



Civic Centre, Riverside, Stafford

Contact Jim Dean  
Direct Dial 01785 619209

Email [jdean@staffordbc.gov.uk](mailto:jdean@staffordbc.gov.uk)

Dear Members

### **Planning Committee**

A meeting of the Planning Committee will be held on **Wednesday, 17 January 2024** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

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

Head of Law and Governance

## PLANNING COMMITTEE - 17 JANUARY 2024

**Chairman - Councillor B McKeown**

**Vice-Chairman - Councillor A Nixon**

### 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.

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6 <b>Planning Appeals</b>	73 - 86
7 <b>Enforcement Matters</b>	-

### MEMBERSHIP

**Chairman - Councillor B McKeown**

B M Cross	D M McNaughton
F D J James	A Nixon
E G R Jones	M Phillips
P W Jones	J P Read
R Kenney	S N Spencer
B McKeown	

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PLANNING COMMITTEE - 17 JANUARY 2024

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**Ward Interest - Nil**

**Planning Applications**

*Report of Head of Economic Development and Planning*

**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>23/38168/FUL</b>	<b>12 Sandon Road, Stafford</b>	5 - 22
	The application was called in by Councillor A T A Godfrey.	
	<b>Officer Contact</b> - Richard Wood, Development Lead Telephone 01785 619324	
<b>23/37150/FUL</b>	<b>Walton Bank, Stafford Road, Walton, Eccleshall</b>	23 - 35
	The application was called in by Councillor P W Jones.	
	<b>Officer Contact</b> - Sian Wright, Development Lead Telephone 01785 619528	
<b>21/34553/FUL</b>	<b>Izaak Walton Fisheries, School Lane, Chebsey</b>	36 - 72
	The application was called in by Councillor P W Jones.	
	<b>Officer Contact</b> - Richard Wood, Development Lead Telephone 01785 619324	

**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:** 23/38168/FUL

**Case Officer:** Gillian Morrell

**Date Registered:** 2 October 2023

**Target Decision Date:** 10 January 2024  
**Extended To:** 18 January 2024

**Address:** 12 Sandon Road, Stafford, ST16 3ES

**Ward:** Common

**Parish:** -

**Proposal:** Variation of condition 2 (drawings) and 5 (visibility splays) of application 20/33158/FUL.

**Applicant:** PKM Properties Ltd.

**Recommendation:** Approve subject to conditions and 106 Agreement.

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#### **REASON FOR REFERRAL TO COMMITTEE.**

This application has been called in by Councillor A Godfrey (Ward Member for Common) for the following reasons:

1. Local concern re. traffic increase on an already busy mini roundabout. Moving the entry/exit will make this road feature more dangerous. This is a major change to the original application that will affect residents and motorists. There are no speed reduction measures between the mini roundabout and the proposed entry/exit on Marston Road.
2. The application shows mistakes were made re. land ownership on the original application. The committee should be allowed to decide if the new application, that replaces the original and the withdrawn amended one, are suitable for this area.
3. The purpose of the development is seen by residents and property owners as inappropriate for an area which is in close proximity to Stafford Prison, food outlets, a public house and most importantly a settled residential population. Local people also point out that there is already a needle exchange, refuge and 'halfway' house in the area.
4. The increase in noise and 24hr use of the site makes this application unsuitable for this residential area.
5. There are real fears of structural damage to very old existing building during construction and after.

6. Local people and heritage groups are trying to have Marston Road/ Sandon Road area preserved as a conservation area. This is the historic centre of the shoemaking industry in the town and the buildings and appearance of the area should be protected for future generations, this development is not in keeping with this culturally important area. The scale and appearance of the proposed building will be out of keeping with the historic buildings that will surround it. There are building renovations in the area that are very sympathetic to the original buildings designs, and any development on this site should be in keeping with this areas existing building.

### **Background.**

The application relates to previously developed land formerly occupied by commercial premises and associated car parking. The site is located between Marston Road and Sandon Road within the settlement boundary of Stafford town and within 8km of the Cannock Chase Special Area of Conservation. The site is located within Flood Zone 2.

Planning permission was granted on 18 August 2021 for the construction of ten self-contained apartments and two self-contained staff units for C3(b) use (supported housing) together with a new access. This is an extant consent which is subject to a Section 106 Agreement requiring the following:

- Cannock Chase Special Area of Conservation financial contribution.
- Off Site open Space and maintenance financial contribution.
- Travel Plan Sum.

A further application (23/37406/FUL), received in April 2023, sought to amend part of the permission granted under 20/33158/FUL through the revised location of the access and amendment to units 1-3. This was reflected in the 'red' edge defining the application site which included only those elements where a revision was sought, the remainder of the site was edged 'blue' on the submitted site plan and annotated as development approved under 20/33158/FUL.

