



Civic Centre, Riverside, Stafford

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Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 9 November 2022** 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 Administration

PLANNING COMMITTEE - 9 NOVEMBER 2022

Chairman - Councillor E G R Jones

Vice-Chairman - Councillor P W Jones

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 - 66 |
| 6 Planning Appeals | 67 - 99 |

MEMBERSHIP

Chairman - Councillor E G R Jones

| | |
|--------------|----------------|
| F Beatty | P W Jones |
| A G Cooper | B McKeown |
| A P Edgeller | A Nixon |
| A D Hobbs | G P K Pardesi |
| J Hood | C V Trowbridge |
| E G R Jones | |

ITEM NO 5

ITEM NO 5

 PLANNING COMMITTEE - 9 NOVEMBER 2022

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 |
|--|--|-----------------|
| 21/35369/HOU | Gorsty Hill Farm, Yarnfield Lane, Yarnfield | 4 - 27 |
| <p>The application was called in by Councillor R A James</p> <p>Officer Contact - Sian Wright, Development Lead Telephone 01785 619528</p> | | |
| 21/35026/FUL | 26 Avon Rise, Kingston Hill, Stafford | 28 - 39 |
| <p>The application was called in by Councillors G P K Pardesi and A Nixon</p> <p>Officer Contact - Sian Wright, Development Lead Telephone 01785 619528</p> | | |
| 22/35957/FUL | Highfields Social Club, Barnes Road, Highfields | 40 - 66 |
| <p>The application was called in by Councillor A M Loughran</p> <p>Officer Contact - Richard Wood, Development Lead Telephone 01785 619324</p> | | |

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: | 21/35369/HOU |
| Case Officer: | Hannah Cross |
| Date Registered: | 24 March 2022 |
| Target Decision Date: | 19 May 2022 |
| Extended To: | N/A |
| Address: | Gorsty Hill Farm, Yarnfield Lane, Yarnfield, Stone, ST15 0NJ |
| Ward: | Swynnerton and Oulton |
| Parish: | Yarnfield and Cold Meece |
| Proposal: | Extensions, alterations and refurbishment of existing detached dwelling |
| Applicant: | Mr T Wardle |
| Recommendation: | Approve subject to conditions |

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor R A James (Ward Member for Swynnerton and Oulton) for the following reason: -

"I wish to "Call-in" the above Planning Application as I have reservations on its effect not only to neighbouring properties but to the historic nature of the surrounding area, in particular I would ask the Planning Committee to consider the detrimental effect on the Principle Window of the neighbouring property (Ashgate House) and further to consider what I believe to be inappropriate alterations to a building which has historic implications to both it and the surrounding area".

1.0 CONTEXT

The Application Site

Gorsty Hill Farm is a detached two storey dwelling located in the village and designated settlement of Yarnfield. The dwelling is a historic former farmhouse with a characterful cottage character. There exists with some historic interest by virtue of existing internal parquetry and as such the dwelling is considered a non-designated heritage asset.

Proposed Development

The proposed development is for extensions, alterations and refurbishment of the existing dwelling comprising the following:

Two storey rear extension

Two storey rear extensions involving the demolition of the existing gabled wing of 1.5 storeys in height. The extension is to form a double height kitchen on ground floor and a bathroom on first floor and consists of red facing brick and roof tiles to match existing. External dimensions measure approximately 6.3m (depth) x 4.5m (width) with a ridge height of 5.7m and an eaves height of 3.5m.

Single storey pantry extension

Beyond the two storey rear extension is a timber mono-pitched extension serving a pantry measuring 1.8m (d) x 4.3m (w) with a maximum height of 3.2m and an eaves height of 2.2m.

Single storey corridor link

There is a single storey mono-pitched extension which would serve as a corridor link through the dwelling measuring 2.3m (d) x 5.3m (w) and a maximum height of approx. 3.3m and an eaves height of 2.5m. The link is glazed with three sets of French doors to rear and roof tiles with 3 x rooflights above.

Single storey timber framed orangery

There is a flat roof (with roof lantern above) timber framed, single storey orangery style extension proposed to rear to form a dining room. The extension measures external dimensions of approx 3.1m (d) x 4.5m (w) with a maximum height of approx 3.3m (to top of roof lantern).

Single storey gabled wing extension

A single storey dual-pitched wing extension with solar panels on roof is proposed to form a wet room and bedroom extension. The extension consists of facing brick and roof tiles and measures approximately 8.5m (d) x 4.6m (w) with a maximum height of 4.5m and an eaves height of 2.4m.

Attached to the South West side elevation of this extension is a small canopy to be used for bin storage and heat pump, and a flat roof timber garden store measuring 2.9m (d) x 1.5m (w) x 2.4m (h) and flat roof side porch measuring 2.4m (d) x 1.5m (w) x 2.6m (h).

Front porch

The front porch extension would comprise of a timber frame with a pitched tiled roof measuring approximately 1.5m (d) x 2.9m (w) with a maximum height of 3.5m and an eaves height of 1.9m.

Other external alterations

Other external alterations include the rearrangement of the roof dormers to the front elevation which are proposed to sit more evenly spaced apart, and the rendering of the existing dwelling in a white render finish.

The existing timber windows are proposed to be replaced with painted hardwood windows, which would be double glazed. The design would match the existing side opening timber casements with glazing bars.

Plans also indicate changes to the landscaping of the site to include a parking and turning area on the property frontage and additional block paving to the rear of the site.

Amended Plans

Plans have been amended since the submission of the original scheme to remove the proposed garage/car port structure to the side of the dwelling following concerns surrounding the impact upon neighbour amenity with respect to an adjacent neighbouring principal window at 'Ash Gate House'.

An amended design and heritage statement has also been submitted to refer to the amended plans and to address the impact of the proposal on the architectural and historic significance of the historic farmhouse 'Gorsty Hill Farm' following the comments submitted by the Conservation Officer. The statement includes details of the inglenook fireplace and parquetry referenced by the Conservation Officer.

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

2.0 PRINCIPLE OF DEVELOPMENT

The application site is located within Yarnfield which is listed as one of the settlements in the Sustainable Settlement Hierarchy under Spatial Principle 3 of TPSB and its defined settlement boundary under Policy SB1 and as shown on the associated Inset map

The principle of development is therefore considered to be acceptable given that the property is located within a sustainable location in the Yarnfield settlement boundary, but subject to other material considerations being satisfied, including: -

- Impact upon the character and appearance of the host dwelling and the surrounding area;
- Residential amenity;
- Car parking provision.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF)

Paragraphs 8 & 11

The Plan for Stafford Borough 2011-2031 (TPSB)

Part 1 – Spatial Principle 1 (Presumption in Favour of Sustainable Development, Spatial Principle 3 (Sustainable Settlement Hierarchy), Spatial Principle 7 (Supporting the Location of New Development)

Part 2 – SB1 (Settlement Boundaries)

3.0 CHARACTER, APPEARANCE & HERITAGE

Policy N1 of the TPSB 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. Section 8 of the Supplementary Planning Document on Design (SPD) then provides further detailed guidance on extensions and alterations to dwellings. Policy N9 requires that development proposals pay due regard to, and where possible enhance existing heritage assets.

Rear extensions

Whilst the proposed two storey rear extension and single storey gabled wing extension to comprise of facing brickwork and a tiled roof are considered substantial, the extensions sit comfortably below the ridge of the main dwelling and their pitched design is considered to relate well with the main dwelling. In all the extensions are considered sympathetic to the design and composition of the host dwelling.

Other extensions include a modest single storey, timber framed orangery style extension to and mono-pitched corridor are of a modest scale and their design and character is considered sympathetic to the character of the dwelling.

In all the rear extensions are considered to take a subservient and sympathetic appearance to the existing dwelling.

The extensions will be viewable above the existing boundary wall and fence from the vantage point of 'High Lows Lane' however considered the overall subservient appearance of the extensions as described above it is not considered any detrimental harm to the appearance of the streetscene will result.

Front porch

The front porch sits centrally on the principal elevation of the dwelling and takes a modest form and scale of a sympathetic design to the main dwelling. This addition is therefore found acceptable.

Other external alterations

The existing brickwork is noted to be mismatched and as such the rendering of external walls is considered acceptable subject to an appropriate finish. There are other rendered dwellings in the area to which the dwelling relates, as well as dwellings of a painted brick finish (notably the grade II listed buildings of Boundary Cottage, Elton Cottage and Boundary House located to the south-east of the application site) which take a similar external appearance to the render finish currently proposed. The specification and finish of the render can be dealt with via condition (as recommended by the Conservation Officer) to ensure it is sympathetic to the surrounding area.

The proposed alterations to the existing dormer windows to set these more equally apart is considered acceptable.

The replacement of existing timber windows with replacement timber casements with double glazing is considered acceptable.

Landscaping

The proposal involves the addition of a gravel surfacing on the property frontage to provide a turning area for vehicles, and additional paving slabs to the rear of the site. There is also Marshalls Grass Guard paving proposed to create three parking spaces on the property frontage. Whilst the gravel turning area and additional paving slabs would reduce some of the soft landscaping (lawn) on the site, it is considered sufficient greenery through hedge planting, trees and the grass guard surfacing to parking area would be retained to avoid this having a detrimental impact on the appearance of the streetscene. The permitted development rights of the dwelling must also be acknowledged in this regard.

Heritage impact

The Conservation Officer considers that whilst of some age and character, the application property is not of exceptional architectural quality. It was noted however in the Conservation Officer's advice that the pargeting and inglenook fireplace internally are of historic interest, and the building has a characterful cottage like appearance. As such the dwelling is considered a non-designated heritage asset warranting consideration under paragraph 203 of the NPPF. Recently an application was made to Historic England by a member of the public for the property to be added to the List of Buildings of Special Architectural or Historic Interest. Historic England decided after examining all the records and relevant information and having carefully considered the architectural and historic interest of this case, that the criteria for listing were not fulfilled.

As the building is not designated as a Listed Building, any internal alterations proposed do not require planning permission. Furthermore in assessing this proposal consideration can only be given to the external alterations/extensions proposed which require planning permission. The Conservation Officer is generally supportive of the proposal, considering the proposals in some ways to enhance the appearance of the property by concealing mismatched brickwork and providing more uniformity to the building frontage. The Conservation Officer has however objected to the use of the 100mm thick external insulation proposed on the basis that this will alter the appearance of the property for example by deepening window and door reveals, and has the potential to cause long term

damp issues. It is somewhat unfortunate that the applicant has not chosen to adopt any of the alternatives suggested by the Conservation Officer. However, the issue of thermal improvement raised in the submitted design and heritage statement is acknowledged and it is noted from the amended heritage statement (Section 5) that it is proposed to have the windows moved out in line with the EWI so they aren't set back with large reveals and avoid the need for a large window sill. On this basis, and acknowledging the permitted development rights of the dwelling (set out on page 32 of The Householder Technical Guidance 2019), it is not considered reasonable to attach a condition surrounding external insulation. Other conditions surrounding details of external facing materials, the use of timber for windows, doors and bargeboards and fascias, and conservation type rooflights have been requested by the Conservation Officer and can be included on any permission granted. Subject to conditions it is considered the proposal will not have an adverse impact on the heritage significance of the building or surrounding area.

In all it is not considered the proposal will result in harm to the character, appearance or heritage value of the building or the surrounding area.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF) Paragraph 203

Section 12 - Achieving well-designed places

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document – Design (SPD)

4.0 RESIDENTIAL AMENITY

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.

The proposed rear windows to the extensions on ground floor would face a 1.8m high close boarded boundary fence and hedgerow in between the application property and 'Chestnut House'. There is an obscure glazed side access door and obscure glazed W/C window to Chestnut House which would face towards the extensions however given the existing boundary treatment, and the secondary nature of the windows it is not considered the proposal will be detrimental to the amenities of these neighbouring occupiers.

On first floor there is a triangular section of glazing within the rear gable which would provide light into the double height kitchen. Given there is no first-floor access to this window and its height above the kitchen floor level, it is not considered this will result in any additional overlooking to neighbouring properties.

Following amendments to remove the car port/garage structure to the side of the dwelling, the extensions are sited at a sufficient distance to avoid any in any technical breaches to the Council's SPD Guidelines with respect to amenity (requiring a distance of 8m between principal windows and single storey rear extension and 12m to two storey extensions), and is not considered to be otherwise detrimental to the amenities of occupiers at 'Ash Gate House'.

There is a boundary fence and access track between the application property and nearby flats (nearest being nos 5 and 6) on Chestnut Drive, and whilst the proposal will be viewable at an angle from first floor windows, the proposal will not result in any technical breaches to the Council's SPD Guidelines with respect to amenity and is not considered to be otherwise detrimental to the amenities of these neighbouring occupiers.

There are no other residential amenity concerns associated with the application and in all it is not considered the proposal will result in undue harm to residential amenity.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF)

Paragraph 130

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document – Design (SPD)

5.0 HIGHWAYS AND PARKING

Appendix B of The Plan for Stafford Borough requires 3 parking spaces for a 4-bed dwelling.

This parking provision is shown on the proposed parking area to the property frontage, with further parking provision along the existing access.

The Highway Authority have been consulted on the application and raise no objections to the proposal.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF)

Paragraphs 110 and 111

The Plan for Stafford Borough 2011-2031 (TPSB)

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

CONCLUSION AND PLANNING BALANCE

The proposal is acceptable in principle and is not considered to harm the character and appearance of the dwelling or wider area. There are no significant residential amenity concerns and parking provision is acceptable. It is therefore recommended planning permission be granted subject to conditions.

CONSULTATIONS

Parish Council (to original scheme): Seeking clarification on the heritage status/designation of the building. Note the carport/garage on the boundary would have a detrimental effect on Ashgate House.

Parish Council (to amended scheme, dated 09.06.2022): Welcome the amendment to the plan to remove the proposed car port, however still concerns about the impact of the development on Gorsty Hill Farm and the protection of this heritage asset in the parish.

Parish Council (comments dated 10.10.2022) : It is the parish councils view that the recommendation of the Borough Council's conservation officer set out in her reports, dated 9th May 2022 and 24th June 2022, should be included in any approval that may be granted for this application. That is to say:

- i. The proposals show the brick arched headers of the existing windows to be covered by the new render, it would be the conservation preference that the brick arched headers remain unrendered as a feature of the building.
- ii. The proposed external cladding of the building should be substituted with an insulated render system.
- iii. The applicant should take steps to protect the pargeting from damage.

Reason for the recommendation

To protect the historic aspect of Gorsty Hill Farm.

Neighbours (original scheme):

(16 consulted): 4 representations received raising the following material considerations: -

1 in support – The proposed development will be in-keeping with surrounding buildings. Noting the building is in need of renovation.

3 objections –

- Raising concerns surrounding the impact of the proposed garage in relation to the principal ground floor window at Ash Gate House
- The impact on the character of the historic building and surrounding heritage assets will be harmful.
- Proposed turning area is not discretely located.
- Front porch and realigned first floor windows considered unnecessary domestication of the building's frontage.
- Use of external render will destroy traditional appearance of the building.
- Insufficient publicity has taken place on the application

Neighbours (following amendments to show reduction in height of garage): 5 objections, 3 in support raising the following material considerations:

Objections

- Proposed garage by virtue of its proximity will result in harm to the amenities of neighbouring occupiers at Ash Gate House
- Concern surrounding the extent of the works on the existing farmhouse. Use of reclaimed materials would improve the visual aspect.

In support

- The building will be more attractive than existing
- The property is in need of modernisation and the plans will result in a significant improvement to the outer aspect when passing through the village
- The proposal will allow a tired property to be brought back to life

Neighbours (following final plans to show removal of garage): 3 representations (2 in support, 2 objections) raising the following material considerations:

Objections

- Raising concerns over publicity
- Concerns raised surrounding the accuracy of the Conservation Officer's report
- The porch constitutes a domestic feature which should not be supported on a historic building
- Objection to the proposed render

In support

- Comments noting the proposal would enhance the property aesthetically.
- The building in question is not Listed as should not be restricted as such
- Welcoming the removal of the garage extension to the side of the property

Neighbour comments (further to receipt of amended statement): Two representations received (objections)

Objections (comments summarised)

- The statement submitted fails to assess the significance of the non-designated heritage asset.
- No meaningful heritage impact assessment is provided

- The external insulation proposed would go against Conservation Officer and Historic England advice
- No mention has been made regarding the brick arched headers above the windows
- The impact of the proposal on the internal pargeting and inglenook fireplace is unclear
- Objection to the render finished proposed
- Objection to the removal of the front garden wall and proposed parking area to front of property
- Comments conclude the proposal is contrary to the Stafford Borough Local Plan and the NPPF
- No specification of the proposed heat pump has been provided
- Plans have not been amended to take into account the Conservation Officer's comments

Conservation Officer (original comments summarised):

'Whilst the proposed works to the historic farm cottage are substantial, particularly the rear extensions, overall, I consider them to be in keeping with the rural character of the area, and in some ways would enhance the properties appearance aesthetically by concealing mismatched brickwork and providing more uniformity to the building frontage. No alterations are proposed to the ground floor reception rooms of the original dwelling, which contain the inglenook fireplace and the pargeting, which are the most significant of the building's historic features. There is no conservation objection to the proposed development, subject to the below conditions.

Conditions

1. Notwithstanding any description, details and specifications submitted, detailed specifications and/or samples of the facing brickwork, render, cladding and the roof tiles to be used in the construction of the extension shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. The development shall thereafter be carried out in accordance with the approved details.
2. Notwithstanding any description, details and specifications submitted, all new windows, doors, bargeboards, and fascia boards shall be in timber, and thereafter retained as such for the life of the development.'

Conservation Officer (further comments dated 24.06.2022, comments summarised):

Noting previous comments still stand however raising objection to the proposed external installation :

External insulation will significantly alter the building's appearance, even if it were already rendered. Even then, decorative architectural features such as corncicing, and window surrounds will also be affected. Even though the elevations are quite plain, simple alterations such as the deepening of window and door reveals and the alteration of the eaves lines can markedly alter the building's appearance. In many cases it will be necessary to actually relocate windows and doors further forward in the overall wall thickness in order to minimise the danger of creating cold bridges at the reveals. In addition, such a system has the potential to trap moisture in the building fabric which could manifest as damp internally.

On this basis I have an objection to the installation of the external solid wall insulation. The 100mm external wall insulation should be omitted, materials which can be used as a single coat are available, such as insulating lime renders containing expanded vermiculite, this will not provide the same u-values as the external wall insulation but will still be a thermal improvement over the existing and will not have the same harmful impacts to the character

and appearance of the building, and will also allow the building to breathe and prevent damp.

Conservation Officer (summarised comments dated 30.09.2022):

Refers to the decision from Historic England not to list the property.

Notes the assessment provided within the amended heritage statement dated September 2022 is brief.

Notes that the submitted statement reiterates the intent to use 100mm thick external insulation:

On the basis that no amendments have been received in terms of the external wall insulation thickness, should consent be granted I request a planning condition be included to ensure any external wall insulation is of a natural, hygroscopic, and breathable type and no more than 50mm in overall thickness, and to be finished with a lime render, full details of which to be submitted to an approved in writing by the local planning authority prior to the commencement of any above ground works. This depth should at the very least reduce the impact in terms of changes to the roof, eaves line and window/door openings.

Conditions

Should consent be granted I request the following planning conditions be included.

1. Notwithstanding any description, details and specifications submitted, detailed specifications and/or samples of all external facing materials to be used in the construction of the extensions shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works.

The development shall thereafter be carried out in accordance with the approved details.

2. Notwithstanding any description, details, and specifications submitted, all new external wall insulation shall be of a natural, hygroscopic, and breathable type and finished with a lime render, details, and specifications of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. The development shall thereafter be carried out in accordance with the approved details.
3. Notwithstanding any description, details and specifications submitted, all new windows, doors, bargeboards and fascia boards shall be in painted timber and thereafter retained as such for the life of the development.
4. Notwithstanding any description, details and specifications submitted, all new roof lights shall be of flush conservation type with central glazing bar, and thereafter retained as such for the life of the development.

Highways Authority: No objections to parking and turning areas proposed

Surgery: 20.04.2022

Relevant Planning History

None.

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. The development authorised by this permission shall be carried out in complete accordance with the originally submitted details and specification and the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-

Drawing Number 6135-002D

Drawing Number 6135-003

Drawing Number 6135-004B

3. Notwithstanding any description, details and specifications submitted, detailed specifications and/or samples of the facing brickwork, render, cladding and the roof tiles to be used in the construction of the extension shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. The development shall thereafter be carried out in accordance with the approved details.

4. Notwithstanding any description, details and specifications submitted, all new windows, doors, bargeboards, and fascia boards shall be in timber, and thereafter retained as such for the life of the development.
5. Notwithstanding any description, details and specifications submitted, all new roof lights shall be of flush conservation type with central glazing bar, and thereafter retained as such for the life of the development.

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 ensure the satisfactory appearance of the development in the context of the historic building and its surrounding area (Policy N1 and Policy N9).
4. To ensure the satisfactory appearance of the development in the context of the historic building and its surrounding area (Policy N1 and Policy N9).
5. To ensure the satisfactory appearance of the development in the context of the historic building and its surrounding area (Policy N1 and Policy N9).

