

Dear Members

### **Planning Committee - Site Visit**

A meeting of the Planning Committee will be held in the **Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford** on **23 August 2022** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

The Committee will meet at the rear of the Civic Centre and depart at **9.30 am** to visit the sites as set out in the agenda and re-convene at the Civic Centre at approximately **11.30 am** to determine the applications.

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.



Head of Law and Administration

**PLANNING COMMITTEE**

**(SITE VISIT)**

**23 AUGUST 2022**

**Chairman - Councillor E G R Jones  
Vice-Chairman - Councillor P W Jones**

**AGENDA**

<b>1</b>	<b>Apologies</b>	
<b>2</b>	<b>Declaration of Member's Interests/Lobbying</b>	
<b>3</b>	<b>Planning Applications</b>	<b>Page Nos</b> 3 - 14

**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 3

ITEM NO 3

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PLANNING COMMITTEE - SITE VISIT - 23 AUGUST 2022

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**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**:-

		<b>Page Nos</b>
<b>22/35606/FUL</b>	<b>6 Mill Farm Barns, Mill Street, Stone, Staffordshire, ST15 8BA</b>	4 - 14
	The application was called in by Councillor I D Fordham	
	Officer Contact - Sian Wright Interim Development Lead Telephone 01785 619528	

**Previous Consideration**

Nil

**Background Papers**

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

<b>Application:</b>	22/35606/FUL
<b>Case Officer:</b>	Hannah Cross
<b>Date Registered:</b>	22 February 2022
<b>Target Decision Date:</b>	19 April 2022
<b>Extended To:</b>	N/A
<b>Address:</b>	6 Mill Farm Barns, Mill Street, Stone, Staffordshire, ST15 8BA
<b>Ward:</b>	St Michaels and Stonefield
<b>Parish:</b>	Stone Town
<b>Proposal:</b>	Erection of 1.6m high black powder coated steel railings (part replacement of existing fence)
<b>Applicant:</b>	Dr G Rhys
<b>Recommendation:</b>	Approve subject to conditions

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## **PREVIOUS CONSIDERATION BY COMMITTEE**

A report on the application was considered by Planning Committee on 15 June 2022 when it was resolved:

“that planning application No 22/35606/FUL be deferred to enable Officers of the Planning Department to seek clarification from the Owner of the land in question regarding the relationship between the railings and associated earth bund, and to clarify his future intentions in respect of the site”.

A short report following a site meeting with the applicant and officers’ inspection of the entire length of the boundary within the application site was considered by Planning Committee on 27 July 2022 when it was resolved:

“That a Committee site visit is undertaken prior to the determination of this application”.

## **UPDATE**

The site visit should enable the Planning Committee to understand the relationship between the proposed railings and the existing land levels for the pavement on Redhill Road and on the application site.

Members will see that in most parts the existing land level within the application site is higher than the pavement level. This has clearly been the case for a long time as evidenced by the tree roots of mature trees which are higher than the pavement level, and contrary to the suggestion made at the Planning Committee meeting of 15 June 2022 there are no earth bunds constructed on the site.

At the Planning Committee meeting of 15 June 2022 there was debate about whether the proposed railings would allow water to pass through in the event of a flood. Whilst this can be a material consideration, it should be noted that this application is only submitted in respect of proposed railings, and no works are proposed on the land adjoining the site of the railings. In determining this application the Committee has no power to impose conditions on land outside the application boundary.

## **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: -

JPK/22/4878/2 Revision E

3. The development shall not be commenced, including ground works, construction activities and deliveries to the site of any materials or equipment unless and until an Arboricultural Method Statement covering all aspects of development that are within the root protection areas of retained trees, or that have the potential to result in damage to retained trees, has been submitted to and approved in writing by the Local Planning Authority. The measures within the approved Arboricultural Method Statement shall be implemented and maintained until the completion of all construction related activity, unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.

