the consent of the County Council. Please contact the Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH.

6.The proposed access road is to remain private. The developer should be advised to contact East Staffordshire Borough Council's Waste Management Section to agree waste and recycling arrangements. With reference to submitted Drg. No.AL(0)03 Rev. D, the positioning of car parking spaces 23.1 & 24.1 would lead to cars reversing an excessive length and would likely to lead to a recommendation of refusal from the Highway Authority.

7.The applicant/developer is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

8.The applicant/developer is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

9.Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis.

Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is **vital** therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

24. Background papers

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

- Planning application form, plans and reports submitted with P/2019/01244

25. Human Rights Act 1998

25.1 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.

26. Crime and Disorder Implications

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

27. Equalities Act 2010

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

For further information contact: Emma Carrington / Naomi Perry
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