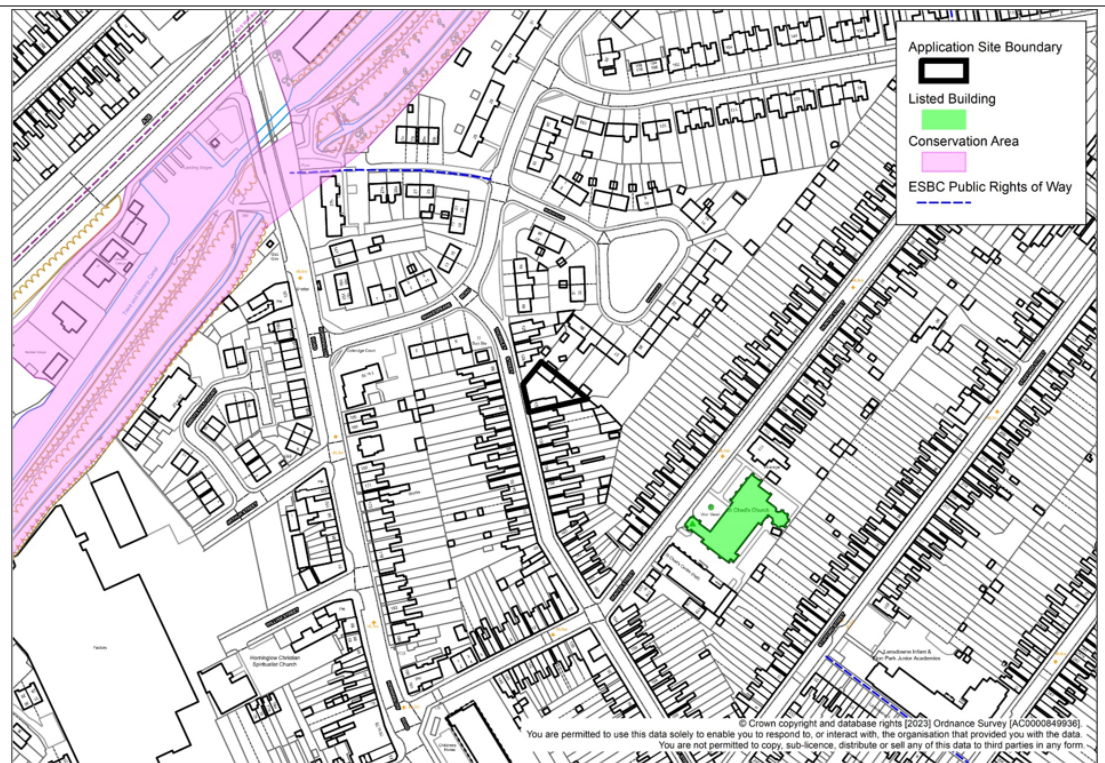


Committee Report for P/2022/00549

This report has been checked on behalf of Legal Services by John Teasdale

Application Number	P/2022/00549	
Planning Officer	Lisa Bird	
Site Address	Land between, 128 & 129 Thornley Street, Burton upon Trent, Staffordshire, DE14 2QP	
Proposal	Outline application for the erection of a detached building to form 4 flats with all matters reserved including demolition of existing buildings	
Recommendation	Refuse	
Expiry Dates	Weekly List	11-07-2022
	Neighbours	15-07-2022
	Consultations	15-07-2022
	Site Notice	10-07-2022
	Newspaper Advert	N/A
Application not Determined within Statutory Time Period - Reason	Ongoing negotiations and amendments from the applicant, despite being advised of the lack of support for the scheme.	
Reason for being on the Agenda	Application called in by Councillor Hadley to ensure that the concerns of local residents are addressed	
Environmental Assessment	Screening opinion undertaken	N/A
	Schedule 1 or 2	N/A
	EIA Required	N/A
Relevant Planning Policies/Guidance	Government Documents	The National Planning Policy Framework The National Planning Practice Guidance
	Local Plan Policies	SP1 – East Staffordshire Approach to Sustainable Development SP2 – Settlement Hierarchy SP24 - High Quality Design SP25 – Historic Environment SP29 – Biodiversity and Geodiversity SP35 – Accessibility and Sustainable Transport DP1 – Design of New Development DP3 – Design of New Residential Development: Extensions and Curtilage Buildings DP5 – Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology DP7 – Pollution and Contamination
	Supplementary Planning Documents	East Staffordshire Design Guide Parking Standards SPD
	Other Policies/Guidance	Horninglow and Eton Neighbourhood Plan Policy HE5 of the Horninglow and Eton Neighbourhood Plan sets out minimum standards for parking provision, to ensure that developments provide adequate parking provision.