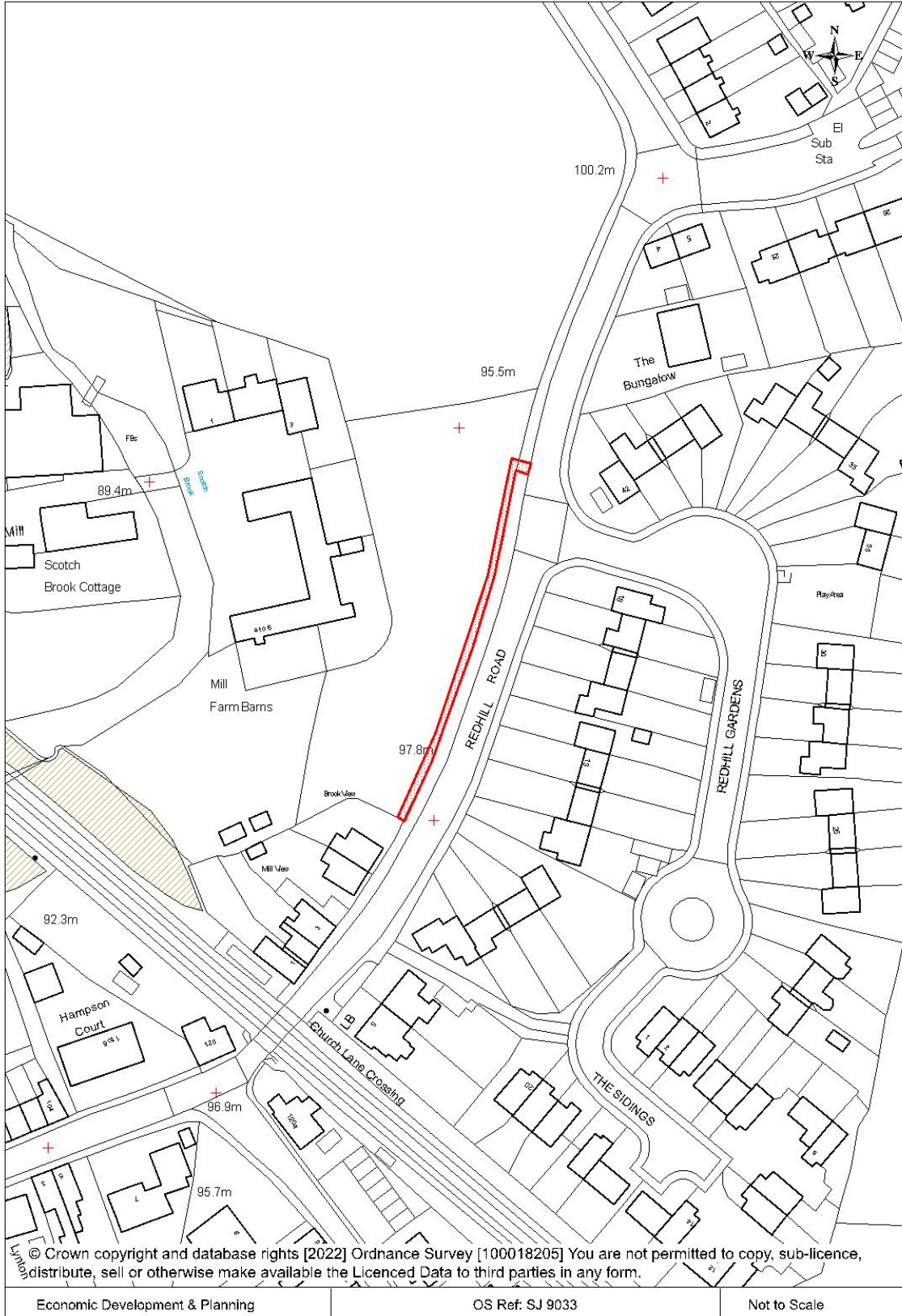
The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To safeguard the amenities of the surrounding area and prevent damage to surrounding trees (Policy N1 and Policy N4 of The Plan for Stafford Borough).

