



Civic Centre, Riverside, Stafford

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Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 17 May 2023** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown in each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A handwritten signature in black ink, appearing to read "I. Curran".

Head of Law and Governance

PLANNING COMMITTEE - 17 May 2023

Chairman - To Be Appointed

Vice-Chairman - To Be Appointed

AGENDA

- 1 **Minutes**
- 2 **Apologies**
- 3 **Declaration of Member's Interests/Lobbying**
- 4 **Delegated Applications**

Details of Delegated applications will be circulated separately to Members.

	Page Nos
5 Planning Applications	3 - 55
6 Planning Appeals	56 - 68
7 Enforcement Matters	69 - 76

MEMBERSHIP - To Be Appointed

Chairman - To Be Appointed

PLANNING COMMITTEE - 17 MAY 2023

Ward Interest - Nil

Planning Applications

Report of Head of Development

Purpose of Report

To consider the following planning applications, the reports for which are set out in the attached **APPENDIX**:-

		Page Nos
20/32644/FUL	Units 5-7, Diamond Way, Business Park Diamond Way	5 - 17
	The application was called in by Councillor J Hood	
	Officer Contact - (Leanne Pogson, Interim Team Leader) Telephone 01785 619528	
22/36245/REM	Land Off Lichfield Road, Stafford	18 - 38
	The application was called in by Councillor C A Baron	
	Officer Contact - (Leanne Pogson, Interim Team Leader) Telephone 01785 619528	
22/35672/FUL	Drumble House, School Lane, Chebsey	39 - 51
	The application was called in by Councillor J M Pert	
	Officer Contact - (Sian Wright, Development Lead) Telephone 01785 619528	

22/35824/FUL

Bank Farm, Bank Lane, Croxton

52 - 58

The applicant is the Ward Councillor for Eccleshall and as per the Scheme of Delegation, such applications are required to be determined at the relevant Planning Committee.

Officer Contact - (Leanne Pogson, Interim Team Leader)
Telephone 01785 619528

Previous Consideration

Nil

Background Papers

Planning application files are available for Members to inspect, by prior arrangement, in the Development Management Section. The applications including the background papers, information and correspondence received during the consideration of the application, consultation replies, neighbour representations are scanned and are available to view on the Council website.

Application:	20/32644/FUL
Case Officer:	Alfia Cox
Date Registered:	21 August 2020
Target Decision Date:	9 October 2020
Extended To:	-
Address:	Land off Diamond Way, Stone
Ward:	Walton
Parish:	Stone Town
Proposal:	Variation of condition 7 of planning application reference 21/33758/FUL to allow extended opening times pursuant to units 5 to 7
Applicant:	Screwfix Direct Ltd
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

The application has been called in by Councillor J Hood (Ward Member for Walton) for the following reasons: -

"Over intensification of development. Effect on the neighbourhood with noise and disturbance and impact on the residential amenity".

1.0 Background

- 1.1 The application site is part of land already allocated for employment, commercial and industrial uses. The area is known as Stone Business Park on the south-west part of Stone and has been established for a number of years.
- 1.2 Stafford Borough Council previously granted planning permission for the development of 18 industrial and warehouse units in March 2017 (Ref: 16/23975/FUL) on land adjacent to Diamond Way, Stone Business Park. Development has commenced and the permission remains extant. Following a site visit in December 2020, 7 of the 18 units were constructed, but none were occupied.
- 1.3 Planning permission was granted subject to a range of conditions and a Unilateral Undertaking requiring contributions towards the monitoring of the associated Travel Plan. In relation to Units 1 to 7, condition 6 of the planning permission removes permitted development rights for any purposes other than those which fall within

Use Classes B1 – business and/or B2 – general industrial, and /or B8 – storage or distribution. Condition 8 of the planning permission restricts the hours of operations to all units within the consented development to between 0800hrs and 1800hrs Mondays to Friday; and between 0900hrs and 1700hrs on a Saturdays. No opening is permitted all on Sundays or on Bank/Public Holidays.

- 1.4 Following the grant of the planning permission (ref. 21/33758/FUL) for variation of conditions 2 (plans) and 11 (drainage) and removal of condition 19 (external lighting) of planning permission 16/23975/FUL, condition 7 has been updated in order to reflect the changes to Use Class Order which came into force on 21 April 2021 and now forms Condition 5 of the planning permission. As the result, the Units 1 to 7 can only be used for purposes falling within Use Classes E(g) - business; and/or B2 - general industrial; and/or B8 - storage or distribution.
- 1.5 The operational hours now form condition 7 of planning permission 21/33758/FUL.

2.0 Context

Site and Surrounding

- 2.1 The site occupies the north-west edge of Diamond Way. To the south-east and north-east are existing employment uses. The Stone House Hotel and residential properties adjoin the site on the north-west and south-west.
- 2.2 A total of 7 units (set out in 2 of 5 rows) have already been constructed, which occupy the eastern section of the site, with some parking fronting the units. The newly constructed access to the site is off Dimond Way.

Proposal

- 2.3 This application is made by Screwfix Direct Limited in relation to units 5, 6, and 7 only. The purpose of this application is to extend the hours of operation in only these units.
- 2.4 The proposed hours in relation to Units 5 to 7 are as follows:
 0700hrs and 2000hrs Monday to Friday (including Bank Holidays)
 0700hrs to 1800hrs on Saturdays
 0900hrs to 1600hrs on Sundays.
- 2.5 This would create an additional 17 hours per of trading time during a typical trading week.
- 2.6 The applicant explains that Screwfix Direct Limited (who are the prospective occupiers of Unit 5-7) seek planning permission to secure opening hours in line with their national portfolio. They also explain that Screwfix Direct Limited comprises of a trade counter operation aimed at providing goods to local builders and related services. Many tradesmen visit a branch on the day prior to, or to and from site which is dependent upon the branch to be open prior to 0800hrs and later than 1700hrs. They assert that an existing business park is the best location for

such a distribution use due to its location on an existing business park, being of an appropriate size and has adequate parking/collection points for builder's vehicles.

- 2.7 The applicant is not proposing to vary Condition 6 of the planning permission 21/33758/FUL which relates to the use of the site. The applicant explains that the use is compatible with that which falls within the Use Class B8 - storage or distribution.
- 2.8 In terms of the proposed operations, Screwfix Direct Ltd would employ 12 members of staff on the premises, 4 of which would be full time employed. They anticipated that an average of 3 HGVs would visit the site in a normal working week, and 40 other vehicles would visit the site in a normal working day. They highlight that the site has already been designed to allow access and egress for delivery vehicles in a forward gear. Loading and unloading would occur directly at the point of entry into the building, and any perceived noise from the use of trolleys would be contained within the existing building.

Proposed Use

- 2.9 The supporting letter states describes the proposed operations in general terms as follows:

'Screwfix Direct Limited comprises a trade counter operation aimed as local builders and related services... Their products are also sold over the internet, via a catalogue, over the telephone as well as over the trade counter, which typically occupies about 7% of the floor space of a unit, with any individual unit serving its own local area for each of these methods of purchase... Whilst the units are advertised, this is predominantly in the trade press and is directed at tradesmen.'

- 2.10 Recent changes to the Use Class Order (The Town and Country Planning Use Classes Order – Amendment England Regulations 2020) effectively made B1 and A Use Classes as part of the same Use Class – Class E (Commercial, business and service), with Use Class B1 is being referred to Use Class E(g) (office, research & Development, and industrial processes).
- 2.11 In order to reflect the changes to the Use Class Order, the wording of Condition 6 has subsequently been amended as part of the most recent planning permission for variation of conditions 2 (plans) and 11 (drainage) and removal of condition 19 (external lighting) of planning permission 16/23975/FUL and now forms condition 5 of the planning permission ref. No. 21/33758/FUL, which states the following:

'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended, and those of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as it may be amended, Units 1 to 7 shall only be used for purposes within Use Classes E(G) – business; and/or B2 – general industrial; and/or B8 – storage or distribution. They shall not be used for any other purposes except for ancillary uses.'

- 2.12 The applicant is under assumption that there is no need for a change of use of the units as the applicant asserts that the proposed use is compatible with the existing lawful use, which falls under Use Class B8 (Storage and Distribution). The applicant has therefore no intention to amend condition 6 of the extant planning permission. As such no alternative floor layout plan has been submitted.
- 2.13 For clarity, the applicant has indicated that the use of the premises as a Screwfix store would fall within Class B8 – Warehousing with ancillary retail (forming the trade counter). This assumption has been disputed, because the proposed use could primarily relate to retail warehousing (formally falling within Class A1).
- 2.14 Nevertheless, the question of whether or not the proposed use would be a Use Class B8 in accordance with condition 6 doesn't fall to be answered as part of this application. That would be a separate matter for enforcement to determine if and when the new use starts and whether that use is materially different to that which is set out in Condition 6. The current application should be determined based on its own merit and issues which relate to the extended hours of operations of the units 5 to 7 only. Should the applicant be in breach of Condition 6, a separate application would be required to regularise any breach of the planning permission.

OFFICER ASSESSMENT – KEY CONSIDERATIONS

3.0 PRINCIPLE OF DEVELOPMENT

- 3.1 Part 2 of The Plan for Stafford Borough (TPSB) includes the application site within the Settlement Boundary of Stone and identifies it as part of a Protected Employment Area. Policy SB3 of TPSB Part 2 states that within such designated employment areas, only employment uses consistent with Policies Stone 1 and 2 of TPSB will be permitted. Policy Stone 1 also encourages employment growth creation, and this would be the result with these proposals.
- 3.2 The principle of development is already established following the grant of planning permission for the entire development of 18 industrial units (Ref: 16/23975/FUL). The primary consideration in this case is whether the revised opening hours for Units 5 to 7 as proposed would safeguard the amenities of the area having regard to Policy N1e of The Plan for Stafford Borough).

Policies and Guidance: -

National Planning Policy Framework:

Paragraph 17 – core principles – proactively drive and support sustainable economic development

Section 1 – Building a strong, competitive economy.

The Plan for Stafford Borough - Part 1:

Stone 1 – Stone Town

Stone 2 – West and South of Stone

E1 – Local Economy

The Plan for Stafford Borough - Part 2:

SB3 – Stafford and Stone Protected Employment Areas

4.0 RESIDENTIAL AMENITY

- 4.1 The primary reason for the condition relating to opening hours is to safeguard the amenities of the area in accordance with Policy N1e of The Plan for Stafford Borough.
- 4.2 Policy N1e requires that “the design and layout to take account of noise and light implications, together with the amenity of adjacent residential areas or operations of existing activities.”
- 4.3 The primary reason for the condition relating to opening hours is to safeguard the amenities of the area in accordance with Policy N1e of The Plan for Stafford Borough. Policy N1e requires that “*the design and layout to take account of noise and light implications, together with the amenity of adjacent residential areas or operations of existing activities.*”
- 4.4 The area itself forms part of an established business estate allocated for employment use. Beyond the extend of land allocated in the development plan as Protected Employment Area is Stone House Hotel to the north, and Broom Park (residential park home) to the northwest separated in part by mature trees, a landscape buffer and fencing. Condition 5 of the original consent required a 2m high landscape bund and a 1.2m high fence be formed between the approved units and Brook Park. This has not yet been put in place but remains a requirement of the original permission as part of condition 5.
- 4.5 It should be noted that the original planning permission 16/23975/FUL has only partly been developed. The Units 5 to 7 forms only part of that approved proposal. Details of construction of the bund and fencing has been approved as part of the overall landscape proposal for the site. The condition does not specify the timescale for completing these works. Having said there is a 2m fencing has been constructed along the north-western boundary of the units.
- 4.6 In consideration of the location of Broom Park, the position of units (1 to 8) within the wider permitted site, substantially adjoins the boundary with the Stone House Hotel rather the residential areas including Broom Park. There is at least 20m between the nearest part of the site to the nearest part of any residential fence.
- 4.7 The submitted Noise Impact Assessment states that the adjacent hotel would benefit least from screening from the new units themselves compared to Broom Park although they are a similar distance from the site. The submitted Noise Impact Assessment assumes that there will be no external forklift truck movements during the proposed operating hours. Therefore, the main noise source under consideration when assessing impact on residential amenity would be customer vehicles.
- 4.8 The applicant has indicated that 40 vehicles would visit the premises per day (plus 3 HGVs per week), although there is no breakdown of vehicle movements in the extended hours proposed. Whilst residents of the hotel and Brooms Park could be affected by noise, calculations in the reports show that noise due to additional vehicle movements during the proposed extended hours would be sufficiently low

as to demonstrate a 'Minor' change in the noise profile at these nearest noise sensitive receivers when compared with measured ambient noise levels on site. The documents conclude that there would be no negative impact on the amenity of residents from the new proposed operating hours. It is however reasonable to amend condition 4 to add timescale for construction of the bund and associated 1.2m high fencing prior to units within Blocks 3, 4 and 5 have been brought into use.

- 4.9 The Environmental Health does not disagree or object to these findings but notes that they are satisfied with the overall noise impact assessment. It is therefore reasonable to accept that there would be no significant harm to residential amenity.

Policies and Guidance: -

National Planning Policy Framework
Paragraphs 170, 180,

The Plan for Stafford Borough
Policy N1 Design

5.0 THE NEED TO REVIEW AND UPDATE PLANNING CONDITIONS

- 5.1 Should planning permission be granted, it is appropriate when varying a planning permission to review and where reasonable and necessary to add or update conditions to ensure the site operates to high environmental standards and the conditions can be effectively monitored and, if necessary, enforced. For example, it is appropriate to update conditions 5 (hard & soft landscaping) which should include timescale for construction of the bund and associated 1.2m high fencing prior to units within Blocks 3, 4 and 5 have been brought into use and 7 (Operational hours) should reflect the changes to the operational hours of Units 5-7.

6.0 PLANNING BALANCE AND CONCLUSION

- 6.1 The main consideration is whether the proposed changes to the operating hours (for units 5 – 7 only) would still safeguard the amenities of the area in accordance with Policy N1e of The Plan for Stafford Borough.
- 6.2 The potential for noise and disturbance is brought about by an additional 17 hours of proposed trading per week (plus Bank Holidays). It is not stated how many vehicles are likely to visit the premises during this extended time (compared to the approved operational hours), but the applicant explains that the nature of the operations is that customers tend to collect materials either early morning prior to starting or in the evening. It can be assumed that a greater proportion of vehicle movements would be before 0900hrs and after 1700hrs.
- 6.3 In coming to a conclusion, the application site forms part of an established industrial estate and business park; the land is allocated for employment uses; and planning permission has already been granted for the development of 18 industrial units on the site together with road improvements. It is acknowledged that a

landscape bund and fence need to be erected but owing to the conclusions of the Noise Impact Assessment submitted with the application detailing that the proposed additional opening hours would have a minor impact on the surrounding area, and having no objections to this conclusion by the Environmental Health Officer, in relation to noise it is considered the proposals would have no harmful impact compared to the consented development.