It is not possible to implement a hybrid of two separate planning permissions which would have resulted if application 23/37406/FUL was permitted, and the applicant had subsequently sought to construct the development permitted under 20/33158/FUL and that under 23/37406/FUL. The local planning authority therefore advised the applicant to withdraw application 23/37406/FUL and apply for permission under Section 73 of the Town and Country Planning Act 1990, which allows the submission of an application to vary the conditions of a planning permission. Application 23/37406/FUL was subsequently withdrawn on 12 October 2023.

The current planning application seeks to vary condition 02 (approved drawings) and 05 (visibility splays) of the approved development under planning permission 20/33158/FUL. The 'red' edge defining the application site includes the whole of the site permitted under 20/33158/FUL.

## **Context.**

### The application site.

The application site is approximately 0.13 hectares in size located in a predominantly residential area to the north of Stafford town centre. There are two-storey terraced housing facing the site from Marston Road and Sandon Road along with several commercial properties, to the south of the site is a Public House.

The site has been vacant for some time and consists of predominately large areas of hardstanding and part of the walls of the former Truview store itself. Former buildings on the northern part of the site have been demolished.

### Proposal.

Planning permission is sought to alter the approved access to the site along with amendments to units 1-3 of the scheme permitted under application 20/33158/FUL.

A Design and Access Statement submitted as part of the application states:

*“It has since become apparent that there is a discrepancy between the approved access and the ownership boundary meaning that the access needs to be moved South by approximately 1.5m to keep it within the ownership boundary. Moving the access road results in the necessity to re-design blocks 1-3 to remove the small porch to the North.”*

The total number of units proposed on the site and their siting would remain as permitted under application 20/33158/FUL. Other than minor alterations to units 1-3, the design, scale, and size of all other units is as permitted under 20/33158/FUL. All buildings are to be constructed in brickwork and have pitched tiled roof.

The footprint of the block of three properties comprising units 1-3 will be slightly enlarged by 0.6metres in width and 0.45metres in depth, having a total width at ground floor of 10.565metres and depth at ground floor of 10.003metres. The eaves and height of the building remain as that permitted by application 20/33158/FUL. Externally, the porch will be removed from the north elevation and the ground floor window to the southern elevation of unit 2 will be replaced with patio doors. The applicant states that these adjustments are necessary to meet with requirements for provision of special needs accommodation.

The development will be served by a vehicular access taken from Marston Road. The proposed access differs from that approved under 20/33158/FUL in that the access have been repositioned south by 1.5metres. This reduces the visibility splays approved under 20/33158/FUL from 53metres to 49metres. A slight modification is proposed to the approved parking layout, with the repositioning of parking spaces 15 and 16 adjacent to units 1-3 instead of units 6-10 as permitted under application 20/33158/FUL.

## Officer Assessment – Key Considerations

### 1. Principle of the Proposed Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The Plan for Stafford Borough 2011 – 2031 is the development plan.

The National Planning Policy Framework, December 2023 (Framework), sets out the Government’s planning policies for England and how they should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means the planning system has three overarching objectives; an economic objective, a social objective, and an environmental objective, which are interdependent and should be pursued in mutually supportive ways.

Spatial Principle SP3 of The Plan for Stafford Borough sets out the settlement hierarchy for the borough and directs the majority of future development towards the towns of Stafford and Stone and the defined key service villages.

Policy C3, seeks to secure the provision of new Extra Care facility. Whilst the proposal is not for extra care, the supporting text (paragraph 11.10) of Policy C3 states, ‘Specialist housing provides a range of housing options to adults and children with a variety of care and support needs to enable them to live independently. This includes provision for older people (known as Extra-care / Flexi-care housing) and other groups, such as people with learning disabilities...’

The site is within the settlement boundary of Stafford and in a sustainable location, within walking distance of the town centre. The site involves the development of previously developed land and there is an extant consent for the construction of ten self-contained apartments and two self-contained staff units.

The principle of the proposal is therefore acceptable subject to the consideration of all other material factors, which are assessed in the sections below.

Policies and Guidance: -

National Planning Policy Framework:

Paragraphs 11, 65, 70, 123.

The Plan for Stafford Borough:

Spatial Principle (SP) 1 Presumption in Favour of Sustainable Development

SP 3 Stafford Borough Sustainable Settlement Hierarchy

Policy SB1 Settlement Boundaries

### 2. Visual Impact.

The effect of the proposal on the character and appearance of the area.



Policy N1 of The Plan for Stafford Borough sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and have high design standards.