## **Informative**

- 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.

**22/35606/FUL**  
**6 Mill Farm Barns**  
**Mill Street**  
**Stone**



### Previous Committee report 27 July 2022

<b>Application:</b>	22/35606/FUL
<b>Case Officer:</b>	Hannah Cross
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<b>Recommendation:</b>	Approve subject to conditions

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#### PREVIOUS CONSIDERATION BY COMMITTEE

A report on the application was considered by Planning Committee on 15 June 2022 when it was resolved:

“that planning application No 22/35606/FUL be deferred to enable Officers of the Planning Department to seek clarification from the Owner of the land in question regarding the relationship between the railings and associated earth bund, and to clarify his future intentions in respect of the site”.

#### UPDATE

A site meeting has been held with the applicant, and officers have inspected the entire length of the boundary within the application site and it is evident that no bund has been created, but in most parts the existing land level within the application site is higher than the pavement level. Whilst photographs have been taken, it is difficult to show on any photograph the land immediately within the boundary in comparison to the pavement height due to the presence of the fence and dense vegetation.

It is therefore recommended that the Committee resolve to undertake a site visit prior to determining the application in order to understand the relationship between the proposed railings and the existing land levels for the pavement on Redhill Road and on the application site.

#### RECOMMENDATION

That a Committee site visit is undertaken prior to the determination of this application.

### Previous Committee Report 15 June 2022

<b>Application:</b>	22/35606/FUL
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### REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor I Fordham (Ward Member for St Michaels and Stonefield) for the following reasons: -

‘Errors on disclosure impact on Conservation Area contrary to SBC Policies and NPPF’.

#### 1.0 CONTEXT

##### The Application Site

The application site is a strip of agricultural land located on the edge of a larger parcel of agricultural land to the East of the residential dwelling 6 Mill Farm Barns (also in ownership of the applicant). The application site is within the Mills Character Area of the Moddershall Valley Conservation Area. Historically the land was associated to the 18th century Stone Mill (now Mill Restaurant), a grade II listed former corn mill to the east with associated outbuildings (now converted to residential use as Mill Farm Barns). The site is located within the residential settlement of Stone.



The Eastern boundary of the site abuts the main highway 'Redhill Road' which is a suburban residential street outside of the Moddershall Valley Conservation Area characterised predominately by two storey semi-detached dwellings.

The application follows an application (reference 20/32679/FUL) at the site for an existing and proposed 1.8m close boarded timber fence adjacent to the footway at Redhill Road which was refused in May 2021 and consequently dismissed at appeal (Appeal Ref: APP/Y3425/D/21/3278427) in November 2021 on the grounds that the development was deemed harmful to the setting of the Conservation Area.

On 23 March 2022 the Planning Committee considered an enforcement report on the expediency of taking enforcement action in respect of the approximately 38m length of close boarded fence in place which application 20/32679/FUL sought retrospective approval to retain. At that meeting Planning Committee resolved that appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the reduction in height of the unauthorised fence to not more than 1.0m in height, and an Enforcement Notice is currently being drafted.

### **Proposed Development**

The proposal is for the erection of 1.6m high black powder coated steel railings topped with pointed pales extending a length of approx 85m adjacent to the footway at Redhill Road. The railings will in part replace an existing unauthorised 1.8m close boarded fence. An existing hedgerow and shrubbery will be enclosed inside of the railings.

The proposal has been amended to show a reduction in height of the railings from 1.8m to 1.6m, and to add pointed pales with the hollows facing West towards the application site. In addition a new set of steel gates and dropped kerb access crossing to Redhill Road was proposed towards the North of the boundary but has since been omitted from plans.