Informative(s)

1. In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, 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.

Previous report heard before Planning Committee dates 27 July 2022

| | |
|------------------------------|---|
| Application: | 21/35369/HOU |
| Case Officer: | Hannah Cross |
| Date Registered: | 24 March 2022 |
| Target Decision Date: | 19 May 2022 |
| Extended To: | N/A |
| Address: | Gorsty Hill Farm, Yarnfield Lane, Yarnfield, Stone, ST15 0NJ?? |
| Ward: | Swynnerton and Oulton |
| Parish: | Yarnfield and Cold Meece |
| Proposal: | Extensions, alterations and refurbishment of existing detached dwelling |
| Applicant: | Mr T Wardle |
| Recommendation: | Approve subject to conditions |

REFERRAL TO PLANNING COMMITTEE

This application has been called in by Councillor Roy James (Ward Member for Swynnerton and Oulton) for the following reason: -

"I wish to "Call-in" the above Planning Application as I have reservations on its effect not only to neighbouring properties but to the historic nature of the surrounding area, in particular I would ask the Planning Committee to consider the detrimental effect on the Principle Window of the neighbouring property (Ashgate House) and further to consider what I believe to be inappropriate alterations to a building which has historic implications to both it and the surrounding area".

1.0 CONTEXT**The Application Site**

Gorsty Hill Farm is a detached two storey dwelling located in the village and designated settlement of Yarnfield. The dwelling is a historic former farmhouse with a characterful cottage character. There exists with some historic interest by virtue of existing internal pargeting and as such the dwelling is considered a non-designated heritage asset.

Proposed Development

The proposed development is for extensions, alterations and refurbishment of the existing dwelling comprising the following:

Two storey rear extension

Two storey rear extensions involving the demolition of the existing gabled wing of 1.5 storeys in height. The extension is to form a double height kitchen on ground floor and a bathroom on first floor and consists of red facing brick and roof tiles to match existing. External dimensions measure approximately 6.3m (depth) x 4.5m (width) with a ridge height of 5.7m and an eaves height of 3.5m.

Single storey pantry extension

Beyond the two storey rear extension is a timber mono-pitched extension serving a pantry measuring 1.8m (d) x 4.3m (w) with a maximum height of 3.2m and an eaves height of 2.2m.

Single storey corridor link

There is a single storey mono-pitched extension which would serve as a corridor link through the dwelling measuring 2.3m (d) x 5.3m (w) and a maximum height of approx. 3.3m and an eaves height of 2.5m. The link is glazed with three sets of French doors to rear and roof tiles with 3 x rooflights above.

Single storey timber framed orangery

There is a flat roof (with roof lantern above) timber framed, single storey orangery style extension proposed to rear to form a dining room. The extension measures external dimensions of approx 3.1m (d) x 4.5m (w) with a maximum height of approx 3.3m (to top of roof lantern).

Single storey gabled wing extension

A single storey dual-pitched wing extension with solar panels on roof is proposed to form a wet room and bedroom extension. The extension consists of facing brick and roof tiles and measures approximately 8.5m (d) x 4.6m (w) with a maximum height of 4.5m and an eaves height of 2.4m.

Attached to the South West side elevation of this extension is a small canopy to be used for bin storage and heat pump, and a flat roof timber garden store measuring 2.9m (d) x 1.5m (w) x 2.4m (h) and flat roof side porch measuring 2.4m (d) x 1.5m (w) x 2.6m (h).

Front porch

The front porch extension would comprise of a timber frame with a pitched tiled roof measuring approximately 1.5m (d) x 2.9m (w) with a maximum height of 3.5m and an eaves height of 1.9m.

Other external alterations

Other external alterations include the rearrangement of the roof dormers to the front elevation which are proposed to sit more evenly spaced apart, and the rendering of the existing dwelling in a white render finish.

The existing timber windows are proposed to be replaced with painted hardwood windows, which would be double glazed. The design would match the existing side opening timber casements with glazing bars.

Plans also indicate changes to the landscaping of the site to include a parking and turning area on the property frontage and additional block paving to the rear of the site.

Amended Plans

Plans have been amended since the submission of the original scheme to remove the proposed garage/car port structure to the side of the dwelling following concerns surrounding the impact upon neighbour amenity with respect to an adjacent neighbouring principal window at 'Ash Gate House'.

Planning policy framework

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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

2.0 PRINCIPLE OF DEVELOPMENT

The application site is located within Yarnfield which is listed as one of the settlements in the Sustainable Settlement Hierarchy under Spatial Principle 3 of TPSB and its defined settlement boundary under Policy SB1 and as shown on the associated Inset map

The principle of development is therefore considered to be acceptable given that the property is located within a sustainable location in the Yarnfield settlement boundary, but subject to other material considerations being satisfied, including: -

- Impact upon the character and appearance of the host dwelling and the surrounding area;
- Residential amenity;
- Car parking provision.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF)

Paragraphs 8 & 11

The Plan for Stafford Borough 2011-2031 (TPSB)

Part 1 – Spatial Principle 1 (Presumption in Favour of Sustainable Development, Spatial Principle 3 (Sustainable Settlement Hierarchy), Spatial Principle 7 (Supporting the Location of New Development)

Part 2 – SB1 (Settlement Boundaries)

3.0 CHARACTER, APPEARANCE & HERITAGE

Policy N1 of the TPSB 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. Section 8 of the Supplementary Planning Document on Design (SPD) then provides further detailed guidance on extensions and alterations to dwellings. Policy N9 requires that development proposals pay due regard to, and where possible enhance existing heritage assets.

Rear extensions

Whilst the proposed two storey rear extension and single storey gabled wing extension to comprise of facing brickwork and a tiled roof are considered substantial, the extensions sit comfortably below the ridge of the main dwelling and their pitched design is considered to relate well with the main dwelling. In all the extensions are considered sympathetic to the design and composition of the host dwelling.

Other extensions include a modest single storey, timber framed orangery style extension to and mono-pitched corridor are of a modest scale and their design and character is considered sympathetic to the character of the dwelling.

In all the rear extensions are considered to take a subservient and sympathetic appearance to the existing dwelling.

The extensions will be viewable above the existing boundary wall and fence from the vantage point of 'High Lows Lane' however considered the overall subservient appearance of the extensions as described above it is not considered any detrimental harm to the appearance of the streetscene will result.

Front porch

The front porch sits centrally on the principal elevation of the dwelling and takes a modest form and scale of a sympathetic design to the main dwelling. This addition is therefore found acceptable.

Other external alterations

The existing brickwork is noted to be mismatched and as such the rendering of external walls is considered acceptable subject to an appropriate finish. There are other rendered dwellings in the area to which the dwelling relates, notably the grade II listed buildings of Boundary Cottage, Elton Cottage and Boundary House approximately 40m south-east of the application site.

The proposed alterations to the existing dormer windows to set these more equally apart is considered acceptable.

The replacement of existing timber windows with replacement timber casements with double glazing is considered acceptable.

Landscaping

The proposal involves the addition of a gravel surfacing on the property frontage to provide a turning area for vehicles, and additional paving slabs to the rear of the site. There is also Marshalls Grass Guard paving proposed to create three parking spaces on the property frontage. Whilst the gravel turning area and additional paving slabs would reduce some of the soft landscaping (lawn) on the site, it is considered sufficient greenery through hedge planting, trees and the grass guard surfacing to parking area would be retained to avoid this having a detrimental impact on the appearance of the streetscene. The permitted development rights of the dwelling must also be acknowledged in this regard.

Heritage impact

The Conservation Officer considers that whilst of some age and character, the application property is not of exceptional architectural quality. The Officer however notes the parquetry internally is of historic interest, and the building has a characterful cottage like appearance. As such the dwelling is considered a non-designated heritage asset warranting consideration under paragraph 203 of the NPPF. The Conservation Officer raises no objections to the proposal, considering the proposals in some ways to enhance the appearance of the property by concealing mismatched brickwork and providing more uniformity to the building frontage. Conditions surrounding details of external facing materials and the use of timber for windows, doors and bargeboards and fascias have been requested and can be included on any permission granted. Subject to conditions it is not considered the proposal will have an adverse impact on the heritage significance of the building or surrounding area.

In all it is not considered the proposal will result in harm to the character, appearance or heritage value of the building or the surrounding area.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF) Paragraph 203

Section 12 - Achieving well-designed places

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document – Design (SPD)

4.0 RESIDENTIAL AMENITY

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.

The proposed rear windows to the extensions on ground floor would face a 1.8m high close boarded boundary fence and hedgerow in between the application property and 'Chestnut House'. There is an obscure glazed side access door and obscure glazed W/C window to Chestnut House which would face towards the extensions however given the existing boundary treatment, and the secondary nature of the windows it is not considered the proposal will be detrimental to the amenities of these neighbouring occupiers.

On first floor there is a triangular section of glazing within the rear gable which would provide light into the double height kitchen. Given there is no first-floor access to this window and its height above the kitchen floor level, it is not considered this will result in any additional overlooking to neighbouring properties.

Following amendments to remove the car port/garage structure to the side of the dwelling, the extensions are sited at a sufficient distance to avoid any in any technical breaches to the Council's SPD Guidelines with respect to amenity (requiring a distance of 8m between principal windows and single storey rear extension and 12m to two storey extensions), and is not considered to be otherwise detrimental to the amenities of occupiers at 'Ash Gate House'.

There is a boundary fence and access track between the application property and nearby flats (nearest being nos 5 and 6) on Chestnut Drive, and whilst the proposal will be viewable at an angle from first floor windows, the proposal will not result in any technical breaches to the Council's SPD Guidelines with respect to amenity and is not considered to be otherwise detrimental to the amenities of these neighbouring occupiers.

There are no other residential amenity concerns associated with the application and in all it is not considered the proposal will result in undue harm to residential amenity.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF)

Paragraph 130

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document – Design (SPD)

5.0 HIGHWAYS AND PARKING

Appendix B of The Plan for Stafford Borough requires 3 parking spaces for a 4-bed dwelling.

This parking provision is shown on the proposed parking area to the property frontage, with further parking provision along the existing access.

The Highway Authority have been consulted on the application and raise no objections to the proposal.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF)

Paragraphs 110 and 111

The Plan for Stafford Borough 2011-2031 (TPSB)

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

CONCLUSION AND PLANNING BALANCE

The proposal is acceptable in principle and is not considered to harm the character and appearance of the dwelling or wider area. There are no significant residential amenity concerns and parking provision is acceptable. It is therefore recommended planning permission be granted subject to conditions.

CONSULTATIONS

Parish Council (to original scheme): Seeking clarification on the heritage status/designation of the building. Note the carport/garage on the boundary would have a detrimental effect on Ashgate House.

Parish Council (to amended scheme): Welcome the amendment to the plan to remove the proposed car port, however still concerns about the impact of the development on Gorsty Hill Farm and the protection of this heritage asset in the parish

Neighbours (original scheme):

(16 consulted): 4 representations received raising the following material considerations: -

1 in support – The proposed development will be in-keeping with surrounding buildings. Noting the building is in need of renovation.

3 objections –

- Raising concerns surrounding the impact of the proposed garage in relation to the principal ground floor window at Ash Gate House
- The impact on the character of the historic building and surrounding heritage assets will be harmful.

- Proposed turning area is not discretely located.
- Front porch and realigned first floor windows considered unnecessary domestication of the building's frontage.
- Use of external render will destroy traditional appearance of the building.
- Insufficient publicity has taken place on the application

Neighbours (following amendments to show reduction in height of garage): 5 objections, 3 in support raising the following material considerations:

Objections

- Proposed garage by virtue of its proximity will result in harm to the amenities of neighbouring occupiers at Ash Gate House
- Concern surrounding the extent of the works on the existing farmhouse. Use of reclaimed materials would improve the visual aspect.

In support

- The building will be more attractive than existing
- The property is in need of modernisation and the plans will result in a significant improvement to the outer aspect when passing through the village
- The proposal will allow a tired property to be brought back to life

Neighbours (following final plans to show removal of garage): 3 representations (2 in support, 2 objections) raising the following material considerations:

Objections

- Raising concerns over publicity
- Concerns raised surrounding the accuracy of the Conservation Officer's report
- The porch constitutes a domestic feature which should not be supported on a historic building
- Objection to the proposed render

In support

- Comments noting the proposal would enhance the property aesthetically.
- The building in question is not Listed as should not be restricted as such
- Welcoming the removal of the garage extension to the side of the property

Conservation Officer (comments summarised):

Whilst the proposed works to the historic farm cottage are substantial, particularly the rear extensions, overall, I consider them to be in keeping with the rural character of the area, and in some ways would enhance the properties appearance aesthetically by concealing mismatched brickwork and providing more uniformity to the building frontage. No alterations are proposed to the ground floor reception rooms of the original dwelling, which contain the inglenook fireplace and the pargeting, which are the most significant of the building's historic features. There is no conservation objection to the proposed development, subject to the below conditions.

Conditions

3. Notwithstanding any description, details and specifications submitted, detailed specifications and/or samples of the facing brickwork, render, cladding and the roof tiles to be used in the construction of the extension shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. The development shall thereafter be carried out in accordance with the approved details.
2. Notwithstanding any description, details and specifications submitted, all new windows, doors, bargeboards, and fascia boards shall be in timber, and thereafter retained as such for the life of the development.

Highways Authority: No objections to parking and turning areas proposed

Surgery: 20.04.2022

Relevant Planning History

None.

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. The development authorised by this permission shall be carried out in complete accordance with the originally submitted details and specification and the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence: -
 - Drawing Number 6135-002D
 - Drawing Number 6135-003
 - Drawing Number 6135-004B
3. Notwithstanding any description, details and specifications submitted, detailed specifications and/or samples of the facing brickwork, render, cladding and the roof tiles to be used in the construction of the extension shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

any above ground works. The development shall thereafter be carried out in accordance with the approved details.

4. Notwithstanding any description, details and specifications submitted, all new windows, doors, bargeboards, and fascia boards shall be in timber, and thereafter retained as such for the life of the development.

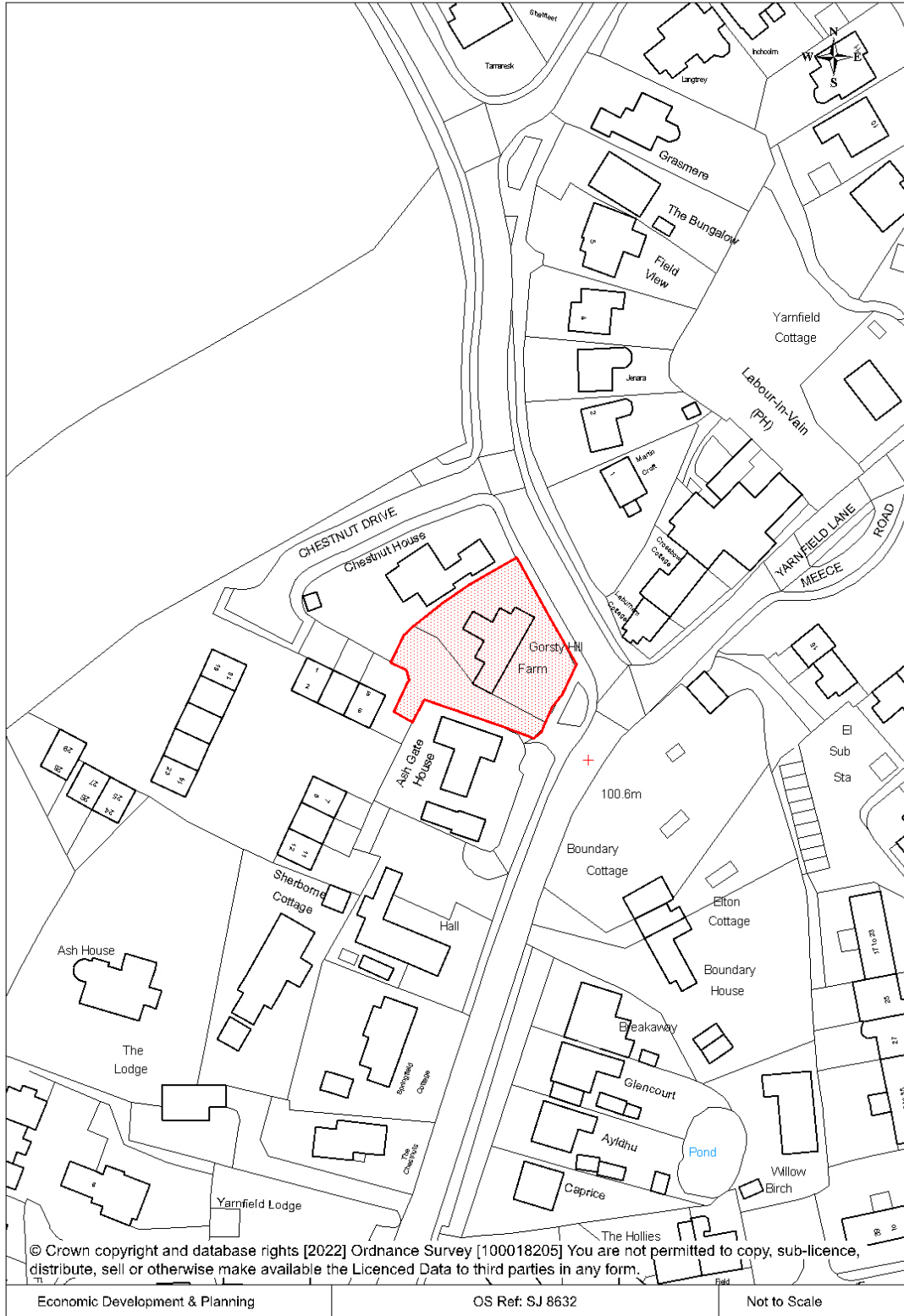
The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development in the context of the historic building and its surrounding area (Policy N1 and Policy N9).
4. To ensure the satisfactory appearance of the development in the context of the historic building and its surrounding area (Policy N1 and Policy N9).

Informative(s)

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, 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.

**21/35369/HOU
Gorsty Hill Farm
Yarnfield Lane
Yarnfield**



Application: 21/35026/FUL

Case Officer: Della Templeton

Date Registered: 1 December 2021

Target Decision Date: 26 January 2022
Extended To: N/A

Address: 26 Avon Rise, Kingston Hill, Stafford, Staffordshire ST16 3XR

Ward: Littleworth

Parish: -

Proposal: Demolition of existing garage and creation of two new housing plots with associated pavement crossing access provided

Applicant: Mr C Stockton

Recommendation: Approve, subject to conditions and legal agreement to secure SAC contribution

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor G P K Pardesi and Councillor A Nixon (Ward Members for Littleworth) for the following reason:

"Can I call in this application on the grounds of massing/over intensification".

Context

The Application Site

The application relates to the curtilage of 26 Avon Rise, a detached, two storey dwelling situated within the established 'Kingston Hill' residential area, within the settlement boundary of Stafford. The majority of surrounding development appears to date from the 1950's/60's and is of brick and tile construction with some elements of render or timber/uPVC cladding. The site slopes downwards from east to west and north to south and the highway (Avon Rise) which bounds the north and west boundaries of the site reflects the sloping nature of surrounding land. Development in the vicinity of the site comprises 2 storey dwellings to the south, west and immediately opposite to the north, and bungalows on both sides of Avon Rise extending uphill to the east. There is an electricity sub-station on the site frontage to the east and the site extends behind this to the neighbouring bungalow's boundary.

The host property has a single storey flat roof garage and entranceway extending to the eastern boundary shared with the sub-station and has terraced garden areas to the rear (south) and extending to the western side of the house. The side garden to the west is

bounded by a well-established beech hedge and there is a combination of low shrubs, timber fencing and leylandii to the southern boundary. There is a double boundary separating the site from its eastern neighbour comprising a low timber picket style fence on the site side and a taller close boarded timber fence on the neighbour side.

The Proposed Development

The proposals involve the demolition of the existing garage and construction of a narrow, 2 storey, 2 bed dwelling between the host property and the sub-station and a further 2 bed bungalow to the south-west of the host property within what is currently garden land.

The bungalow would have vehicular access and two car parking spaces from Avon Rise to the west whilst the host dwelling and new 2 storey dwelling would be accessed from the north via a new access to the host dwelling and the existing dropped crossing utilised for the new one. Each would have two car parking spaces.

Designations

The site forms part of an established residential area within the Stafford settlement boundary.

The application site lies within the 8km zone of influence for the Cannock Chase Special Area of Conservation (SAC) and within a SSSI Impact Risk Zone requiring consultation with Natural England on any net increase in dwelling units. It is also within a low-risk/green zone for Great Crested Newts and therefore does not require consultation.

Consultation with National Air Traffic Services is required in this location on wind turbine/windfarm developments.

Officer Assessment - Key Considerations

Principle of the Proposed Development

The site forms part of the established residential curtilage of 26 Avon Rise. The definition of previously developed land in the NPPF excludes private residential gardens in urban areas and therefore the site is defined as greenfield land. Whilst the NPPF encourages the use of previously developed land it does not exclude the development of greenfield sites.