- 6.4 Disturbance associated primarily with additional vehicle movements is also a consideration. However, given that the site is located on an established business park with an urban area, designed for relatively high-volume vehicle movements, it is considered the additional operating hours would still safeguard the amenities of the area where there are no limits to the number of vehicles visiting the wider Stone Business Park on a daily basis between consented operational hours.
- 6.5 It is also considered that the proposals would contribute to the economic objective of bringing forward employment and business development whilst not resulting in significant harm to residential amenity.
- 6.6 The proposals would not lead to the over-intensification of the wider application site given that this application only relates to 3 of the 18 consented units. Neither would it explicitly set a precedent for other units to amend working hours given that each proposal would need to be considered on case-by-case basis and on its own merits.
- 6.7 The recommendation is to approve the application, subject to recommended and updated/amended conditions.

Consultations

Environmental Health Officer:

This Service is satisfied with the overall noise impact assessment; no further comments.

County Council Highway Authority – no objection

Stone Town Council:

Members repeat their objection submitted regarding planning application 16/23975/FUL. They object due to the inappropriate development in close proximity to a residential area and concerns regarding noise and vibration.

Neighbours:

(24 notified) 15 replies received from 14 addresses; the issues are summarised below, and any further replies would be reported at the meeting.

- Noise and disturbance which has worsened over time
- More heavy lorries causing disturbance
- More air pollution
- Precedent would be set for the relaxation of other conditions and on other sites.
- Property prices could be affected if the proposal goes ahead

Site Notice

Expiry date: 13 April 2023

Relevant Planning History

16/23975/FUL - Buildings for business/industrial/warehouse use (Use Class B1, B2, B8); accesses and roads – approved 30 August 2017; partially constructed.

18/28998/DCON – Discharge of conditions 3, 4, 5, and 16 of permission 16/23975/FUL approved 25 October 2018; condition 11 not discharged.

21/33758/FUL - Variation of conditions 2 (plans) and 11 (drainage) and removal of condition 19 (external lighting) of planning permission 16/23975/FUL - approved on 15 November 2022.

Recommendation

Approve, subject to the following conditions:

1. This permission relates to the submitted details and specifications and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:
 5236 - 010, rev. G Site Layout Plan
 5236 - 007, rev. A Floor Plans & Elevations
 5236 - 008, rev. A Floor Plans & Elevations
 K634-100, rev. A Drainage Strategy
 K634-102, rev. D Drainage Layout Units 1 and 2
 SCP/16271/F01
 5236-038 Lighting Plan
 Travel Plan, June 2016, ref. No. LB/16271/TP/0
 Noise Impact Assessment, Report 20680.NIA.01, Rev. B dated 03.07.2020.
2. The external materials to be used in the construction of the development shall be in full accordance with the details submitted to and approved in writing by the Local Planning Authority under Discharge of Conditions application 18/28998/DCON.
3. The proposed ground levels and proposed floor slab levels of the buildings shall be in full accordance with the details submitted to and approved in writing by the Local Planning Authority under Discharge of Conditions application 18/28998/DCON.
4. The development shall be implemented in full accordance with the hard and soft landscaping details submitted to and approved in writing by the Local Planning Authority under Discharge of Conditions application 18/28998/DCON and shall be carried out in full before Units 8-18 (Blocks 3, 4 and 5) have been brought into use.

Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended, and those of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as it may be amended, Units 1 to 7 shall only be used for purposes within Use Classes E(g) - business; and/or B2 - general industrial; and/or B8 - storage or distribution. They shall not be used for any other purposes except for ancillary uses.
6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended, and those of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as it may be amended, Units 8 to 18 shall only be used for purposes within E(g) - business; and/or B8 - storage and distribution. They shall not be used for any other purposes except for ancillary uses.
7. With the exception of Units 5-7 where used for Class B8 use only, the completed buildings shall only be used for activities relating to the use of the buildings between the hours 08.00 and 18.00 Mondays to Fridays, between 09.00 and 17.00 on Saturdays, and shall not be used at all on Sundays or on Bank/Public Holidays. or at any other time. Units 5-7 shall only be used for activities relating to Class B8 use between the hours of 07:00 to 20.00 Monday to Friday (including Bank Holidays), 07:00 to 18:00 on Saturdays, and 09:00 to 16:00 on Sundays.
8. No unit shall be first occupied or used until details of any associated external plant, machinery or air handling equipment along with details of its acoustic enclosure and/or ductwork attenuation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no unit shall be first occupied or used until the approved works have been installed or constructed and are fully operational in accordance with the approved details.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as it may be amended, no unit or building shall have any additional internal floor area or mezzanines or extensions constructed nor shall any windows be altered, enlarged or added without the prior written permission of the Local Planning Authority.
10. Surface water drainage scheme in relation to Units 1 to 7 (Blocks 1 and 2) shall be installed and maintained in full accordance with approved drawing No. K634-102, rev. D.
11. Notwithstanding any information in the application, no construction works in relation to Units 8-18 (Blocks 3, 4 and 5) shall take place until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the design parameters and proposed strategy set out in drawing no. K634-100 Rev A and take account drawing K634-102, rev. D. The approved scheme shall subsequently be implemented before any unit is first occupied. The scheme shall demonstrate: -
 - Surface water drainage systems designed in accordance with the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015)
 - SuDS management train to provide adequate water quality treatment in accordance with the Simple Index Approach (CIRIA SuDS Manual)

- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rainstorm to 5 l/s.
 - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
 - Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies and contact details for the organisation responsible for carrying out those duties.
 - Finished floor levels to be set a minimum of 150mm above existing ground levels.
12. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. Thereafter they shall be retained.
 13. The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. no. SCP/16271/F01 have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.
 14. Prior to occupation of each unit of the development hereby permitted 8 covered cycle parking spaces shall be provided for each unit (Units 1-18), unless otherwise agreed in writing by the Local Planning Authority. Thereafter they shall be retained.
 15. The approved Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.
 16. The Construction Method Statement shall be carried out in full accordance with the details submitted to and approved in writing by the Local Planning Authority under Discharge of Conditions application 18/28998/DCON.
 17. No industrial or storage use hereby permitted shall be carried on outside of the approved buildings.
 18. All machinery, powered tools, mechanised equipment and plant shall not be audible at the boundary of any residential property.
 19. All external lighting for Units 1 to 7 (Blocks 1 and 2) shall be retained in full accordance with the approved drawing No. 5236-038.

20. Before the development is commenced details of all external lighting for Units 8 to 18 (Blocks 3, 4 and 5) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved lighting shall be constructed.

The reasons for the Council's decision to approve the development subject to the above conditions are:

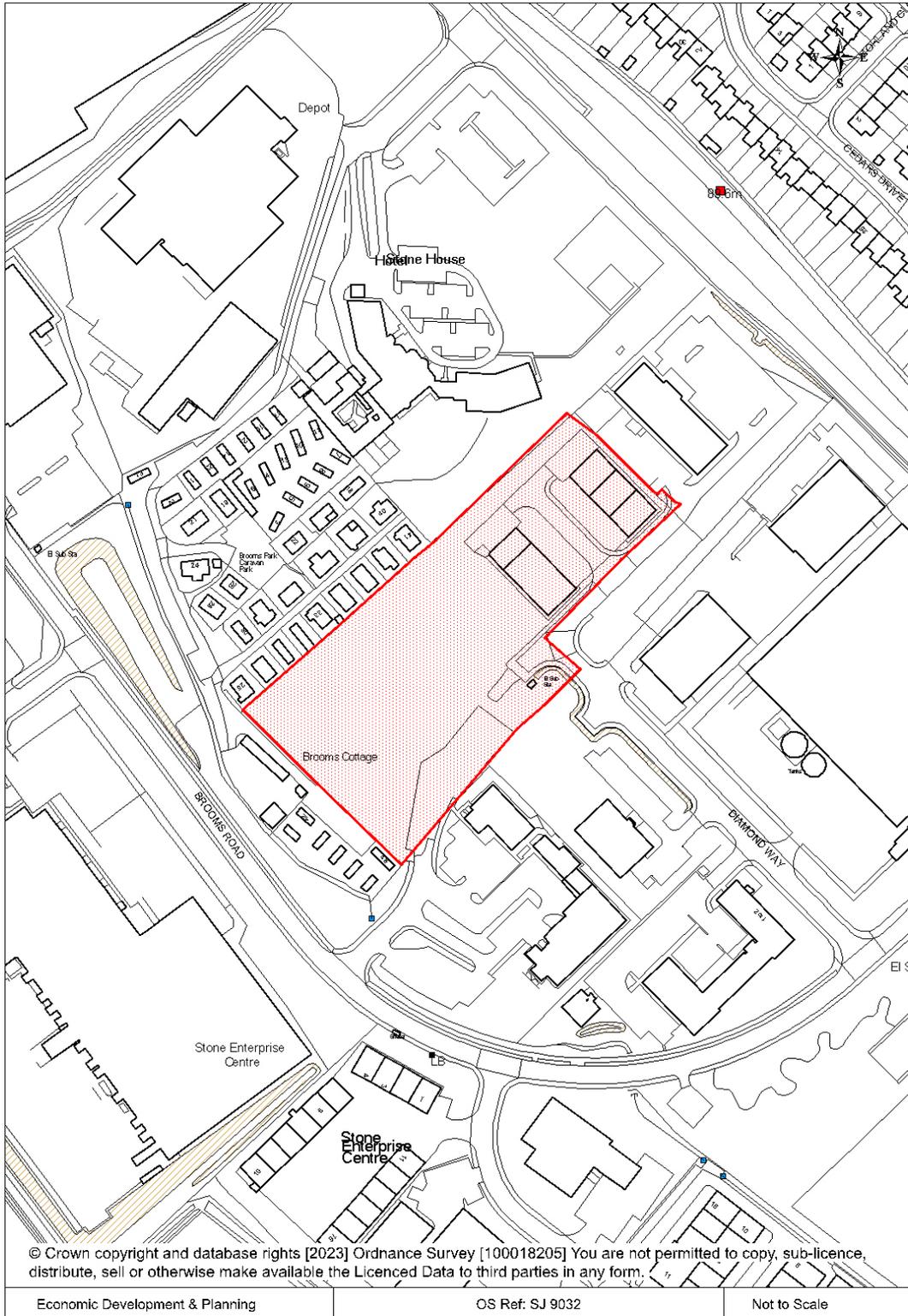
1. To define the permission.
2. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To safeguard the visual amenities of the locality and enhance biodiversity (Policies N1e and f and N4 of The Plan for Stafford Borough)
5. To define the permission and to safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough)
6. To define the permission and to safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough)
7. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
8. To safeguard the occupiers of nearby residential properties from undue noise. (Policy N1e of The Plan for Stafford Borough).
9. To ensure that sufficient space for vehicle parking would remain and to safeguard the amenities of neighbouring residential occupiers (Policies T1, T2 and N1e of The Plan for Stafford Borough).
10. To minimise floor risk (Policy N2 of The Plan for Stafford Borough).
11. To minimise flood risk (Policy N2 of The Plan for Stafford Borough)
12. In the interests of the safety and convenience of users of the highway (Policy T1c of The Plan for Stafford Borough).
13. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
14. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
15. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

16. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
17. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
18. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
19. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The for Stafford Borough).
20. To safeguard the amenities of the area. (Policy N1e of The Plan for Stafford Borough).

Informative(s)

- 1 The attention of the applicant is drawn to the advice of the Police Architectural Liaison Officer and the Highway Authority submitted as part of the consultation responses received in relation to the planning application ref. No. 21/33758/FUL. These can be viewed via the Council's web site: - www.staffordbc.gov.uk.

20/32644/FUL
Units 5-7
Diamond Way Business Park
Stone



Application:	22/36245/REM
Case Officer:	Alison Young
Date Registered:	28 July 2022
Target Decision Date:	-
Extended To:	-
Address:	Land Off Lichfield Road, Stafford, Staffordshire
Ward:	Forebridge
Parish:	-
Proposal:	Residential development of 359 dwellings with associated infrastructure, landscaping and open space (Reserved Matters pursuant to 20/32041/OUT)
Applicant:	Bellway Homes (West Midlands) Ltd
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

The application has been called in by Councillor C A Baron to clarify design, leisure facilities, social housing provision and landscaping. The application is a large scale major but is a reserved matters application and so in line with the scheme of delegation does not require reporting to a special planning committee.

Context

This application relates to a 12.4-hectare site located approximately 1km southeast of Stafford Town Centre. The site is bound by the Lichfield Road (A34) to the east, the West Coast main railway line to the south, The Hough retail park to the north and residential dwellings and a large industrial building to the west. The site is fairly self-contained and is separated from the adjoining land to the east and south by tree belts and the fact that the railway is sited to the south and Lichfield Road to the east. The surrounding area is largely characterised by residential development.

The site is a historic factory site and has existing vehicle access from Lichfield Road and Ranshaw Drive. The demolition of the vacant factory building was completed in early 2021 and the site is currently vacant and covered in hardstanding. Planning consent was granted in January 2022 for enabling works including demolition and clearance, remediation, restoration and reprofiling of the land. This work was also covered by the outline consent but the Applicant sought a separate consent in order to make a start on the works and these works are now largely completed.

The culverted Spittal Brook runs through the southern portion of the site. The eastern boundary is lined by mature trees and the north-eastern portion of the site is subject to an area Tree Preservation Order (TPO no. 255 of 2002).

The site is located within the designated settlement boundary of Stafford and within Flood Zone 1. The site is within 8km of Cannock Chase Special Area of Conservation (SAC) and within a Site of Special Scientific Interest (SSSI) impact risk zone. The site also lies within a historic landfill buffer zone. The Forebridge Conservation Area is approx. 130m to the northwest and to the north of the site is the Grade II Listed St Leonards school.

Background and proposed development

Outline planning application reference 20/32041/OUT for ground remodelling, drainage infrastructure, and development of up to 365 dwellings with landscaping, access and associated works (outline, all matters reserved save for means of access to the site) was approved on 10/02/22. As detailed above 21/33986/FUL – Enabling works including demolition and clearance of existing structures (retrospective) remediation, restoration and reprofiling of land, opening and realignment of culvert and associated works was approved 20 January 2022.

This current application seeks approval of reserved matters (appearance, landscaping, layout, and scale) for 359 dwellings following outline consent being granted under 20/32041/OUT which approved access only (from Ranshaw Drive) and which was subject to a number of conditions and to a s106 agreement which covers:

- Cannock Chase SAC contribution of £159 per dwelling
- Travel plan monitoring fee of £11,325
- A reduced education contribution of £1,013,705 to cover the requested primary school contribution only, and
- 10% affordable housing provision, with a tenure split of 50% social rent / 50% intermediate.

The Applicant submitted a viability report at outline stage. The Council appointed District Valuer Services (DVS) to assess the submission, and it was agreed that in order for the scheme to be viable the onsite affordable housing provision would be limited to 10% and that only those contributions detailed above could be provided through the proposed development. There are a total of 35 affordable houses proposed in the site layout which equates to 10% of the 359 dwellings proposed. Other contributions such as towards sport and leisure provision were not sought on the basis that these additional contributions would not result in a viable scheme.

