

Delegated Report for P/2017/01652

Application Number	P/2017/01652		
Planning Officer	Sachin Parmar		
Site Address	Former Burton Adult Training Centre Shobnall Street Burton upon Trent DE14 2HE		
Proposal	Demolish existing building and construct scheme of 26 new dwellings with associated access <i>*Amended Plans were received on 18/05/18 - revised layout, scale and position of houses, changes to the design of all housetypes</i>		
Expiry Dates	Weekly List	16/03/18	
	Neighbours	03/04/18	
	Consultations	03/04/18	
	Site Notice	13/04/18	
	Newspaper Advert	14/04/18	
Application not Determined within Statutory Time Period - Reason	<i>Extension of time to 14/09/18 agreed with agent in order to allow time for section 106 agreement to be signed</i>		
Environmental Assessment	Screening opinion undertaken	No	
	Schedule 1 or 2	No	
	EIA Required	No	
Relevant Planning Policies/Guidance	Government Documents	The National Planning Policy Framework The National Planning Practice Guidance	
	Local Plan Policies	Strategic Policies SP1, SP9, SP16, SP17, SP21, SP24, SP25, SP27, SP35 Detailed Policies DP1, DP2, DP3, DP5, DP6, DP7, DP8	
	Supplementary Planning Documents	East Staffordshire Design Guide Parking Standards SPD Housing Choice SPD Open Space SPD	
	Other Policies/Guidance	Shobnall Neighbourhood Plan Policies T1, T2, T5, HD2, HD3, HD4	
Relevant History	<i>No relevant recent planning history</i>		
Consultation Responses	<p>Internal Consultees</p> <ul style="list-style-type: none"> • Communities, Open Spaces & Facilities Manager Requested open spaces contribution of £18,250 • Environmental Health Division No objections subject to pre-commencement conditions Noise assessment required Contaminated land surveys required • Environment Manager Requested developer contribution towards providing appropriate bins for refuse and recycling collection If planning obligation is not appropriate than would like a condition to be attached to any decision requiring £75 per dwelling <p>Staffordshire County Council</p> <ul style="list-style-type: none"> • Education Authority Requested contribution of £102,144 towards primary school provision 		

	<ul style="list-style-type: none"> • Highways Authority No objections subject to conditions and informatives • Lead Local Flood Authority (LLFA) No objections subject to condition <p>External Bodies/Consultees</p> <ul style="list-style-type: none"> • Canal & River Trust Confirmed no comments • East Staffordshire NHS Primary Care Projects Manager Requested contribution of £10,920 towards small upgrading of primary care services in the area • Historic England Confirmed no comments • Police Architectural Liaison Officer No objections and offered guidance and advice in order to reduce the opportunity for crimes to be committed <i>Advice has been forwarded to the planning agent</i> • Severn Trent Water Confirmed no objections subject to drainage related pre-commencement condition • The National Forest Company The submitted plans show no woodland planting on-site Therefore, requested contribution of £3,500 for woodland planting off-site
<p>Councillors</p>	<p>Cllr P Walker No formal comments in writing <i>Arranged a meeting with Cllr at the council offices to discuss scheme and share concerns with the design and layout Cllr happy that amended plans were being negotiated to address issues</i></p>
<p>Parish Council</p>	<p>Comments made that the Parish Council would not like to see any residents of Shobnall Street losing on-street parking spaces as a result of the development</p>
<p>Neighbour Responses</p>	<p>10 letters of objection have been received from local residents A letter of objection with the signatures of 17 nearby residents has also been received Below is a summary of the concerns raised</p> <ul style="list-style-type: none"> • Site is on the main arterial route to the Queens Hospital and this development would add further congestion increasing delays in emergency response potentially costing lives • Traffic congestion for long term residents and neighbourhood was not designed for this level of cars • The development would worsen the ghetto style community which has been created in the area • Loss of identity to the area • Inadequate parking arrangements • Proposal will exacerbate parking issues for existing residents around the site • Infrastructure in the area cannot cope with this development • Highways safety concerns • Roads are in a poor state and should be made good before this development takes place • Concerns about the positioning of new houses being too close which could result in privacy issues • Potential loss of greenery and trees along boundaries • Properties are being squashed into the corner of Shobnall Road and Shobnall Street