Relevant History	No relevant planning history
Consultation Responses	<p>ESBC Waste – The developer will be required to provide the appropriate external storage containers for refuse and recycling collection (in accordance with the Council’s specification) or pay a financial contribution for their provision via a Section 106 agreement.</p> <p>Historic England – Confirmed that they have no comments to make.</p> <p>SCC Highway Authority – Requested further information in respect of visibility splays and a parking survey to support the on-street parking as there is insufficient parking within the site. The survey should be within 200m of the site and a 15 minute beat in the evening when residential demand is likely to be at its highest.</p>
Parish Council	<p>Horninglow and Eton Parish Council – Concerns are raised in respect of the following:</p> <ul style="list-style-type: none"> • The accommodation provided is small, less units would allow each of them to be larger. • Parking spaces are inadequate and do not conform to Policy HE5 of the Horninglow and Eton Neighbourhood Plan or Parking Standards SPD. • The suggestion in the application that on-street parking could also be used is at odds with Policy HE5 of the Horninglow and Eton Neighbourhood Plan.
Neighbour Responses	<p>Six representations have been made. Objections relate to:</p> <ul style="list-style-type: none"> • highway safety, • impact on the flow of traffic, • lack of parking, • overlooking, • loss of privacy, • loss of light, • overdevelopment, • noise and disturbance.
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 Description</p> <p>The site comprises No. 129 Thornley Street a two storey terraced dwellings and two outbuildings to the north east of the dwelling.</p> <p>The proposal site is located predominantly within an established residential area containing two storey terraced residential properties along Thornley Street. The surrounding terraced residential properties along Thornley Street, Hunter Street and Stafford Street were predominantly constructed between the years 1900 to 1929.</p> <p>The site is located within the settlement limits of Burton upon Trent, as defined in the adopted Local Plan.</p> <p>The site sits within Flood Zone 1.</p>



Proposals

Outline planning permission is sought for the demolition of an existing two storey derelict building and a single storey derelict flat roof building from the rear (north east) of the site.

The scheme originally sought consent for 6 flats, however during the course of the application the scheme has been amended and now seeks outline planning permission, with all matters reserved for the erection of 4 flats.

Whilst the scheme is in outline with all matters reserved, the application is accompanied by demolition plans, and proposed indicative layout and elevations plans. The indicative revised scheme proposes the erection of a two storey development, with two ground floor flats and two first floor flats. An area of amenity space is proposed between the new building and existing amenity area serving No. 129 Thornley Street, and a secondary amenity space to the frontage, adjacent to the proposed parking spaces and turning area.

The application is accompanied by a Planning and Design and Access Statement and a Bat Survey.

ASSESSMENT

Determining Issues:

- Principle of the Development;
- Design;
- Impact on Heritage Assets;
- Impact on the Amenities of the Surrounding Occupiers; and
- Highway Safety

Principle of the Development

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 Local Plan sets out in Strategic Policy 2 a development strategy which directs growth to the most sustainable places. Burton Upon Trent and Uttoxeter are identified

as the main settlements to take housing development with some limited growth in the rural areas, principally within settlement boundaries.

The site is located within the Burton upon Trent settlement boundary and as such the principle of residential development would meet with the objectives of the sustainability policies of the adopted Plan.

The Horninglow and Eton Neighbourhood Plan does not identify the site for any specific designation (e.g. Local Green Space) that would prevent the development of the site in principle.

The site is within a sustainable location with access to the Town Centre, local facilities (e.g. the Tesco supermarket on the opposite side of Watson Street) and public transport options being available a short walk away.

The application is located in a sustainable location within the Boroughs main town and in principle the redevelopment of the site for residential purposes is acceptable.

Design

Policy DP1 of the Local Plan re-iterates the design principles set by Policy SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide. 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.

Whilst the application is in outline form, with all matters reserved, it is important to establish how the development would integrate into the environment in which it is set with Paragraph 134 of the NPPF outlining 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, taking into account any local design standards or style guides in plans or supplementary planning documents."

The character of the area is defined by terraced properties which front the highway and have long linear rear gardens. The scheme presented, albeit in an indicative form shows the erection of two storey development, set back into the rear of the plot with small, side and frontage amenity space. This would result in a form of development which would be at odds with the established character and pattern of the area and as such the development would fail to integrate into the environment in which it is set.