The site lies within the settlement boundary for Stafford, which is a sustainable location falling within the sustainable settlement hierarchy, as defined by Spatial Principle 3 (SP3) of The Plan for Stafford Borough (TPSB).

Under the provisions of Spatial Principle (SP) 4 the majority of residential development within the Borough is to be focussed within Stafford (70%).

The principle of development is therefore considered to be acceptable, subject to other material considerations being satisfied.

Polices and Guidance: -

National Planning Policy Framework (2021) - Paragraphs: 7, 8, 10, 11, 12, 59, 124

The Plan for Stafford Borough - Policies: 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

Character, Appearance and Amenity

The host property is a 2-storey house and there are other two storey dwellings directly opposite and to the south and west. Properties to the east, along both sides of Avon Rise are single storey however, and there is another bungalow set between 2 storey dwellings to the north-west. It is not considered that a development combining one and two storey dwellings would appear discordant in this context.

The scheme has been amended to reduce the height of the two-storey dwelling which was initially proposed to be taller than the host dwelling with its ridge running parallel to the road resulting in an awkward and overly dominant appearance. The amended scheme would see this property's main ridge running perpendicular to the highway with a small gable projection to each side providing additional internal head height to the landing and bathroom. The front gable apex would be at a similar level to the ridge line of the host dwelling whilst the side gable ridges would line up with the gable apex of the bungalow to the east thus reducing the overall massing of the proposal and providing a more appropriate and cohesive link between the one and two storey development running along Avon Rise.

The new bungalow to the west would be set at a lower ground level than the host dwelling with its ridge roughly aligning with a flat roof element of the existing two storey dwelling (No. 22) to the south of the site. It is considered that the bungalow would appear proportionate within the surrounding context due to its massing and minimal height.

The new dwellings would be constructed using similar materials to the host property and would feature elements of render (bungalow) and timber cladding (two storey unit) as seen in surrounding development. It is considered, overall, that the proposed development would be in keeping with the character and appearance of surrounding development and could be accommodated within the site without appearing cramped or over-developed.

The host dwelling occupies a substantial curtilage which is significantly larger than the majority of neighbouring plots and its subdivision would still afford in excess of 100sqm of private amenity space for each of the dwellings. Furthermore, the disposition of windows is such that there would be a minimum separation of 21m between facing principal elevations and no first-floor principal windows would overlook neighbours' private space at less than 10m distance.

The proposed 2 storey dwelling would project some 3m beyond the rear of the host dwelling but only by 2m at 2 storeys in height and would not breach the 45- or 25-degree rules.

The scheme is therefore considered to be acceptable in regard to the suggested privacy and amenity standards set out within the adopted Design SPD.

Policies and Guidance: -

National Planning Policy Framework (2021) - Section 12 Achieving well-designed places

The Plan for Stafford Borough - Policies N1 Design

Supplementary Planning Document (SPD) - Design

Access and Parking

The proposed development would occupy a roughly rectangular corner plot with highway frontage to its north and west boundaries and an existing access serving the host dwelling close to the eastern edge of the northern boundary. The existing access would be utilised to serve the new two storey dwelling with a new access created some 5.5m to the west of this to serve the host. The new bungalow would be served by a second new access at the southern edge of the western boundary close to neighbouring property, number 22 Avon Rise. Each dwelling would be provided with a driveway sufficient to park 2 cars.

The Highways Authority has no objection subject to conditions to secure adequate visibility at the access points and ensure access, parking, servicing and turning areas are provided prior to first occupation.

The Highways Authority also require the dropped crossing to the site to be constructed in accordance with submitted plans and note that this will require Section 184 Notice of Approval form SCC and it is considered appropriate to include an informative note to this effect.

The concerns of neighbouring residents are noted but, in the absence of any objection from the Highways Authority, refusal on highway safety grounds would not be sustainable.

Policies and Guidance: -

National Planning Policy Framework (2021) - Section 9. Promoting sustainable transport

The Plan for Stafford Borough - Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B - Car Parking Standards

Other matters

Trees

The application plans and photos clearly show trees on the site and its boundaries and this was confirmed at the site visit. As a result, the Council's Tree Officer requested a tree survey and arboricultural impact assessment in accordance with BS5837 which was subsequently provided.

Following receipt of the impact assessment, the Tree Officer has no objection subject to a condition to secure compliance with the assessment report and a standard requirement that works to trees and hedges are not carried out during bird nesting season.

SAC Impact

The site lies within 8km of the Cannock Chase Special Area of Conservation (SAC). Evidence shows that any development which would increase the human population, tourism or visitor use within 15km of the Cannock Chase SAC may have a significant impact on the site. The Council must ensure that decisions made on applications will not have a negative impact on Cannock Chase SAC, in line with Policy N6 of the Plan for Stafford Borough. If there are any potential negative impacts, the Council must either refuse development, or ensure there are appropriate mitigation measures in place.

The Council has produced 'Guidance to mitigate the impact of new residential development' which suggests suitable mitigation could be achieved through a financial contribution scheme requiring a payment of £290.58 per net additional home created through development. This can be secured by way of a Unilateral undertaking which will be progressed alongside this application.

The Council has completed a Habitat Regulation Assessment which has been forwarded to Natural England who have confirmed that they have no objections

Position of boundaries

It has been pointed out by a neighbour that there is a double boundary to the eastern edge of the site with a low picket fence defining the actual extent of ownership and a second boundary on the neighbours' side to provide additional security/privacy and that there is a tree between the two fences. Both the land and tree between the fences belongs to the neighbour who is keen to ensure that there is no assumption in future that this land belongs to number 26. Whilst there is some sympathy for the neighbours' position, the grant of planning permission would not convey any ownership rights on future occupants and the position of fencing and ownership of land is a civil matter between the parties involved.

Noise and general disturbance/disruption

It is considered that the addition of one new dwelling to the locality is unlikely to create unacceptable levels of noise and disruption. However, it is considered appropriate to attach a condition to restrict the timing of site works, demolition, and deliveries to the site to ensure that the amenity of the neighbouring properties is protected during construction.

Western Power Distribution has highlighted potential nuisance to occupants of the development due to proximity to the electricity substation but as they have not actually objected to the proposal, it would not be sustainable to refuse on this basis. An informative is recommended to draw the developers' attention to their comments.

Time allowed for consultations

Letters sent to neighbours gave 21 days for comments ending on 31 December 2021 and, in addition, a site notice was displayed with a closing date for comments of 12 January 2022 meaning that neighbours actually had more than 30 days in which to comment on the proposals.

Neighbours point out that there were issues with the Council's website which prevented them from accessing the relevant information to assess the proposals. It is understood that the issues were intermittent and there was a note on the website acknowledging that there was an issue, apologising for inconvenience and offering an alternative means of providing comments.

Neighbours have also been provided with a further opportunity to comment due to the receipt of amended plans which gives a final consultation closing date of 6 October 2022.

Policies and Guidance: -

National Planning Policy Framework (2021)

Paragraphs: 179, 180, 181, 182

The Plan for Stafford Borough

Policies: N1 Design, N4 The Natural Environment and Green Infrastructure; N6 Cannock Chase Special Area of Conservation

Conclusion and Planning Balance

Residential development is appropriate in principle in this location and the proposed development is considered to be acceptable having regard to design, amenity and highways issues etc. The proposal complies with aforementioned policies of TPSB and with national guidance set within the NPPF.

Furthermore, with suitable mitigation secured by way of a Unilateral Undertaking, the development would not result in any significant impacts on the Cannock Chase Special Area of Conservation.

Consultations

Highway Authority:

No objections on highway grounds subject to conditions related to parking/servicing/turning areas, access and visibility splays.

Parish Council: N/A

Arboricultural Officer:

I have no objections to the proposed subject the attached being added to any permissions:

Arb Method Statement/Tree Protection Plan - compliance

All measures within the approved Tree Protection Plans and Arboricultural Method Statements shall be implemented and maintained throughout development of each phase until completion of all construction related activity in that phase, unless agreed otherwise in writing with the local planning authority.

Bird Nesting Season - compliance

Works to hedgerows and trees shall not be undertaken in the bird nesting season (March to August) unless it can be demonstrated that breeding birds will not be affected, through the submission, approval in writing by the local planning authority and subsequent implementation in accordance with the approved details of a method statement for the protection/avoidance of nesting birds. This may include timing of work, pre-work checks, avoiding nesting areas.

Natural England:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Biodiversity Officer:

No comments other than including the usual condition for no vegetation clearance during the nesting season.

Western Power Distribution:

There may be National Grid assets in the vicinity of the development works. - specifics cannot be given as no plan has been provided to us with regard to the above application. It is strongly advised that the developer contacts National Grid 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.

National Grid would advise that no dwellings are erected within a minimum distance of 5m from a substation due to noise and if possible 9m from the boundary of the substation in the case of high EPR sites

Also, to prevent incursion into areas where National Grid have cable/access rights and property ownership - particularly with regard to substations and their access, the landowner/developer must contact National Grid prior to 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 National Grid 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 National Grid 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.

For safety, the applicant must consult with National Grid regarding the siting of any new buildings close to substations.

In order that connections can be made in a timely manner - any new or augmented connections for any proposed scheme must be applied for by the customer in order ascertain the scope and associated costs of works. The developer may need to

incorporate a substation plot into their design if the development has high load requirements - developer should consult with National Grid local teams to ascertain if this is necessary at the design stage

All electricity apparatus must be treated as Live until proven dead.

The following further clarification was subsequently provided:

As per my previous correspondence, National Grid would advise against construction of any dwelling within 5m of a substation due to noise - specifically humming, brought about as a result of magnetostriction within the transformer core - this is idiosyncratic of all transformers and the humming mainly becomes audible at night as background noise dissipates.

National Grid however have no jurisdiction over construction works on 3rd party land and if the dwelling is to be built on the existing garage footprint, the noise element of the substation in close proximity of dwelling rooms (particularly bedrooms) will need to be considered by the landowner/builder.

Access to the substation is from the front via Avon Rise, however there are brick elevations to 3 sides, one or two of which may be impeded by the new construction/s. From a safety and maintenance perspective National Grid would request that the existing current space around the substation is maintained so as it can be accessed for inspection or asset replacement.

Neighbours (13 consulted):

9 responses: Material planning considerations summarised below:

- Highway safety - access on dangerous blind bend
- Increased traffic and potential on-street parking
- Inadequate visibility at points of access onto Avon Rise
- Insufficient parking proposed
- Noise/disruption during construction
- Development not in keeping with surroundings
- Over-intensive development/cramped appearance
- Too close to substation
- Loss of privacy overlooking of neighbouring bungalows and gardens
- Trees in neighbouring gardens should not be affected
- Existing boundaries should remain
- Loss of outlook

- Reduced time for neighbours to consider proposals due to Christmas/New Year break and issues with Council website not working
- Impact on wildlife

Neighbours have been reconsulted in respect of amendments to the scheme with comments expected by 6 October. 2 responses have been received as of 4 October and any further representations will be reported verbally. In addition to previous objections, the following material considerations have been raised:

- Great Crested Newt Impact
- Development at neighbouring property not in accordance with planning approval
- Inaccuracy of plans

Site Notice: 22.12.2021

Expiry date: 12.01.2022

Relevant Planning History

N/A

Recommendation

Approve, subject to conditions and legal agreement to secure SAC contribution

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 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: -

PL 100 revision A - Existing Site Layout and Location Plans

PL 101 - Existing Floor Plans and Elevations

PL 103 revision A - Proposed Site Layout and Location Plans

PL 104 revision A - Proposed Floor Plans and Elevations of New Dwelling Nos 24a and 26a

PL 105 - Proposed Floor Plans and Elevations of Dwelling No. 26

PL 106 revision A - Existing and Proposed Street Views

PL 107 - Visibility splays and pavement crossing details for new drives

3. Before any vehicles, machinery, equipment or materials are brought onto the site or any above ground development is commenced, full details of the 1.5(m) X 1.5(m) pedestrian visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The visibility splay shall be provided in accordance with the approved plan prior to the commencement of any above ground development and shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level for the life of the development.
4. All measures within the approved Tree Protection Plans and Arboricultural Method Statements shall be implemented and maintained throughout development of each phase until completion of all construction related activity in that phase, unless agreed otherwise in writing with the local planning authority.
5. The development hereby approved shall be completed using brickwork and roof tiles which closely match in colour and texture those of the host dwelling at 26 Avon Rise.
6. All works, including demolition, site works and construction together with any deliveries to the site during the construction phase shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, 8.00am and 2:00pm on Saturdays and not at all on Sundays, Bank Holidays or other Public Holidays.
7. All windows above ground floor level, located in a wall or roof slop forming a side elevation of the 2-storey dwelling hereby approved or a wall or roof slope forming the east or south elevation of the single storey dwelling hereby approved shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
8. Before any part of the development hereby approved is first occupied, the access, parking, servicing and turning areas shall be provided in accordance with the approved plans.

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. In the interests of the safety and convenience of pedestrians. (Policy T1 and N1o of The Plan for Stafford Borough).
4. To ensure adequate protection for trees during construction. (Policy N8 of The Plan for Stafford Borough).
5. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
6. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).

7. To ensure an adequate level of privacy for occupiers of adjacent residential properties (Policy N1e and Stafford Borough Council Space About Dwellings Guidance)
8. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).

Informative(s)

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, 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.
- 2 The dropped crossing to the site shall be constructed in accordance with the submitted drawing no PL107. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle

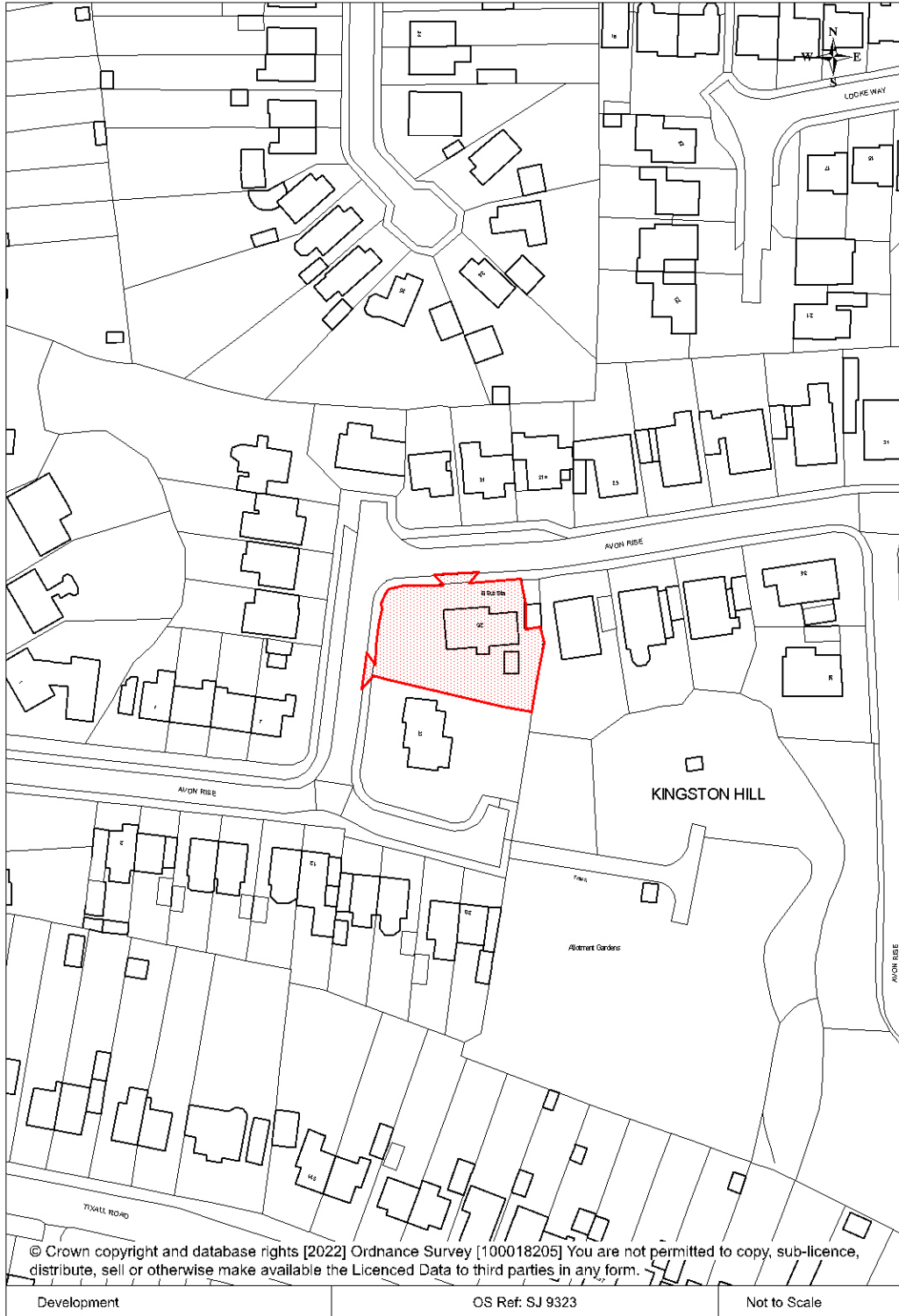
dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at

Network Management Unit
Staffordshire Place
1, Wedgwood Building
Tipping Street
Stafford
ST16 2DH

(Or email to nmu@staffordshire.gov.uk)
www.staffordshire.gov.uk/Highways/licences/Homes.aspx

- 3 Works to hedgerows and trees shall not be undertaken in the bird nesting season (March to August) unless it can be demonstrated that breeding birds will not be affected, through the submission, approval in writing by the local planning authority and subsequent implementation in accordance with the approved details of a method statement for the protection/avoidance of nesting birds. This may include timing of work, pre-work checks, avoiding nesting areas
- 4 The applicant's attention is drawn to the comments of the National Grid as submitted in response to consultations on this application. All comments can be viewed online through the planning public access pages of the Council's website at (www.staffordbc.gov.uk)

21/35026/FUL
26 Avon Rise
Kingston Hill
Stafford



| | |
|------------------------------|--|
| Application: | 22/35957/FUL |
| Case Officer: | Ed Handley |
| Date Registered: | 26 May 2022 |
| Target Decision Date: | 25 August 2022 |
| Extended To: | N/A |
| Address: | Highfields Social Club, Barnes Road, Stafford |
| Ward: | Highfields and Western Downs |
| Parish: | - |
| Proposal: | Demolition of existing social club and construction of 18 new affordable dwelling houses and flats including all associated external works, landscaping and infrastructure |
| Applicant: | Hodgkinson Builders Ltd |
| Recommendation: | Approve, subject to conditions, and to the applicant entering into a s106 agreement |

REASON FOR REFERRAL TO COMMITTEE

Section 3.5.1 (e) (iv) of the Council's Constitution provides that a Ward Councillor from an adjoining ward may call in a planning application where that application could adversely affect one of their constituents living in a property abutting the site of the proposed development.

This application has been called in by Councillor A M Loughran (Ward Member for Manor) for the following reason(s):-

"Over intensification of site and it's detrimental effect on neighbouring properties".

Context

The site

The application site covers an area measuring approximately 0.275ha which lies between Barnes Road and Rising Brook. There is open green space to the southwest and allotments to the northeast. The site currently comprises the vacant former Highfields Social Club and associated landscaping, including parking provision to the northwest.

The site is in the settlement boundary for Stafford, within 8km of the Cannock Chase SAC (special area of conservation) and the Cannock Chase SSSI. The southeast boundary of the site is adjacent to Rising Brook and is in flood zone 3. There is also a flooding hotspot

recorded at the site. The site is within a blanket Tree Preservation Order (TPO) (No.1 CSB of 1949) and there is a further group TPO on the bank of the brook (No.46 of 1976).

The proposal

This application is for the demolition of the existing social club building and redevelopment of the site comprising the erection of a 10-unit three-storey block of flats, seven two-storey dwellings, and one detached bungalow. The site would comprise entirely affordable housing.

The three-storey building (flats) would have maximum dimensions measuring 18.10m x 21.90m with a height of 9.1m and would comprise of various mono-pitch and flat roofs. The apartment block would be located to the rear (east) of the site and accessed via a new private drive off Barnes Road.

House type 'A' comprises a three-bedroom, two-storey dwelling which measures 5.35m x 9.35m with a height of 9.25m. There would be seven of these houses, forming two semi-detached pairs and a terraced row of three, all fronting Barnes Road. Units 4 and 5 which would flank the private drive would have two small windows on their side elevation serving the kitchen/dining room and bedroom 3. The other units would have blank side elevations.

House Type 'B' comprises a three-bedroom bungalow which would have a rectangular footprint measuring 11.55m x 8.45m. The ridge height would be 5.1m above ground level. The single bungalow would front Barnes Road at the southwest corner of the site and openings would be focussed on the front (northwest) and rear (southeast) elevations.

External materials of the dwellinghouses would comprise red facing brick and grey roof tiles, with grey uPVC windows, soffits, and fascias, and black rainwater goods. The three-storey block would have elements of facing brick, Trespa rainscreen cladding panels and render.