Policy N8 advises development proposals must be informed by, and be sympathetic to landscape character and quality, demonstrated through local site-specific assessments. Development should demonstrate that proposals with landscape and visual implications, should protect, conserve and, where appropriate, enhance:

- a) The elements of the landscape that contribute to the local distinctiveness of the area (including heritage assets, cultural character and biodiversity);
- b) Historic elements of the present-day landscape that contribute significantly to landscape character.
- c) The setting and views of or from heritage assets
- d) The locally distinctive pattern of landscape elements such as woodland, streams, hedgerows, trees, and field boundaries.

The Framework advises, in paragraph 126, the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the design process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The character of the wider area is primarily residential in nature comprising mainly of rows of closely-knit red-brick terraced housing. However, as Sandon Road and Marston Road effectively merge to a head (at the Four Crosses public house), the character is more commercial in nature. The site is adjoined in part by a public house, it is overlooked by a row of commercial properties on Marston Road and faces onto the former Sandon Road car garage, now a housing development, and a car park. The site sits amongst commercial uses and traditional rows of terraced housing. The site has been vacant for several years comprising some walls of the former buildings and large areas of hard standing.

The proposed alterations to the design of the buildings are confined to units 1-3. It is intended to remove the porch approved under application 20/33158/FUL and increase the footprint of the building.

The increase in the footprint of the building block 1-3 by 0.6metres in width and 0.45metres in depth along with the removal of the porch to the front elevation will not significantly alter the overall spatial approach and disposition of built form across the site and the resulting design of the building would align with surrounding traditional terraced house frontages. Nor would the proposed amendments detrimentally affect the character and appearance of the area. There is no objection to the replacement of a window in the rear elevation of unit 2 with a patio door.

Whilst neighbour's concern at the design and scale of the scheme are acknowledged, the proposed amendments to units 1-3 are modest and the scale, design and siting of units 4-10 remain as approved under application 20/33158/FUL.

Conditions 12 and 13 of planning permission 20/33158/FUL require the provision of a scheme for hard and soft landscaping to be submitted and approved, this will ensure that suitable measures are provided to mitigate the impact of the development on the character and appearance of the area.

It is considered that the overall form of development as proposed in terms of its layout, scale and massing would be consistent with the character of the immediate area, and pattern of development in accordance with Policy N1 of The Plan for Stafford Borough.

Policies and Guidance: -

National Planning Policy Framework

Section 12. Achieving well-designed places

The Plan for Stafford Borough (TPSB) 2011-2031

Policies: N1 Design; N8 Landscape Character

Supplementary Planning Document (SPD) – Design

### **3. Residential Amenity.**

The effect of the proposal on neighbouring residential amenity and the level of amenity afforded to future occupants.

Policy N1 requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas. The Design SPD provides guidance on amenity standards and separation distances.

The Framework advises, at paragraph 135, planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

The main elevation of units 1-3 face towards Marston Road, commercial properties on the west side of Marston Road will face directly onto this building. Given that commercial units occupy the ground floor of the existing premises overlooking would not arise. At first floor level there would be an opportunity for directly overlooking as the two buildings would only be around 10.25metres apart. Whilst it is acknowledged that the character of Marston Road is that terraced dwellings which face one another within close proximity, and that the spacing standards set out in the council's Design - Supplementary Planning Document (SPD) generally only relates to new dwellings, there would still be an opportunity to directly overlook residential properties at first floor level at close proximity, particularly 9a Marston Road which appears to be a first-floor flat. This was acknowledged in relation to planning approval 20/33158/FUL and a condition was attached requiring the first-floor window in unit 3 to be obscure glazed, this condition will also be attached to this current application should permission be granted. There would be no other opportunities for directly over-looking, or any significant loss of light owing to the distance to and the origination of other buildings within the immediate vicinity of units 1-3.

There is a first-floor window forming a non-habitable room (stairway on the side elevation of 6 Sandon Road). The Supplementary Planning Document (SPD) – Design

explains that the purpose of the guidance is to protect sunlight and daylight into a habitable room and the stairway window is not considered to be a habitable room. In terms of day light, 6 Sandon Road has a modest sized rear yard enclosed by a high red brick wall and covered by a Perspex roof, the proposed development would not have any material impact on the sunlight or daylight given that the application site is located to the north of the dwelling. Similarly, there are no windows on the side (south) elevation of 16 Sandon Road facing towards the proposed apartments.

The relationship of units 4-10 to neighbouring properties has been assessed and was considered acceptable under application 20/33158/FUL, no changes are proposed to the size, scale, or design of these units as part of this current application.

Concern has been raised by local residents at the potential for noise and disturbance to be generated by the proposal. As part of application 20/33158/FUL, conditions were attached requiring the submission and approval of a Construction Environmental Management Plan and a noise management plan to ensure undue levels of noise and disturbance are not caused to neighbours by service users of the development. These conditions will be attached should planning permission be granted for the current application.