The dwellings proposed across the site comprise a mixture of detached, semi-detached, terraced, and apartments. The dwellings are predominantly two-storey in height, with some 2.5 storey properties to create visual interest. The accommodation proposed comprises:

- 8 one-bedroom apartments - affordable
- 85 two-bedroom properties (21 affordable)
- 207 three-bedroom dwellings (6 affordable)
- 59 four-bedroom dwellings

Officer Assessment – Key Considerations

1. Principle of development

- 1.1 Outline consent, reference 20/32041/OUT for ground remodelling, drainage infrastructure, and development of up to 365 dwellings with landscaping, access and associated works (outline, all matters reserved save for means of access to the site) was approved on 20/02/22. The outline consent included details of access only.
- 1.2 The principle of residential development of the site and the loss of the former employment use has therefore been established under the outline consent, leaving only details of appearance, landscaping, layout, and scale to be considered under this application for the approval of reserved matters.
- 1.3 The Town and Country Planning (Development Management Procedure) (England) Order 2015 provides definitions of ‘reserved matters’ which are summarised below:

‘Appearance’ is the aspects of a building or place within the development which determines the visual impression it makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour, and texture.

‘Landscaping’ is the treatment of land, other than buildings, including boundary treatments; the planting of trees, shrubs, or grass; earthworks; the laying out of gardens, courts, squares, water features, etc; and the provision of other amenity features.

‘Layout’ is the way in which buildings, routes, and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside of the development.

‘Scale’, in this regard, is the height, width and length of each building proposed within the development in relation to its surroundings.

Policies and Guidance: -

National Planning Policy Framework
Paragraphs: 7, 8, 10, 11; section 5

The Plan for Stafford Borough (TPSB)

Policies: SP1 Presumption in favour of sustainable development; SP2 Stafford Borough housing and employment requirements; SP3 Stafford Borough sustainable

settlement hierarchy; SP4 Stafford Borough housing growth distribution; SP7 Supporting the location of new development

The Plan for Stafford Borough: Part 2

Policies: SB1 Settlement boundaries

2. Layout, appearance, and amenity

Layout

- 2.1 TPSB Policy N1 sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and have high design standards. Policy N8 states that new development should respect the character of the landscape setting, through design, layout and materials.
- 2.2 The layout design has been amended during the course of determination of the application. The main access to the site is to the northwest of the site and taken off Ranshaw Drive. The first section of the main distributor route through the site is tree lined to both sides and a triangular shaped area of Public Open Space (POS) is proposed at the entry point to the site. The main route links to a large area of POS towards the centre of the site and thereafter the main street is tree lined to its southern side to link to open space to the eastern side of the site. There are three play areas located on the site and there are pedestrian linkages between the play areas and other areas of POS. There is a green boundary and linear area of Public Open Space across the northern boundary of the site and a pedestrian route across the north of the site linking Ranshaw Drive to the west of the site with Lichfield Road to the east of the site. Following comments from the Design Advisor more pedestrian linkage between areas of POS on the site have been incorporated in the layout.
- 2.3 There are existing tree belts to the eastern and southern boundaries of the site and these are to be retained and incorporated in the on-site areas of POS, with additional landscaping and tree planting proposed. An open watercourse is proposed in the POS to the southern side of the site.
- 2.4 The Stafford Design Guide contains guidance on the creation of a new street and height to width ratios of a street hierarchy for primary routes, and secondary and tertiary residential streets and the street design and layout proposed broadly accords with this. On the main vehicular routes through the site the dwellings are positioned close to the rear of the pavement with parking to the side of the properties and the parking areas are not dominant in the street scene along these routes. The main route is a wide tree lined street. Many of the dwellings accessed from the narrower home zones and private drives that are sited to the peripheries of the site have parking areas on the plot frontages and these parking areas will be prominent in the street scene however given that these are not the main routes through the site the visual dominance in these peripheral locations is considered acceptable.

2.5 The Council's Design Advisor originally raised concerns regarding the fact that an overall Design and Access statement justifying the design approach taken had not been submitted with the scheme and that there was a reliance upon compliance with the indicative layout submitted at outline stage. As layout was a reserved matter the indicative outline layout was not final and contained design elements and features that were of concern and would not be acceptable. The indicative outline layout featured dwellings focused to the north and west with a green spine running through the centre of the site to a large area of POS and flood attenuation to the southeast. The principle design concerns expressed with regards to the originally submitted reserved matters layout were: -

- the green infrastructure provision and layout and the fragmenting of interconnectivity with the reduction in size of the central green space and width of the green spine.
- The loss of the footpath link across the north of the site
- Reduction in number of trees proposed and a lack of articulation of the street hierarchy within the proposed layout
- Lack of vistas through site/ visual linkage to wider area

2.5 A revised layout has been submitted and these concerns have largely been addressed with the interconnectivity between green spaces improved, further tree planting proposed which assists in articulation of the street hierarchy, a pedestrian link re-established across the north of the site and improvement to vistas through the site. Whilst the landscaping through the site could still benefit from additional tree planting the amendments that have been made are considered sufficient to result in an acceptable layout.

2.7 With regard to layout, the Council's Design Advisors comments conclude - 'with the layout now incorporating a number of structural modifications that benefit and improve the underlying legibility and character of the development, the latest design is considered a tangible and not insubstantial design improvement over the originally submitted scheme. Additionally, many of the previously expressed concerns in regard to several of the finer grained aspects of the design have also been tangibly improved and which although still not delivering an overall quality of place that is unreservedly supported, the scheme does now more closely reflect some of the desirable place-making qualities illustrated by the Indicative Layout associated with the approved Outline permission.'

Housing Mix

2.8 Policy C1 states that new residential development is expected to provide an appropriate mix of dwelling types, tenures and sizes and that the final mix should be determined by local needs, government policy and design issues.

2.9 As detailed above the proposed development provides a mix of one, two, three and four bedroom properties 10% of which will be affordable units. The proposed mix of dwelling sizes is considered acceptable and whilst the affordable housing element

is only 10% this was agreed at outline stage following a viability assessment. The proposed mix is therefore considered to accord with Policy C1.

Scale and appearance

- 2.10 The proposed house types are predominantly two storey, red brick properties but there are two and half storey house types and dwellings proposed in a render finish to add interest and variety to the street scene. There are a mix of terraced, semi-detached and detached dwellings proposed. The nearest existing residential development to the site is a recent housing development directly adjoining the western boundary of the site which comprises a mix of two and three storey dwellings and apartments. These neighbouring properties are finished in red brick and tile.
- 2.11 There are over 30 house types proposed on the site, which are standard house types. A design and access statement was not submitted with the application and little information is provided within the submitted planning statement to justify how the design of the proposed dwellings is related to the context of the site. The site is not within a Conservation Area or other area designation however the design of the dwellings is very generic and standardised with the properties having few traditional design features such as chimneys, full porches rather than canopies, decorative brick band detailing, plain brick verges and other features to add interest to the elevations. However, given the fact that the site is relatively self-contained and in a mixed-use area adjoining modern retail and housing developments the design of the house types is considered acceptable.
- 2.12 The 2.5 storey dwellings are generally located away from the edge of the development and fronting onto the main routes through the site. Given the fact that the site is fairly self-contained and that the only existing residential development directly adjoining the site, to the west, features two and three storey buildings the proposed mix of two and two and a half storey house types is considered acceptable. The house types proposed, which are to be predominantly finished in red brick and tile are considered acceptable given the context of the development site and the neighbouring properties. Details of proposed bricks and tiles have been submitted and are considered acceptable and a condition can ensure that the development is carried out in accordance with these details or where a change in materials is proposed as first agreed with the planning authority.
- 2.13 Various boundary treatments are proposed across the site, to include 1.8m high close boarded fences, brick walls and post and rail fencing. There is no objection in principle to the boundary treatments proposed, however in some areas fencing is indicated as adjoining the main routes through the site and it would be prominently visible in the public realm and therefore submission of further boundary treatment details should be secured by condition.

Amenity

- 2.14 Policy N1 of TPSB requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas. The Design SPD provides detailed guidance including regarding garden sizes and separation distances between dwellings.
- 2.15 The construction of the development is likely to impact upon the amenity of existing residents through noise, lighting, dust, vibration and construction traffic. The outline submission was supported by an air quality report which concluded that with appropriate mitigation the construction of the development would not have significant impacts upon air quality and a condition on the outline ensured that work accords with the report recommendations and includes appropriate mitigation.
- 2.16 The only neighbouring dwellings adjoining the site are located to the west of the site and front onto Felton Close. Plot 312 of the proposed development would be sited alongside the side elevation of the nearest property on Felton Close and plots 304 to 311 of the development would have rear gardens linking to the rear gardens of the existing dwellings fronting onto Felton Close. The relationship of the proposed dwellings with the neighbouring properties is considered acceptable.
- 2.17 The Council's Design SPD suggests that a distance of 21m should be considered the minimum separation distance between the rear elevations of dwellings to achieve an appropriate degree of privacy. The layout achieves these distances and would provide an acceptable standard of amenity for future residents in terms of privacy.
- 2.18 The Council's Design SPD recommends that three-bedroom dwellings (or larger) should provide a garden area of 65sqm and two-bedroom dwellings 50sqm. A garden area schedule has been submitted in support of the application. Fifteen of the gardens fall slightly short of the guidelines set out within the Council's Design SPD. In most cases these are between 2 and 5 square metres short of the required area however there is one garden that is 7 sqm short and four that are either 9 or 10 square metres short and one that is 15 square metres short of the required area. The majority of the plots that have smaller garden sizes are mid terrace dwellings or semi-detached dwellings that have a detached garage taking up part of the garden area. The affected plots are located in close proximity to areas of public open space within the layout. None of the plots are considered to be so small as to warrant refusal alone or in combination on these grounds. Furthermore, it is acknowledged that these plots are not clustered in one area and do not indicate a significant shortcoming in the overall layout design. The Design SPD states that individual requirements for private gardens will vary significantly between residents.
- 2.19 It is considered that adequate bin storage provision would be achieved across the site; all rear gardens are accessible and would therefore provide appropriately screened storage areas.
- 2.20 On balance, the level of amenity achieved across the site is considered to be acceptable with regard to policy N1 of The Plan for Stafford Borough and the Design SPD.

Noise

- 2.21 The site is bound by Lichfield Road (A34), the West Coast Mainline, residential properties and commercial units and as such is likely to experience high levels of noise. The outline submission included an acoustic report which assessed the existing noise levels and advised mitigation measures in order to ensure that the development provides future residents with sufficient residential amenity. The recommendations of the report were that the dwellings were set back in relation to the retail service yard to the north and that the boundary adjoining the retail yard should be 2.4m high fencing. These recommendations have been followed in the proposed layout and the notes on the layout plans state that the windows to habitable rooms in plots overlooking A34 and the Rail Line will be fitted with a manufacturers rating of Rw 33 and background ventilation with a minimum rating of Rw 39. The scheme therefore complies with the findings of the acoustic report and the Environmental Health Officer has no objections to the proposals.

Policies and Guidance: -

National Planning Policy Framework
Paragraphs: 126, 130, 132 and 134

The Plan for Stafford Borough

Policies: N1 Design; N8 Landscape character

Supplementary Planning Document (SPD) – Design

3. Landscaping, trees, and open space

- 3.1 A detailed planting plan has been provided which demonstrates the provision of native tree and shrub planting around the built development including street trees. There are existing areas of trees to the eastern and southern sides of the site and these trees have been protected during the remodelling site works. The Tree Officer originally commented that an arboricultural method statement would be required prior to commencement of development and recommended a series of conditions to secure tree protection, submission of an arboricultural method statement, implementation of landscaping and replacement planting where required during a five-year period. However, these conditions were included on the outline consent and information has subsequently been submitted to discharge the relevant conditions therefore the most recent comments from the Tree Officer are that the relevant information has been submitted. The conditions on the outline consent cover both the protection of the existing trees and the carrying out of the proposed landscaping as well as any replacement planting that may be required. The revised landscaping scheme will be specified in a condition requiring the development to be carried out in accordance with approved plans and details.
- 3.2 Policy C7 states that new residential development is required to provide additional open space, sport and recreation provision. The policy also states that there is a presumption that the provision will be provided within the development site.

- 3.3 At outline stage with regards to open space provision the Council's Sport and Outdoor Leisure Officer advised that the development of 365 dwellings would require the onsite provision of 2.6ha of open space, including play space. The Officer also advised that should any of the open space form part of a flood attenuation scheme then the Council would not seek its adoption. The submitted planning statement states that the reserved matters proposals have incorporated 3.3ha of open space and green infrastructure, distributed appropriately around the Site, exceeding the policy requirement for open space within the development and that this will deliver a range of areas and typologies, including Local Areas for Play, with the details provided in the Landscaping plans. The open space will be maintained by a Management Company, which will also be responsible for maintaining the SUDS and other infrastructure within the site. Some of the open space would form part the flood attenuation and at outline stage the applicant provided additional information to demonstrate that this open space would be usable for the majority of the year and that surface water in these areas would only be at peak depth (max 0.35m) once a year.
- 3.4 The scheme proposes three play areas within the development and further details of proposed play equipment can be required by condition to ensure that suitable equipment is provided as that proposed is relatively basic.
- 3.5 The Council's Sport and Open Space Officer requested a financial contribution to both on and off-site open space and sports facilities. However, the on-site open space will be maintained by a management company. s106 contributions were agreed at outline stage following the viability assessment and with no contribution agreed for open space and sports facilities therefore there is no requirement for an off-site contribution for this development.
- 3.6 The Biodiversity Officer has stated that the submitted report shows an on-site biodiversity net gain of 114% as detailed in the landscape plans and that habitat works should be undertaken as stated.
- 3.7 Overall, the landscaping and green infrastructure proposed on the site is acceptable and the proposals adhere to the development plan and NPPF in this regard.

Policies and Guidance: -

National Planning Policy Framework
Paragraphs: 134, 179, 180, 181 and 182

The Plan for Stafford Borough

Policies: N1 Design; N4 The natural environment and green infrastructure; N8 Landscape character

4. Access and parking

- 4.1 TPSB Policy T2 states that all new development must have a safe and adequate means of access and internal circulation; not have unacceptable highway safety impacts and provide sufficient parking provision.
- 4.2 The access to the site was agreed at outline stage and a condition was attached to ensure that the Ranshaw Drive access alterations are completed prior to the first occupation of the development.
- 4.3 The detail of internal road layout, parking provision, pedestrian/cycle links and emergency access has been submitted as part of this reserved matters submission. The highway authority raises no objection to the proposed development stating the parking provided for each dwelling is within the curtilage of the plot and meets the Borough Council Parking Standards for the number of spaces to be provided, with garages being at least 6m x 3m and parking spaces being at least 2.4 X 4.8m as well as commenting that within the site, there is good pedestrian connectivity through areas of public open space.
- 4.4 The Highway Authority recommend a condition requiring a Construction Environmental Management Plan and implementation of on plot parking and turning prior to occupation. The construction management plan was subject to a condition on the outline consent and therefore can be linked to this scheme by condition and only a condition regarding on plot parking is proposed at this stage.