This application follows the withdrawal of application 19/31353/FUL and refusal of application 20/33494/FUL and presents an amended scheme. Application 20/33494/FUL was refused for the following reasons:

- 1) *The proposed development, by reason of the inadequate separation distance and intervening garden space between the apartment block and plots 5-7, would result in an unacceptable level of overlooking and consequent loss of privacy for the future occupiers of plots 5-7. Furthermore, this impact would be exacerbated by the presence of principal windows on the second floor of the apartment block which would provide a greater downward angle of overlooking to the rear principal windows and private garden areas of plots 5-7. The development is therefore contrary to the provisions of policy N1 (e) of The Plan for Stafford Borough, paragraph 130 (f) of the National Planning Policy Framework, and guideline 6 of the Council's Design Supplementary Planning Document.*
- 2) *The proposed development, by reason of the orientation and layout of the apartment block and dwellinghouses, would fail to provide an adequate level of amenity for future occupiers in terms of the inadequate outlook to ground floor windows and the provision of insufficient recycling/refuse bin storage facilities. The proposed development is therefore contrary to the provisions of policy N1 (e) and*

(j) of The Plan for Stafford Borough and paragraph 130 (b) and (f) of the National Planning Policy Framework.

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

The application site is located within the settlement boundary for Stafford as defined in TPSB.

Under the provisions of Spatial Principle (SP) 4 the majority of residential development within the Borough is to be focussed within Stafford (70%).

Policy Stafford 1 seeks to enhance Stafford's role as the County town by increasing both the range and quality of services and facilities. Furthermore, part 2 of TPSB states that the provision of social and community facilities is integral to supporting sustainable communities and it is important to protect existing facilities. Notwithstanding this, public houses (drinking establishments) are not protected where they are located within the settlement boundaries of Stafford and Stone.

The proposal would result in the loss of the social club which was considered to comprise a drinking establishment (sui generis). The provisions of policy SB2 are therefore not considered to be relevant in the consideration of this application.

The principle of development is therefore considered to be acceptable, subject to other material considerations.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 7, 8, 10, 11, 63, 65, 69, 92, 93 and 94

The Plan for Stafford Borough

Policies: SP1 presumption in favour of sustainable development; SP3 Stafford Borough sustainable settlement hierarchy; SP4 Stafford Borough housing growth distribution; SP7 Supporting the location of new development; Stafford 1 Stafford town; C1 Dwelling types and sizes; C2 Affordable housing

The Plan for Stafford Borough: Part 2

Policies: SB1 Settlement boundaries; SB2 Protected social and community facilities

2. Heritage, character, and appearance

The application site lies in an area surrounded by three distinct built characters. The site is readily viewed as being part of the area of Highfields which extends to the north and west where the general character of the immediate area is derived from the post war housing comprising a mix of two-storey semi-detached and terraced houses and three-storey blocks of flats with render and some brick elevations. To the south lies more modern development comprising mostly brick and tile link-detached houses, whilst to the south and east lies the Burton Manor Village Conservation Area, the boundary of which runs along the southeast boundary of the application site.

The latter two areas are separated from the site by green open space and mature trees along Rising Brook, whilst the site fronts onto Barnes Road within Highfields. Inter-visibility between these distinct areas is somewhat limited due to the tree cover. The site lies at a lower level than the land to the west which rises up along Bagots Oak. The buildings on the other side (west) of Barnes Road are on significantly higher ground. From the site there is no discernible change in ground levels leading to the Burton Manor Village Conservation Area.

The Council's Conservation Officer acknowledges that the proposed scheme includes a block with a height less than that proposed under 20/33494/FUL and that earlier concerns regarding visibility from the conservation area are adequately resolved. The dense tree belt adjacent to Rising Brook is a key characteristic of the conservation area and it is acknowledged that the once rural setting was a fundamental part of the original design of the model village. However, it is clear that the setting of the conservation area has evolved significantly since Burton Manor Village was built. The large rear gardens and generally open green corridor along Rising Brook help to retain the historic setting of the conservation area. Although it is acknowledged that the siting of the three-storey block would impact somewhat upon this setting, given the varying ground levels within the site and the reduced height of the proposed three-storey block it is evident that the trees along the watercourse would continue to provide a good level of screening in views from the conservation area. It is considered that the rural setting of the conservation area was lost many years ago following the development of the Highfields estate and therefore it is considered that the impact of the proposed building upon its setting should be considered within its suburban context. It is not considered that the proposal would result in any undue harm to the significance of the Burton Manor Village conservation area.

Notwithstanding this, a condition is recommended relating to external materials. Whilst it is this level of detailed design of the proposed buildings is not likely to result in any concern with regard to the significance of the heritage asset, matters relating to design and materials are considered in detail below and with regard to the comments of the Council's Design Advisor.

Within the immediate vicinity there is a relatively linear character to development, however there are numerous instances of cul-de-sacs where the pattern of development significantly changes from the primary routes through the area.

The existing social club building is an undistinguished modern single-storey building. The building's flat-roof sprawling form offers little to the street scene and the impact it exerts is exacerbated by the blank elevation which faces onto Barnes Road. Furthermore, this elevation is littered with external plant. It is not considered that the demolition of the existing building would result in any loss to the overall qualities of the area.

The majority of the proposed development would front onto Barnes Road. The general layout of units 1-8 is considered to be acceptable in that it would allow for long-range views to be continued through the site opposite Bagots Oak and provide a continuous active frontage, complementary to the surrounding built form.

The Council's Design Advisor states that the overall disposition and layout of the proposed development is very similar to the previous application and is consequently considered to be broadly acceptable in design terms.

The arrangement proposed along the Barnes Road frontage would result in a reasonably cohesive building line and whilst a greater set back may be more appropriate in this location, it is considered that the overall impression of the development in the wider street scene would be acceptable on balance. Whilst being set back further from the street the visual dominance of the existing three-storey buildings to the north of the site along Barnes Road must be acknowledged in this regard.

The Design Advisor raised only one element of concern with regard to the scheme as submitted, in that the proposed siting of the bin store would have resulted in it sitting awkwardly within the central area of public realm where it would form a not particularly attractive focal feature. The applicant has consequently revised the scheme and the bin store would be sited adjacent to parking space A10 in a less prominent but still reasonably overlooked part of the site in order to overcome this concern.

With regard to the apartment building, it is acknowledged that adjacent to units 5-8 it has been reduced from three to two storeys since the earlier application; consequently, the height and its resultant dominance over gardens is reduced and the three-dimensional massing and composition of the proposed building has been improved to a point where it is far more sensitive and visually engaging within its wider setting. Whilst the elevational design remains visually 'busy', the revised massing assists in the approach to providing a building of appropriate architectural quality and, on balance, the quality is sufficient to mitigate the impacts of the building upon its wider setting.

In order to ensure that the wider aesthetic and functional qualities of the proposed scheme are appropriately articulated the choice of quality materials and detailing as well as the hard landscaped areas will be important; the Council's Design Advisor recommends that a condition is attached to any approval to ensure the control of this element of the design, such a condition should secure precise details of the brickwork, render, roof finishes, cladding panels, projecting window surrounds, balconies, Juliet balconies, external fencing, bin stores, fascias, eaves, soffits, rainwater goods, window and door systems, external steps, and external stairs.

Whilst the architectural design of the houses is not considered to be of particularly high quality, they are not so poor as to be unacceptable and no objection is raised with regard to their massing or detailed design. The use of appropriate materials would also assist in assimilating the buildings into their surroundings.

It must be acknowledged that facing brick is not the dominant material in the immediate vicinity, although its use is conspicuous on surrounding properties. It is considered that the use of a red multi brick and grey tiles would be appropriate within this area. Whilst the proposed cladding of the apartment block would not appear to be a common material in the vicinity it is not considered to be such an inappropriate material for use on an

apartment block within this suburban setting which would justify the refusal of the application.

A broad landscaping scheme has been provided. The frontage to Barnes Road would benefit from areas of planting to break up the hard surfaces required for access and parking. Defensible space would generally be provided adjacent to Barnes Road, bound by hedgerows with new trees planted within the front gardens and small private spaces would be provided for occupants of four ground floor flats.

It is considered that a defensive hedge buffer to the outside of the southwest boundary treatment to plot 1 would serve a dual purpose of softening the appearance of the development within its open setting and providing a security benefit for the occupiers of this plot. Such provision should be included within any further detailed landscaping scheme to be secured by condition.

Some demarcated defensible space would be provided around the ground floor windows of the apartment block, separated from the remaining open space by railings.

It is acknowledged that a covered cycle store and bin stores are proposed; the bin stores would comprise hit and miss timber fencing whilst the proposed cycle store would comprise an open fronted shelter with Sheffield stands. Considering the comments of Staffordshire Police in this regard it is considered that details of a secure, access controlled, cycle store to be sited in the same location should be secured by condition.

Policies and Guidance:-

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

The Plan for Stafford Borough

Policies: N1 Design; N8 Landscape character; N9 Historic environment
Supplementary Planning Document (SPD) - Design

3. Residential amenity

There would be no implications to residential amenity with regard to existing properties along Barnes Road as the proposed dwellings would front the highway and achieve an appropriate separation distance of 21m.

The separation distance between facing principal windows to the proposed apartment block to those on the rear elevations of plots 5-7 would measure 13.35m. Whilst it relates to extensions and alterations to existing dwellings and isn't strictly relevant in this context, guideline 6 of the Council's Design SPD is considered to be a reasonable starting point in considering the relationship between the proposed units. Guideline 6 recommends a minimum distance of 12m from a principal window when it faces the wall of another dwelling within more than one storey with no principal window. The northwest elevation of the proposed apartment block would have secondary principal windows at ground floor to units 1A and 2B and non-principal windows (by virtue of their obscure glazing) to units 5A and 6B above. Whilst the application documents indicate that the northwest-facing windows would be top-hung and have restricted opening it is considered that a condition should ensure that these first-floor windows are obscure glazed and non-opening to a

height of 1.7m above finished floor level in order to achieve appropriate levels of privacy for occupiers of both the proposed flats and the dwellings. A 1.8m close-boarded fence would be erected on the boundary between the flats and units 5-7 which would provide adequate privacy at ground floor level. On this basis, it is consequently considered that the separation distance between the proposed flats and dwellings would be acceptable with regard to residential amenity.

Views from the balcony to unit 6B on the northeast elevation towards the proposed dwellings (plots 7 and 8) would be restricted by a privacy screen which should be secured by condition. It is not considered that views from other proposed balconies would result in a level of overlooking which would cause undue harm to privacy given the distance of separation involved.

The proposed apartment block would have a regularly spaced group of windows on the northwest elevation serving the living room/kitchen of four flats. A condition should be attached to any approval to ensure that these windows are obscure glazed and non-opening. Adequate outlook would be achieved from these open plan rooms via windows to the northeast and southwest elevations. Whilst the northwest facing windows would provide inadequate outlook, the through-rooms which these windows would serve would benefit from adequate outlook from the living space and natural light into the kitchens; outlook achieved from these rooms would be a minimum of 7.0m to the adjacent boundaries.

Consequently, it is considered that the proposal would provide an acceptable standard of amenity for future occupiers.

With regard to the relationship between existing dwellings at Hambridge Close and Manor Green to the southeast, it is not considered that any views from the ground floor flats would result in any undue level of overlooking. At first floor a Juliet balcony is proposed to the southwest elevation and fully accessible balconies are proposed to the first and second floor of the northeast elevation. It is not considered that these would result in any undue loss of privacy with regard to the occupiers of existing properties given the direction of any views and the separation distance from the boundaries, and consequently any private garden areas. Two upper floor windows on the southeast elevation would be in close proximity to the open boundary onto the watercourse, yet over 10.5m to the boundary of the adjacent properties on Manor Green. Such separation distances are considered to be entirely reasonable within a suburban location where many first-floor principal windows are situated only 10.5m from shared rear boundaries and 21m from a direct facing window.

Windows to plot 1 would be focussed on the front (northwest) and rear (southeast) elevations facing the highway and private garden respectively. Outlook would be limited from bedroom 1 as the principal window would face the rear boundary of the site at a distance of 5.35m. However, there is no relevant policy to secure specific distances, it must be acknowledged that previous guidance required only 6.0m in such a situation, and that one such shortcoming should not justify the refusal of a wholly affordable housing scheme.

Windows to plots 2-8 would be focussed on the front (northwest) and rear (southeast) elevations facing the highway and private gardens respectively. A small side-facing window at ground and first floor level would be provided within plots 4 and 5. The first

floor window would afford some passive surveillance of the parking area. Adequate outlook would also be achieved from all habitable rooms.

Whilst it is acknowledged that the location of allocated parking spaces to unit 2 being directly outside of unit 1 isn't an ideal solution and the comments made by Staffordshire Police are acknowledged, it is considered that such a situation would be similar to traditional terraced properties which abut the highway and any potential impacts to privacy are likely to be fleeting as occupiers come and go from their vehicles.

Plots 2, 5, and 8 would not benefit from the 65sqm of private garden space recommended by guideline 3 of the Council's Design SPD. It is acknowledged however that the proposed development is for 100% affordable housing and some people requiring such housing would not wish for a large garden. It should also be acknowledged that the garden sizes are not excessively small, each being over 62sqm in size and the application site is in very close proximity to the Barnes Road play area. Consequently the garden areas to serve the proposed dwellings are considered to be acceptable.

Whilst an adequately screened balcony or private space is recommended for flats a similar consideration is given in that there would be some shared space around the block, it is also in close proximity to the Barnes Road play area, and a number of people may not be looking for any significant amount of external space.

Guideline 4 of the SPD requires the provision for storage of wheeled bins, to allow for three bins per dwellinghouse which would be sensitively located and designed. It is considered that bin storage within the rear garden of each of the proposed dwellings would be appropriate and acceptable.

Guideline 5 requires the provision of adequate storage for bins for flats, to allow for two Euro bins and five recycling bins. The proposed provision of bin storage for the flats would be adequate in this regard.

The Council's Environmental Health Officer raises no objection to the proposal, subject to a number of conditions, including a pre-commencement condition to secure a demolition and construction methodology to prevent nuisance during these phases of development; such a methodology should include details relating to the presence of asbestos and the use and siting of any brick crusher. Furthermore, conditions are recommended with regard to a number of concerns during the development phase; whilst most are considered to be appropriate given the nature of the development and the context of the site it is considered that internal insulation between flats is best controlled under building regulation legislation.

Policies and Guidance:-

National Planning Policy Framework
Paragraph: 130

The Plan for Stafford Borough
Policies: N1 Design
Supplementary Planning Document (SPD) – Design

4. Access and parking

Units 1, 2, 6, and 7 would each benefit from a private vehicular crossing to access two parking spaces per dwelling. Units 3, 4, 5 and 8 would have two parking spaces within the shared parking area accessed from the short private road. Each of the remaining 10 parking spaces would be allocated to a specific flat.

The provision of two spaces per dwellinghouse would meet the requirements of local plan parking standards. A block of 10 flats would require one space per unit and one per four units for visitors; it is acknowledged therefore that there would be a shortfall of one parking space within the proposed layout which would relate to the substandard provision of visitors' spaces for the flats.

The Highway Authority raise no objection to the proposed development, subject to a number of conditions, on the basis that the shortfall of parking spaces would not result in undue harm to the operation of the local highway network as the site is within easy walking distance of bus stops with a regular connection. Furthermore, a compromise is made between the number of access crossings off Barnes Road and the potential for occupiers of the proposed properties fronting the highway parking on Barnes Road.

The recommended conditions, which are considered to be appropriate in this instance and which should be attached to any approval, relate to the following:

- Provision of access, parking, servicing, and turning areas.
- Provision of visibility splays for each access off Barnes Road in accordance with the approved plans, and their retention in perpetuity.
- Closure of the existing site access which is to be made redundant as a consequence of the proposed development, and the reinstatement of the crossing as verge/footway.
- The development to be carried out in accordance with a construction environmental management plan to be approved prior to the commencement of development.

The proposed site plan indicates the provision of an external cycle store adjacent to the apartment block. The cycle store would benefit from limited passive surveillance from the flats but would be in close proximity to the shared entrance. It is not considered that the proposed siting of the cycle store would justify refusal of this application, however details of an appropriately secure, access-controlled cycle store, should be secured by condition.

With regard to the comments of the Highway Authority it is considered that an informative should be attached to any approval to bring the attention of the applicant to the requirement for a works agreement with Staffordshire County Council to facilitate the proposed off-site highway works.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 107 and 108

The Plan for Stafford Borough

Policies: T1 Transport; T2 Parking and manoeuvring facilities; Appendix B - Car parking standards

5. Ecology and biodiversity

The Council's Tree Officer raises no objection to the proposed development; it is acknowledged that during consideration of application 19/33494/FUL it was considered that there was only one tree of significant merit on or adjacent to the site (T1, Ash) which would be protected by virtue of the intervening watercourse running between it and the proposed development. Consequently, no tree of significant value would likely be damaged or lost as a result of this application. The Tree Officer recommends conditions to ensure that the development be carried out in accordance with the supporting tree protection plans and arboricultural method statements and that any tree, plant, or shrub which is lost for any reason within five years be replaced.

The protection of nesting birds is a concern raised by both the Tree Officer and Biodiversity Officer; it is, however, considered that the protection of nesting birds is more effectively controlled under separate legislation and that an informative should be attached to any approval to bring this matter to the attention of the applicant.

The application is supported by a preliminary ecological appraisal of the site which concludes that the site is of low ecological value; there being no evidence of protected species within the site and it having very low suitability for protected species. It is, however, stated that the trees within the site should be protected during development. The Council's Biodiversity Officer raises no objection to the proposal, subject to conditions to secure the following:

- Provision of six Schwegler 1B bird boxes in suitable locations around the site.
- Planting of native species hedgerows and additional tree planting within landscaping plans.

It is considered that the provision of bird boxes and a native hedgerow on the southwest boundary of plot 1 would result in a slight ecological enhancement of the site, given its current low value. It is considered that trees which would be lost offer little value and those which would be retained would continue to provide suitable planting within the site. Any potential tree planting would likely fall within the amenity space of the proposed dwellings, consequently offering little in terms of amenity value, and would have very little protection against future removal before they reached maturity.

As the proposal would result in a net increase in dwellings within 15km of the Cannock Chase SAC it is considered that the proposal would result in potential harm to the SAC; it is considered that this harm would be mitigated via contribution to the Cannock Chase SAC SAMMMs (strategic access management and monitoring measures). This is

considered in further detail within section 8 of this report. Natural England raise no concern with regard to any potential impacts upon the Cannock Chase SSSI.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 8, 120, 153, 154, 174, 179, 180, 181 and 182

The Plan for Stafford Borough

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

6. Flood risk and drainage

The Environment Agency initially raised objection to the proposed development on the basis that the flood risk assessment (FRA) provided did not comply with the requirements for a site-specific FRA as set out in National Planning Practice Guidance and therefore it failed to adequately assess the flood risks posed by the proposed development.

Following the submission of a revised FRA the Environment Agency directed the local planning authority to their standing advice. The FRA concludes that the site is not at risk from fluvial sources on the basis that the development area is wholly within flood zone 1 and that the site is at medium risk of flooding from overland flows. The assessment states that the site is suitable for development and recommends that drainage and external levels are designed appropriately. Furthermore, it advises that maintenance access could be achieved from the parking area and by removing some fences along the rear of the proposed dwellings. The Environment Agency advised, with regard to 20/33494/FUL, that finished floor levels should be set no lower than 85.15m AOD (plots 1-4), 85.65m AOD (plots 5-8), and 85.00m AOD (apartment block); the FRA provided in support of this application recommends the same finished floor levels, except for plots 1-4 which are set 75mm higher at 85.225m AOD. With regard to the comments of the Environment Agency in respect of application 20/33494/FUL it is considered that any approval should be subject to a condition that the finished floor levels of the proposed residential properties are set no lower than shown within the FRA.

The responsibility for ordinary watercourses lies with the local flood authority (LLFA). The LLFA confirm that the southern areas of the site are with flood zones 2 and 3 and the remainder of the site (and access) is within flood zone 1. The LLFA raise no objection to the proposed development, subject to a condition to secure a management and maintenance plan for the site.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 8, 20, 154, 153, 159, 161, 163, 164, 167 and 168

The Plan for Stafford Borough

Policies: N2 Climate change; N4 The natural environment and green infrastructure; N5 Sites of European, national and local nature conservation importance

7. Other

Cadent have confirmed gas apparatus is present within the vicinity of the proposed development and request that an informative be attached to any approval to bring this to the attention of the applicant in order to prevent undue damage or obstruction of rights.

The application is supported by a ground investigation report which contains a number of recommendations relating to bituminous materials and foundations. The Council's Pollution Control Officer raises no objection to the proposed development and recommends that the remedial actions set out within this report are secured by condition. It is considered appropriate to attach a condition to ensure that the development is carried out in accordance with the recommendations set out in section 10.0 of the ground investigation report by Ivy House Environmental.