	<ul style="list-style-type: none"> • Too many properties are proposed at the site • Loss of privacy • Houses are proposed will result in overlooking issues • Loss of natural light Loss of light as a result of new boundary treatments
Human Rights Act Considerations	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 issues have been taken into account in the determination of this application
Crime and Disorder Implications	It is considered that the proposal does not raise any crime and disorder implications
Equalities Act 2010	Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010
Planning Officer's Assessment	<p>Site and surroundings</p> <p>The application site is occupied by a derelict brick built building which was previously in use as a training centre The building has an L-shape footprint with forecourt parking facing Waverley Lane There is an open garden within the southern section of the site</p> <p>Although the site appears to be fairly flat there are significant changes in land level immediately around the boundaries Beyond the southwest/west boundary the gardens of properties at Abbot Close and Jennings Way slope up to an elevated level in comparison to the ground level of the application site To the east Shobnall Street rises to a bridge which is Shobnall Road This bridge runs over the Trent and Mersey Canal which is to west Shobnall Marina is also to the south of the Shobnall Road bridge</p> <p>The marina and canal route are both designated as Conservation Areas</p> <p>Details of the application</p> <p>The proposal is for re-development of the brownfield site to bring forward 26 new residential units This would comprise of two 1-bed flats, four 2-bed bungalows (1½ storeys), three 2-bed houses and seventeen 3-bed houses The houses would be of 2 and 2½ storeys The scheme is for 100% affordable housing units only</p> <p>Summary of Key Policies</p> <p><u>Strategic Policies</u></p> <p>Policy SP1 includes principles for assessing development This includes whether the design protects the amenity of the occupiers of neighbouring residential properties</p> <p>Policy SP9 states that planning obligations will continue to be the basis to secure developer contributions and the level of contributions will be determined on a case by case basis</p> <p>Policy SP16 states that residential development in the main towns shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough</p> <p>Policy SP24 requires that development contributes positively to the area, reinforces character and identity and integrates with the existing environment</p> <p>Policy SP25 states that development proposals should protect, conserve and enhance heritage assets which includes Conservation Areas</p> <p><u>Detailed Policies</u></p> <p>Under Policy DP1 the Council will have regard to the density and mix of the development In relation to its context and the uses to which the development will be put</p>

Policy DP5 states that the Borough's historic environment and heritage assets will be protected

Policy DP6 states that new development alongside the Trent and Mersey Canal should utilise high quality design and historic fabric and heritage assets such as structures that are related to the canal should be conserved

Under Policy DP7 development proposals will only be granted permission where they will not give rise to unacceptable levels of pollution

Housing Choice SPD

Under this guidance development will need to be consistent with the mix required in the area but also reflect the nature of the site

Parking Standards

This guidance sets out that for 2 or 3 bedroom dwellings at least 2 spaces would be required For dwellings with 4 or more bedrooms at least 3 spaces would be required For single garages the minimum internal dimensions should be 6 0m x 3 0m

Shobnall Neighbourhood Plan

Policy T1 requires that new development must wholly mitigate for its own traffic generation and impact

Policy T2 states that applications for major development which include new streets and roads will be expected to achieve a good quality highway design including accessibility for all modes of travel, creation of shared surfaces and creating a sense of place

Policy T5 states that for 2 or 3 bedroom dwellings a minimum of 2 parking spaces will be expected

Policy HD2 requires new housing to achieve a high standard of design and include a sustainable drainage system

Under Policy HD3 new housing should deliver an appropriate mix to meet the needs of Shobnall residents Shobnall's particular housing needs include starter homes and homes suitable for young families, affordable housing and larger family homes