Given the modest scale of additional built form proposed, the development will not have an adverse impact on neighbouring residential amenity in terms of loss of light, privacy and overlooking nor would there be an overbearing or enclosing impact. Moreover, adequate levels of privacy and amenity have been afforded to the future occupiers of the development. In this regard the proposal accords with Policy N1 of The Plan for Stafford Borough.

Policies and Guidance: -

National Planning Policy Framework

Paragraph 135

The Plan for Stafford Borough (TPSB) 2011-2031

Policies: N1 Design

Supplementary Planning Document (SPD) - Design

#### **4. Parking and Access.**

Policy T2 states that all new development must have a safe and adequate means of access and internal circulation; not have unacceptable highway safety impacts and provide sufficient parking provision.

Application 20/33158/FUL proposed a new vehicular and pedestrian access from Marston Road. Within the site, sixteen parking spaces were provided to serve Ten 1-bed roomed apartments and 2 staff apartments.

The current application seeks to move the approved access 1.5metres south. Sixteen parking spaces are also proposed within the site to serve the development.

The highway authority advise Marston Road has a speed limit of 30 mph and has one-way traffic flow. The access approved under application 20/33158/FUL had visibility splays of 53metres. The proposal seeks to move the access 1.5metres south of the position of the previously approved access and would achieve visibility splays of 49metres.

The highway authority advises that whilst this is less than the originally approved 53metres, the road has a 30mph speed limit with a required visibility splay of 43metres. That being the case, as the proposed access would achieve visibility splays of 49metres, this is still above the 43metres splay required. The highway authority therefore conclude that the change in access location will have no effect on the surrounding highway network.

Concern has been raised by local residents at the increase in vehicular traffic resulting from the development and also the proximity of the access to the busy mini roundabout. Whilst these concerns are acknowledged the highway authority has no objection to the proposal. Moreover, as part of the 20/33158/FUL permission conditions were attached requiring parking and turning areas within the site to be completed prior to occupation of any apartment along with the submission and approval of a Travel Plan and a financial contribution towards further monitoring of the Travel Plan. These conditions would also form part of the permission for the current application.

The proposals are considered acceptable in the context of access and parking and the requirements of Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B – Car Parking Standards.

Policies and Guidance: -

National Planning Policy Framework

Section 9. Promoting sustainable transport

The Plan for Stafford Borough (TPSB) 2011-2031

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

## **5. Flood Risk and Surface Water Drainage.**

Policy N1 of The Plan for Stafford Borough states that development should not be located in areas of flooding or contribute to flooding elsewhere. Policy N2 requires developments to provide sustainable drainage systems.

The application site is located in Flood Zone 2 according to the indicative Environment Agency's Flood Map for Planning (Rivers and Sea).

The Framework requires a site-specific Flood Risk Assessment (FRA) for developments located in Flood Zones 2 and 3. A site-specific FRA was submitted as part of application 20/33158/FUL, this concluded that the proposed development is appropriate for the defined flood risk and can be managed by raising the finished floor-levels and implementation of a Flood Warning and Evacuation Plan, and in conclusion the development is not expected to increase the risk of flooding elsewhere.

The Environment Agency were consulted on application 20/33158/FUL and raised no objection subject to conditions requiring finished floor levels to be 78.04metres and 78.54metres Above Ordnance Datum (AOD). These conditions would be also attached to this current application.

The Local Lead Flood Authority (LLFA) has been consulted and advise the changes to the development layout are not significant enough to affect the drainage principles of the site and/or warrant an update to the approved drainage document listed in Condition 02 and Condition 08 of the decision notice of application 20/33158/FUL. The LLFA therefore has no objection to the proposal.

It is considered that that the proposals would ensure protection from, and not worsen the potential for flooding in accordance with Policy N2 – Climate Change of the Plan for Stafford Borough and The Framework.

Polices and Guidance: -

National Planning Policy Framework

Paragraph 173

The Plan for Stafford Borough (TPSB) 2011-2031

Policy N2 - Climate Change

## **6. Cannock Chase Special Area of Conservation (SAC).**

Policy N6 states that development which had a direct or indirect adverse impact upon the integrity of the Cannock Chase SAC, and the effects cannot be mitigated, will not be supported. Policy N6 also sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured. The Council has adopted guidance acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from residential developments within the 0-15km zone. The proposal lies within 8km of the Cannock Chase SAC, as such a financial contribution is required.

Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.

In accordance with Regulation 63 of the Regulations, the Local Planning Authority undertook an Appropriate Assessment under application 20/33158/FUL. The Council's Appropriate Assessment (AA) concluded that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC. The financial contribution was secured under a Section 106 Agreement.

Natural England are a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations process and have therefore been duly consulted. Natural England were consulted on application 20/33158/FUL and concurred with the

conclusions of the local planning authority's Appropriate Assessment and offered no objection to the proposal.