A range of security measures are outlined by Staffordshire Police, whilst these comments should be brought to the attention of the applicant via an informative on any approval it is considered that external lighting and the provision of a secure cycle store, specifically, should be secured by condition.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 45 and 97

The Plan for Stafford Borough
Policy: N1 Design

8. Planning obligations

The proposal would result in the provision of 18 units of affordable housing and is welcomed by the Council's Housing Manager from a strategic housing perspective as it would deliver much needed affordable housing in Stafford. There is evidence of demand for one-bed affordable housing and a need for three-bed affordable properties in the Borough. Furthermore, there is a need within Stafford for more affordable homes which are suitable for families where one person (or more) has a disability.

Whilst the applicant has indicated that it would be preferable for the provision of affordable housing to be secured by condition, the tenure of such development would usually be secured as affordable housing in perpetuity through the applicant entering into a s106 agreement. The applicant indicates that Homes England funding would be dependent on the affordable housing not being secured via s106 agreement; however, it is understood from the Council's Housing Manager that that if the site is 100% affordable the matter of how to secure the affordable housing developer contributions is irrelevant and that in these situations it is merely necessary to be careful that other details in the s106 agreement do not make the units ineligible for Homes England grant - such as local connection clauses for shared ownership. Consequently, it is considered that if the application was to be approved the provision of the affordable housing should be secured by s106 agreement.

The county education service advise that the proposal would justify securing a contribution of £24,952 towards secondary education in Stafford.

As the proposal would result in a net increase in dwellings within 15km of the SAC it is considered that an appropriate assessment under the habitat regulations must be carried out. The latest evidence suggests that the SAMMMs (Strategic Access Management and Monitoring Measures) will deliver sufficient mitigation and avoidance measures to prevent any likely significant effect arising towards the Cannock Chase SAC from residential development in this area. As the scheme would result in a net increase in dwellings it is considered that any likely significant effects to the Cannock Chase SAC should be mitigated by a financial contribution provided by the applicant equating to £290.58 per dwelling. Natural England confirm their agreement with this approach and raise no objection on the basis that this be secured via a s106 agreement.

The Council's Sport and Leisure Officer raises no objection to the proposal, subject to the applicant entering into a s106 agreement to secure financial contributions relating to the provision and maintenance of off-site open space and sports facilities. A capital sum of £16,480.26 should be secured as an offsite contribution with £2,146.08 provided towards maintenance and the following sums are required for sports provision:

- Pool: £7,520.
- Sports court/halls: £6,870.
- Artificial turf pitches: £1,038.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 55, 56, 57, and 58

The Plan for Stafford Borough
Policies: C2 Affordable Housing; C7 Open space, sport, and recreation; T1 Transport; I1 Infrastructure delivery policy

9. Conclusion and planning balance

The provision of eighteen affordable dwellings in this sustainable location within Stafford is acceptable in principle.

On balance, it is considered that the proposed development is acceptable with regard to its design and the levels of residential amenity which could be achieved, as well as the provision of parking space for vehicles and bicycles.

Subject to conditions it is not considered that the proposed development would result in undue harm with regard to ecological matters or flood risk.

Subject to the applicant entering into a s106 agreement it is considered that the application should be approved, subject to conditions.

Consultations

Highway Authority:

(Comments received 3 October 2022):

No objection.

- Although the quantity of parking spaces is high there is a compromise between the number of access crossings off Barnes Road and the potential for occupiers of properties fronting the highway parking on Barnes Road.
- Visibility is acceptable.
- Whilst 26 parking spaces would be provided (local standards require 27) there should not be any major impact given that the site is within easy walking distance of bus stops with regular connections.
- The revised plan (relocation of bin storage) does not change the recommendations and comments of the highway authority.

(Comments dated 5 July 2022):

No objection, subject to conditions to secure the following:

- Provision of access, parking, servicing, and turning areas.
- Provision, and retention, of visibility splays.
- Completion of access.
- Permanent closing of existing redundant access.
- Construction environmental management plan (pre-commencement).

Design Advisor:

- The overall disposition and layout of the proposed development is very similar to the previous application and is consequently considered to be broadly acceptable in design terms.
- The only feature of the layout which remains of some concern is the siting of the bin store between parking bays A7 and A8, which although overlooked by two apartments and the building's principal entrance avoiding an unoverlooked and hidden area seems to sit awkwardly within the central area of public realm and is not a particularly attractive focal point feature. It would be better placed where parking bay A10 is located.
- The western element of the proposed apartment building has been reduced from three to two storeys, reducing the height and its dominance over gardens, and improving the three-dimensional massing and composition of the building to a point where it is far more sensitive and visually engaging within its wider setting.

- The elevational design retains many of the features of the last iteration and whilst remaining visually quite busy the revised massing of the building assists in the approach providing a relatively engaging design. It is considered to provide an adequate response to the consistent assertion that the character and quality of the locality warranted an architectural design of a high enough quality to mitigate the impact of the building on the wider setting.
- The quality of materials and detailing of the building and the hard landscaped areas will be important in appropriately articulating the wider aesthetic and functional qualities of the design. A condition is recommended to secure precise details of the brickwork, render, roof finishes, cladding panels, projecting window surrounds, balconies, Juliet balconies, external fencing, bin stores, fascias, eaves, soffits, rainwater goods, window and door systems, external steps, and external stairs.

Conservation Officer:

No objection.

- A condition is recommended to secure details of external materials.
- The latest design has resulted in the reduction in size of the apartment block. The height of elevation D is reduced to two storeys.
- The reduction in the bulk and massing of the apartment block is welcomed as the element which has potential to impact upon the setting of the Burton Manor Village Conservation Area.
- Its outward design is otherwise very similar to the last proposal, to which there was no conservation objection.
- Grey uPVC windows and doors should be substituted for powder-coated aluminium frames which would be more in-keeping with the contemporary design of the apartment building.

Lead Local Flood Authority:

(Comments dated 29 September 2022):

No objection.

- The information submitted is acceptable subject to conditions to secure the provision of a management and maintenance plan to include an appropriate maintenance regime for all gullies, manholes, pipes, flow control devices, and attenuation features. The plan should also include the name of the party responsible for maintenance and management of the surface water drainage system over the lifetime of the development.

(Comments dated 5 July 2022):

Objection.

- Insufficient information has been submitted to demonstrate that an acceptable flood risk assessment and drainage strategy are proposed.
- The FRA does not relate to the proposed site layout and refers to 19 dwellings rather than 18.
- A plan should be provided showing the topography of the site with the extent of the proposed housing layout and modelled Environment Agency level data superimposed on top.
- Network calculations should be provided demonstrating the performance of the proposed drainage network.
- The management and maintenance strategy should be updated.

Environment Agency:

(Comments dated 6 October 2022):

The way the Environment Agency provides advice has changed since June and the local planning authority should now refer to standing advice with regard to this application.

(Comments dated 24 June 2022):

Objection.

- In the absence of an acceptable flood risk assessment (FRA) it is recommended that the application be refused.
- The submitted FRA does not comply with the requirements set out in the planning practice guidance.
- An updated FRA which is site specific and which provides an assessment of the site as proposed should be provided in support of this application.

Housing Manager:

No objection.

- The strategic housing market assessment suggests that Stafford Borough has an annual affordable housing shortfall of 210 dwellings and this scheme will help to meet the identified need.
- The mix of properties on the site is welcomed as there is a shortage of one-bedroom affordable housing whilst there is also a need for affordable bungalows within the Borough.

- Affordable housing must meet the standards recommended by the Homes and Communities Agency in terms of size (floor area) and rent level as well as other factors which affect the work of registered providers.

Sports and Leisure Officer:

(Comments dated 18 June 2022):

No objection

- Sports pitch provision and built associated facilities within the area fall short of national standards.
- Due to the size of this development the Council is reasonably entitled to request a quantitative provision of 30.81sqm per person of open space. All open space should be provided off-site.
- The contribution required for this development equates to:
 - o £16,480.26 (capital).
 - o £2,146.08 (maintenance).
- Following Sport England facilities calculator the following contributions to sports provision are required:
 - o Pool: £7,520.
 - o Sports courts/halls: £6,870.
 - o Artificial turf pitches (3G): £1,038.

County Schools Organisation:

A contribution of £24,952 should be secured from the developer to mitigate the impacts upon education provision which shall be allocated to the provision of a new secondary school in Stafford.

Natural England:

No objection, subject to appropriate mitigation being secured.

- The proposed development would have an adverse effect on the integrity of the Cannock Chase SAC which should be mitigated. The mitigation should be secured via condition or obligation.
- It is not considered that the proposal would result in damage to, or the destruction of, the interest features for which the Cannock Chase SSSI has been notified.

Biodiversity Officer:

No objection.

- The preliminary ecological appraisal of 2019 (revised in May 2020) found no evidence of protected species on site.
- Conditions should ensure the following:
 - o Protection of nesting birds.
 - o Provision of six Schwegler 1B bird boxes in suitable locations around the site.
 - o Trees on site should be retained with replacement planting provided if any trees are removed.
 - o Planting of native species hedgerows and additional tree planting within landscaping plans.

Tree Officer:

No objection, subject to conditions to secure the following:

- Development to be carried out in accordance with the tree protection plans and arboricultural method statements.
- Protection of nesting birds.
- Replacement of any tree, plant, or shrub, lost for any reason within five years.

Pollution Control Officer:

No objection.

- The content of the ground contamination risk report is satisfactory.
- Conditions should ensure that the recommendations for remedial actions set out within the report are implemented in full.

Environmental Health Officer:

(Comments dated 22 June 2022):

No objection, subject to conditions to secure the following:

- Restriction of hours of works and associated deliveries.
- Only inaudible equipment to be left running outside of the allowed working hours.
- Acoustic screening to be provided to protect neighbouring residents from excessive noise.
- No burning on site during development.

- Removal and proper disposal of all demolition materials.
- Damping down facilities to prevent excessive dust.
- Road sweeping to prevent excessive dust.
- High intensity site lighting to be directed away from residential properties.
- Lighting to areas such as car parks, pathways, land, buildings, internal communal areas and stairways to be designed and positioned not to cause a light nuisance. Glare to be kept to a minimum.
- Site survey to be undertaken to determine the presence of any asbestos products which shall be removed and disposed of by a licenced contractor.
- Demolition to be carried out in accordance with a method statement to be approved.
- Restriction of use of any brick crusher.
- Provision of insulation between flats to protect occupants from noise nuisance.
- Provision of sufficient refuse and recycling bin storage facilities which are easily accessible by collection services.

Cadent:

No objection.

- The application is within proximity to medium and low pressure assets; an informative should be attached to any approval in order to prevent damage to assets or interference with rights.

Staffordshire Police Crime Prevention Design Advisor:

- Allocated parking bays for unit 2 should not be directly outside of unit 1.
- Unit 1 has blank gable elevations so the side gate should be moved further towards the front of the property.
- Dense shrubs should be planted along the gable ends of units 4 and 5 to prevent these locations being used for ball games.
- There proposed courtyard would have limited natural surveillance from only other residents' movements or from the small gable windows of units 4 and 5. Rear and side parking courtyards are discouraged as they introduce access to vulnerable rear elevations, they are often left unlit, and provide areas of concealment.
- Electric vehicle charging points should be installed within the car park.
- Each parking bay should be labelled and assigned to each property.
- Surveillance of the cycle shelter would be limited to residents' movements and occupants of one flat.

- The cycle store should be enclosed with secure ground anchors. The door should be accessed controlled similar to the apartment block.
- External lighting should be provided. Bollard lighting is not recommended.
- The standard of communal door should be carefully considered.
- Door entry and access control systems, and communal mail delivery systems should be considered.
- Secured by design standards should be met.

Neighbours:

Seven representations received in objection, raising the following summarised concerns:

- The social club belongs to members of the club.
- A replacement social club or shops would be more beneficial.
- Facilities for local children would be more acceptable.
- Density of development is too great.
- A development of bungalows to replace the existing massing would be more acceptable.
- Proposed buildings are too tall.
- Poor design.
- The site is not screened during the winter.
- Loss of privacy.
- Increased noise and traffic.
- Inadequate visitor parking space.
- Harm to retained trees.
- Ecological harm and loss of local wildlife.
- Increased risk of flooding.
- Harm to character of conservation area.

Site notice expiry date: 8 July 2022

Newsletter advert expiry date: 13.07.2022

Relevant Planning History

19/31353/FUL - The demolition of an existing Social Club building. The construction of a new Social Club and 18 dwellings for affordable rent - Application withdrawn 7 April 2020

20/33494/FUL - The demolition of existing social club and construction of 20no. affordable dwelling houses and flats including associated external works, landscaping and infrastructure - Refused 11 March 2022

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 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:-

UP0620.06 P10 A

UP0620.06 P11 A

UP0620.06 P12 P

UP0620.06 P13 F

UP0620.06 P15 F

UP0620.06 P16 K

UP0620.06 P17 M

UP0620.06 P19

UP0620.06 P20 D

3. Notwithstanding any description/details of external materials in the application documents, no construction works above ground shall be commenced until precise details or samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
4. Notwithstanding any description/details in the application documents, no construction works above ground shall be commenced until precise details or samples of the following elements have been submitted to and approved in writing:
 - Projecting window surrounds.
 - Balconies and Juliet balconies.

- Facias, eaves, and soffits.
 - Rainwater goods.
 - Window and door systems.
 - External steps, stairs, and associated railings.
5. Details of hard and soft landscaping, including all boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall thereafter be provided within 8 months of first occupation of the development.
 6. Notwithstanding any description/details of external materials in the application documents, the development shall not be brought into use unless and until a weatherproof, secure, access-controlled cycle store has been provided in accordance with details which shall first be submitted to and approved in writing by the local planning authority.
 7. Notwithstanding any description/details in the application documents and before units 5A and 6B are first occupied, the northeast-facing, first-floor windows serving the living/kitchen areas to units 5A and 6B, as shown on drawing UP0620.06 P17 M, shall be obscure glazed and non-opening up to 1.7m in height above floor level and shall thereafter be retained as such.
 8. Unit 6B shall not be brought into use unless and until the privacy screen to the balcony has been provided in accordance with drawing UP0620.06 P17 M (northwest elevation). The privacy screen shall thereafter be retained for the life of the development.
 9. No development shall commence unless and until a demolition method statement (DMS) has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved DMS. The DMS shall include, but not be limited to:
 - Hours of work.
 - Description of method of demolition.
 - Position of any site compounds and parking for site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Details relating to the presence of asbestos.
 - The use of brick crushers.
 - Damping down facilities.
 - Removal and disposal of all demolition materials.

10. Any high intensity lighting during development shall be directed away from nearby residential properties.
11. External means of illumination, including security lights, shall be installed in accordance with a scheme which shall first be submitted to, and approved in writing by, the Local Planning Authority.
12. No development shall commence unless and until temporary acoustic mitigation measures have been provided in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The proposed measures shall take into account any necessary piling works. The mitigation measures shall be implemented prior to the commencement of development on the site and shall be retained for the duration of development works.
13. All construction works, including demolition and associated deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
14. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
15. There shall be no burning on site during development.
16. The development shall not be brought into use unless and until the access, parking, servicing, and turning areas have been provided in accordance with the approved plans.
17. The development shall not be brought into use unless and until the visibility splays show on drawing UP0620.06 P12 P have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm from the level of the adjacent carriageway.
18. The development shall not be brought into use unless and until the accesses into the site have been completed within the limits of the public highway.
19. The development shall not be brought into use unless and until the existing site access, which shall include the access crossing between the site and carriageway edge, made redundant as a consequence of the development, has been permanently closed and the access crossing reinstated as verge/footway.
20. No development shall commence unless and until a construction management plan (CMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CMP shall include details relating to construction access; hours of works; routing of HGVs; delivery times; the location of the contractors compounds, cabins, material storage areas, contractors parking; and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. The development shall thereafter be carried out in accordance with the approved CMP.
21. The development shall be carried out in accordance with the tree survey report by CBE Consulting (reference P1939/0819-01 V2).

22. Any trees, plants, or shrubs which are to be retained or planted in accordance with an approved landscaping plan which are removed or die, or become seriously damaged or diseased, within a period of 5 years from the date on which the landscaping scheme is implemented 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.
23. The development shall not be brought into use unless and until six Schwegler 1B bird boxes have been provided in appropriate locations within the site.
24. Where any new hedgerows and trees are included within a landscaping scheme submitted in pursuance of condition 5 these shall include native species.
25. Before the development is brought into use a management and maintenance plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include an appropriate maintenance regime for all gullies, manholes, pipes, flow control devices, and attenuation features such as the attenuation tank. The plan shall also include the name(s) of the organisation(s) responsible for the maintenance and management of the surface water drainage system over the lifetime of the development.
26. Finished floor levels shall be set no lower than 85.225m AOD for plots 1 to 4, 85.650m AOD for plots 5 to 8, and 85.00m AOD for units 9 to 18.
27. The development shall be carried out in accordance with the recommendations of the Phase I and II Environmental Assessment, dated August 2019, by Ivy House Environmental, reference IV.244.19.
28. The development shall be carried out in accordance with the recommendations made in section 10 of the Phase I and II Environmental Assessment by Ivy House Environmental, reference IV.244.19.
29. The development hereby permitted shall not be brought into use unless and until validation testing results and subsequent reporting has been submitted to, and approved in writing by the local planning authority, to ensure that the recommendations made in section 10 of the Phase I and II Environmental Assessment (Ivy House Environmental, reference IV.244.19) have been followed with respect to contamination and that the soft landscaping materials are suitable for use.

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 ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

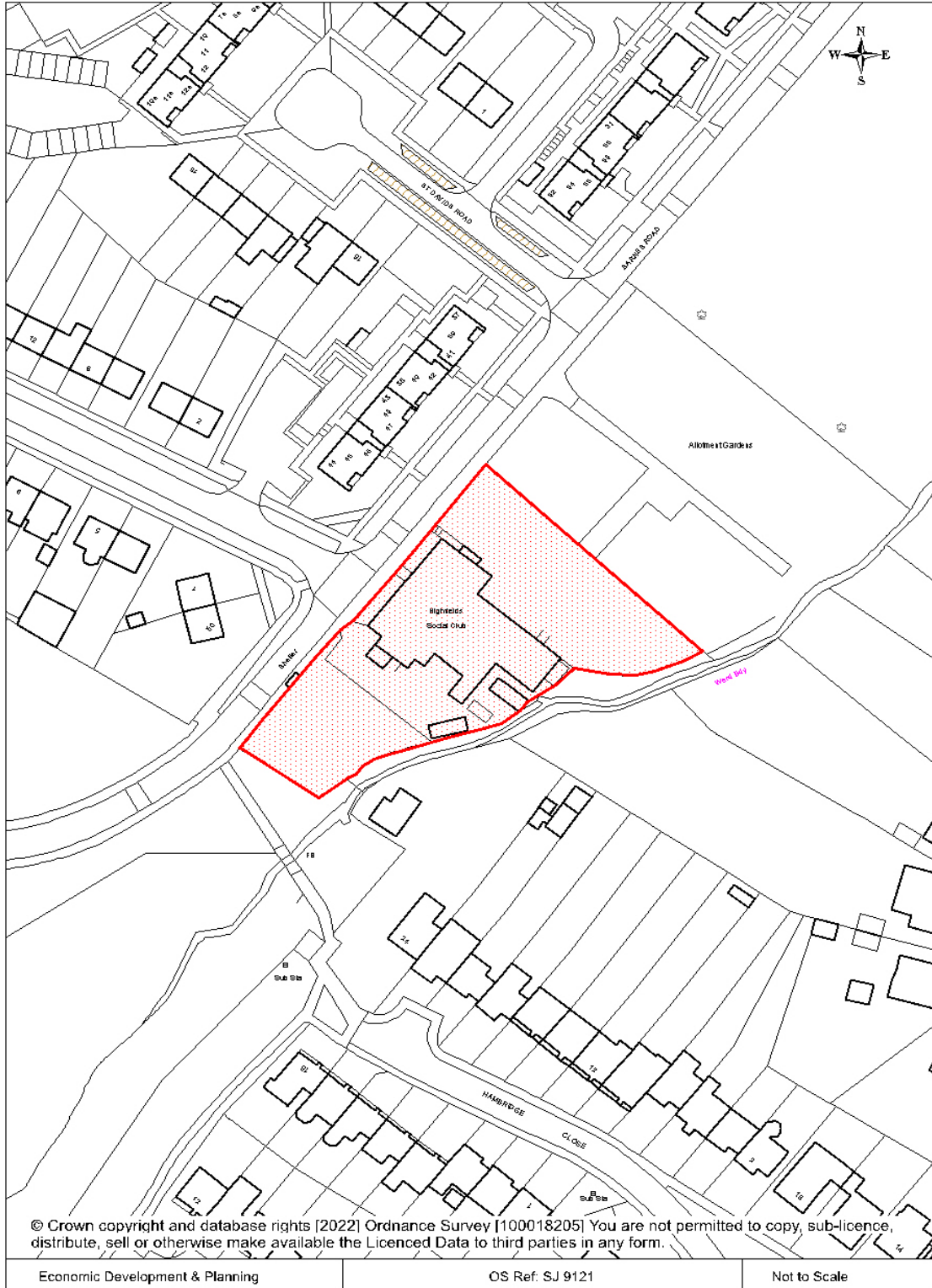
4. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
5. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
6. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
7. To ensure an adequate level of privacy for occupiers of adjacent residential properties. (Policy N1e of the Plan for Stafford Borough).
8. To ensure an adequate level of privacy for occupiers of adjacent residential properties. (Policy N1e of the Plan for Stafford Borough).
9. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
10. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
11. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
12. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
13. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
14. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
15. To safeguard the area from fumes, smoke and smells (Policy N1e of The Plan for Stafford Borough).
16. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
17. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
18. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
19. To prevent the indiscriminate crossing of the pavement by vehicles. (Policy T1 of The Plan for Stafford Borough).
20. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

21. To enable the Local Planning Authority to consider the scheme of development and the landscaping proposals in relation to the existing trees and hedges. (Policy N4 of The Plan for Stafford Borough).
22. To enable the Local Planning Authority to consider the scheme of development and the landscaping proposals in relation to the existing trees and hedges. (Policy N4 of The Plan for Stafford Borough).
23. In order to ensure that the development results in a net gain in biodiversity. (Paragraph 174 of the National Planning Policy Framework).
24. In order to ensure that the development results in a net gain in biodiversity. (Paragraph 174 of the National Planning Policy Framework).
25. To prevent the increased risk of flooding both on and off site (Policy N2 of the Plan for Stafford Borough).
26. To prevent the increased risk of flooding both on and off site (Policy N2 of the Plan for Stafford Borough).
27. In order to ensure that adequate provision is made to safeguard human health. (Paragraph 183 of the National Planning Policy Framework and policy N1e of The Plan for Stafford Borough).
28. In order to ensure that adequate provision is made to safeguard human health. (Paragraph 183 of the National Planning Policy Framework and policy N1e of The Plan for Stafford Borough).
29. In order to ensure that adequate provision is made to safeguard human health. (Paragraph 183 of the National Planning Policy Framework and policy N1e of The Plan for Stafford Borough).