Policy HD4 allocates previously developed land in order to achieve a brownfield-first approach The application site is identified as **Site 3 Former Day Centre, Shobnall Street (04 ha) Redevelopment for a small market led residential scheme which should seek to retain the mature trees around the edge of the site Vehicular access should not be taken from either Shobnall Road or Shobnall Street Apartments or sheltered / extra care housing may be appropriate on this site Development which provides new medical services or community uses will also be considered appropriate The provision of a new pedestrian route to site 4 beneath the bridge carrying Shobnall Road will, if feasible, safe and appropriate, be welcomed as part of any new development**

Determining Considerations

The foremost issues relate to whether the principle is acceptable and potential harm upon the character of nearby heritage assets which includes the marina and the canal route Conservation Areas The impact upon visual and residential amenity, highways safety concerns, flood risk, the merits of any Section 106 Agreement and any other technical matters will then be weighed against the appropriateness of the scheme and added to the planning balance

Principle and Housing Need

The brownfield site lies within the main town settlement boundary and is also earmarked for housing development under Appendix C and Policy HD4 of the Shobnall Neighbourhood Plan The site is therefore considered to be a sustainable location and the development can play a part in meeting local housing needs It is considered that the principle of development is acceptable

Heritage Assets

The application site is split from Shobnall Marina Conservation Area by Shobnall Road which at this section is a bridge. The highway therefore sits at an elevated level to the marina and serves as a physical barrier with no inter-visibility to the application site. The site would also appear unrelated to the Trent and Mersey Canal Conservation Area which is further to the west and also separated from the site by existing built form which includes properties at Abbot Close, Lyne Court and Jennings Way.

Given this context it is considered that the development as proposed would result in no demonstrable harm upon the characterful aspects and appearance of the Marina Conservation Area and would not harm any notable features which characterise the Canal Route Conservation Area including its setting. Accordingly, it is considered that the significance of these nearby heritage assets would be preserved.

Design and Visual Amenities

Amended plans have been negotiated in order to completely revise the layout and positioning of houses. Plots are now arranged with back-to-back garden relationships to existing properties that are beyond the west boundary. The layout also maximises the opportunity of houses fronting the new internal road in order to help to establish an active street scene. The design within plots 22-26 has also been revised to address the corner location of Waverley lane and Shobnall Street. It is considered that the proposed scheme makes efficient use of available land where the layout would not result in houses appearing crammed around new streets. Within the proposed scheme 17 of the plots would be occupied by 2½ storey houses where rooms are within the roofspace. It is considered that the height of the 2½ storey houses would not dominate the site and the context of the surrounding area should be taken into account where properties to the west and immediate highways to the south and east are all on an elevated level. Overall, it is considered that the scheme would achieve a good standard of design in terms of the layout and scale of individual housetypes and there would be positive impact upon the character and appearance of the area.

The houses would have a simple architectural form and massing and the intention is for the scheme to appear different from surrounding housing. This would help to create a sense of place and the introduction of rendered sections to external walls and flat roof canopies would create a slightly more modern appearance. Details for external facing materials and boundary treatments have been clarified on the plans in order to avoid pre-commencement conditions and it is considered that the development would achieve a good standard of appearance in built form.

Landscaping is outlined on the site plan with turfed open frontages to most plots which can help to support an element of green within the street scenes. Private gardens would also be turfed. As required under Policy HD4 of the Shobnall Neighbourhood Plan the important trees along the boundary with Shobnall Street would be retained. In addition new trees would be planted here in order to enhance the appearance of new housing. Overall, it is considered that the details for landscaping are acceptable. In the interests of ensuring landscaping is implemented efficiently a condition can be attached to any decision which requires planting to be completed for that respective plot prior to first occupation. A condition would also be attached to ensure that existing trees are suitably protected during construction.