A Deed of Variation is therefore required to the 106 Agreement forming part of planning permission 20/33158/FUL to secure the financial contribution required under the current application 23/38168/FUL.

Policies and Guidance: -

National Planning Policy Framework:

Paragraph 180

The Plan for Stafford Borough (TPSB) 2011-2031

N4 The Natural Environment and Green Infrastructure

Policy N6 – Cannock Chase Special Area of Conservation

## 7. Other Planning Obligations

In relation to the approved application under 20/33158/FUL, the response from the Sport and Outdoor Leisure Officer advised in relation to the provision of open space that “due to the size of this development the Council is reasonably entitled to request a quantitative provision of 30.81m<sup>2</sup> per person of open space provision under its current policy. In accordance with the financial contributions guide for new development provision of Open Space and commuted sums, the contribution required for this development would be £10,986.88”, and a further £1,428.72 in relation to future maintenance. This financial contribution formed part of the 106 Agreement in respect of application 20/33158/FUL, a deed of variation would be required to this Agreement to secure this contribution under the current application, 23/38168/FUL.

The Section 106 Agreement forming part of the planning permission 20/33158/FUL required a £2,400 capital contribution towards monitoring the approved Travel Plan (required under condition 06) to ensure that the desired outcomes are secured once the site has been occupied. A deed of variation would be required to this Agreement to secure this contribution under the current application, 23/38168/FUL.

Policies and Guidance: -

National Planning Policy Framework

Section 9. Promoting sustainable transport, para 34, 57

The Plan for Stafford Borough (TPSB) 2011-2031

N4 The Natural Environment and Green Infrastructure

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

## **Other Matters.**

Representations received have raised concerns relating to legal easement to property being maintained, the effect on structural stability and mistakes regarding land ownership.

Legal easement to property is a legal matter between the parties concerned and outside the control of planning legislation, as is concern of the structural stability of a building, this is an issue considered under the Party Wall etc. Act 1996.

Regarding the issue of land ownership, planning permission is granted for the use of the land. Planning permission does not grant consent for a person to carry out development on land outside their ownership. The applicant has also responded to this point and stated the application has been made pursuant to s73 of The Town and Country Planning Act 1990 and the matters to consider are therefore whether the variations of conditions 02 and 05 should be permitted.

Concerns raised relating to residential amenity, highways and flooding have been addressed in the sections of the report above.

## **Planning Balance and Conclusion.**

The site is within the settlement boundary of Stafford and in a sustainable location, within walking distance of the town centre. The site involves the development of previously developed land and there is an extant consent for the construction of ten self-contained apartments and two self-contained staff units. There would be economic benefit brought about by the construction phase and social benefits through the provision of housing to meet a specialist need. These factors carry significant weight in favour of the proposal.

The size, design and scale of the development would not detrimentally affect the character of the area nor would existing levels of residential amenity be adversely affected. There is no highway objection to the proposal subject to recommended conditions and matters relating to drainage and flooding are addressed through appropriately worded conditions.

There are no material considerations that indicate the decision should be made other than in accordance with the development plan.

## **Consultations.**

### Highway Authority: (08.22.2023):

The proposed development is an amendment to the access for an application (20/33158/FUL) approved in August 2021. The original application was for 10 self-contained apartments with two staff units and a new access from Marston Road. Marston Road has a speed limit of 30mph, and it has one-way traffic flow. The access was approved by highways and the visibility splays of 53metres were agreed, although for a road within a 30mph speed limit you would expect visibility splays on only 43metres.

The new access, although moved 1.5metres south of the original access, will be able to achieve visibility splays of 49metres, although less than the original 53metres still well above the 43metres required. The change in access location is considered to have no effect on the surrounding highway network.

There are no objections on highway grounds to the proposed development subject to a recommended condition.

LLFA (30.10.2023).

The changes to the development layout are not significant enough to affect the drainage principles of the site and/or warrant an update to the approved drainage document listed in Condition 02 and Condition 08 of the decision notice.

The LLFA has no objection to the applicant's request for to vary conditions 02 and 05 of the decision notice.

Neighbours (34 notified): 3 objections have been received.

The main issues raised in the letters of representation are summarised as follows:

- The proposal would increase vehicular traffic.
- Legal easement to neighbouring property must be maintained.
- The proximity of the development to neighbouring property would make maintenance difficult.
- Legal easement to neighbouring property must be maintained.
- Traffic calming measures non-existent.
- Creation of noise and disturbance to the local community.
- Any concrete piling required could have significant structural foundation issues for neighbouring properties.
- Issues of flooding from the drainage system which has been inadequate for years.
- Concern that the discrepancy of the boundary error is significant enough for the site access to be moved further towards the mini roundabout.
- Having access to and from the site on this one-way street seconds away from a busy mini roundabout may cause accidents and further noise nuisance to residents.
- Concern at the social issues in the immediate area.
- There has been local effort to preserve the areas heritage. The development would hinder these local efforts and the development would be contrary to the local area given its design and scale.