Informative(s)

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, 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.
- 2 The applicant's attention is drawn to the comments of the local highway authority, Cadent, and Staffordshire Police. All comments can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).
- 3 The applicant's attention is drawn to the protected status of nesting birds and the requirement that they are not disrupted during the nesting season (March to August).

22/35957/FUL
Highfields Social Club
Barnes Road
Highfields



 PLANNING COMMITTEE - 9 NOVEMBER 2022

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 |
|--|---|--|
| 19/30484/DCON Delegated Refusal | Land At Silkmore Lane Stafford | Discharge of conditions 4, 6, 10, 11, 16, 17 on application 15/23463/FUL |
| 21/34892/FUL Delegated Refusal | Land Adj Fielden House Stowe Lane Stowe By Chartley | Proposed steel framed agricultural type (timber clad) storage unit. |
| 20/32290/FUL Delegated Refusal | Land Opposite Keepers Cottage Hilcote Lane Chebsey | Use of land for the siting of a caravan for tourism use |
| 22/35688/LDC Non determination | Lock House Restaurant Trent Lane Great Haywood | Lawful Development Certificate - To confirm the use of former tea rooms as single residential unit in connection with existing dwelling. |

Decided Appeals

| Application Reference | Location | Proposal |
|---|---|--|
| 20/33078/OUT Appeal Dismissed Costs also dismissed | Land Adjacent To Acorn Cottage Drointon Lane Stowe By Chartley | Erection of residential dwelling, detached garage and new access |
| 21/34099/POR Appeal Dismissed | Victoria Park House 2 - 9 Victoria Road Stafford | Prior Approval - Change of use from Offices (B1a) to Dwellinghouse (C3). |

| Application Reference | Location | Proposal |
|---|--|--|
| 21/34279/POTH Appeal Dismissed | Victoria Park House 2 - 9 Victoria Road Stafford | Proposed extension of the existing building by way of a vertical extension to create one additional floor containing multiple residential apartments |
| 20/33247/FUL Appeal Dismissed | Land At Unit 5B Grindley Business Village Uttoxeter Road | Expansion to provide additional office accommodation |
| 21/34107/PAR Appeal Allowed | Barn At Kents Farm Church Lane Gayton | Conversion of redundant agricultural building to a dwelling house |

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302



Appeal Decision

Site visit made on 10 August 2022

by **M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Appeal Ref: APP/Y3425/W/22/3291378

Land adjacent to Acorn Cottage, Drointon Lane, Stowe by Chartley ST18 0LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Randall against the decision of Stafford Borough Council.
 - The application Ref 20/33078/OUT, dated 16 September 2020, was refused by notice dated 8 September 2021.
 - The development proposed is erection of a one and a half storey dwelling.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Stephen Randall against Stafford Borough Council. This application is the subject of a separate decision.

Procedural Matter

3. The planning application was submitted in outline form with all matters other than access, reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access.
4. I have used the address as shown on the appeal form and Council's decision notice as it more accurately identifies the appeal site, than that shown on the planning application form.

Main Issues

5. The main issues are;
 - i) whether the proposed development would be in a suitable location having regard to the housing strategy for the area;
 - ii) the effect on highway safety, with particular regard to the provision of visibility splays; and
 - iii) the effect of the development on the character and appearance of the area.

Reasons

Location of Development

6. Policies SP3 and SP7 of the Plan for Stafford Borough 2014 (PSB) set out the Council's spatial strategy for the delivery of new development, indicating that the majority of future development will be directed towards the main towns of Stafford and Stone and key service villages (KSV). For areas outside these settlements, PSB Policy C5(A) sets out that proposals will be required to demonstrate compliance with 3 criterion; that new housing cannot be

accommodated within the Sustainable Settlement Hierarchy (SSH); a Parish based Local Housing Needs Assessment and appraisal of the scheme proving the development will meet the defined needs and, that the development is of high quality design that reflects the setting, form and character of the locality and surrounding landscape. All 3 criteria must be met. I will come back to the last matter later in my decision.

7. Stowe-by-Chartley is located within the open countryside, not being identified as a KSV within the SSH. There is no substantive evidence before me to demonstrate that the development cannot be located within one of the borough's main towns or KSV, where local services can be readily accessed. Rather, the location of the proposed development appears to be driven by the appellants connection to the village and option to purchase the appeal site. The proposal therefore fails to comply with the first criterion of Policy C5(A).
8. A Housing Needs Survey (HNS) accompanies the proposal and the appellant confirms that this identifies a need for 3 bedroomed accommodation that is available to purchase on the open market, up to £199,000. There is limited evidence before me to counter the Council's suggestion that property prices within the village appear to be significantly higher than the identified need. Reference is made to the application being in outline and that a smaller 3 bedroomed property could be secured at the reserved matters application stage. Be that as it may, I have no evidence such as a financial appraisal to demonstrate that the proposed dwelling shown in the illustrative plans or a smaller version, could be delivered that would meet this. Therefore, I am not satisfied that the proposal would meet the identified need, so it fails to comply with the second criterion of Policy C5(A).
9. Completions and commitments for dwellings outside of the SSH have already been exceeded. Whilst I accept this is not a maximum figure, further permissions for residential development outside of the SSH without justification, would be contrary to the Council's strategy of targeting new development to existing urban areas. The proposal for a single local needs dwelling is not particularly unique, nor the appellants desire to move close to their parents, which although understandable, could be repeated on sites elsewhere within the Borough, to the detriment of the Council's housing strategy.
10. For these reasons, the proposal would conflict with the Council's spatial strategy and detailed policies for housing delivery. It would be contrary to Policies SP1, SP3, SP7 and C5 of the PSB as they seek to achieve the sustainable distribution of development, by directing it to areas best served by infrastructure, facilities and services and ensuring easy accessibility to them, now and in the future.

Highway Safety

11. A new vehicular access would be created to serve the proposed dwelling. I note the Highway Authority objected to the original proposal on the grounds that visibility splays of 43m needed to be provided along Drointon Lane in either direction. Amended splays have been provided to achieve this standard but which cross over third party land outside of the appeal site. A unilateral undertaking (UU) has been provided to secure these amended visibility splays and to which the owner of the affected land is party to. It has not been shown why the UU would be ineffective in securing the proposed splays in perpetuity.

12. Even if I am wrong, with the original proposal for the access, the existing hedgerow would be removed and set back to create a small verge to either side. There would therefore be some visibility from the original access along Drointon Lane which I observed was lightly trafficked. Vehicle speeds are likely to be relatively low given the restricted road width in places close to the appeal site, and drivers would be aware that there are existing accesses emerging onto the road. Furthermore, sufficient space would be provided within the plot to allow cars to turn and leave in a forward gear. The longer visibility splays of 43m, have not therefore been shown to be necessary.
13. Paragraph 111 of the National Planning Policy Framework (the Framework) is clear that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The creation of one dwelling would result in relatively limited vehicular movements per day onto Drointon Lane. Bearing in mind the site specific attributes noted above, in the absence of any evidence that safety issues or disruption to traffic flow would occur as a result of visibility splays below the 43m standard, I find that the proposal would not result in a severe impact on the road network.
14. The proposed development would not be harmful to highway safety, with particular regard to the provision of visibility splays. As such the proposal complies with paragraphs 110 and 111 of the Framework which aim, amongst other things, to achieve safe and suitable access and to prevent unacceptable impacts on highway safety.

Character and Appearance

15. The appeal site is located within a small village which has a pleasant, verdant and quiet rural character. I saw that buildings are set in spacious plots with additional gaps between buildings, a characteristic feature of the village. Such gaps enable views of the sky, vegetation, the surrounding countryside or are simply devoid of built development, such as to provide a feeling of spaciousness.
16. The appeal site consists of a vacant plot of land enclosed by hedgerows to all sides. It forms a green, softly landscaped gap between the suburban bungalow development to the west and Acorn Cottage to the east. The gap plays an important role in the verdant, spacious character of the village as it marks the transition between the built up area of Drointon Lane and the countryside to the east, where built development becomes more sporadic amongst agricultural land. The hedgerow to the front of the appeal site, serves to enclose the road and provides a green corridor, along with the hedgerow on the opposite side, which contrasts strongly with the repeated house types and open plan front gardens of the bungalows to the west.
17. The existing hedgerow to the front boundary has been left to grow to a substantial height such that the appellant considers that there is no gap. However, the appeal site is not only perceived directly from the front but also in views across the front garden of Greenhills, where the existing trees and sky are visible. Despite the current height of the front boundary hedge, the undeveloped nature of the appeal site remains apparent, and the lack of built development is perceivable. In any case, the hedge would be removed to accommodate the proposed vehicular access. Although it is suggested that a replacement hedgerow would be a fast growing variety, it would inevitably take some time to reach maturity. Even if it were to establish quickly, and to a

height akin to the existing hedge, the proposed dwelling, garage and hard surfacing would be readily visible from the newly created vehicular access, such that the green gap would no longer be discernible.

18. Whilst the proposed plans are indicative, the description of development is clear that the proposed dwelling would be 1.5 storeys high. The hedgerow and trees within the site would be removed to accommodate the proposed dwelling. Notwithstanding that gaps would be retained to the dwellings either side, there would be an erosion of 3-dimensional space and loss of vegetation, both of which would remove the undeveloped gap and be harmful to the spacious and verdant character of the village.
19. The proposed development would have an adverse effect on the character and appearance of the area. As such, it would fail to comply with Policies N1(h) and N8 of the PSB which seek amongst other things, a high quality of design that reinforces local distinctiveness and preserves and enhances the character of the area, objectives shared with Policy C5(A) of the PSB.

Other Matters

20. Reference is made to an Inspector's decision to dismiss a previous proposal for development on this site in 1998. The details of this decision are not before me in full, but I understand that it would have been made in a different local and national planning policy context. Irrespective of this I have made my own assessment based on the current circumstances of the site and current planning policy.
21. The Council has indicated that the proposal would result in a net increase in residential dwellings within the 0–8km zone of influence for the Cannock Chase Special Area of Conservation (SAC). However, in light of my findings on the appeal overall, no significant adverse effects on the SAC would arise from my decision. I have not therefore considered it any further.
22. The appellant considers the proposal to be sustainable development in accordance with the Framework. However, paragraph 12 of the Framework indicates that development that conflicts with an adopted development plan should usually be refused. Moreover, the Framework shares similar aims to the development plan in terms of protecting an area's character and appearance. Accordingly, I find the policies of the Framework, taken as a whole, not to weigh in favour of allowing the appeal.

Conclusion

23. I have found that the proposed development would not be harmful to highway safety. Nevertheless, this lack of harm is neutral in the planning balance so it does not outweigh my findings in respect of the location of the development and the effect of the proposal on the character and appearance of the area. For the reasons set out above and having regard to the development plan as a whole and all other material considerations, the appeal is dismissed.

M Clowes

INSPECTOR



Costs Decision

Site visit made on 10 August 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Costs application in relation to Appeal Ref: APP/Y3425/W/22/3291378 Land adjacent to Acorn Cottage, Drointon Lane, Stowe by Chartley, ST18 OLD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Stephen Randall for a full award of costs against Stafford Borough Council.
 - The appeal was against the refusal of planning permission for erection of a one and a half storey dwelling.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs, to incur unnecessary or wasted expense in the appeal process.
3. The applicant's costs claim is made on the grounds that the Council failed to communicate in a timely manner, that they provided an unrealistic deadline for the submission of information and that they refused to allow the applicant to submit further information.
4. The Council failed to communicate with the applicant for a period of several months, despite the applicant's attempts at engagement. Whilst understandably frustrating, it has not been shown that the lack of communication was as a result of deliberate obstruction in order to delay the process. Rather it was as a result of a particular set of circumstances at the time. Whilst regrettable, unreasonable behaviour on the part of the Council has not been demonstrated in this regard. In any event the delays would not, in themselves have resulted in a different decision such that they have created wasted expense in the appeal process.
5. Although the applicant considers that they were given an unrealistic timescale to address the Highway Authority concerns, the emails show that the Council did not insist upon a specific deadline but rather expressed the need for urgency, given that the application at that stage, was to go before the Planning Committee. The applicant also confirmed at this time they did not wish to pursue a S106 legal agreement until they knew the Committee's position on the proposal. As the applicant had been requesting a decision and the Council were trying to conclude matters by putting the application forward for

consideration by the Planning Committee, I do not find that this amounts to unreasonable behaviour.

6. The Council's decision to not accept the applicant's revised site plan was somewhat harsh, given the previous delays. It would also have been within the agreed extension period and at the point that the planning application was no longer required to go before the Planning Committee. Nevertheless, even if the site plan had been accepted, it would not have resolved the outstanding highway matters to the satisfaction of the Council, given their requirement for a S106 legal agreement. This could have been better articulated by the Council but it is not unreasonable behaviour that has led to wasted expense in the appeal process.
7. Regardless of the highway matters above, the Council were clear from early on in the process, that the application would be refused in relation to the location of the development and the impact on the character and appearance of the area. An appeal is likely to have followed anyway, albeit with 2 rather than 3 reasons for refusal. Work in addressing the highway matters was necessary to support the appeal submissions overall, rather than as a consequence of unreasonable behaviour of the Council.

Conclusion

8. Although I understand the applicant's evident frustration with their perception of the Council's approach, insofar as is relevant to this costs application, based on all the evidence before me, I find that no action, or inaction, taken by the Council amounts to unreasonable behaviour as described in the PPG, directly resulting in unnecessary or wasted expense at appeal. Therefore, an award of costs is not justified.



Appeal Decisions

Site visit made on 14 June 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2022.

Appeal Ref: APP/Y3425/W/21/3289785

Victoria Park House, 2-9 Victoria Road, Stafford ST16 2AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 20, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Vinesh Aggarwal (of Enfield High Street (AGG12) Ltd) against the decision of Stafford Borough Council.
 - The application Ref 21/34279/POTH, dated 21 March 2021, was refused by notice dated 15 September 2021.
 - The development is proposed extension of the existing building by way of a vertical extension to create one additional floor containing multiple residential apartments.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a separate appeal¹ for the same site. However, as it concerns a different Part and Class of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO') it is the subject of a separate Decision.
3. The description above is taken from the Council's refusal notice. The application was originally submitted for the erection of two vertical storeys. During determination of the application, the proposal was revised to be only a single storey vertical extension for structural reasons. Revised plans were submitted and the parties agreed to the change of description.
4. The appellant has submitted further amended drawings with the appeal. They do not show any elevation or floor plan changes, but they contain additional information to rectify missing details required by Part 20 of the GPDO and include existing and proposed height measurements, internal floor-to-ceiling heights on sections, and corrected Gross Internal Areas for each proposed apartment. I have taken them not account.
5. During the course of the appeal there has been the *Cab Housing*² ruling in relation to prior approval applications for upward extensions to dwellinghouses, but which has implications for Part 20 proposals with particular regard to consideration of the "external appearance" of the building. It found that all

¹ Appeal ref: APP/Y3425/W/21/3289776

² *Cab Housing Ltd & Ors v Secretary of State for Levelling Up, Housing and Communities & Ors* [2022] EWHC 208 (Admin)

aspects of a development's proposed visual appearance are relevant, not just the design and architectural features of the principal elevation or any sides fronting a highway. Furthermore, consideration of appearance was not limited to the impact on just the subject property, but can include neighbouring premises and the streetscape. The scope and weight of considerations of these wider assessments are a matter of planning judgement. Both parties have been given the opportunity to comment on the ruling and its implications for the appeal proposal.

6. During the course of the appeal the appellant has also submitted a signed and dated Planning Obligation³ by way of a Unilateral Undertaking (UU). This would provide a financial contribution towards delivering appropriate mitigation for recreational impacts (by means of Strategic Access Management & Monitoring Measures (SAMMM)) that the provision of additional flats would have on the integrity of the Cannock Chase Special Area of Conservation (SAC). I shall return to this matter later.

Procedural Matters

7. The principle of the development is already established by Article 3 and Schedule 2, Part 20, Class AA of the GPDO for new dwellinghouses on certain detached commercial or mixed use buildings by means of the construction of up to two additional storeys, subject to a number of limitations and conditions set out in Paragraphs AA, AA.1. and AA.2. The prior approval provisions do not require regard to be had to the development plan. However, when determining such an application account must be taken of any representations received and regard must be had to the National Planning Policy Framework (the 'Framework') so far as is relevant to the subject matters of the prior approval.
8. There is no dispute between the parties that the existing use of the building is Class B1(a) (offices) and that the building and site meet the requirements of paragraph AA and AA.1 of the GPDO and would hence represent permitted development under Class AA, subject to conditions under paragraph AA.2. The developer must apply to the local planning authority for prior approval of the authority as to a number of matters set out in AA.2.(1)(a) – (l). The Council raises issue with prior approval matters relating to (e) *the external appearance of the building*, and (h) *impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses*.

Main Issues

10. In light of the above, the main issues in this appeal are:
 - The effect of the proposed upward extension on the external appearance of the building, bearing in mind its location adjacent to the revised Stafford Town Centre Conservation Area, and
 - The effect of the proposed development on the living conditions of the intended future occupiers of the new dwellinghouses with particular regard to noise from commercial premises.

³ Pursuant to Section 106 of the Town and Country Planning Act 1990

Reasons

External appearance

11. The appeal building is a modern (circa 1970s), flat roof, vacant, 5-storey office building, located in the centre of Stafford. The building is taller than its neighbours, including the low-lying Mercedes-Benz car dealership and repair/MOT/service garage (the 'MBz garage') that effectively wraps around the west side and rear of the appeal site, and the Stafford Railway Station building and multi-storey car park.
12. The building's front and rear facades principally comprise profiled smooth concrete cladding panels and large areas of ribbon glazing forming a rhythmic pattern of fenestration. The fenestration and concrete panels form a distinct horizontal banding. There are two glazed stairwells and the two end elevations are blank concrete. A plant room sits on top of part of the roof, clad in profiled sheeting, presumably metal. The plant room extends across approximately half the length of the roof and is set back from all sides such that its full height is not experienced from ground level.
13. The appellant describes the building as non-descript with little or no architectural merit. Nonetheless, it is very visible due to its relative isolation as a stand-alone building and its prominent location in the centre of Stafford facing Victoria Road, a main arterial and well-trafficked route that passes the main entrance to Stafford Railway Station. It sits in a mixed residential and commercial area with buildings of different ages, styles and designs.
14. The building lies outside, but adjacent to, the revised Stafford Town Centre Conservation Area (the CA). In the proximity of the site the CA contains Victoria Park, a linear verdant public park that extends the length of Station Road and Victoria Road providing an attractive semi-formal landscaped setting to the roads and foreground to the appeal building. The park contains the Grade II War Memorial. I saw that, when standing at the base of the monument facing towards Victoria Road, the appeal building looms upwards above the monument. To the east of the appeal site the CA continues as Victoria Road continues across the bridge over the River Sow, with Victoria Park Playground, which I saw was popular with families and children, and the imposing buildings on the corner with Tenterbanks.
15. The proposal would involve replacing the plant room with a flat-roof upward extension of one storey to provide an extra floor of accommodation that would comprise 9 self-contained flats. The extra storey would be approximately 3.05m tall, similar to the height of each existing storey. The overall height of the building would increase from about 17.5m to about 20.6m tall, which would be approximately the height to the existing plant room.
16. Increasing the height of the building is an inevitable and accepted consequence of the type of development permitted by Class AA of the GPDO. However, in this instance the additional storey would differ to the plant room as it would extend across the entire roof of the building, including the protruding rear element. It would be flush with the sides of the building with no set-back. As a result the extra height of the extension would be seen in its entirety, unlike the existing plant room. This would alter the bulk and form of the building.