Residential Amenities

With regards to neighbouring amenity it is considered that the scheme as proposed would not result in any significant adverse impact. The back-to-back garden relationships to the west boundary would help to ensure that new houses in built form are not in direct close proximity to the primary habitable room windows of existing neighbouring dwellings. The houses within Plots 1-4 have been moved to face the new internal road which also creates a separation distance to No.1 Waverley Lane to the north. The occupiers of No.1 have objected as in their view the development would impact their nearest lounge window. However, although No.1's lounge window is within a side extended part it is a curved bay type on the front wall with outlook over its own driveway and view over the highway. The nearest proposed building would be a bungalow occupying Plot 1 which would be over 10 metres away from the boundary with No.1. Therefore, it is considered that there are insufficient grounds for a refusal based on significant loss in daylight/sunlight to the occupiers of any neighbouring properties.

The occupiers of No.7 Abbot Close near the southwest corner of the site have objected as in their view the proposed house within Plot 11 would be too close and appears hemmed-in. The dwelling within Plot 11 would have an angled orientation and there would be a gap of over 2 metres from the edge of the new building to the boundary with No.7. The side garden area within Plot 11 is fairly spacious whilst it should also be taken into account that No.7 sits at an elevated land level with a spacious garden of its own. With these points to mind it is considered that there are insufficient grounds for a refusal based on the development resulting in any overbearing sense of enclosure to the occupiers of No.7 Abbot Close.

The houses have been designed with main habitable room windows within the front and rear elevations which have outlook over that respective plot rather than directly into neighbouring properties. The plots which back on to the west boundary and are occupied by 2 storey houses would each have garden depths of at least 8 metres. The established dwellings at Abbot Close and Jennings Way beyond the west boundary sit on a slightly elevated land level in comparison to the application site and would also share an angled relationship to the new houses. Other surrounding houses would be separated by the highway with Waverley Lane to the north boundary and Shobnall Street to the east. As a result it is considered that the scheme as proposed would achieve a neighbourly relationship and would not give rise to unacceptable invasion of privacy or undue overlooking to nearby occupiers.

The layout ensures that each new plot would have satisfactory garden areas. The proposed 1-bed flats in plots 22 and 23 would also have access to a shared frontage which would be landscaped. It is considered that the scheme layout would offer an acceptable standard of private amenity for new and future occupiers.

Highways Impacts

The development would be accessed from Waverley Lane by a new internal road incorporating pedestrian footway which would be of adoptable standard. This would allow emergency vehicles or the Council's fleet of refuse vehicles to safely service each plot. A separate access would be created to Waverley Lane leading to the parking associated to Plots 21 and 23. The internal roads, turning areas and shared spaces into parking have been designed to satisfy the requirements of the County Highway Authority. The Highway Authority has therefore raised no objections from a highways safety point of view. Taking into account the existing use of the site the Highway Authority has also raised no issues with traffic generation. With this technical opinion to mind it is considered that the scheme would not prejudice the safe or efficient use of the highway and there are insufficient grounds for a refusal based on traffic effects or detrimental impact upon highway safety.

From a parking point of view each plot has been designed with appropriate off-street parking spaces in accordance with the Council's Parking Standards guidance and Policy T5 from the Neighbourhood Plan. This would help to ensure that adequate off-street parking exists to serve the development and to avoid excessive numbers of vehicles parking on the road and obstructing the free flow of movement of traffic.

It is considered that a pre-commencement condition for a construction management plan would be unreasonable to attach as such a condition is difficult for the Council to enforce. Construction works would take place in normal working hours during the week whilst construction traffic would be reliant upon the surrounding road network. The exact routing of traffic is a matter for the Highway Authority to consider under their own remit whilst it would fall on the chosen contractors to follow construction method standards and minimise adverse effects to established properties during construction phase.

Flood Risk

With regards to surface water flooding the application site falls outside of Flood Zone 2 or 3 and the Environment Agency has not notified the Council of any critical drainage problems in this specific location. Therefore, it is considered that there are insufficient grounds for refusal based on the development increasing fluvial flood risk.