Site Notice:

Expiry date: 01.12.2023

Advert:

Expiry date: 15.11.2023



## Relevant Planning History

20/33158/FUL - Proposed development consisting of ten self-contained apartments with two self-contained staff units for C3(b) use (supported housing) together with new access. Approved 03.09.2021.

23/37406/FUL- Proposed amendment to access and units 1-3 as approved by planning application reference 20/33158/FUL. Withdrawn 12.10.2023.

## Recommendation

Subject to the applicant first entering into a Section 106 Deed of Variation to the Agreement associated with planning permission 20/355158/FUL to secure financial contributions towards the provision of off-site open space and maintenance, Travel Plan and mitigation of impacts to the Cannock Chase Special Area of Conservation, approval subject to the following conditions:

1. The development to which this permission relates must be begun not later than 18 August 2024
2. This permission relates to the submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:

Existing Site Plan, Ref: JPK/20/4436/1 (Scale 1:250)

Proposed Site Plan, Ref: 23 33 01d

Planning Drawing Units 1-3 Elevations and floor plan, Ref: 23 33 05b (Scale 1:100)

Planning Drawing Units 4- 5 and Staff Units Elevations and floor plan, Ref: JPK/20/4461/4 Rev B (Scale 1:100)

Planning Drawing Units 6-10 Elevations and floor plan, Ref: JPK/20/4461/5 Rev B (Scale 1:100)

Location and Block Plan: Ref: 23 33 06b

Sandon Road Stafford Drainage Strategy (Waterco, Rev 01, 21-01-2020)

3. The development hereby permitted shall not be brought into use until the access, parking, serving, and turning areas have been provided in accordance with the approved plans.
4. The development hereby permitted shall not be brought into use until the existing site access, on Sandon Road, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as verge/footway.

5. The development hereby permitted shall not be brought into use until the visibility splays shown on the approved Block Plan, drawing number 23 33 06b have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
6. No part of the development permitted by this consent shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.
7. Prior to the commencement of any construction, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access; hours of construction; routing of HGV's; delivery times and the location of the contractor's compounds cabins; material storage areas and contractors parking; a scheme for the management and suppression of dust, other air-borne pollutants and mud from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site, procedures for maintaining good public relations including complaint management, public consultation and liaison, arrangements for liaison with the Council's Pollution Control Team; noise mitigation measures; measures for controlling the use of site lighting whether required for safe working or for security purposes. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.
8. No development shall commence until a detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the overall strategy and key design parameters set out in the Sandon Road Stafford Drainage Strategy (Waterco, Rev 01, 21-01-2020). The design must demonstrate:
  - a) Surface water drainage system(s) designed in accordance with national and local standards, including the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
  - b) SuDS design to provide adequate water quality treatment in accordance with the Simple Index Approach and SuDS treatment design criteria (The SuDS Manual, CIRIA C753, 2015).
  - c) Limiting the discharge rate for all events to 2l/s and provide the attenuation storage necessary to limit flows to 2l/s for all events up to and including the 100-year plus 40% climate change event.

- d) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 30 year, and 1 in 100 year plus climate change return periods.
- e) Evidence of a connection agreement where applicable and compliance with the drainage hierarchy.

Development shall only commence in accordance with the approved details and shall be thereafter retained.

9. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) produced by RAB consultants, Ref: RAB 2517L, Version 2.0, dated 12 October 2020 and the following mitigation measures detailed within the FRA:
  - A) Finished Floor Levels for units 1-5 shall be set no lower than 78.40m Above Ordnance Datum (AOD).
  - B) Finished Flood Levels for units 6-10 shall be set no lower than 78.54m (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

10. Occupation of the proposed development shall not take place until a comprehensive noise management plan has been submitted to and been approved in writing by the Council. The noise management plan must adopt measures to ensure that undue disturbance is not caused to nearby residents from noise generated by service users of the proposed development. The approved plan shall be implemented prior to the commencement of the use and be permanently maintained thereafter.
11. Notwithstanding any description/details of external materials in the application documents and before any above ground construction works are commenced, samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details unless alternative materials are otherwise first approved in writing by the Local Planning Authority.
12. No above ground construction works shall take place until details of hard landscape works have been submitted to and approved in writing by the local planning authority. Such details shall include means of enclosure and hard surfacing materials. The approved hard landscaping works shall thereafter completed prior to the occupation of the development.