17. The plans show the external appearance of the extension would comprise a horizontal pattern of unknown facing material with fenestration intended to align with the panels of fenestration on the floors below. The plans show the proposed facing material to be in a contrasting colour and of primarily narrow horizontal strips. However, there is no annotation as to the type, colour or material the extension would be clad or faced with. The application form offers little assistance by merely describing that the proposed extension would be a "lightweight construction employing external cladding complying with emerging legislation....and material colours that are also sympathetic to the existing building". This provides no meaningful detail or comfort as to the materials, their format or colours. As a result it is not possible to fully determine what the external appearance of the extra storey would be or the impact it would have. Whilst a condition could be imposed requiring details of external materials to be submitted for the Council's approval, the starting point is too vague.
18. Due to the contrasting materials shown and the extension not being set-back from the sides of the building, the proposed upward extension would appear as an unduly bulky and dominant addition to the building, that would make it appear top-heavy. This would distort the proportions of this prominent building. Furthermore, the resulting building would detract from the streetscape and surrounding area. Views from the Conservation Area, including from within Victoria Park, the Victoria Park Playground, and Tenterbanks on the other side of the Playground and the River Sow would be adversely affected. Consequently the external appearance of the building would be unacceptably harmed as would the character and appearance of the area. Prior approval should not be granted.
19. In so far as it is relevant, the Framework's states that developments should be visually attractive as a result of good architecture and sympathetic to the surrounding built environment (Paragraph 130). The proposal would not do this.

Noise

20. The appellant submitted an Ambient Noise Impact Assessment Report⁴ (the 'Sagoo Report') with the application. This found that the major sources of noise were traffic along Victoria Road, trains, commercial activities and pedestrians. Noise levels inside habitable rooms would exceed acceptable levels. To reduce noise levels the report recommended the windows were replaced with double-glazing and acoustic trickle vents.
21. A change of use permitted under Class AA does not include making external alterations to the building, such as installing double-glazing. Recognising this, a Technical Memo⁵ was later submitted with the application. This found that secondary glazing could be installed internally to all habitable rooms to achieve the desired noise reduction. However, the desired reduced noise levels would only be achieved by keeping the windows closed and therefore the Technical Memo recommended the installation of passive stack vents, which the Council acknowledged could be fitted without undue changes. The Council's Environmental Health Officer did not object, subject to the imposition of a condition requiring the installation of secondary glazing and the passive stack ventilation.

⁴ By Dr H Sagoo of Acoustics, Noise & Vibration Consultants dated December 2020

⁵ By Nova Acoustics dated July 2021

22. The noise report was, however, unable to distinguish between traffic and commercial noise. The lack of distinction between the noise sources, and the installation of acoustic measures that would only achieve required noise levels if windows were kept closed, led to the Council to conclude, rightly in my view, that there was insufficient information to establish the impact of noise from commercial premises on the intended future occupiers of the new flats and would provide poor living conditions for occupiers.
23. Both parties have drawn my attention to a number of appeal decisions that include examples of closed windows representing poor living conditions or alternative ventilation being allowed with closed windows, including by the Council in Castle Street where noise levels were allegedly higher than the railway. I have not been provided with full details and facts of these applications and decisions. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers or Inspectors at the time. Therefore I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.
24. The GPDO only requires noise from any commercial premises to be taken into account. For the purposes of Class AA, paragraph AA.2.(2) interprets a 'commercial premises' to mean "*any premises in the building or the surrounding area which are normally used for the purpose of carrying on any trade or business, and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.*"
25. The Council considers Stafford Railway Station and the movement of trains to be a commercial undertaking for the purposes of this application. Whilst train users (passengers or freight) pay to travel and there may be some commercial businesses within the station concourse itself, such as cafes and shops, Stafford Railway Station and the trains passing through it operate primarily as part of a wider national transport network. I am of the view they are not a 'commercial premises' of the type likely to have been envisaged by the GPDO. Consequently noise from the Railway Station and passing trains should be discounted.
26. To support his appeal the appellant has submitted a further Noise Assessment Report and Addendum⁶ (the 'NAR'). The NAR peer-reviewed the originally submitted Sagoo Report and found it failed to contextualise the nature of the commercial noise. Therefore, the additional NAR has sought to explore the noise sources in more detail to try and differentiate between commercial and transportation noise. Additional noise measurements were taken, including when certain workshop machinery is in use, inside the vehicle workshop, and of the traffic on Victoria Road.
27. All the submitted noise reports found that the front façade of Victoria Park House is the most exposed to noise and was noisier than the rear elevation overlooking the MBz garage. This is evidenced by the measurements which found the front façade of the appeal building was subject to day time free field road traffic noise levels of 61dB L_{Aeq} (0700 – 2300) and night-time levels of 55dB L_{Aeq} (2300-0700). At the rear elevation, the building was subject to free field railway noise levels of 55dB L_{Aeq} (0700 – 2300) and night-time levels of

⁶ By RP Acoustics Ltd dated December 2021

52dB L_{Aeq} (2300-0700). From this and the submitted evidence I share the appellant's view that the increased noise levels at the front of the building are likely due to the site's location facing the traffic on Victoria Road.

28. Looking at the noise from the MBz garage commercial premises in more detail, the garage is open Monday to Friday 08:00 – 18:00 hours, Saturdays 09:00 – 17:00 hours and Sundays 10:00 – 16:00 hours. The workshop is open Monday to Friday 08:30 – 17:00 hours and Saturdays 08:30 – 12:30 hours. I understand that no bodywork/panel beating takes place and that servicing work is undertaken mostly with battery-operated tools – and the use of compressed-air tools is rare. Serviced cars are cleaned and valeted and then passed through an automated car wash with a drying cycle.
29. The dominant source of noise at the rear elevation was noise associated with the movement of trains to/from Stafford Railway Station. The NAR reports that the MBz workshop is internally insulated. Noise generated within the workshop was not audible at the rear façade of the appeal building. However, the car wash dryer was intermittently audible through a partially open window in the absence of trains. With appropriate calculation deductions, the free field dryer noise level at the rear elevation of the appeal building was 52 dB L_{Aeq} (2 minutes)⁷. The NAR describes the aural characteristics of the dryer cycle as being similar to an idling train at the nearby Railway Station, such that the commercial noise did not have a significant adverse impact.
30. Nonetheless, the noise levels recorded inside the appeal building overall exceed World Health Organisation noise level guidelines of 30 dB L_{Aeq} in bedrooms over 8 hours at night, 45 dB L_{Aeq} outside bedrooms with an open window over 8 hours, and 35 dB L_{Aeq} in living rooms over 16 hours in the day (which are similar to the ProPG⁸ noise level guidance set out in Fig 4.2 of the NAR). However, as the dominant noise source at the appeal building was found to come from transportation, both road traffic and trains, the measured noise levels are not indicative of adverse noise impacts arising from commercial premises.
31. The findings are broadly compatible to what I observed on my unannounced and unaccompanied weekday site visit, albeit a snap-shot in time. The MBz premises was quiet and any noise from the garage workshop was not audible to me, whereas noise from passing trains and traffic on Victoria Road was distinctly audible and more noticeable. I saw the residential flats on South Street have been built immediately adjacent to the workshop, although I have not been provided with any details as to whether any acoustic mitigation was necessary or has been installed.
32. As far as I am aware, the Council has not undertaken any noise monitoring of its own. Nor has the Council submitted an Appeal Statement or commented on the additional submitted NAR and its findings, which it did not have the benefit of when it determined the application. Drawing all the above points together and in the absence of substantive evidence to the contrary from the Council, the submitted NAR has given me sufficient information to enable me to establish that the dominant noise source is from road traffic and trains, not noise from commercial premises. Furthermore, the noise from commercial premises would not be of levels as to have a significant adverse impact on the

⁷ (73-20* log(64/6))

⁸ The Professional Practice Guidance on Planning and Noise

living conditions of future occupiers of the proposed flats, even with windows open. Accordingly, the proposal would not have an unacceptable impact upon the intended occupiers of the new dwellinghouses.

33. The appellant has suggested a condition requiring the submission of sound insulation measures against transportation noise to achieve the recommended noise levels from fig 4.2 of the NAR to improve living conditions for future occupiers. These measures would be approved by the Council before the first occupation of the development. If I were minded to allow the appeal I could impose such a condition.

Other Matters

34. A signed UU has been submitted. However, as the appeal is being dismissed for other substantive reasons it is not necessary for me to consider this any further.

Conclusion

35. Although the impacts from noise from any commercial premises would not adversely affect the intended occupiers of the new dwellinghouses, I have found the external appearance of the building would not be acceptable.
36. For the reasons given above I conclude that the appeal should be dismissed.

K Stephens
INSPECTOR



Appeal Decisions

Site visit made on 14 June 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2022

Appeal A Ref: APP/Y3425/W/21/3289776

Victoria Park House, Victoria Road, Stafford ST16 2AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Vinesh Aggarwal (of Enfield High Street (AGG12) Ltd) against the decision of Stafford Borough Council.
 - The application Ref 21/34099/POR, dated 21 March 2021, was refused by notice dated 31 August 2021.
 - The development proposed is Prior Approval for Proposed conversion and change of use from Offices (Class B1(a)) to dwelling houses (Class C3). A Floor Plan and Elevation Drawings are included in the supporting documents identifying the locations and dimensions of windows to habitable room.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a separate appeal¹ for the same site. However, as it concerns a different Part and Class of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO') it is the subject of a separate Decision.
3. The appellant submitted amended plans 12B and 13H to show dimensions and floor areas, as required by paragraph W.(2), which I have taken account of.
4. The appellant has submitted with his appeal a signed and dated Planning Obligation, pursuant to Section 106 of the Town and Country Planning Act 1990, by way of a Unilateral Undertaking (UU). I will deal with this later.

Procedural Matters

5. Article 3 and Schedule 2, Part 3, Class O of the GPDO grant planning permission for the change of use of a building and land within its curtilage from a use falling within Class B1(a) offices to a use falling within Class C3 (dwellinghouses), subject to a number of limitations and conditions set out in Paragraphs O.1 and O.2. Representations received should be taken into account and regard should be had to the National Planning Policy Framework (the 'Framework') so far as is relevant to matters of the prior approval, as if it were a planning application.

¹ Appeal ref: APP/Y3425/W/21/3289785

6. There is no dispute between the parties that all of the criteria in paragraph O.1 of the GPDO are met such that the proposal constitutes permitted development, subject to the conditions at Paragraph O.2 of the GPDO. The developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to a number of prior approval matters listed in O.2.(1)(a) to (e).
7. The Council raises no issue with regard to prior approval matters relating to transport and highways, the risk from contamination and flooding, or adequate light to habitable rooms. The prior approval matter in dispute relates to condition O.2.(1)(d) and the '*impacts of noise from commercial premises on the intended occupiers of the development.*'

Main Issues

8. In light of above, the main issues in this appeal are:
 - The effect of the proposed development on the living conditions of the intended future occupiers of the new dwelling houses with particular regard to noise from commercial premises, and
 - Whether the proposal makes adequate provision for mitigating against impacts on the Cannock Chase Special Area of Conservation (the 'SAC').

Reasons

Noise impacts

9. The appeal building is located in the centre of Stafford between Stafford Railway Station to the west and Victoria Park Playground to the east on the banks of the River Sow. The site fronts Victoria Road, a well trafficked route through Stafford that passes in front of the Railway Station. There is a Mercedes-Benz car dealership and repair/MOT/service garage (the 'MBz garage') that effectively wraps around the west side and rear of the appeal site. Adjacent to the site, on the east on the corner with South Street, is a two-storey building in use as a consulting business and the Stafford Institute. To the north east on South Street there are 3-4 storey blocks of residential flats. To the rear of the MBz garage are streets of terraced housing, some of which face the railway tracks along Railway Street.
10. The proposal would involve converting the existing vacant 5-storey office building into 42 one and two-bedroom apartments. The scheme would utilise the existing surface and underground parking provision to provide 43 on-site car parking spaces, cycle parking and refuse bins.
11. The appellant submitted an Ambient Noise Impact Assessment Report² (the 'Sagoo Report') with the application. This found that the major sources of noise were traffic along Victoria Road, trains, commercial activities and pedestrians. Noise levels inside habitable rooms would exceed acceptable levels, but to reduce noise levels the report recommended the windows were replaced with double-glazing and acoustic trickle vents.
12. A change of use permitted under Class O does not include making external alterations to the building, such as installing double-glazing. Recognising this, a

² By Dr H Sagoo of Acoustics, Noise & Vibration Consultants dated December 2020

Technical Memo³ was later submitted with the application. This found that secondary glazing could be installed internally to all habitable rooms to achieve the desired noise reduction. However, the desired reduced noise levels would only be achieved by keeping the windows closed and therefore the Technical Memo recommended the installation of passive stack vents, which the Council acknowledged could be fitted without undue changes. The Council's Environmental Health Officer did not object, subject to the imposition of a condition requiring the installation of secondary glazing and the passive stack ventilation.

13. The noise report was, however, unable to distinguish between traffic and commercial noise. The lack of distinction between the noise sources, and the installation of acoustic measures that would only achieve required noise levels if windows were kept closed, led to the Council to conclude, rightly in my view, that there was insufficient information to establish the impact of noise from commercial premises on the intended future occupiers of the new flats and would provide poor living conditions for occupiers.
14. Both parties have drawn my attention to a number of appeal decisions that include examples of closed windows representing poor living conditions or alternative ventilation being allowed with closed windows, including by the Council in Castle Street where noise levels were allegedly higher than the railway. I have not been provided with full details and facts of these applications and decisions. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers or Inspectors at the time. Therefore I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.
15. The GPDO only requires noise from 'commercial premises' to be taken into account. For the purposes of Class O, paragraph O.3 interprets a commercial premises to mean "*any premises used for the purpose of any commercial or industrial undertaking...and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.*"
16. The Council considers Stafford Railway Station and the movement of trains to be a commercial undertaking for the purposes of this application. Whilst train users (passengers or freight) pay to travel and there may be some commercial businesses within the station concourse itself, such as cafes and shops, Stafford Railway Station and the trains passing through it operate primarily as part of a wider national transport network. I am of the view they are not a 'commercial premises' of the type likely to have been envisaged by the GPDO. Consequently noise from the Railway Station and passing trains should be discounted.
17. To support his appeal the appellant has submitted a further Noise Assessment Report and Addendum⁴ (the 'NAR'). The NAR peer-reviewed the originally submitted Sagoo Report and found it failed to contextualise the nature of the commercial noise. Therefore, the additional NAR has sought to explore the noise sources in more detail to try and differentiate between commercial and transportation noise. Additional noise measurements were taken including

³ By Nova Acoustics dated July 2021

⁴ By RP Acoustics Ltd dated December 2021

when certain workshop machinery is in use, inside the vehicle workshop, and of the traffic on Victoria Road.

18. All the submitted noise reports found that the front façade of Victoria Park House is the most exposed to noise and was noisier than the rear elevation overlooking the MBz garage. This is evidenced by the measurements which found the front façade of the appeal building was subject to day time free field road traffic noise levels of 61dB L_{Aeq} (0700 – 2300) and night-time levels of 55dB L_{Aeq} (2300-0700). At the rear elevation, the building was subject to free field railway noise levels of 55dB L_{Aeq} (0700 – 2300) and night-time levels of 52dB L_{Aeq} (2300-0700). From this and the submitted evidence I share the appellant's view that the increased noise levels at the front of the building are likely due to the site's location facing the traffic on Victoria Road.
19. Looking at the noise from the MBz garage commercial premises in more detail, the garage is open Monday to Friday 08:00 – 18:00 hours, Saturdays 09:00 – 17:00 hours and Sundays 10:00 – 16:00 hours. The workshop is open Monday to Friday 08:30 – 17:00 hours and Saturdays 08:30 – 12:30 hours. I understand that no bodywork/panel beating takes place and that servicing work is undertaken mostly with battery-operated tools – and the use of compressed-air tools is rare. Serviced cars are cleaned and valeted and then passed through an automated car wash with a drying cycle.
20. The dominant source of noise at the rear elevation was noise associated with the movement of trains to/from Stafford Railway Station. The NAR reports that the MBz workshop is internally insulated. Noise generated within the workshop was not audible at the rear façade of the appeal building. However, the car wash dryer was intermittently audible through a partially open window in the absence of trains. With appropriate calculation deductions, the free field dryer noise level at the rear elevation of the appeal building was 52 dB L_{Aeq} (2 minutes)⁵. The NAR describes the aural characteristics of the dryer cycle as being similar to an idling train at the nearby Railway Station, such that the commercial noise did not have a significant adverse impact.
21. Nonetheless, the noise levels recorded inside the appeal building overall exceed World Health Organisation noise level guidelines of 30 dB L_{Aeq} in bedrooms over 8 hours at night, 45 dB L_{Aeq} outside bedrooms with an open window over 8 hours, and 35 dB L_{Aeq} in living rooms over 16 hours in the day (which are similar to the ProPG⁶ noise level guidance set out in Fig 4.2 of the NAR). However, as the dominant noise source at the appeal building was found to come from transportation, both road traffic and trains, the measured noise levels are not indicative of adverse noise impacts arising from commercial premises.
22. The findings are broadly compatible to what I observed on my unannounced and unaccompanied weekday site visit, albeit a snap-shot in time. The MBz premises was quiet and any noise from the garage workshop was not audible to me, whereas noise from passing trains and traffic on Victoria Road was distinctly audible and more noticeable. I saw the residential flats on South Street have been built immediately adjacent to the workshop, although I have not been provided with any details as to whether any acoustic mitigation was necessary or has been installed.

⁵ (73-20* log(64/6))

⁶ The Professional Practice Guidance on Planning and Noise

23. As far as I am aware, the Council has not undertaken any noise monitoring of its own. Nor has the Council submitted an Appeal Statement or commented on the additional submitted NAR and its findings, which it did not have the benefit of when it determined the application. Drawing all the above points together and in the absence of substantive evidence to the contrary from the Council, the submitted NAR has given me sufficient information to enable me to establish that the dominant noise source is from road traffic and trains, not noise from commercial premises. Furthermore, the noise from commercial premises would not be of levels as to have a significant adverse impact on the living conditions of future occupiers of the new dwellinghouses, even with windows open.
24. Accordingly, the proposal would not have an unacceptable impact upon the intended occupiers of the new dwellinghouses and would comply with paragraph O.2.(1)(d) of the GPDO.
25. The appellant has suggested a condition requiring the submission of sound insulation measures against transportation noise to achieve the recommended noise levels from fig 4.2 of the NAR to improve living conditions for future occupiers. These measures would be approved by the Council before the first occupation of the development. If I were minded to allow the appeal I could impose such a condition.

Mitigating impacts on the Cannock Chase SAC

26. The site lies within 8 kilometres of Cannock Chase SAC, a European designated site. Policy N4 (The Natural Environment & Green Infrastructure) of the Plan for Stafford seeks to protect, conserve and enhance the borough's natural environment and its various designated and protected nature conservation sites.
27. Natural England were consulted on the application and advised that without delivering appropriate mitigation for recreational impacts (by means of Strategic Access Management & Monitoring Measures - SAMMM) the provision of 42 flats would have an adverse effect on the integrity of the Cannock Chase SAC. They considered that the likely significant effects could be mitigated by a financial contribution towards the SAMM (based on a payment per net residential dwelling), which could be secured through a Unilateral Undertaking (UU). During determination of the application the appellant was aware of the need for a UU and indicated his willingness to enter into such an agreement. The Council states in its Delegated Report that Natural England finds this approach acceptable and raises no objection.
28. The appellant has since submitted a signed and dated UU to provide a £8,109 financial contribution towards the necessary mitigation measures. The Council has not commented on the UU. However, I find there are a number of shortcomings with it.
29. The UU refers to both Prior Approval applications for Victoria Park House – the First Development is the appeal scheme before me (for 42 dwelling units) and the Second Development is the other appeal already mentioned, which is for the erection of an additional floor on top of the office building for 9 dwelling units

30. In commenting on the prior approval application for the Second Development, for the extra floor and creation of 9 flats, Natural England state that the number of dwellings does not trigger the need for a financial contribution. Therefore there is no need for the UU to refer to both applications. This in itself does not matter provided the UU properly covers 'the First Development', the subject of this appeal.
31. Clause 4.5 of the UU refers to the joint impact of the First and Second Developments. Due to the nature of the different Parts and Classes of the GPDO, both appeal schemes could not be implemented at the same time (and result in 42 + 9 flats), and so there would not be a joint impact. It is only the First Development for 42 residential units that triggers the financial contributions. However, as this is just a recital and not within the operative part of the deed it does not matter that it is included.
32. Schedule 1, paragraph 1 of the UU makes reference to the Second Development. This is unnecessary, but again it does not matter. In any event, this is just about the Council's access to the land for inspection and it would give them what they need in relation to the First Development.
33. Schedule 1, paragraph 4 of the UU refers to the 'First Development', but Schedule 1, paragraph 5 only refers to 'the Development', which is a term not defined in the UU. The lack of definition and the fact it does not refer to the 'First Development' is a defect. The result is that, whilst Schedule 1 paragraph 4 means the Council could sue the owner for payment of the contribution if the First Development is commenced before payment, it may not be able to rely on Schedule 1 paragraph 5 to *prevent* commencement through an injunction. This could leave the interpretation of the UU open for debate. Generally, words in a planning obligation should be given their ordinary meaning (*Norfolk Homes Ltd v North Norfolk DC* [2020] EWHC 2265 (QB)) and it may be that the reasonable reader would understand 'the Development' to include 'the First Development.' Nevertheless, this is a weakness in the UU. The ability to prevent commencement of development by injunction is a significant power, and its absence in this case is important.
34. The financial contribution is necessary to off-set the harm that would be caused to the nearby Cannock Chase SAC from the increased population pressure arising from the creation of 42 flats. However, with the shortcomings and defects of the UU I am not satisfied it confers the Council with the necessary safeguards. Consequently there is inadequate provision for mitigating against the impacts on the Cannock Chase SAC.
35. In so far as it is relevant, the Framework states that the development should contribute to and enhance the natural environment by, amongst other things, protecting sites of biodiversity and minimising impacts on biodiversity. Where there would be significant harm from a development that cannot be avoided or adequately mitigated then application should be refused (paragraphs 174 and 180).