Policies and Guidance: -

National Planning Policy Framework (NPPF)
Section 9

The Plan for Stafford Borough (TPSB) 2011-2031

Policies T1 (Transport), T2 (Parking and Manoeuvring Facilities), Appendix B – Car Parking Standards

5. Flooding and Drainage

- 5.1 TPSB Policy N1 states that development should not be located in areas of flooding or contribute to flooding elsewhere. Policy N2 requires developments to provide sustainable drainage systems. Policy Stafford 1 reiterates this and also states that development should not harm but enhance watercourses in the town.
- 5.2 During the determination of the application additional information was provided to address the concerns of the Lead Local Flood Authority (LLFA) with regards to surface water flooding. The LLFA have subsequently advised in relation to the reserved matters layout that following the inclusion of swales within the central areas of the site (as approved at the outline design stage), they are now satisfied that the proposed layout (LAY-LR-STA-100 Rev J) demonstrates that sufficient space is available in the development layout to provide the required volume of storage to attenuate the runoff generated by the development. They also state that

Condition 10 of the outline decision notice (relating to the detailed surface water drainage design) has previously been discharged and given that the development layout has been updated since the discharge of the drainage condition, the LLFA would request that the final detailed design, superimposing the latest development layout, be re-submitted to the LPA/ LLFA for review. The condition has not yet been formally discharged and so the additional detail can be submitted and this could be the subject of a note on any approval.

- 5.3 The Sow and Penk IDB and Environment Agency have not raised any objections in principle to the scheme. Details have been submitted to discharge relevant conditions on the outline consent with regards to contamination and surface water and foul water drainage.
- 5.4 It is considered that, subject to adherence with the conditions on the outline consent, the development is acceptable with regards to flooding and drainage and adheres with the development plan and NPPF in this regard.

Policies and Guidance: -

National Planning Policy Framework
Sections 14 and 15

The Plan for Stafford Borough

Policies Stafford 1 (Stafford Town), N1 (Design), N2 (Climate Change), N4 (The Natural Environment and Green Infrastructure)

6. Concluding comments and the planning balance

- 6.1 The principle of residential development on this site has been established in granting outline consent – 20/32041/OUT – which included the access arrangement. All significant issues relating to design, scale, appearance and landscaping are considered to have been adequately addressed in this application.
- 6.2 The majority of issues raised within neighbour representations were considered at outline stage and those which relate to the reserved matters are considered to have been adequately addressed within this application and the supporting documentation.

- 6.3 It is considered that the revised scheme has resolved concerns with regard to design and the quality of place whereby the Council's Design Advisor states that the scheme is on balance acceptable. It is considered that the proposal is acceptable and would not result in undue harm with regard to matters including amenity, highways, accessibility, ecology, or flood risk and it complies with The Plan for Stafford Borough and the National Planning Policy Framework. The proposed development would not result in the requirement for any planning obligations on the basis that these are covered, as necessary, under the outline consent.

Consultations

Neighbours – 7 representations received raising the following issues: -

- Noise from site clearance, air quality implications during and after development
- Vibrations from site clearance and further damage to properties if concrete bed still requires removal
- Lack of essential services and facilities in the area for proposed occupiers
- Exacerbate flooding
- More sustainable/ environmental measures should be included in the
 - development
- Traffic generations leading to Increased traffic on already congested roads, concern about accessing adjoining businesses
- Appreciate reuse of brownfield site rather than arable land
- Ground levels have been raised resulting in loss of privacy and poor drainage
- Due to raised ground levels the new dwellings will be looking down into
 - existing housing

Sow & Penk IDB - Recommend conditions relating to SuDS and consents. Provide recommendations regarding surface water discharge.

Environmental Health – recommend condition securing submission of Construction Management Plan for approval.

LLFA – Following the inclusion of swales within the central areas of the site (as approved at the outline design stage), we are now satisfied that the proposed layout (LAY-LR-STA-100 Rev J) demonstrates that sufficient space is available in the development layout to provide the required volume of storage to attenuate the runoff generated by the development. Please note that Condition 10 of the decision notice (relating to the detailed surface water drainage design) has previously been discharged. Given that the development layout has been updated since the discharge of the drainage condition, the LLFA would request that the final detailed design, superimposing the latest development layout, be re-submitted to the LPA/ LLFA for review.

Western Power - There may be WPD assets in the vicinity of the development. Recommend that a 5m buffer around the substation is provided. Provide guidance regarding WPD assets.

Tree Officer - No further comments, the relevant information has already been submitted.

Sports and Leisure - Against attenuation ponds in or close to play areas. A greater range of play equipment is required. All play areas now have a suitable double gate. Connectivity between play areas is now improved.

On site open space provision should equate to 30.81m² per person. A contribution of £328,690.89 capital and £42,740.79 maintenance is required if the Council chooses to adopt the site. Require the following contributions to off-site facilities: Pool £64,639, Sport Courts / Halls £58,807, Artificial Turf Pitches (3G) £8,882.

The Council will not be seeking to adopt any footpath or cycle way and associated infrastructure, these paths should be adopted by the County Council as Highways Authority. The Council would not adopt the open space if it forms part of the flood attenuation scheme. All trees should be native to the UK, Sycamore should not be planted

Education - This development falls within the catchments of St Paul's CE (VC) Primary School, Stafford and King Edward VI High School - A Language College.

The relevant Outline Application for this site is 20/32041/OUT. This application details a development of 359 dwellings of the 365 dwellings expected from the original outline approval. A S106 agreement is attached to the outline permission and the education contribution and terms is calculated in line with this. An education contribution of £947,821.77 is required.

Design Advisor – Detailed comments provided which conclude - In conclusion, with the layout now incorporating a number of structural modifications that benefit and improve the underlying legibility and character of the development, the latest design is considered a tangible and not insubstantial design improvement over the originally submitted scheme. Additionally, many of the previously expressed concerns in regard to several of the finer grained aspects of the design have also been tangibly improved and which although still not delivering an overall quality of place that is unreservedly supported, the scheme does now more closely reflect some of the desirable place-making qualities illustrated by the Indicative Layout associated with the approved Outline permission.

Natural England - Concur with LPA Appropriate Assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given

Highways - No objection, parking and access sufficient.

Recommend conditions to secure CEMP, details of driveway material and drainage, footpath materials, provision of access, parking and turning areas prior to first occupation. Provide informative.

Conservation Officer - No objections, the proposal would have a lesser impact on the character and setting of the Forebridge Conservation Area than the former factory buildings. The proposal provides a sensitive response to the scale and appearance taking inspiration from the design details and proportions of the historic dwellings on Lichfield Road.

Network Rail - No objections. Drainage plans need reviewing. Advise on measuring from tracks and railway boundary, encroachment, lighting, scaffolding, vibro-impact machinery,

access to railway, drainage, excavation, buffer gap, noise, trees, kerbs. A Risk Assessment and Method Statement and Basic Asst Protection Agreement are required to be submitted directly to Network Rail. Suitable boundary adjacent to the railway must be provided.

Housing - This development of 359 dwellings, at outline stage it was determined that 10% affordable housing is required, which equates to 35 affordable homes. The tenure split is 50% social rent (18 units) and 50% (17 units) intermediate affordable housing. The housing mix as proposed, made up of 1, 2 and 3 bed properties, is acceptable. Affordable housing must meet the recommended standards. It is recommended that the site provide a mix of bedroom numbers and property sizes. It is preferred that any 1-bedroom accommodation contain a minimum of 3 habitable rooms. Affordable housing should be in clusters of roughly 15 units and should be indistinguishable from open market housing. There should be a mix of properties to meet the identified needs of residents.

Biodiversity - The submitted report shows an on-site biodiversity net gain of 114% as detailed in the landscape plans. Habitat works should be undertaken as stated.

Relevant Planning History

20/32041/OUT - Outline application for ground remodelling, drainage infrastructure, and development of up to 365 dwellings with landscaping, access and associated works (outline, all matters reserved save for means of access to the site). – Approved 10.02.2022

21/33986/FUL - Enabling works including demolition and clearance of existing structures (retrospective), remediation, restoration and reprofiling of land, opening and realignment of culvert, and associated works. – Approved 20.01.2022

22/36195/DCON - Discharge of conditions 4, 5, 9 and 13 on 20/32041/OUT – Approved 08.09.2022

22/36242/DCON - Discharge of condition 26 on 20/32041/OUT – Pending consideration

22/36275/DCON - Discharge of conditions 6, 7, 8, 10, 11, 14, 15 and 25 on 20/32041/OUT – Pending consideration

23/37257/DCON - Discharge of condition 5(B) on 20/32041/OUT – Pending consideration

23/36993/DCON - Discharge of condition 4(c) on 20/32041/OUT - Approved

Recommendation

Approve subject to the following conditions:

1. This approval of reserved matters in respect of appearance, landscaping, layout, and scale is granted pursuant to outline planning permission 20/32041/OUT and the approved development shall comply in all respects with the terms of that outline permission and the conditions imposed on it.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence: -

Proposed Site Layout - LAY-LR-STA-100 J

House types

Aster Town Code 3 Brick – BWM-AST-01B

Blemmere Country Code 1 Render – BWM-BLE-01

Blemmere Country Code 2 Half Render – BWM-BLE-02

Blemmere Country Code 2 Render – BWM-BLE-03

Blemmere Country Code 1 Tile Hanging – BWM-BLE-04

Camellia Town Code 3 Brick BWM-CAM-01

Cornflower/Campion Town Code 2 Half Render – BWM-COCA-01B

Daphne Town Code 1 Floor Plans – BWM-DAP-01B

Daphne Town Code 1 Brick Elevations – BWM-DAP-02C

Daphne Town Code 1 Half Render Elevations – BWM-DAP-03C

Daphne Town Code 3 Brick Elevations – BWM-DAP-04

Draftsman Country Code 2 – BWM-DRA-01 (without blacked out section)

Goldsmith Floor Plan – BWM-GOL-01A

Goldsmith Country Code 1 Elevation Brick – BWM-GOL-02B

Goldsmith Country Code 1 Elevation Render – BWM-GOL-03

Honeysuckle Town Code 1 Elevation Brick – BWM-HON-01

Honeysuckle Town Code 1 Elevation Half Render – BWM-HON-02

Honeysuckle Town Code 3 Elevation Half Render – BWM-HON-03

Jasmine Town Code 1 -BWM-JAS-01A

Joiner Country Code 2 – BWM-JOI-01B

Lysander Town Code 3 Brick – BWM-LYS-02A

Manciple Country Code 2 – BWM-MAN-01 (without blacked out section)

Mason Country Code 1 – BWM-MAS-01A
Mason Country Code 2 – BWM-MAS-02A
Ophelia Town Code 1 – BWM-OPH-01A
Ophelia Town Code 3 – BWM-OPH-02A
Pargeter Country Code 1 Half Render – BWM-PAR-01
Pargeter Country Code 1 Render – BWM-PAR-02
Pargeter Country Code 1 Half Tile Hanging – BWM-PAR-03
Philosopher Country Code 1 Brick – BWM-PHL-01C
Philosopher Country Code 1 Hanging Tile – BWM-PHL-02B
Potter Country Code 2 – BWM-POT-01B
Quilter Country Code 1 Brick with Render – BWM-QUI-01B
Quilter Country Code 2 Brick with Render – BWM-QUI-02B
Reedmaker Country Code 1 Brick – BWM-REE-01C
Reedmaker Country Code 2– BWM-REE-02C
Rosemary Country Code 3 – BWM-ROS-01B
Sorrel Town Code 2 Brick – BWM-SOR-01B
Spinner Floor Plans – BWM-SPI-01B
Spinner Country Code 1 Render – BWM-SPI-03B
Spinner Country Code 1 Brick – BWM-SPI-02B
Spinner Town Code 3 Brick – BWM-SPI-04
Stationer/Bookbinder Town Code 2 – BWM-STBO-01
Sundew Town Code 1 – BWM-SUN-01A
Sundew Town Code 2 – BWM-SUN-02B
Sundew Town Code 3 – BWM-SUN-03A
Tailor Country Code 2 – BWM-TAI-01B
Tailor Country Code 2 – BWM-TAI-02B
Thespian Country Code 1 Tile Hanging – BWM-THE-02B
Thespian Country Render – BWM-THE-04B
Thespian Country Code 1 – BWM-THE-05A
Thespian Country Code 2 – BWM-THE-07B
Thespian Country Code 3 – BWM-THE-08B
Thespian Town Code 1 – BWM-THE-09

Turner Country Code 1 – BWM-TUR-01B
Turner Country Code 1 – BWM-TUR-02B
Turner Country Code 1 – BWM-TUR-03B
Valerian Town Code 1 – BWM-VAL-01B
Valerian Town Code 2 – BWM-VAL-02B
Valerian Town Code 2 Brick Gable – BWM-VAL-03B
Valerian Town Code 3 Brick – BWM-VAL-04B
Valerian Town Code 3 Brick Gable Front – BWM-VAL-05B
Verbena Country Code 1 – BWM-VER-01A
Verbena Country Code 1 – BWM-VER-02A
Wisteria Town Code 1 – BWM-WIS-01B
Wisteria Country Code 1 – BWM-WIS-02B
Wisteria Town Code 3 – BWM-WIS-03B
Wisteria Town Code 2 – BWM-WIS-04B

Garage drawings

Single Garage Planning Drawing Town Code 1, 2 & 3 – BWM-GAR-01

Double Garage Planning Drawing Town Code 1, 2 & 3 – BWM-GAR-02

Single Garage Planning Drawing Country Code 1 & 2 – BWM-GAR-03

Double Garage Planning Drawings Country Code 1&2 – BWM-GAR-04

Single Garage Planning Drawing Country Code 1 & 2 Exposed Rafters – BWM-GAR-07

Double Garage Planning Drawing Country Code 1 & 2 Exposed Rafters – BWM-GAR-08

Landscaping

Detailed Landscape Proposals Sheet 1 of 4 - P22-0663-01 F

Detailed Landscape Proposals Sheet 2 of 4 - P22-0663-02 F

Detailed Landscape Proposals Sheet 3 of 4 - P22-0663-03 F

Detailed Landscape Proposals Sheet 4 of 4 - P22-0663-04 F

Detailed Local Area for Play (LAP) Proposal - P22-0663-05 D

Landscape Composite Plan – P22-0663-06 E

Materials

Material Layout – Facing Brickwork – MAT-LR-STA-300 B

Material Layout – Tiling – TIL-LR-STA-400 A

Street scenes

DRW-P21-2037-DE-011-01B

DRW-P21-2037-DE-011-02B

3. The development shall be carried out in accordance with the Construction Management Plan dated June 2022 and submitted and approved in connection with application reference 22/36195/DCON.
4. No dwelling shall be occupied until such time as the following works have been provided with respect to that plot:
 - Parking, servicing and turning areas to be provided in accordance with the approved plans.
 - Associated driveway surfaced in a bound material and sustainably drained in accordance with details to first be submitted to and approved in writing by the Local Planning Authority.

- Associated footways leading between the dwelling and the associated access road, surfaced in a bound material in accordance with details to first be submitted to and approved in writing by the Local Planning Authority.
5. Notwithstanding the submitted details, no dwelling shall be occupied until a scheme detailing the play equipment to be installed in Play Areas A, B and C has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme of play equipment shall also include details of the phasing of the provision of the play areas and the play areas shall be brought into use as agreed in writing in accordance with the approved phasing details.
 6. Notwithstanding the submitted details of proposed boundary treatments no dwelling shall be occupied unless and until all plot boundary walls, retaining walls, fences, gates, and other means of enclosure associated with that plot have been erected in accordance with details to first be submitted to and approved in writing by the local planning authority. All means of enclosure erected in pursuance of this condition shall thereafter be retained.