13. No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years, and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.
14. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
15. The first floor west facing bedroom window to serve Unit 3, hereby permitted shall not be occupied until the window has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
16. 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.
  1. To comply with the requirements of Section 51 of The Planning Compulsory Purchase Act 2004.
  2. To define the permission.
  3. In the interests of the safety and convenience of users of the highway and to comply with Policy T1c of The Plan for Stafford Borough.
  4. In the interests of the safety and convenience of users of the highway and to comply with Policy T1c of The Plan for Stafford Borough.
  5. In the interests of the safety and convenience of users of the highway and to comply with Policy T1c of The Plan for Stafford Borough.
  6. In the interests of the safety and convenience of users of the highway and to comply with Policy T1c of The Plan for Stafford Borough.
  7. In the interests of the safety and convenience of users of the highway and to comply with Policy T1c of The Plan for Stafford Borough.
  8. To minimise the risk of flooding and to comply with Policy N2 of The Plan for Stafford Borough.

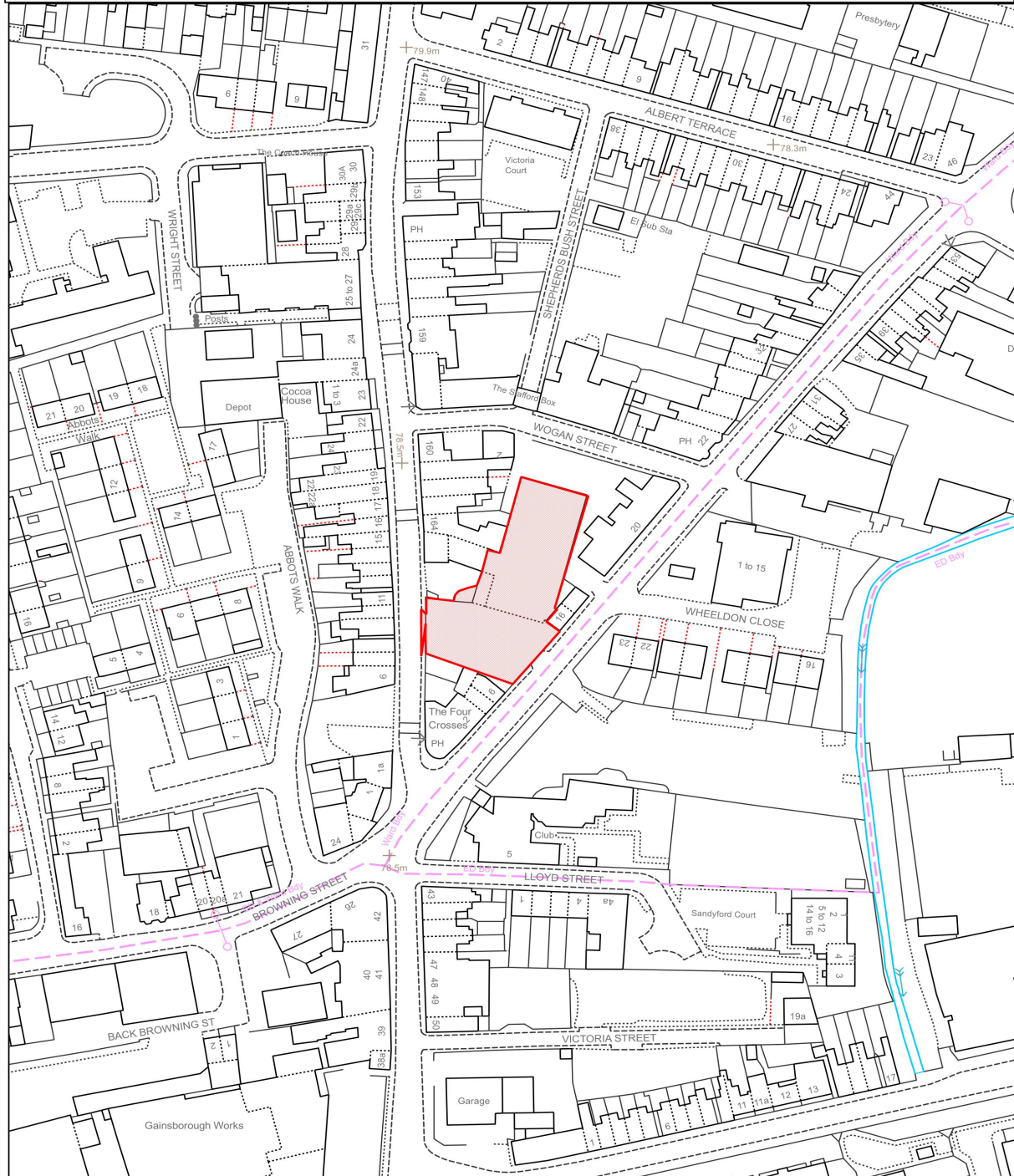
9. To reduce the risk of flooding to the proposed development and future occupants and to comply with Policy N2 of The Plan for Stafford Borough.
10. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
11. To ensure the satisfactory appearance of the development (Policy N1g and h of The Plan for Stafford Borough).
12. To ensure the satisfactory appearance of the development and to ensure an adequate level of privacy for occupiers of the proposed and adjacent dwellings. (Policies N1 e, g, and h of The Plan for Stafford Borough).
13. To protect and enhance the character of the site and the area, and to ensure the satisfactory appearance of the development and to ensure an adequate level of privacy for occupiers of the proposed and adjacent dwellings. (Policies N1 e, g, and h of The Plan for Stafford Borough).
14. To ensure the satisfactory appearance of the development and to protect amenity of neighbouring occupiers (Policies N1 g and h of The Plan for Stafford Borough).
15. To limit direct overlooking, to protect amenity of neighbouring occupiers and to comply with Policies N1 g and h of The Plan for Stafford Borough.
16. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).