The development is a major housing scheme and therefore priority must be given towards a sustainable drainage system. The County Lead Local Flood Authority (LLFA) has advised that the drainage engineering which would be put into place as part of the proposed drainage strategy would be acceptable. A condition should be attached to any

decision which requires the drainage engineering to be implemented and operational prior to the first occupation of any houses

Severn Trent Water Company has also been consulted on the application. The Water Company has raised no objections however advised that a drainage related pre-commencement condition should be attached to any decision. The reason for this condition would be to ensure flooding issues are not exacerbated and to minimise pollution. It is considered that this pre-commencement condition is unreasonable to impose taking into account that the site is within Flood Zone 1 and the LLFA has confirmed that the drainage strategy is acceptable. For this specific case it is considered that the finer details of foul sewerage and connection under the ground to drains is outside of the remit of planning and are matters that can be dealt with under the Building Regulations.

Overall, taking into account the technical opinion of the LLFA it is considered that the proposed scheme would be appropriately flood resilient, flood risk would not increase elsewhere and surface water flows would be suitably managed by giving priority to a sustainable drainage system.

Developer Contributions and Viability

In line with the NPPF any planning obligation should meet the tests of being necessary in planning terms, directly related to the development and fairly and reasonably related in scale and kind. Contributions have been requested with regards to open space, education provision, upgrade of healthcare services and National Forest planting by relevant consultees as outlined within the Consultation Responses section of this report.

The application is for affordable housing led development which would be entirely affordable housing units. Although specified contributions have been requested an independent review has been undertaken by a Viability Expert. The Viability Expert has concluded that the applicant has a strong case for the scheme being unviable in terms of providing any section 106 capital contributions. The scheme would make a significant loss due to the cost of having to provide 100% affordable units and applying the additional financial burden of section 106 contributions would only serve to reduce the likelihood of the scheme being brought forward in its entirety.

All units would be designated as Affordable Housing for use as Rented Social Housing Units and cannot be occupied until transferred to a Registered Provider of Social Housing. A section 106 agreement would be linked to any permission which legally binds the development of the land for 100% affordable units only. During the course of the application Trent and Dove Housing Association has also confirmed that the proposed housing mix is acceptable and suitable for the needs of the local community.

Other Matters

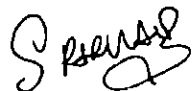
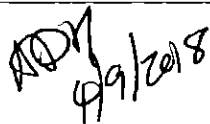
The Council's Environmental Protection Officer has raised concerns with the noise environment for new occupiers taking into account that there is a nearby recycling tip in addition to traffic noise at busy times. A noise assessment had therefore been undertaken which identifies recommendations for noise mitigation measures. This would help to ensure residents have appropriate internal and external noise conditions. The Environmental Protection Officer is happy with the assessment and a condition can be attached to any decision which requires implementation of the mitigation measures.

The agent has been unable to commission a Phase 1 Contaminated Land Survey and therefore a pre-commencement condition requiring this work to be undertaken should be attached to any decision. Failing to deal adequately with contamination could cause harm to human health, property and the wider environment so investigative surveys will be required prior to any commencement of development.

It is considered that there are no other material considerations which should be added to the planning balance when determining this application.

Conclusion

The site is earmarked for development and there is desirability for a scheme to be delivered on the site in order to play a part in meeting housing requirements and achieving sustainable growth. The scheme would be affordable housing led which would

	<p>help to meet the needs of the community and the layout as proposed integrates the principles for sustainable development where houses would achieve a good standard of design and appearance in built form. Furthermore, it is considered that there are insufficient grounds for a refusal based on any significant un-neighbourly relationships to existing properties.</p> <p>Accordingly, it is considered that the scheme as proposed does not conflict with the aims and criteria of policies from the Local Plan, the Neighbourhood Plan, the Council's SPD's and the National Planning Policy Framework.</p> <p>Recommend Approval</p>
Planning Officer's response to Parish Council	The concerns raised by the Parish have been taken into account and discussed within the above assessment. It is considered that there are insufficient planning grounds to refuse the application.
Signature & date	 <p>08 August 2018</p> 
Engagement	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 Paragraphs 186 and 187 of the National Planning Policy Framework.
Section 106 required?	Yes – Section 106 Agreement requiring all units designated as Affordable Housing
Draft Decision Notice checked by Planning Officer or Team Leader	
Team Leader Comments	