The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To define the development.
2. To define the development.
3. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
4. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
5. To ensure that the development provides a wide range of play equipment so that it caters for the play requirements of a range of ages of children with more challenging activities (Policy C7 of The Plan for Stafford Borough).
6. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

Informative(s)

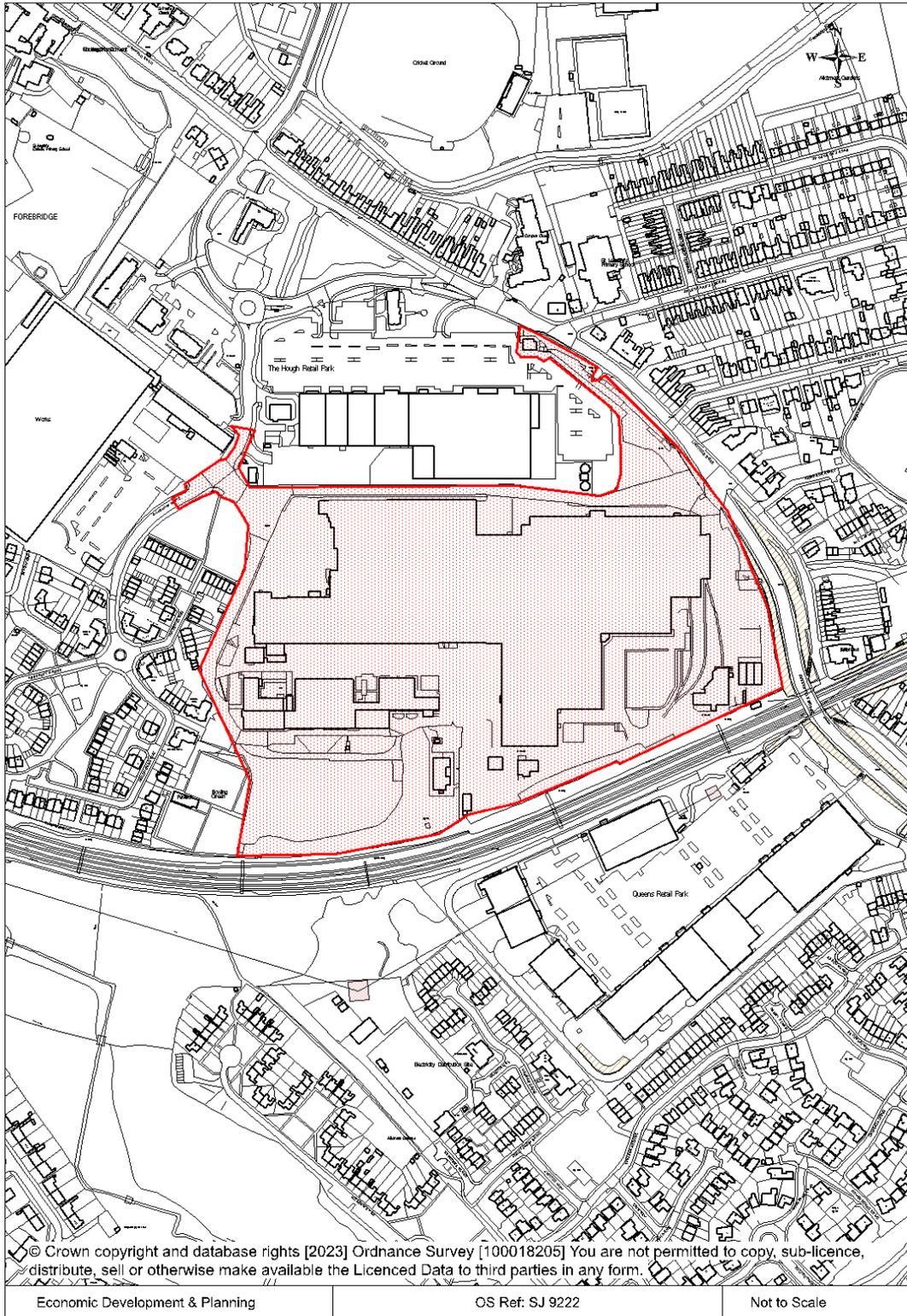
Given that the proposed drainage scheme has altered since the details were submitted to discharge condition 10 of 20/32041/OUT the final detailed design, superimposing the latest development layout should be re-submitted to the LPA/ LLFA for review.

This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. The conditions requiring offsite highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack and an application form for the agreement. Please complete and send to the Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (Or email to nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

It is strongly advised that the developer contacts Western Power prior to any of their works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines during any stage before or after development. Also, to prevent incursion into areas where WPD have cable/access rights and property ownership – particularly with regard to substations and their access, the landowner/developer must contact WPD prior to any works commencement. Any works in the vicinity of electricity conductors (underground cables or overhead lines) should be undertaken in accordance with HSE documents GS6 and HS(G)47 - all excavation works shall be undertaken by hand around electricity apparatus and any striking of cables or overhead lines should be reported to WPD on 105 immediately or as soon as it is safe to do so. With regard to consideration for properties being constructed in the vicinity of WPD substations – it is strongly advised that any property (particularly dwellings) are planned to be sited no less than five metres from the boundary of a substation.

Network Rail provided detailed guidance dated 12 September 2022 regarding drainage, layout and development within close proximity to Network Rail land and engagement with Network Rail is recommended. Should there be conditions, where the proposal interfaces with the railway the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions). The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.

22/36245/REM
Land Off Lichfield Road
Stafford



Application:	22/35672/FUL
Case Officer:	Steven Owen
Date Registered:	17 June 2022
Target Decision Date:	12 August 2022
Extended To:	N/A
Address:	Drumble House, School Lane, Chebsey, Stafford, Staffordshire, ST21 6JU
Ward:	Eccleshall
Parish:	Chebsey
Proposal:	Retrospective Planning Application to Regularise Domestic Curtilage (and associated fencing and hardstanding), Lean-to Canopy, Flue, CCTV Cameras, Timber Outbuilding, Air Source Heating Equipment, Hot Tub and Boundary Wall Detailing.
Applicant:	Mr and Mrs Jefferson
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor J M Pert (Ward Member for Eccleshall) for the following reasons: -

'To ensure that planning committee can review the impact of the over-intensified use of the site, following the splitting of the fishery from the original agricultural workers residence'

Context

The Site Context

Drumble House is a detached single-storey dwellinghouse located within rural parish of Chebsey, which is outside of the Residential Settlement Hierarchy, as defined by Spatial Principle 3 (SP3) of The Plan for Stafford Borough (TPSB). The site is therefore located, in policy terms, within 'open countryside'.

The development site has a countryside setting, with an open agricultural field to the north and east of Drumble House. To the west is a wooded area and to the south is the neighbouring dwelling, which is also called, 'Drumble House'. For clarity, the neighbouring Drumble House will be referred to as, 'the neighbouring dwelling' for the rest of the report. Further south is Izaak Walton Fishery.

The site is located within Flood Zone 1 and the Red Newt Habitat Impact Zone. The site falls within the 15km Cannock Chase Special Area of Conservation impact zone. The site is over 5km from all other European Sites.

The Application Site

The development site comprises a private access road, Drumble House, the driveway/courtyard, and enclosed land used by the applicant as garden. This enclosed land to the north and east of Drumble House is a mixture of approved and unapproved domestic curtilage.

The Site History

Prior to its conversion, Drumble House was a former agricultural building associated with the neighbouring dwelling. The neighbouring dwelling and agricultural building were both granted consent in 1996 (95/32859/FUL). In 2018 planning permission was granted for the conversion of the agricultural building into a dwellinghouse – Drumble House (18/29507/FUL).

The planning permission for Drumble House attached 'Condition 5', which removed permitted development rights for domestic extensions and alterations. The approved plans also granted consent for two separated gardens. One garden projected north and the other projected east. These two pieces of domestic land would have no external link and could only be accessed by walking internally through Drumble House.

Since the domestic conversion, Drumble House has been developed further. Due to the removal of permitted development rights the following has been added to the site without the required planning consent:

- Lean to canopy off the eastern elevations of the dwelling.
- External flue.
- CCTV cameras.
- Timber outbuilding.
- Air source heat pump.
- Hot tub.
- Boundary wall.
- Hardstanding.

A 679m² portion of the adjacent field has been enclosed to form part of Drumble House's domestic garden. The enclosure of this agricultural land has joined the two disconnected areas of approved curtilage into one contiguous area of unapproved curtilage.

Proposed Development

The proposal seeks planning permission and retrospective planning permission for the following:

Planning Permission:

- The applicant seeks to link the separate areas of approved domestic curtilage by regularising and changing the use of land within the development site. The applicant proposes a 'swap' of approved domestic curtilage for an equal amount of agricultural land.

178m² of approved garden land would be swapped for 178m² of agricultural land, resulting in no net change in domestic or agricultural land compared to the 2018 planning permission for Drumble House. This would link the two separate parts of approved domestic curtilage without gaining any net sq. footage.

The other portion of agricultural land currently enclosed contrary to the 2018 planning permission, which isn't included within the swap, would be returned to an agricultural use through the removal of the existing post and rail fence which separates it from the adjacent field.

The newly acquired domestic curtilage would be enclosed and regularised via a new post and rail fence.

Retrospective Planning Permission:

- A lean to canopy off the dwelling's eastern elevation. The canopy is an openside aluminium frame and rafters with glass infill room. The structure measures 8m (width) x 4m (depth) x 2.8m (height).
- External black coated flue which projects up from the eastern roof slope and measures 6.3m high
- 7 x CCTV cameras. Two have been added to the northern elevation. Two cameras are on the western elevations. One camera is on the southern elevation and two cameras on the northern elevation.
- A timber outbuilding situated to the east of the host dwellinghouse, on the southern boundary. The outbuilding measures 2.5m (high) x 3.8m (depth) x 6.0m (wide).
- An air source heat pump adjacent to the timber outbuilding there is ground-source heat pump apparatus measuring 1m (high) x 0.6m (depth) x 1.6m (width).
- A hot tub located to the east of the dwelling, outside of the approved domestic curtilage. The hot tub has a 2.5m high flue and measures approx. 13m².
- A brick column and timber panel wall along the southern boundary measuring 34.5m (long) x 1.99m (high) x 0.4m (thick).

Planning policy framework

Section 38(6) of the 2004 Planning and Compulsory Purchase Act and section 70 of the Town and Country Planning Act 1990, as amended, require decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the purposes of this application comprises The Plan for Stafford Borough 2011-2031 Parts 1 and 2 (TPSB).

Officer Assessment – Key Considerations

1. Principle of Development

SP7 of the TPSB deals with the location of new development and at provision (ii) supports proposals which are consistent with the objectives of SP6 and policies E2 and C5 in supporting rural sustainability.

Change of Use -

Policy Context

Policy E2 (Sustainable Rural Development) of TPSB states in rural areas outside of settlements identified in SP3, and outside Green Belt, support will be given to the achievement of rural sustainability by encouraging the protection of the best and most versatile agricultural land. Additionally, all development in these areas should not prejudice any viable agricultural operations and protect the natural landscape. Policy E2 does state provision should be made for any necessary mitigation or compensatory measures to address any harmful implications of development.

Assessment

The proposed development would see the removal of the post and rail fence which has enclosed an area of agricultural field not part of Drumble House's approved curtilage. The proposal also seeks consent to swap a 178m² portion of that enclosed agricultural land for an equal 178m² portion of approved domestic curtilage.

Conclusion

The enclosure of viable agricultural land for domestic use is contrary to policy E2. The removal of the post and rail fence which has enclosed the agricultural land without consent is welcomed. The proposed swapping of domestic and agricultural land in this instance is considered sufficiently compliant with Policy E2 as the swapping of equal amount of adjacent land, which can be viably farmed, is a suitable compensatory measure.

The applications compliance with policy E2 rests of the return of enclosed agricultural land and the compensatory measure. To ensure both happen a condition is required. The condition should state that the post and rail fence, which is shown to be removed on the submitted plans, shall be removed and the land made-good within 6 months of determination, if approved. The removal of the indicated fence would return the land to the neighbouring agricultural field.

The compensatory measure can be enforced by a standard plans condition which states the development must be in accordance with the submitted plans. The submitted plans illustrate the areas of land to be swapped and enclosed. The compensatory measure can therefore be enforced.

The proposed change of use is therefore acceptable in principle, subject to conditions and all other material considerations.

Lean-to Extension –

When Drumble House was converted to a dwellinghouse, its permitted development rights were removed. As a result, retrospective planning permission is required for all extensions to the dwelling.

Policy Context

Drumble House is a former agricultural building which was converted to a dwellinghouse. As a dwellinghouse, Policy C5 (Residential proposals outside the Settlement Hierarchy) is the relevant policy for considering the lean-to extension.

In appeal decisions APP/Y3425/D/22/3291002 and APP/Y3425/D/22/3297582, the Planning Inspectorate has determined Policy E2 (sustainable use and re-use of rural buildings) does not apply to former agricultural buildings following their conversion.

As Drumble House is a former agricultural building which has been converted to a dwellinghouse. It has been determined Policy E2 (sustainable use and re-use of rural buildings) does not apply when considering the principle of the lean-to extension and other outbuilding.

C5 (c) states in areas outside of the Sustainable Settlement Hierarchy the extension of an existing building should not result in additions of more than 70% to the dwelling as originally built.

Assessment

The proposal seeks to retain a lean-to extension. When converted the original floor area of the dwelling measured 282m². The lean-to has added a further 32m² resulting in a cumulative increase of 11.35% over the original floor area.

Conclusion

The proposal would be within the 70% threshold provided for under Policy C5(c) and the principle of development is therefore considered to be acceptable, but subject to other material considerations

Other Development –

Aside from the change of use, and the extension to the dwelling, the proposal seeks retrospective planning permission for other domestic development. Due to the removal of permitted development rights, retrospective planning permission is required for all alterations to the dwelling, including outbuildings and means of enclosure.

Policy Context

Policy E2 states all development should respect, protect the natural landscape, and the built vernacular character of the area. It should also provide appropriate crime prevention measures, including for safety and security.

Assessment

Retrospective planning permission is sought for the following domestic development, Flue, CCTV Cameras, Timber Outbuilding, Air Source Heating Equipment, Hot Tub, and Boundary Wall Detailing. The submitted plans also shows areas of patio and garden paving.

Conclusion

Policy E2 does not expressly restrict domestic development of the type proposed, subject to all other material considerations. The proposal is therefore acceptable in principle.

Section Conclusion

The proposed change of use of agricultural land is acceptable in principle, subject to conditions. The lean-to extension would be within the 70% threshold provided for under Policy C5(c) and the principle of the extension is therefore considered to be acceptable. The retention of the remaining domestic features is not expressly restricted by policy E2 and is acceptable in principle.