### **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) and the Stone Neighbourhood Plan.

### **OFFICER ASSESSMENT – KEY CONSIDERATIONS**

The key issues with the development are its impact upon the appearance of the Moddershall Conservation Area and surrounding residential area, alongside highway safety and convenience.

## 2.0 PRINCIPLE OF DEVELOPMENT

The application site is located within Stafford 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 Stafford settlement boundary, but subject to other material considerations being satisfied, including: -

- Impact upon the character and appearance of the Conservation Area
- Highway Safety and Convenience

### **Polices and Guidance: -**

National Planning Policy Framework 2021 (NPPF)

Paragraphs 8 and 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 IMPACT ON THE CHARACTER and APPEARANCE OF THE CONSERVATION AREA

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. In addition, Policy N9 requires that developments respect and where possible enhance the historic environment.

The existing close boarded fence is situated on the edge of Moddershall Valley Conservation Area and adjacent to Redhill Road. The fence is readily viewable from Redhill Road and currently presents a hard and dominating boundary to the Conservation Area. The replacement of this fence is therefore welcomed in principle.

The proposed steel railings are considered to take a visually inobtrusive appearance, the design and finish (black powder-coated) of which are sympathetic to the Conservation Area and comparable to the historic boundary treatment of the site. Plans show the retention of existing shrubbery and hedgerow which will sit directly inside of the railings which is welcomed. The Conservation Officer commented on the original plans submitted with this application to request a reduction in the height of the railings to a maximum of 1.6m and minor tweaks to the design to show pointed pales with the hollow of the pale facing away from Redhill Road. The Conservation Officer raises no objection to the amended scheme subject to a condition securing a black powder-coated finish with the hollows of pale tops facing west into the application site. This can be secured by condition.

In all it is considered the proposal has an acceptable impact upon the character and appearance of the surrounding streetscene and Conservation Area in accordance with Policy N1 and Policy N9.

**Policies and Guidance: -**

National Planning Policy Framework 2021 (NPPF)  
Section 12 - Achieving well-designed places  
The Plan for Stafford Borough 2011-2031 (TPSB)  
N1 (Design)  
Supplementary Planning Document – Design (SPD)

## **5.0 HIGHWAY SAFETY AND CONVENIENCE**

The Highway Authority initially recommended that the application be refused on the basis of insufficient information regarding the use of the new access and access gates originally proposed. Since the dropped kerb and access gates were omitted from plans, the Highway Authority have raised no objections subject to the fence being erected behind the existing light column adjacent to Redhill Road. The lighting column is situated on the footpath where the railings are set behind, on the applicant's land. As such this is considered acceptable.

**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

**Other matters**

## **6.0 FLOOD RISK**

The proposed railings are located within Flood Zone 1 which is classified to be at low risk of flooding. Notwithstanding given recent flooding events in the area and neighbour concerns raising the issue of flooding, the Lead Local Flood Authority have been consulted on the application. It was considered that the use of steel railings will allow the flow of flood water through the structure and as such was found acceptable.

## **7.0 TREES**

The proposed railings would sit forward and adjacent to an existing hedgerow, shrubs and trees at the site. There is no indication from the details submitted that any hedgerow or trees are proposed to be removed as part of the works. The Tree Officer has however requested a pre-commencement condition requiring an arboricultural method statement be submitted.

## **CONCLUSION AND PLANNING BALANCE**

The proposal is not considered to harm the setting of the adjacent Conservation Area, is acceptable on highway safety and convenience grounds and is not considered to increase the risk of flooding in the area. It is therefore recommended that planning permission be granted subject to conditions.

## CONSULTATIONS

**Flood Team (comments dated 31.03.2022):** The use of steel railings will allow the flow of flood water through the structure, so the amended plans are acceptable.

**Flood Team (further response following public comments dated 11.05.2022):** I originally raised concerns that the initial proposal (20/32679/FUL) of a grid (approx.50mm) below the fence panels could easily become blocked with debris. The Jackson Barbican Imperial spec sheet shows a 119mm pale pitch, and there would be no solid panel above. This is therefore preferable to either a solid gravel board or a 50mm grid, and comparable to the previous railings, and on this basis acceptable.