The Council's Separation Distances and Amenity SPD which sets out minimum standards for amenity space, requiring 10sqm per flat. Following concerns raised by officers during the course of the application, the revised scheme proposes the erection of a two storey development, with two ground floor flats and two first floor flats. An area of amenity space of approximately 29 sqm is proposed between the new building and existing amenity area serving No. 129 Thornley Street, and a secondary amenity space to the frontage, adjacent to the proposed parking spaces is proposed of approximately 25 sqm. The rear amenity space for the host dwelling No. 129 Thornley has also been increased and would measure approximately 57 sqm.

Whilst the amenity spaces have been increased during the course of the application to satisfy the guidance contained in the Council's Separation Distances and Amenity SPD it is noted that one of the communal amenity areas is immediately adjacent to the proposed parking area and that is likely to impact on the use of that amenity space.

Despite the reduction in the number of units, it is still considered that the proposal would result in the overdevelopment of the site on the basis that the scheme is unable to provide parking provision for the proposed and existing dwelling at No. 129 Thornley Street (as discussed below) and given the poor siting and usability and privacy of communal amenity space provided within the site.

The details provided indicate that the proposal would not be achievable without resulting in overdevelopment of the site and without significant impacts on neighbouring properties, impact on future occupiers due to lack of usable and private amenity space and parking impacts. Whilst the application is in outline form with all matters reserved, any scheme progressed at the reserved matters stage by virtue of the size of the site and the quantum of development proposed, would result in an overdevelopment of the site and a form of development which would be at odds with the established character, pattern, density and appearance of the area and as such the development would fail to integrate into the environment in which it is set.

Impact on Heritage Assets

There are no heritage assets immediately adjacent to the application site. The nearest listed building is the Grade I St Chads Church and Grade II War Memorial situated within the grounds of St Chads Church, this is approx. 100m to the south-east of the application site. The nearest conservation area is the Trent and Mersey Canal Conservation Area situated approx. 182m to the north-west of the application site.

Due to the nature of the surrounding area which is made up of high density residential development in the form of two storey Victoria terraced dwellings to the south-east and 1960's two storey semi-detached dwellings and flats to the north-east, the conservation area is not visible from the application site and the spire of the church can be seen from within the site but is not particularly visible from Thornley Street. The intervening built form is considered to screen the majority of the site from the heritage assets, and the development proposed to the south-eastern part of the site would not differ significantly in scale from the existing building, and therefore there is considered to be no significant adverse impact on the significance of those assets in compliance with Policies SP25 and DP5 of the Local Plan.

Impact on the Amenities of the Surrounding Occupiers

The NPPF states that authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy DP1 of the Local Plan requires new development to not harm the amenity of neighbours by way of overlooking, overbearing impact or a material loss of light. Policy DP7 of the Local Plan states that planning permission will only be granted when development proposals do not give rise to unacceptable levels of pollution in respect of noise or light. The Separation Distance and Amenity SPD seeks to improve the overall space standards for new residential developments to ensure that existing and future residents have a good levels of amenity and privacy to enjoy the place where they live.

The application is in outline, however, indicative details have been provided to indicate how four units could potentially fit within the application site. During the course of the application, the indicative elevations have been amended with the ridge height being reduced by 0.42 metres.

The Separation Distances and Amenity SPD contains details of separation distances between certain elevations and principal windows, and whilst the proposal is in outline, it should be demonstrated in principle that a scheme for four flats could achieve the separation distances in order to demonstrate that a future reserved matters scheme could be presented which could protect the amenities of neighbouring properties, along with the future amenities of the occupiers of the proposed units.

Neighbouring No. 128 Thornley Street has objected to the scheme on the basis of loss of light to all the windows to the kitchen and bathroom and has confirmed that they received planning permission ref: P/2020/01343 for a two storey side and rear extension with only the first part of the extension has been implemented at this time.

The proposal would be in close proximity to No. 128 Thornley Street, this would be approx. 4m from the side wall of No. 128 Thornley Street, which contains habitable room windows facing directly onto the site and therefore does not comply with the Separation requirements set out in the Separation Distances and Amenity SPD, and would cause significant overlooking, loss of light and an overbearing impact upon this neighbouring property.

Accordingly, whilst the proposal is in outline with all matters reserved, any scheme to achieve four units presented at the reserved matters stage would be in close proximity to No. 128 Thornley Street, which contains habitable room windows facing directly onto the site and would cause significant overlooking, loss of light and an overbearing impact on the occupiers of No. 128 Thornley Street which is in close proximity to the application site and benefits from a number of side facing windows which serve habitable rooms.

Highway Safety

Policy SP35 of the Local Plan states that proposals which would prejudice the safe and efficient use of the highway network will be resisted. The car parking SPD sets out requirements for off road car parking for new development. Policy HE5 of the Horninglow and Eton Neighbourhood Plan sets out minimum standards for parking provision, to ensure that developments provide adequate parking provision.