Collectively, the proposed change of use and retention of existing domestic development is acceptable in principle subject to all other material considerations including:

- Character and appearance
- Amenity
- Parking & Highway safety
- Ecology

Polices and Guidance: -

National Planning Policy Framework (NPPF) – Paragraphs 8 and 11

The Plan for Stafford Borough (TPSB) 2011-2031 – Policies SP3 Sustainable Settlement Hierarchy, SP7 Supporting the Location of New Development, E2 Sustainable Rural Development, C5 Residential Developments outside the Settlement Hierarchy

2. Character and Appearance

Policy context

Policies N1g and N1h of TPSB require that proposals are of a high standard of design and have regard to the local context. The National Planning Policy Framework also places great emphasis on high quality design and requires that developments add to the overall quality of the area.

Policy N8 advises that development should conserve and where appropriate enhance the setting and views of the landscape.

Consideration has therefore been given to the development and its visual impact on the host dwelling and the wider setting in terms of its scale, form and use of materials.

Assessment

Change of use – The proposal includes removing a portion of the existing post and rail fence to revert the enclosed land back to agricultural field. The proposal also seeks to swap 178m² of agricultural land for 178m² of approved domestic curtilage. The change of use

would not lead to a material erosion of the setting rural character due to the equal loss and gain. A condition should be added to the decision notice, if approved, requiring the proposed post and rail fence to match the retained post and rail fence in type and height.

Lean-to Extension – The proposal seeks retrospective planning permission for an open-sided lean-to. Drumble House is a converted agricultural building. Originally constructed in the 1990s Drumble House has a modern appearance and domestic character. The addition of the lean-to does not diminish the appearance of Drumble House or adversely harm the rural setting.

Brick and Timber Wall – The application seeks retrospective planning permission for a wall along the southern boundary. The wall is formed of brick columns and timber panelled wall. The boundary treatment is well constructed and appears in keeping with the host dwellinghouse.

Assessment

Flue, CCTV Cameras, Timber Outbuilding, Air Source Heating Equipment, Hot Tub, Patio and Paving – Within Drumble Houses domestic context, the retention of these features would nor materially diminish the appearance of the host dwelling, nor do they adversely affect its rural setting.

Conclusion

Drumble House is a dwellinghouse located within a rural setting. The proposed change of use, retention of the extension and other domestic development would not adversely affect the landscape character of the rural setting or adversely diminish its appearance.

The application is therefore suitably compliant with policies N1 (Design) and N8 (Landscape Character) of TPSB, as well as section 12 of the NPPF. The proposal is therefore acceptable in terms of character and appearance.

Policies and Guidance: -

National Design Guidance (NDG)

National Planning Policy Framework (NPPF) – Section 12. Achieving well-designed places
The Plan for Stafford Borough (TPSB) 2011-2031 – Policies N1 Design, N8 Landscape Character

Supplementary Planning Document (SPD) – Design

3. Amenity

Policy Context

Criteria (e) of Policy N1 of the TPSB and the SPD require design and layout to take account of adjacent residential areas and existing activities. Consideration has therefore been given to the proposals impact on residential well-being and any harmful disturbance or nuisance.

Assessment

The existing development would not adversely block sources of natural light into the neighbouring dwelling as it is located to the north and 12m from the nearest elevation.

The other development (Lean-to Canopy, Flue, CCTV Cameras, Timber Outbuilding, Air Source Heating Equipment, Hot Tub) would not cause disturbance or nuisance above what can reasonably be expected from a neighbouring dwelling.

Conclusion

The existing and proposed development would not adversely diminish amenity or cause disturbance above what can reasonably be expected from a neighbouring dwelling. The development is therefore sufficiently compliant with policy N1. The proposal is acceptable in terms of residential amenity

Policies and Guidance: -

National Design Guidance (NDG)

National Planning Policy Framework (NPPF) – Paragraph 127

The Plan for Stafford Borough (TPSB) 2011-2031 – Policy N1 Design

Supplementary Planning Document (SPD) - Design

4. Parking

Policy T2 of TPSB also requires all new development have safe and adequate means of access, egress, and internal circulation/turning arrangements for all modes of transport.

Consideration has been given to ensuring the site has sufficient parking and the developer wouldn't materially diminish highway safety.

The proposed development would not materially diminish the sites parking provision.

The Highway Authority has been consulted on the proposal and they have raised no objection to the proposal.

It has been concluded, following consultation with the Highway Authority, the proposed development would not materially diminish parking provision or highway safety. The proposal is therefore compliant with policy T2 and Appendix B.

Policies and Guidance: -

National Design Guidance (NDG)

National Planning Policy Framework (NPPF) – Section 9. Promoting sustainable transport

The Plan for Stafford Borough (TPSB) 2011-2031 – Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B – Car Parking Standards

5. Ecology

Policy Context

Policy N4 of TPSB seeks to protect the Borough's natural environment, which is reflected within the NPPF under the section heading of Conserving and enhancing the natural environment.

Policy N5 states the highest level of protect will be given to European Sites, with new development only permitted where;

- A. There will be no adverse effect on the integrity of any European site, or

- B. If adverse effects are identified, it can be demonstrated that the proposed mitigation measures show that there will be no adverse effect on the integrity of any European site; or
- C. if it cannot be ascertained that no adverse effect on integrity will result, the proposed development will only be able to proceed where there is no alternative solution and there are imperative reasons of overriding public interest.

The policy also states new developments will be required to include appropriate tree planting, to retain and integrate healthy, mature trees, and hedgerows, and replace any trees that need to be removed.

Policy N6 states development will not be permitted where it would lead directly or indirectly to an adverse impact on the Cannock Chase SAC and the effects cannot be mitigated.

European Sites

The site is within 15km of the Cannock Chase Special Area of Conservation; however, due to the nature of the proposal, it is not considered that the development would result in any impact on the reasons for the designation of the SAC. The Council is, therefore, not required to carry out an appropriate assessment.

Newts

The site is located within the Red Newt Habitat Impact Zone. The NatureSpace Newt Officer has been consulted to assess the risk to newt habitat. They have advised that since the application is for retrospective works, they have no comment to make.

Trees

There are no trees which are materially affected by the proposal.

Biodiversity

The development would not lead to any adverse loss of biodiversity.

Section Conclusion

Consideration has been given to the developments impact upon the Cannock Chase SAC and biodiversity. As the application seeks retrospective permission, and is of a small scale, it is concluded that it would not result in any adverse ecological impact. The development is therefore compliant with policies N2, N4, N5 and N6 of TPSB. The development is therefore acceptable in terms of its impact on ecology.

Policies and Guidance:

National Planning Policy Framework

Paragraphs: 8, 118,174, 175, 176 and 177

The Plan for Stafford Borough

Policies: N2 Climate change; N4 The natural environment & green infrastructure; N5 Sites of European, national & local nature conservation importance; N6 Cannock Chase special area of conservation

6. Conclusion

The proposal is acceptable in principle. The retrospective application does not materially harm the character or landscape of the site or setting. The proposal does not adversely harm amenity, nor does it adversely reduce parking provision, highway safety or biodiversity.

The application is sufficiently compliant with policies; E2, C5, N1, N2, N4, N5, N6, N8, T2 and Appendix B of TPSB, as well as the related provisions of the NPPF.

It is recommended the applications is approved, subject to conditions.

Consultations

Newt Officer:

No objection

Highway Authority:

No objection

Parish Council:

Objection – The domestic development is inconsistent with the sites rural character and appearance.

Neighbours (2 consulted):

Three representations received: Material planning considerations summarised below:

- Good design
- No negative impact on immediate neighbour.

Site Notice:

Expiry date: 28.07.2022

Relevant Planning History

18/29507/FUL - Conversion of existing garage and outbuilding to residential dwelling - 01.02.2019 – Permit

Recommendation

Approve, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this permission, in which case the condition shall take precedence: -
 - Location Plan (Scale 1:1250) Drawing No. 1049-16 Revision D

- Proposed Plans and Elevations (Scale 1:100 and 1:200) Drawing No. 1049-17 Revision E
 - Brick and Timber Panel Wall Details (Scale 1:20) Drawing No. 1049-18
3. The new post and rail fence hereby approved shall match the height and type of the existing post and rail fence shown to be retained on the approved drawing 1049-17 Revision E.
 4. The post and rail fence, which is shown to be removed on the approved plan 1049-17 Rev E, shall be removed and the land made-good within 6 months of the date of determination.
 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out without the prior approval of the Local Planning Authority:
 - Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
 - Schedule 2, Part 1, Class B - additions etc to the roof
 - Schedule 2, Part 1, Class C - any other alterations to the roof
 - Schedule 2, Part 1, Class D - porches
 - Schedule 2, Part 1, Class E - buildings etc incidental to the enjoyment of the dwellinghouse
 - Schedule 2, Part 1, Class F - hard surfaces incidental to the enjoyment of the dwellinghouse
 - Schedule 2, Part 1, Class G - chimney, flues etc
 - Schedule 2, Part 1, Class H - microwave antenna
 - Schedule 2, Part 2, Class A - gates, fences, walls etc

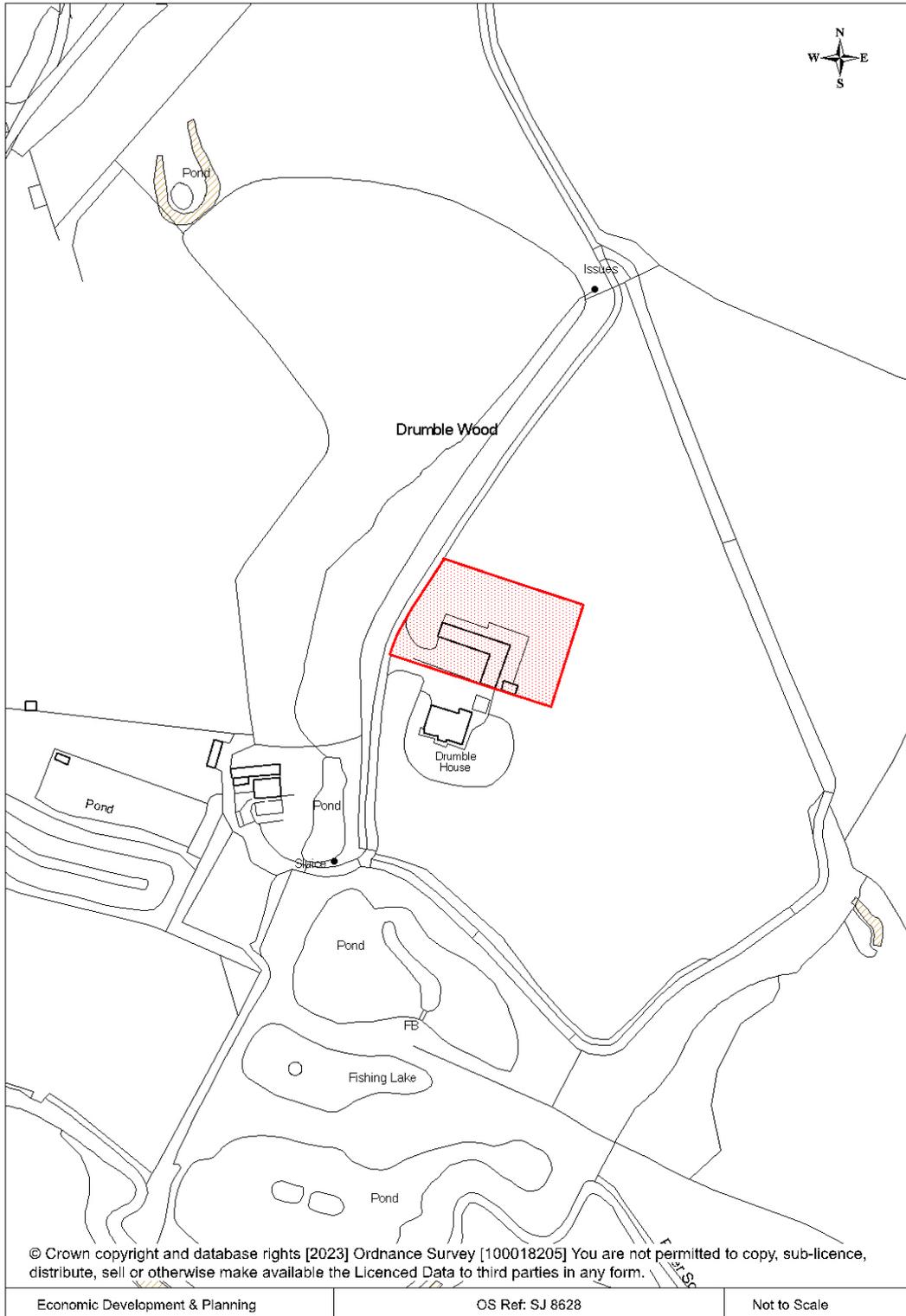
The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).
4. To ensure a satisfactory compensatory measure in accordance with policy E2 of The Plan for Stafford Borough.
5. To protect the open character and appearance of the surrounding rural area and to avoid the proliferation of unnecessary urbanising features (Policies N1 and N8 of The plan for Stafford Borough).

Informative(s)

- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

**22/35672/FUL
Drumble House
School Lane
Chebsey**



Application: 22/35824/FUL

Case Officer: Luke Ashley

Date Registered: 4 August 2022

Target Decision Date: 29 September 2022

Extended To: -

Address: Bank Farm, Back Lane, Croxton, Stafford, Staffordshire

Ward: Eccleshall

Parish: Eccleshall

Proposal: Relocation of existing "stopped up" gated access to field off B5026. Relocation of hedge in order to improve visibility of access

Applicant: Mr J Pert

Recommendation: Approve subject to conditions

REASON FOR REFERRAL TO COMMITTEE

The applicant, Councillor J M Pert, is the Ward Councillor for Eccleshall and as per the Scheme of Delegation such applications are required to be determined at the relevant Planning Committee.

Context

The Application Site

The site is a field forming part of Bank Farm. The field has an existing timber gated entrance point near the adjoining property (Old Croxton Coach House) to the southeast of the site.

The wider site comprises currently of the main dwelling known as Bank Farm House, 2no. redundant agricultural brick-built barns within the curtilage of the residential property and an agricultural outbuilding within the field to the rear.

The site to the rear has recently been granted planning permission for the conversion of the 2no. redundant agricultural brick-built barns into one dwelling. The existing car parking area for the main house will now form a shared access and car parking area for both dwellings.

The site itself is predominantly flat. The site is not recognised as having potential for flooding. There are no known TPO's identified, though there are trees on and adjacent to site.

The main existing access to the entire site is located off Back Lane to the West of Bank Farm. This single access point leads directly onto a small enclosed shared car parking area sufficient for 5 cars and space to manoeuvre.

The existing access onto the field is set off the B5026 and located adjacent to an existing neighbouring building and provides a substandard visibility splay when existing the site. This access is situated underneath electrical cables, and when combined with the sloping nature of the site (which slopes up away from the road), there is a clear impact upon head height for construction type vehicles to access the site in a safe manner where momentum in a straight line is required in order to get materials to the elevated site.

The Proposed Development

The application has been submitted in light of the need for an improved access for construction traffic to allow a safer delivery of materials and construction staff parking during the previously approved barn conversion works. The main site access off Back Lane, being 3m wide, is a shared courtyard between the existing house and barns which can accommodate a max of 5 cars, to which the residents requiring unblocked access.