**Tree Officer:** Requests pre-commencement condition requiring an arboricultural method statement be submitted.

**Conservation Officer (to original scheme):** The proposals in their current form by virtue of the excessive height and inappropriate design of the proposed railings and gates cause less than substantial harm to the degree of moderate harm to the character and appearance of the Moddershall Valley Conservation Area and without clear and convincing justification.

**Conservation Officer further comments dated 23.03.2022:** The railings comprise of vertical round hollow section 25mm diameter pales. The face of the point should face into the site and not the pavement, so the hollow is not visible to members of the passing public (see image of black railings below).

If the design is amended to show pointed pales, in accordance with the comments above and the below images then there would be no conservation objection to the application.

**Conservation Officer:** Now happy with the proposed from a conservation perspective, would just request the below compliance condition to reinforce.

“Notwithstanding any description, details and specifications submitted, the new fence and gates shall have a black powder-coated finish with pointed pale tops, the hollows of which shall face west into the application site and thereafter retained as such for the life of the development.”

**Parish Council (original scheme):** The Town Council raises no objections provided the ground is graded away from the fence

**Parish Council (to amended scheme):** No objections. The Town Council asks that the applicant exercises expedience in completing the work as the fencing that remains in place is causing some issues.

**Neighbours (original scheme):**

**(9 consulted):** 2 representations received raising the following material considerations: -

- 1.8m high metal fence less visually pleasing than previous railings and natural hedgerow
- Raising errors on application form re. flood risk, trees and hedges etc

- Flood Risk needs to be assessed and identified
- The proposal could affect hedgerow and trees along the boundary of Redhill Road
- No indication of width of gap between the railings
- Raising concern surrounding use of the agricultural land as garden

**Neighbours (amended scheme reducing height of railings):**

**(9 consulted):** 7 representations received raising the following material considerations: -

- The lower fence height makes the design more acceptable
- Request that fence be painted green as opposed to black
- Proposal fails to address the potential risk of flooding
- Comments received in support of a secure fence for safety reasons but objecting to the gate and dropped kerb access for vehicular access
- Flood Risk needs to be formally reviewed by the Flood Risk Officer
- Gate and vehicular access would reduce security of nearby converted barns
- Raising concern surrounding use of the agricultural land as a garden

**Neighbours (final amended scheme removing access gates and dropped kerb): 2**

representations received raising the following material considerations:-

- Referring to errors on application form regarding trees/hedges
- Stating that sequential tests are required and a Flood Risk Assessment should be submitted

**Highway Authority comments 05.04.2022 (comments summarised):**

Recommendation Summary: Refusal

The Highways Authority would not have an objection to the proposed fence but cannot find any evidence that permission has been sort for a vehicular gate and before any formal crossing of the highway can be approved (dropped kerbs)/extended the highways department need to ascertain what this gate and the access will be used for. Details of the access including visibility splays, surface material are required. The proposed use of the access and number of vehicles expected to use the access are required.

**Highway Authority comments 05.05.2022 (comments summarised):**

Recommendation Summary: Acceptable

The Highways Authority would not have an objection to the proposed fence as it is will not affect the highway. However, the fence must be erected behind the existing lamp column at the back of the footway on Redhill Road.

**Newsletter Advert:**

**Expiry:** 08.06.2022

**Site Notice:**

**Expiry:** 14.04.2022

## Relevant Planning History

20/32679/FUL - Retrospective application for the retention of existing fence and the erection of fence adjacent to Redhill Road - Application Refused May 2021 - Appeal Dismissed November 2021

WKS2/00096/EN20 - Land at Redhill Road, Stone - Resolution to take enforcement action 23 March 2022

## Recommendation

Approve, subject to the following conditions:

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## Informative

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