Conclusion

36. Whilst I have found the impact of noise from commercial premises would not have a harmful effect on the intended occupiers of the development, the proposal does not make adequate provision for mitigating against the Cannock Chase SAC. For these reasons the appeal does not succeed.

K Stephens
INSPECTOR



Appeal Decision

Site visit made on 13 September 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2022

Appeal Ref: APP/Y3425/W/21/3280149

Grindley House Farm, Grindley Business Village, Uttoxeter Road, Grindley, Stafford ST18 0LR

- 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 & Mrs Hughes (Grindley Business Village) against the decision of Stafford Borough Council.
 - The application Ref 20/33247/FUL, dated 15 October 2020, was refused by notice dated 3 February 2021.
 - The development proposed is described as "expansion of Grindley Business Village to provide additional office accommodation."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to the National Planning Policy Framework (Framework) (2019). This version of the Framework has been superseded by the Framework (July 2021). The relevant policy of the Framework (2021) was referred to in the Council's statement and the appellant's statement, and consequently no parties have been prejudiced by me having regard to the Framework (2021) in reaching my decision.

Main Issue

3. The main issue is whether the proposal would be in a suitable location, having regard to the sustainable settlement hierarchy of the local plan, and whether the proposal would conflict with the sequential approach advocated within the National Planning Policy Framework.

Reasons

4. The appeal site is a plot of land adjacent to Grindley Business Village. The site is undeveloped grassland, located just north of the A518 Stafford to Uttoxeter Road. The site is accessed through the existing Grindley Business Village. It is located outside a defined settlement boundary and within the open countryside.
5. Policy SP7 of the Plan for Stafford Borough 2011-2031 (adopted 2014) (Local Plan) requires development outside of the sustainable settlement hierarchy to be consistent with the objectives of Spatial Principles SP6, Policy E2 and Policy C5 in supporting rural sustainability. Policy C5 is not relevant to this appeal, as it relates to residential development. SP7 also states that only where insufficient sites on previously developed land, in sustainable locations, are

- available to meet new development requirements should greenfield sites be released.
6. Policy SP6 states that achieving rural sustainability includes promoting 'a sustainable rural economy.'
 7. Policy E2 states that for rural areas outside the defined settlements, support will be given to the achievement of rural sustainability by encouraging, amongst other things, development on recognised industrial estates, provision for the essential operational needs of agriculture, forestry or rural businesses, and proposals which meet the essential local development needs of a community.
 8. The appeal site is not located within a recognised industrial estate. It is a greenfield site in a rural location outside of the settlement boundary. Whilst the appeal site is on the edge of the existing Grindley Business Village, the proposal would represent encroachment of urban form into open countryside. In addition, the proposal would not fit into the categories listed in Policy E2, such as providing for the essential needs of agriculture or forestry, or meeting the essential local development needs of the community. Whilst the proposal would facilitate job creation in the rural economy, the proposal would not avoid the development of new buildings in the open countryside, which would conflict with Policies SP7 and E2.
 9. In seeking to provide town centre uses in appropriate locations, paragraph 87 of the Framework makes it clear that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. It also states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
 10. Furthermore, paragraph 89 of the Framework states that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural developments.
 11. There is no definition in the Local Plan, Framework or Planning Practice Guidance (PPG) of 'small scale rural development'. The proposal would occupy around 0.3ha of land and would consist of 12 office units with a combined floor space of around 737sqm on greenfield land adjacent to the existing Grindley Business Village. Furthermore, the proposal would attract a large number of employees, visitors and associated vehicular trips to the 12 units, which are likely to be open for several hours during the day, most days of the year. Consequently, in my judgement, the appeal scheme would not represent small-scale rural development for the purposes of Policy E2 and the Framework.
 12. The PPG (para: 012 Ref ID: 2b-012-20190722) also sets out that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification.
 13. Within the appellant's evidence, there is interest from some 7 companies. However, on the evidence before me, I am not satisfied that it can be assumed

that the majority of the employees would come from the local area. It is also not clear whether the additional employees would be employed as permanent or temporary staff, which would indicate the length of time the office space would be required for.

14. In addition, there is no substantial evidence to demonstrate the extent of how much office accommodation is required by these companies or how the needs of the businesses in the local area would be met. Furthermore, there is no substantial evidence to demonstrate that it is essential for them to be in this location instead of an alternative location, such as an established industrial estate or defined settlement, and whether alternative sites have been ruled out. There is also insufficient evidence before me to show whether the existing buildings at Grindley Business Village are operating at full capacity or whether space could become available in the near future.
15. Consequently, the weight I attach to the benefits of the proposal providing office accommodation and supporting existing businesses at Grindley Business Village is diminished to a modest level by the absence of meaningful evidence.
16. Even though the site is located on a bus route, the particular market and locational requirements of the development have not been convincingly substantiated. I also note the support for the proposal from one of the local councillors. Nevertheless, a sequential approach would be required for the proposal, and the absence of one fails to establish whether a sequentially preferable site exists. The PPG is clear that compliance with sequential and impact tests does not guarantee permission will be granted; but failure to undertake either could itself constitute a reason for refusing permission.
17. Therefore, I conclude that the appeal proposal would not be a small-scale rural development in the countryside. It has not been robustly evidenced that a sequentially preferable site could not accommodate the proposal or that there would not be a significant adverse impact on the vitality and viability of an existing centre. Consequently, the proposal would not be sustainable development and would conflict with Policies SP7 and E2 of the Local Plan, and paragraph 87 of the Framework.

Other Matters

18. The appellant has submitted a Statement of Common Ground (SofCG), but this has not been signed by the Council. In particular, paragraph 4.4 of the SofCG suggests that the Council does not currently have the required supply of employment land in accordance with the requirements of Policy SP2. This is disputed by the Council, as shown in the Council's Statement in paragraph 3.1. Therefore, the SofCG is not an agreement between the two main parties and consequently I attribute little weight to it.
19. Whilst the appeal site may be underutilised and of a size not suitable for modern farming methods, this does not negate the conflict that has been identified with the development plan. I therefore attach little weight to this matter.

Planning Balance

20. The proposal would provide social and economic benefits, creating jobs during the construction phase, and the creation of well-paid jobs and indirect employment through use of local suppliers. However, I have not been provided

- with substantive evidence of local job needs or how future employment opportunities would demonstrably be secured for local workers. Although there would clearly be benefits associated with creation of jobs, some of which would be skilled jobs, the absence of a sequential test diminishes the weight I can attach to these benefits to a modest level.
21. It is suggested that the proposed development would result in the planting of new mixed native trees and hedges that would provide environmental enhancement of the appeal site. Nevertheless, I have been provided with no firm evidence of what these measures might be or how they might be achieved. In the absence of any details of such measures I attach little weight to this as a benefit.
 22. When the application was submitted to the Council it was suggested that the development would benefit from the on-site anaerobic digestion plant as a source of renewable energy. However, this has since been decommissioned. Reference has been made to a wind turbine, but no information has been provided. I therefore attach no weight to this.
 23. Although external materials and solar photovoltaic panels on the proposed office units could be imposed by condition, and the proposal would be thermally efficient and benefit from good broadband connection and secure undercover bicycle storage, these modest benefits would not outweigh the harm identified.
 24. Whilst not weighing against the proposed development in the overall planning balance, any absence of harm in respect of the surrounding highway network, flood risk, and living conditions of neighbouring occupiers, is a neutral factor which does not weigh in favour of the proposal.
 25. I am mindful that the Covid-19 pandemic and Brexit has placed increased uncertainty on local businesses. Nevertheless, I do not consider this to be a factor to justify making a decision other than in accordance with the development plan read as a whole.
 26. The appellant seeks to compare the appeal site to Dunston Business Village. The Council state that both business villages began as conversion schemes, re-using existing former agricultural buildings. It is understood that since the Dunston Business Village was established, a shortfall in employment land to meet projected demand was identified and expanding the Dunston Business Village was seen as a solution to this shortfall. I note that the Council's latest monitoring report indicates that there is no longer a shortfall of employment land. Whilst I acknowledge that the proposal would increase the range of employment land available in the Borough that is suitable for small and medium enterprises, I have no compelling evidence that there is a shortage of such units in the available supply.
 27. The harm I have found arising from this proposal is so significant that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. This provides a clear reason for refusing the development.
 28. The proposal would conflict with Policies SP7 and E2 of the Local Plan. The proposal would not be sustainable development and would not be in a suitable location, contrary to the development plan read as a whole and to the Framework. This carries considerable weight against the proposal.

Conclusion

29. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Helen Smith

INSPECTOR



Appeal Decision

Site visit made on 13 September 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2022

Appeal Ref: APP/Y3425/W/21/3288414

Kents Farm Barn, Church Lane, Gayton ST18 0HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Harrowby Estates against the decision of Stafford Borough Council.
 - The application Ref 21/34107/PAR, dated 23 March 2021, was refused by notice dated 17 June 2021.
 - The development proposed is to convert the redundant agricultural building to a dwelling house.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the conversion of the redundant agricultural building to a dwelling house at Kents Farm Barn, Church Lane, Gayton, ST18 0HL in accordance with the terms of the application, Ref 21/34107/PAR, dated 23 March 2021, and the details submitted with it, including Drawing Nos YBD09228-P001 E (Site Location Plan), YBD09228-P-002 D (Site Plan), YBD09228-P-005 A (Floor Plans as Existing), YBD09228-P006 A (Elevations as Existing), YBD09228-P-010 A (Floor Plans as Proposed), YBD09228-P-011 A (Elevations as Proposed), pursuant to Article 3(1) and Schedule 2, Part 3, Class Q. The approval is subject to conditions set out by Paragraph Q.2(3) of Schedule 2, Part 3, Class Q of the GPDO in that development must be completed within a period of 3 years from the date of this decision as well as the provisions specified in paragraph W. The approval is also subject to the conditions set out in the schedule attached.

Preliminary Matters

2. A previous similar application at the site was refused under 20/33103/PAR. Since this refused application, various works have been undertaken, including to the rear lean-to element of the building. I have made my decision on the basis of the plans and documents which relate to the proposal subject to this appeal.
3. The description of the proposed development in the banner heading above is taken from the planning application form. However, I have removed the superfluous wording to ensure a more concise form of words. This wording is similar to the appeal form which states 'conversion of a redundant agricultural building to a dwelling house.'

Main Issues

4. The main issues are whether the proposal would comply with the requirements under Article 3(1), Schedule 2, Part 3, Class Q of the GPDO, with particular reference to previous works and the extent of the proposed building operations.

Reasons

Whether development has commenced in respect of the previous works

5. The appeal site consists of an agricultural building located on Church Lane. It is opposite the Gayton Village Hall and is surrounded by open agricultural land.
6. The appeal building is a two-storey brick barn with single storey brick and timber structures to its sides, and a single storey brick lean-to extension to its rear. The main two-storey building element has a traditional pitched tiled roof. The single-storey side structures and rear lean-to extension have corrugated sheet metal roof coverings.
7. Paragraph Q.1 (i) of the GPDO permits the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse and partial demolition to the extent reasonably necessary to carry out such works. The Planning Practice Guidance (PPG) provides further guidance in this regard, establishing that 'it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.'
8. The Structural Report (dated October 2020) indicates that the appeal building was subject to maintenance work in March 2021. The report states that the maintenance work included the repair of the building's first floor and rear roof.
9. However, the Council states that the rear lean-to element of the building has also been rebuilt by virtue of the provision of a new timber structure and the installation of corrugated roofing sheets. The Council consider these works constitute development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended) and go beyond the provisions of Class Q of the GPDO.
10. The appellant contends that the work undertaken in March 2021 was maintenance of the existing building, following storm damage and long-term damage, such as timber rot. From the evidence before me, the maintenance work undertaken comprised roof repairs including patching wall plates and fixings, reclaimed roof sheeting where the existing on-site materials were insufficient, timber and fixings for minor internal floor repairs and to replace existing floor joists.
11. From my observations on site, it was apparent that sections of the original brick walls had been retained in the rear lean-to element of the building. Whilst sections of the lean-to roof had been replaced, the materials used matched the original materials. There was also evidence of original timbers within the lean-to structure, with replacement timbers in localised internal areas. Accordingly, based on the available evidence, I am satisfied that the lean-to repairs have

not significantly altered the main structure of the rear building or its external appearance.

12. I also observed that the main two-storey building element had retained its original brickwork and tiled roof materials, which appeared to be in reasonable condition. The single-storey side structures were also intact and in adequate condition. Furthermore, the building's overall form and structure had been maintained and the building's original appearance as an agricultural building had not been changed.
13. Therefore, I consider that the maintenance work undertaken was relatively modest, did not constitute structural alterations of the building or additions to it, and did not significantly affect the external appearance of the building. In the absence of any contrary conclusive or compelling evidence from the Council, I have no reason to dispute the appellant's version of events.
14. Consequently, I am satisfied that the previous works of repair do not constitute 'development' in terms of the accepted definition, with the maintenance works not altering the appearance of the building. Therefore, the works undertaken were not done so under Class Q of the GPDO and are not contrary to paragraphs W(11) and Q.2(1). As such, the proposal would benefit from the provisions under Class Q.

Building Operations

15. The submitted Structural Report indicates that the existing structural form and the main load bearing elements of the building are suitable to be considered for the proposed conversion. The Council have not provided any compelling evidence to the contrary.
16. The proposal would require alterations to the building's outer fabric. This would include the replacement of the corrugated sheet metal roofing with composite roof sheets, repairs to damaged brickwork, replacement of external cladding, and the replacement of a missing wall panel to the rear lean-to.
17. Class Q.1(i)(i)(aa) allows for the installation or replacement of roofs and exterior walls and so, the proposed repair and replacement of external walls and cladding would be within the scope of Class Q and would be necessary as evidenced in the Structural Report. Taking this and the fact that the building is structurally suitable for conversion into account, the replacement of some of the external walls, cladding and roofing materials would be reasonably necessary to make the building weatherproof and suitable for human habitation. Consequently, these external works to the buildings outer fabric would neither represent a fresh new build nor rebuilding of the structure.
18. Given my findings above in respect of the new building work required to facilitate the residential use of the building, as a matter of fact and degree, I find that the circumstances in the Hibbett case are not directly comparable. In any event, I have dealt with the appeal on its own merits.
19. Based on the evidence provided, I am satisfied therefore that the structural integrity of the building is sound and would form an integral part of the new dwelling. The building operations would be reasonably necessary in this instance and would not exceed the limitations set out in paragraph Q.1(i) of the GPDO. As such, this part of the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

20. The conditions set out in paragraph Q2(1)(a) to (g) relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance, and the provision of adequate natural light in all habitable rooms. The Council raises no concerns in relation to the prior approval matters listed in paragraph Q.2(1)(a) to (g), subject to various suggested conditions in relation to matters such as highway safety and noise that it considers would be required. Such conditions would be reasonably related to the subject matter of the prior approval. In those circumstances, it is reasonable and necessary for me to impose such conditions as referred to by the Council, so that the proposal would not impact on highway safety and result in unacceptable noise.
21. Given the above and based on the information before me and my observations on site, I have no reason to take a different view to the Council in respect of the above matters. Therefore, the proposal would comply with these other matters considered under Class Q.
22. The appeal site is located within 15km of Cannock Chase Special Area of Conservation (SAC). The appeal site therefore falls within the zone of influence for the SAC. New residential development within this zone of influence is likely to have a significant effect on the SAC through increased recreational pressures. The Council's submitted evidence indicates that mitigation for proposed residential developments that would result in a net increase in residential units would be required in the form of a financial contribution.
23. The grant of planning permission under Article 3(1) of the GPDO is subject to the provisions of the GPDO for each class of development and compliance with regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations). Effectively, Article 3(1) provides a pre-commencement condition which must be met, where the development would affect a European protected habitat, such as a SAC, before the works can be undertaken as permitted development. This includes a separate application to the Council under regulation 77 of the Habitats Regulations to allow the Council to undertake an appropriate assessment and, depending on the outcome, this would determine whether, in terms of that matter, the scheme could be undertaken as permitted development under the GPDO.
24. Based on the evidence before me, it does not appear that an application to the Council under regulation 77 has been made. However, as the regulation 77 application can be submitted and potentially approved after the grant of prior approval, it is not determinative in respect of the main issues that I have examined and, therefore, I do not need to consider this matter further as part of this appeal.
25. Accordingly, with Article 3(1) and Regulations 75-78 securing a separate process by which such development only proceeds where it has been confirmed via a Regulation 77 approval from the Council that there would be no adverse effect on the integrity of designated sites, it is not necessary to secure the financial mitigation as part of this appeal.
26. The process in this instance nevertheless still requires the developer to submit a Regulation 77 application and receive written notification of the approval from the Council prior to commencement of development. This process also

allows me to be satisfied that the appeal proposal would not adversely affect the integrity of the SAC.

27. A number of other issues have been raised by third parties, including modern farming methods and the use of the building for storage of winter feed and animal shelter. However, as the appeal relates to prior approval, the matters for consideration are restricted to those set out in the relevant paragraphs of the GPDO. Therefore, these other issues raised fall outside the matters I can consider.

Conditions

28. The Council has provided a list of conditions which it recommends should be attached to any permission.
29. Any prior approval and planning permission granted for the development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date, as well as the provisions of paragraph W. Accordingly, the Council's suggested time condition is not necessary.
30. Given I have listed the submitted plans in my decision and Paragraph W(12) of Schedule 2, Part 3 of the GPDO requires development to be carried out in accordance with the details submitted, the Council's suggested plans condition is unnecessary. I have therefore not imposed that suggested condition.
31. Paragraph W(13) of the GPDO allows prior approval to be granted subject to conditions reasonably related to the subject matter of the prior approval. For the reasons set out above, I have imposed conditions relating to highway safety. I have also imposed a condition to safeguard the living conditions of the occupiers of neighbouring properties from potential noise nuisance during the construction stage. A condition relating to hard and soft landscaping has been imposed to ensure the satisfactory appearance of the building. I have also imposed a condition to ensure the adequate drainage of the site. These conditions are reasonable and necessary and are reasonably related to the subject matter of the prior approval.
32. I have made some revisions to the Council's suggested conditions in the interests of clarity and precision. However, I have omitted the Council's suggested condition removing permitted development rights relating to gates, fences, walls and means of access to a highway given the scale of the proposed development and the limited nature of such permitted development works indicates that such a condition is not necessary. I have also not imposed the other conditions suggested by the Council's Environmental Health Officer as I found these to be unnecessary.

Conclusion

33. For the reasons given, I conclude that the appeal is allowed and prior approval is granted subject to conditions.

Helen Smith

INSPECTOR

*****Schedule of Conditions*****

- 1) The access drive and parking areas shall be provided in accordance with the approved plans before the development is first occupied and shall thereafter be retained as such.
- 2) Prior to occupation, the access drive shall be surfaced in tarmac for a minimum distance of 5m from the carriageway and shall thereafter be retained and maintained as such.
- 3) Any vehicular access gates shall be sited a minimum distance of 5m from the site boundary and shall not open towards the public highway.
- 4) All construction works, including demolition and associated deliveries to the site shall only take place between the hours of 08.00 and 18.00 Monday to Friday, 08.00 and 14.00 Saturdays, and not at any time on Sundays, Bank or Public holidays. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied neighbouring residential dwellings.
- 5) Details of hard and soft landscaping, including means of enclosure, shall be submitted to and approved in writing by the local planning authority prior to occupation. The approved scheme shall then be carried out in accordance with the approved details and thereafter retained and maintained.
- 6) Prior to its installation, details of a scheme for foul drainage and surface water drainage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall then be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

*****End of Conditions*****