Back Lane is a single 5.3m wide narrow 60mph road where existing buildings are sited on the back edge of the lane which results in reduced visibility when existing left from the site. Using the existing residential access for the delivery of materials and construction vehicles would not be safe nor practical. As such, the alternative access would need to be located to the rear of the property, accessed off the B5026.

The planning statement submitted to support this scheme refers to the access as being a temporary feature to enable construction vehicles to access the site in a safe manner. As such, any consent issued would only be temporary.

The scheme will remove the entire line of existing hedgerow along the eastern edge of the site and replant it further back from the highway and outside of the visibility splay for the relocated gated access point.

There will be no change to the site's layout other than the relocation of the access point and hedgerow. There will be no change in terms as scale as the relocated gated access will be of the same size as the existing and the existing hedgerow will be replaced with a new hedgerow positioned further into the site.

The fields to the rear of the dwellings have a separate timber gated access point off B5026 currently located to the Southeast of the site near the adjoining neighbour. This existing gate is located under overhead electricity cables and will be stopped up.

The use of the re-located access point once the construction works had been completed would be used for occasional access required for the benefit of the small holding.

Officer Assessment – Key Considerations

1. Character, Appearance and Amenity

The surrounding area would be characterised as rural in nature with open fields bounded by mature hedgerows which are commonplace throughout the borough. Such hedgerows are interspersed with gated access points and a newly relocated access would not appear out of place within the street scene.

Some removal of the existing hedge will be required however officers note that it is the intention of the applicant to replant a new hedge across the previous access point and relocate the existing hedge further back from the main public highway. The retention of this feature is welcomed and overall officers would not raise issue on design grounds.

2. Highways and Access

Personal Injury Collisions.

Current records show that there were not any Personal Injury Collisions on the B5026 within 50 metres either side of the property accesses for the previous five years.

The developer wishes to use a field access off the B5026 to allow a property off Back Lane to be redeveloped. The applicant makes it clear that the access from Back Lane is unsuitable for the large delivery vehicles needed for the redevelopment and the alternative is to use the field access of the B5026. The developer also states that access will also be needed for tradesman to park whilst at the site.

The Highways Department agree that Back Lane is narrow, however, no delivery or parking issues, were highlighted by the developer, or the Highways Department when granting the original application for the redevelopment of a property on Back Lane. The Highways Authority have therefore suggested that the new proposed access is only a temporary arrangement, whilst work is being carried out and that the main access for the original development should revert back to the Back Lane.

The Highways Authority also note that the access should be solely classed as a construction access, and this proposed access should revert back to a field access only once the consent expires. Officers concur with this position and will attach a condition to ensure that the access is temporary only.

Visibility splays have been provided to the Highways Authority and these have also been considered appropriate by the consultee. Officers accordingly raise no objection to this scheme on highways grounds.

Policies and Guidance: -

National Planning Policy Framework (NPPF) – Section 9. Promoting sustainable transport
The Plan for Stafford Borough (TPSB) 2011-2031 – Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B – Car Parking Standards

3. Ecology

The consultation exercise undertaken as part of this application has included a response received from the Council's ecologist. The response states that there are no objections to the removal of part of the hedgerow and its relocation further back from main highway subject to a condition which would ensure that a locally native species is used in the replanting and that nesting birds are protected during the construction phase of the development. A condition requiring bird boxes to be installed in appropriate locations throughout the site has also been recommended.

Officers concur with the position taken by the ecologist and raise no objection in this regard.

Policies and Guidance: -

Policy N5 Sites of European, National & Local Nature Conservation Importance
Policy N4 The Natural Environment

4. Conclusion

The new access would be considered appropriate in terms of the visibility splays provided and are satisfied that a temporary consent is the most appropriate route to ensure that the main access reverts back to that already situated on Back Lane. The applicant has agreed to replant the existing hedgerow to the back of the kerb and there are no objections to this arrangement. The scheme is therefore considered to be acceptable and an approval is recommended in this instance.

Consultations

Highway Authority:

Initial holding objection received stating the following reason for refusal:

The proposed development fails to demonstrate that the required visibility splays for the proposed Access, can be provided and therefore may result in an increase in the likelihood of highway danger to road users.

On submission of an annotated site plan, and on agreement to the consent being temporary in nature, the Highways Authority have now since rescinded this objection

Parish Council:

Eccleshall Parish Council objects to this application due to concerns over removal of mature hedgerow adjacent to agricultural land in line with gov.uk protected hedgerow guidance:

(<https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management>).

It is also requested that Highways ensure the proposed access is suitable for the location in proximity to two bends that reduce visibility.

Ecology:

No objection subject to a condition regarding the provision of bird boxes alongside a condition requiring the submission of an appropriate method statement for the protection of nesting birds.

Neighbours (4 consulted and a site notice posted):

1 no. representation was received as a result of the consultation. The comment received is summarised below:

- As a neighbour, I can't see any reason to object to this application. Particularly in respect for potential congestion of site traffic on single track Back Lane.

Relevant Planning History

20/33051/FUL - Proposed conversion of two barns with glazed link to form one dwelling including new septic tank and ground source heating systems – Approved - 29.10.2021

Recommendation

Approve, subject to the following conditions:

1. The new works access hereby permitted shall be discontinued and the access shall revert to a field access only, with no permission for its use for construction traffic, within 3 years of the date of this permission, or upon completion of the works associated with the permission granted under 20/33051/FUL, whichever is the sooner date.
2. The development shall be carried out in accordance with the following approved plans / drawing:

1823-PL3-003-Rev E - Proposed Site Layout-A1
1823-PL3-001 - Location Plan-A4
3. No hedgerow removal works shall be undertaken in the nesting season (March to August), unless it can be demonstrated that breeding birds will not be affected by this proposal. Such a demonstration will need to be provided via the submission of a method statement, to be submitted to and approved in writing by the Local Planning Authority, prior to any such works commencing. The approved statement shall be adhered to throughout the demolition/construction period and the statement shall provide for:

timing of works on site
pre-work checks
avoidance measures for nesting areas

The reasons for the Council's decision to approve the development subject to the above conditions are:

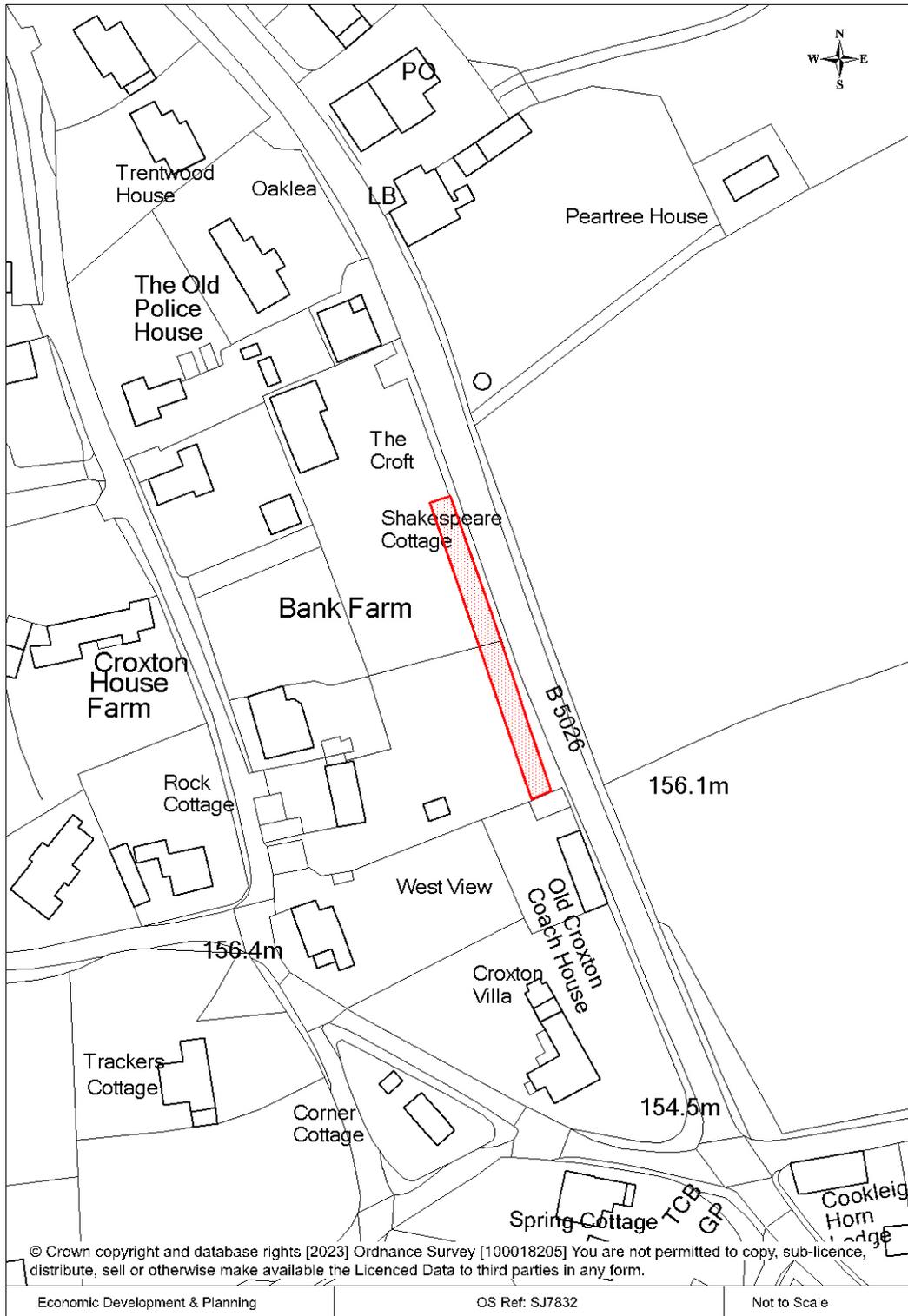
1. It is considered that the access is still substandard at this location and that a construction access only would be the most suitable form of development at this location.
2. To define the consent

3. Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected.

Informative(s)

- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

**22/35824/FUL
Bank Farm
Back Lane
Croxtton**



 PLANNING COMMITTEE - 17 MAY 2023

Ward Interest - Nil

Planning Appeals

Report of Head of Development

Purpose of Report

Notification of new appeals and consideration of appeal decisions. Copies of any decision letters are attached as an **APPENDIX**.

Notified Appeals

Application Reference	Location	Proposal
21/34960/OUT Delegated Refusal	Land At 9 Verwood Close Kingston Hill Stafford	Outline Application - All Matters Reserved - Single detached two storey dwelling within the existing garden area of 9 Verwood Close
22/36276/FUL Non determination	Farm Buildings Northwest Of Summerhill Milwich	Demolition of farm buildings and re-construction to form a single dwelling.
21/35143/HOU Delegated Refusal	8 Grindley Lane Meir Heath Stoke On Trent	Raising of existing roof to create larger first floor and extension/reconfiguration to existing ground floor.
21/35243/HOU Delegated Refusal	30 St Michaels Mount Stone	Demolition of existing garage. New single and two-storey side and rear extension with internal alterations.

Decided Appeals

Application Reference	Location	Proposal
22/35689/HOU Appeal Allowed (Delegated)	The Parlour Bishton Farm Lane Wolseley Bridge	Proposed replacement windows and doors; removal of two kitchen windows and replacement with one full height glazed timber window.
22/35563/HOU Appeal Allowed (Delegated)	White House Lane Cottage Whitehouse Lane Hollywood	Link extension to connect dwellinghouse to existing single storey outbuilding, including incorporation of part of outbuilding into main dwellinghouse.
22/36904/HOU Appeal Dismissed (Delegated)	231 Doxey Stafford	Single storey rear extension.

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager, 01785 619302



Appeal Decision

Site visit made on 22 February 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/Y3425/D/22/3309102

The Parlour, Bishton Farm Lane, Wolseley Bridge, Stafford, Staffordshire ST18 0ZX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vicky Evans against the decision of Stafford Borough Council.
 - The application Ref 22/35689/HOU, dated 2 March 2022, was refused by notice dated 8 September 2022.
 - The development proposed is replacement windows and doors; removal of two kitchen windows and replacement with one full height glazed timber window.
-

Decision

1. The appeal is allowed and planning permission is granted for proposed replacement windows and doors; removal of two kitchen windows and replacement with one full height glazed timber window at The Parlour, Bishton Farm Lane, Wolseley Bridge, Stafford, Staffordshire ST18 0ZX in accordance with the terms of the application, Ref 22/35689/HOU, dated 2 March 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in full accordance with the approved drawings; Proposed plans and elevations 001-002 and R9 Flush Casement Window 001-003.

Main Issue

2. The effect of the proposal on the character and appearance of the building and its immediate surroundings.

Reasons

3. The Parlour is a detached dwelling, which forms part of a former traditional agricultural building complex. The complex is in an isolated location surrounded by countryside and the area is rural in character. The building is constructed from brick and has a linear form, is single storey, with two rooms in the roof. The existing windows and doors are painted timber and appear to require maintenance or replacement.
4. The proposed replacement windows would be flush casement Residence 9 windows and manufactured from uPVC with a foiled finish. Based on the precise details relating to the Residence 9 windows proposed, the proposed windows would not be a traditional uPVC window with a plastic appearance, but a high-

quality uPVC timber alternative, foiled, with a slender glazing bar. Due to their design, specification and colour which is very similar to the paint colour of the existing fenestration, I consider that the replacement windows would not domesticate the building further and would maintain the agrarian character of the building.

5. The existing kitchen windows are proposed to be removed and replaced with a painted timber full height window. This would not overly domesticate the agrarian character of the building due to its simple design and would result in fewer openings on the east elevation overall, which would have a neutral effect on the character of the building. The replacement of existing doors with painted timber doors is appropriate on a building such as this, as it is a traditional material.
6. For these reasons I conclude that the proposal for the replacement windows, doors and the installation of the full height window would not be harmful to the character and appearance of the building and its immediate surroundings. The proposal accords with Policy N1 of The Plan for Stafford Borough 2011-2031 (Adopted 19 June 2014) which states that developments must have regard to the local context and should preserve the character of the area.

Other Matters

7. The Council's evidence states that this proposal could set a precedent for uPVC windows elsewhere. My decision has been made based on the evidence provided and the individual merits of the case set out in the reasoning above.

Conditions

8. To meet legislative requirements, a condition shall be imposed to address the period for commencement. In the interests of certainty, I have also attached a condition specifying the approved plans which includes details of the specification and colour of windows and doors to be installed.

Conclusion

9. For the reasons set out above and having regard to the development plan as a whole and all other matters raised, I conclude that the appeal should be allowed.