During the course of the application, the Highway Authority requested a large scaled dimensions drawing showing the proposed access to the side including pedestrian and vehicular visibility splays as well as the parking and turning space so that it could be determined if there is enough room to park and turn cars within the site whilst the spaces are occupied.

The applicant's agent has provided two plans in an attempt to demonstrate a suitable site access.

In terms of car parking, whilst bedroom numbers are not secured at this stage, based upon the indicative details provided, and assuming all were one bed roomed properties, then the Council's SPD requires 1 space per 1 bedroom and 1 space, per 3 dwellings for visitors. The scheme would be required to provide at least four spaces.

Policy HE5 of the Horninglow and Eton Neighbourhood Plan requires a minimum of 2 parking spaces where 1 or 2 bedspaces are created and a lower provision will only be acceptable if it can be demonstrated that any on-street parking likely to occur as a result of the development will not create, or exacerbate on-street parking problems for residents or businesses.

Parking for four vehicles has been shown on the revised site plan which would accord with the Council's SPD but not Policy HE5 of the Horninglow and Eton Neighbourhood Plan and further any parking provision for the existing dwelling at No. 129 Thornley Street will be lost and this has not been accounted for. The County Highway Authority state that if the applicant is proposing to rely on on-street parking that the application will need to be supported by a parking survey to demonstrate that spaces are available.

No such information has been provided during the course of the application and it is considered that increasing car parking provision within the site could not be achieved without further comprising design or amenity space.

	<p>Accordingly, the applicant has failed to demonstrate that they are able to deliver the necessary on-site parking provision that would not lead to on-street parking issues and the proposal is therefore considered to be unacceptable in highway safety terms and would therefore conflict with the objectives of Local Plan Policies SP1 and SP35, the Parking Standards SPD, Policy HE5 of the Horninglow and Eton Neighbourhood Plan and the advice in the NPPF.</p>
Planning Officer's response to Parish Council	<p>Officers are in agreement with the objections raised by the Parish Council.</p>
Conclusion (including Signature & date)	<p>Any scheme to achieve four units presented at the reserved matters stage would be in close proximity to No. 128 Thornley Street, which contains habitable room windows facing directly onto the site and would cause significant overlooking loss of light and an overbearing impact upon this neighbouring property. Further, the applicant has failed to demonstrate that they are able to deliver the necessary on-site parking provision for the 4 flats and for the host dwelling (No. 129 Thornley Street) that would not lead to on-street parking. Overall the details provided indicate that the proposal for up to 4 flats would not be achievable without resulting in overdevelopment of the site and without significant impacts on neighbouring properties and impact on future occupiers due to lack of usable and private amenity space and impact upon highway safety.</p> <p>It is concluded that the proposed development would be contrary to the policies (as stated) of the adopted East Staffordshire Local Plan, Horninglow and Eton Neighbourhood Plan, the Parking Standards SPD, East Staffordshire Design Guide, the Council's Separation Distances and Amenity SPD, the National Design Guide and the aims of the National Planning Policy Framework. It is considered, on balance, that any potential benefits of the scheme as proposed would be insufficient to outweigh the conflict with the development plan and the Framework resulting from the harm as identified in the report, above. It is therefore recommended that planning permission be refused.</p>
Section 106 required?	<p>No</p>
Reason(s) for refusal	<p>Any scheme progressed at the reserved matters stage by virtue of the size of the site and the quantum of development proposed, would result in over development of the site and a form of development which would be at odds with the established character, pattern, density and appearance of the area, which would fail to integrate into the environment in which it is set.</p> <p>The proposal has also failed to demonstrate that it would not lead to on-street parking issues and is considered to be unacceptable in highway safety terms.</p> <p>Any scheme to achieve four units presented at the reserved matters stage would be in close proximity to No. 128 Thornley Street, which contains habitable room windows facing directly onto the site and would cause significant overlooking loss of light and an overbearing impact upon this neighbouring property.</p> <p>Therefore, the application would fail to accord with Policies SP1, SP24, SP35, DP1, DP3 of the Local Plan, Policy HE5 of the Horninglow and Eton Neighbourhood Plan, the East Staffordshire Design Guide, the Council's Separation Distances and Amenity SPD, the National Design Guide, the Parking Standards SPD and the guidance set out within the National Planning Policy Framework.</p>
Recommended informative(s)	<p>003c: Engagement (Refusal)</p> <p>The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although</p>

	it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
Officer Details	Lisa Bird Tel 01283 508746 Lisa.bird@eaststaffsbc.gove.uk