N Duff

INSPECTOR



Appeal Decision

Site visit made on 13 April 2023

by K Winnard LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/Y3425/D/23/3315267

Whitehouse Lane Cottage Whitehouse Lane Hollywood Stone Staffordshire ST15 8TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Darren Roe against the decision of Stafford Borough Council.
 - The application Ref 22/35563/HOU, dated 29 January 2022, was refused by notice dated 28 November 2022.
 - The development proposed is a link extension to connect dwellinghouse to existing single storey outbuilding including incorporation of part of outbuilding into main dwellinghouse.
-

Decision

1. The appeal is allowed and planning permission is granted for a link extension to connect the dwellinghouse to the existing single storey outbuilding including incorporation of part of outbuilding into main dwellinghouse at Whitehouse Lane Cottage, Whitehouse Lane, Hollywood, Stone, Staffordshire ST15 8TX in accordance with the terms of the application, Ref 22/35563/HOU, dated 29 January 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Plans and Elevations Revision A, Proposed Plans and Elevations Revision A, Site Plan and Location Plan as proposed indexed 23.06.2022 and Site Plan and Location Plan as proposed (with North added) indexed 23.06.22
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building, unless otherwise agreed in writing with the Local Planning Authority.

Procedural Matter

2. The Council amended the description of the development which I note has also been used in the appeal form. I have accordingly used this description as it is a more accurate description of the development.

Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the host dwelling and the area.

Reasons

4. Whitehouse Lane Cottage, the appeal property, is sited within open countryside on a rural lane. The property was originally a small cottage within a former agricultural small holding. Planning permission was granted in 2018 for a substantial extension to the dwelling and the change of use of the existing vehicular access and outbuildings from agricultural use to domestic use (the 2018 permission¹). Permitted development rights to erect incidental buildings within the curtilage of the appeal property were removed by a condition attached to the same permission. The extension, the subject of the 2018 permission, has now been built resulting in a large, detached dwelling, which has overwhelmed the original cottage. The adjacent outbuilding granted domestic use under the 2018 permission, and which would be linked to the dwelling as a result of the proposal, lies close to the dwelling and is read alongside it in most views of the appeal site.
5. Policy C5C (ii) of The Plan for Stafford Borough 2011-2031 (Adopted 2014) (the Local Plan) provides that in areas outside the identified settlements, extensions should not result in additions of more than 70% as originally built unless the design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area. The supporting text indicates that the overall aim of Policy C5C is to ensure that the rural character of the area is protected from any adverse impact of extensions, whether individually or cumulatively.
6. As noted by the Council, the appeal property as a result of the 2018 permission already exceeds the 70% limit set out in Policy C5C. The Council do not raise objections to the scale and appearance of the link extension. Rather its concern relates to the cumulative effect of the extension link to the existing domestic outbuilding resulting in an extended dwelling in the open countryside being much larger than originally built. The officer report identifies the appeal property as an existing/original cottage-style dwelling. However, in my view the recent extension has altered its character and appearance to one more akin to a large, detached dwelling which no longer reflects its original rural cottage aesthetic.
7. Whilst the link extension is small, it would together with the development approved under the 2018 permission, result in the cumulative floor space of the dwelling exceeding by some margin the 70% limit of the original build as set out in Policy C5C. However, no additional bedrooms or habitable rooms are proposed within the link extension. Rather it would include a utility room and would be a link to domestic uses, already existing in this part of the outbuilding. It would be modest in size, set in from the front and rear elevations and complement the proportions of the existing dwelling and outbuilding. The simple design of the front elevation would not detract from the appearance of the existing buildings and would be visually subordinate. The part of the appeal site on which it would be sited, between existing buildings, clearly forms part of the existing developed residential area rather than the

¹ 18/28011/FUL

surrounding countryside. Its size and scale would not therefore be unacceptably harmful and would not result in a dwelling which would have an unacceptably bulky or disharmonious appearance. Nor would the contribution it makes to the rural qualities of the area be unacceptably reduced.

8. In terms of residential amenity, given the distance from any other residential properties there are no detrimental effects on the living conditions of any third parties. Nor are there any concerns in relation to any impact on the highway as a result of the proposal.
9. Therefore, I conclude that the proposal would not unacceptably harm the character and appearance of the existing dwelling and the surrounding area. As such notwithstanding the conflict with Policy C5C in relation to floor space limits, it would comply with the exception within the policy which requires the design and appearance of a proposed extension to be proportionate to the type and character of the existing dwelling and the surrounding area. It would also not conflict with the National Planning Policy Framework which requires design to be sympathetic to local character and of good design.

Conditions and Conclusion

10. Conditions requiring compliance with the approved plans and time are required in the interests of certainty. A condition requiring matching materials is also required in the interests of ensuring a satisfactory appearance.
11. For the reasons given and having regard to all matters raised, I hereby allow the appeal as set out in the formal decision notice above.

K Winnard

INSPECTOR



Appeal Decision

Site visit made on 13 April 2023

by K Winnard LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/Y3425/D/23/3316335
231 Doxey Stafford Staffordshire ST16 1EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jon Croxall against the decision of Stafford Borough Council.
 - The application Ref 22/36904/HOU, dated 14 December 2022, was refused by notice dated 8 February 2023.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council requested that a site visit been made to the neighbouring property but there was no one at this address at the time of my visit. I was however able to view the neighbouring property from the appeal site.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of the neighbouring property, No 230 Doxey, with regard to outlook and loss of light.

Reasons

4. The appeal property, no 231 Doxey (No 231), is a terraced property within a residential area. In common with its neighbouring properties, it has, what appears to be an original, two storey rear projection. Attached to this projection, as is the case with the neighbouring property, no 230 Doxey (No 230), is an additional single storey rear extension with a lean-to roof. There is a mutual sense of enclosure within the recessed areas between the two storey outriggers and single storey extensions of each property.
5. The proposal would involve a single storey extension projecting from the existing single storey lean to extension and stepped in towards the boundary with No 230. The plans show that the lean to roof would be replaced with a dual pitched roof and there would be a slightly higher dual pitched roof over the proposed extension. The stepped projection closer to the common boundary would reduce the existing gap between the two properties and further restrict the outlook from windows in the rear and side elevations of No 230. The introduction of a dual pitched roof would create an enclosing effect at

- a point where the present outlook is open, to the detriment of the amenities of the occupiers of No 230.
6. The Council's Design Supplementary Planning Document (2018) (SPD) states that in the case of a single storey rear extension permission will normally be granted for an extension projecting more than 3 metres which does not impinge upon a 45-degree sightline from the centre of the nearest ground floor principal window of an adjacent property, in this case, the rear facing dining room window. However, the 45-degree rule is already breached by the existing projections. The guidelines state that this rule cannot be applied on a mechanical basis and that individual site considerations, including the design of existing and neighbouring properties, need to be taken into account in assessing the impact of a proposed extension on the amenity of neighbouring properties.
 7. In this instance notwithstanding the distance of the proposed extension from the rear facing dining room window, the proposal by its increased depth and incorporation of a dual pitched roof closer to the common boundary would introduce a further reduction in outlook. As such the intention of the 45-degree rule to maintain a reasonable relationship between an existing building, extensions and new buildings, would not be met. Consequently, the proposal would give rise to an unacceptable level of harm to the outlook enjoyed by the occupiers of No 230.
 8. Within the officer report the Council refer to a loss of sunlight and daylight. I note that the rear of Nos 230 and 231 face predominantly north. In this respect any loss of sunlight caused by the proposed extension would be minimal in my view and limited to a small part in the morning. Nor do I consider that daylight would be severely restricted due to the orientation of the properties. Consequently, I do not believe that the proposal would result in an undue loss of sunlight or daylight. Rather it is the mass of built form close to the boundary which would cause the harmful effect in this case.
 9. I acknowledge that no objections to the proposal have been received. However, this in itself does not indicate a lack of harm arising from the proposal. I note too that the Council does not raise any concerns with regard to the impact of the development on the character and appearance of the area. The Council has also concluded that the proposal would not give rise to a significant adverse effect on the occupiers of Nos 232 and 233 Doxey.
 10. In conclusion, I find that the proposal would cause unacceptable harm to the living conditions of the occupiers of No 230 Doxey with regard to outlook. Accordingly, the proposal would fail to comply with Policy N1 of The Plan for Stafford Borough 2011-2031 (adopted 2014) which requires development to take account of the amenity of adjacent residential areas. It would fail to comply with the Council's SPD which overall seeks to ensure that extensions should avoid an undue intrusion to windows that make an important contribution to the amenities of occupiers of affected properties. It would also fail to comply with the National Planning Policy Framework which looks to create a high standard of amenity for existing and future occupiers.

Conclusion

11. Therefore, and having regard to all matters raised, I hereby dismiss the appeal.

K Winnard

INSPECTOR

PLANNING COMMITTEE - 17 MAY 2023

Ward Interest - Nil

Enforcement Matters

Report of Head of Development

Purpose of Report

To consider the following reports:

	Page Nos
(a) COND2/00095/EN21 - Holmlea, Marston Lane, Marston	70 - 72
(b) WKS2/00223/EN21 - 11 Trinity Gorse, Trinity Fields, Stafford	73 - 76

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager, 01785 619302

PLANNING COMMITTEE - 17 MAY 2023

Ward - Milwich

COND2/00095/EN21 - Holmlea, Marston Lane, Marston, Stafford ST18 9SY

Report of Head Development and Head of Law and Administration

Purpose of Report

To consider the erection of an extension to the property without the benefit of planning permission.

1 Detail

- 1.1 A report was received in Planning Enforcement on 24 May 2021 stating an additional floor had been created which was not included on the approved plans of application 20/33423/HOU. Complainant also stated that a septic tank had been installed outside of the curtilage of the property.
- 1.2 Following a request from planning enforcement, application 21/35371/HOU - *Change of window size and location approved 20/33423/HOU, installation of a new septic tank and drainage field. Retrospective permission for additional storey to original house due to lost Prior Approval Application* received. This application was returned (application invalid).
- 1.3 Application 22/36306/HOU – *Retrospective application for two-storey side extension and additional storey to existing dwelling, and removal of side porch* was received 25 July 2022 and under delegated powers following withdrawal of a Committee Call in on 9 February 2023. Reason for refusal: *“The proposal by reason of its excessive scale and massing results in disproportionate additions that fundamentally alter the type and character of the original dwelling. The proposal is therefore contrary to Policies C5 (C) and N1 (g) and (h) of the Plan for Stafford Borough”*.
- 1.4 After refusal of application 22/3606/HOU, there has been no intention made or action to remove the unauthorised development. In addition, though we are still in time for appeal of the above planning refusal, no appeal has yet been registered. The owner will have 28 days from the date a notice is served to register an appeal against the notice.

2 Policies

- 2.1 The Plan for Stafford Borough - *Policies C5 (C) and N1 (g) and (h) of the Plan for Stafford Borough*.

3 Conclusion

- 3.1 The third floor of the extension has been erected without planning permission.
- 3.2 The homeowner has made an attempt to regularise the breach by submitting retrospective planning applications. One of these was invalid and the other was refused by Planning Committee.
- 3.3 For the reasons and justification detailed in the refusal of planning permission for the development and that the unauthorised development remains, it is expedient to take formal action to remove the unauthorised development.

4 Recommendations (subject to legal consultation)

- 4.1 Subject to legal consultation, that appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure compliance.

Background Papers and History

21/34943/FUL - Multi-purpose building to provide 2no. Stables, machinery and horse carriage store, internal dog kennels and covered dog exercise yard - application is pending consideration. This application is completely separate to the extension application.

Contact Officer

Jackie Allen, Case Officer, 01785 619527

COND2/00095/EN21
Holmlea
Marston Lane
Marston



WKS2/00223/EN21 - 11 Trinity Gorse, Trinity Fields, Stafford ST16 1SL

Report of Head Development and Head of Law and Administration

Purpose of Report

To consider the erection of a structure surrounding a temporary container and fences in the back garden that are above two metres in height without the benefit of planning permission.

1 Detail

- 1.1 A report was received by Planning Enforcement on 8 October 2021 regarding the installation of an ISO style metal shipping container in the rear garden of 11 Trinity Gorse.
- 1.2 Application 21/34965/HOU - Proposed single-storey side/rear extension with canopies and chimney. A front and rear dormer extension was received 15 September 2021 but was not validated until 27 October 2021. The application would not have been available to view until it had been validated.
- 1.3 Containers are permitted when used in conjunction with associated approved works. The application for the extension was not approved until 24 November 2022 so should not have been on site until that time.
- 1.4 Homeowner was receiving complaints from neighbours about the container which is bright blue. Homeowner decided to erect a structure around the container in order to make it less visually intrusive. The structure is not permitted development due to its height.
- 1.5 Several changes were made to the planning application. At one stage, the homeowner was going to include the fences, structure and container in his application but changed his mind.
- 1.6 The application was approved at Committee following a site visit. The presenting officer noted the container and associated structure and fences as requiring planning permission, but it was not considered as part of the application.
- 1.7 Site visit 20 January 2023 where the homeowner was told that the fence and the structure were unlawful. This was followed up by a letter requesting either removal of the structure or an application for its retention and to reduce the height of the fences. A deadline of 17 February 2023 was given.

- 1.8 Further letter sent 1 March 2023 giving 7 days to rectify the issues or the case would be taken to committee to consider enforcement action.
- 1.9 16 March, response from homeowner to say he had been and is still ill and had not been able to work. Given the circumstances and following approval I advised the homeowner that he should maintain regular contact with me even if it was just to say he was too ill to work.
- 1.10 No contact from homeowner so final letter sent 31 March 2023 giving deadline of 7 April 2023 to regularise the work.

2 Policies

- 2.1 National Planning Policy Framework (as revised on 20 July 2022) Paragraph 59 states, *Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control*
- 2.2 Policy N1 of The Plan for Stafford Borough 2011-2031 sets out design criteria including the requirement for design and layout to take account of local context and to have high design standards which preserve and enhance the character of the area. 11 Trinity Gorse is a semi-detached dwelling located on an end plot within a residential setting. The street scene is characterised by a mixture of single-storey and two-storey dwellings. 11 Trinity Gorse is end house of the row of similarly designed dormer bungalows. Both its front and side elevations are visible from public vantages, and due to the position of the turning head, some portions of its rear elevation and garden where the structure and fencing is located are also visible from neighbouring properties.

3 Conclusion

- 3.1 The structure has been erected within the last four years and without planning permission.
- 3.2 The homeowner has not made any attempts to remove the structure or lower the fences/structure to within the limits and restrictions of permitted development rights, despite a reasonable period of negotiation.
- 3.3 A complaint has been received regarding the proximity of the structure to the neighbour's garden. Since the structure has been erected, they have noticed flooding in their garden where the rainwater is running from the roof of the structure.
- 3.4 The structure is visible at several properties due to its height and size. Neighbours have raised concerns regarding the permanence of the structure and container.

- 3.5 The homeowner has said that the container will be removed from site following completion of the work which he hopes will be by the end of 2023. However, he has also commented that previous work to houses has taken several years.
- 3.6 The development is contrary to Policy N1 of The Plan for Stafford Borough 2011-2031 and the complaints received have detailed the harm caused to neighbouring amenities. Despite a number of attempts to negotiate the removal of the development the owner has not done so. Therefore, officers consider it expedient to proceed with formal action.

4 Recommendations

- 4.1 Subject to legal consultation, that appropriate action be authorised as expedient to include the instigation of court proceedings and any work required to secure compliance.

Background Papers and History

Nil

Contact Officer

Jackie Allen, Planning Enforcement Officer, 01785 619527

WKS2/00223/EN21
11 Trinity Gorse
Trinity Fields
Stafford