#### Informatives

- 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 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 The conditions requiring off-site highway works shall require a Minor/Major Works Agreement (delete as appropriate) with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Minor/Major Works (delete as appropriate) Information Pack and an application form for the Minor/Major Works Agreement (delete as appropriate). 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, Staffordshire ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))  
<http://www.staffordshire.gov.uk/transport/staffshighways/licences>
- 3 The landscaped area detailed as planting in front (west) of units 1 to 3 need to be planted with low level shrubs in order that a maximum height of 0.6m can be maintained, for the associated visibility splays to and from the application site.

**23/38168/FUL**  
**12 Sandon Road**  
**Stafford**

Scale	1:1250	Economic Development & Planning 23/38168/FUL	 <b>Stafford</b> BOROUGH COUNCIL
Grid Ref	SJ9224		



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Date Created: 02-01-2024

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<b>Application:</b>	23/37150/FUL
<b>Case Officer:</b>	Mark Danforth
<b>Date Registered:</b>	7 June 2023
<b>Target Decision Date:</b>	2 August 2023
<b>Extended To:</b>	28 August 2023
<b>Address:</b>	Walton Bank, Stafford Road, Walton, Eccleshall, Stafford
<b>Ward:</b>	Eccleshall
<b>Parish:</b>	Eccleshall
<b>Proposal:</b>	Retrospective planning application for a change of use from agricultural buildings to B2 car repairs and storage and distribution (B8)
<b>Applicant:</b>	Mr J Holt
<b>Recommendation:</b>	Approve subject to conditions

## REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor P Jones (Ward Member for Eccleshall) for the following reasons:- Application is contrary to policy E2 which states that development should be complimentary to and not prejudice any viable agricultural operations on a farm and other existing uses, not detrimental to the amenity of the area. Not a designated industrial estate within the current Borough plan and of course was developed without permission.

### Officer Assessment – Key Considerations

#### Context

The proposal seeks retrospective consent for a change of use of former agricultural buildings to car repairs (Use class B2) and storage and distribution (B8) at Walton Bank Farm, Walton, Eccleshall, ST21 6JT.

The Design and Access statement advises the farming business JR and AJ Holt Ltd owns all the land and is split across the three following farms:

Field House Farm, Eccleshall – 250 acres

Walton Bank Farm, Eccleshall, – 180 acres

Valley Farm, Dunston Heath – 120 acres

The land is mainly cropped with wheat, barley, oil seed rape and some grass for grazing.

Walton Bank Farm was originally farmed as a whole but the farmhouse and traditional outbuildings were sold approximately 20 years ago to a developer who converted the barns to the north of the site to residential use. Furthermore, approximately 150 acres of land adjoining Walton Bank Farm was sold 12 months ago and as a result of this, only two buildings are now required for grain and fertiliser storage. These lie between units 5 and 6 as per the site plan. Two steel containers used by builders to store materials, originally formed part of the proposal, but these have been removed from the application and are to be removed from the site by the applicant.

Planning permission was granted on 13 September 2004 under application 04/02404/COU for change of use of bays 1-3 of an existing building to use for light fabrication and associated storage.

Planning permission was also granted on 10 April 2006 under application 06/05930/COU for change of use of existing machinery shed / workshop to light industrial and storage from agricultural maintenance and storage.

## 1. Principle of development

The National Planning Policy Framework (NPPF) under paragraph 88 requires that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

Subsequent paragraph 89, while recognising that in order to meet local business needs in rural areas, sites may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport. The NPPF also advises that in such circumstances it is important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.

Policies SP6, E1 and E2 in The Plan for Stafford Borough (TPSB) support sustainable rural development.

Spatial Principle (SP) 6(iv) looks to promote the appropriate re-use of redundant buildings. SP7 continues this support for rural sustainability where it is consistent with the objectives of SP6, Policies E2 and C5.

Policy E1 advises The local economy will be sustained by supporting the location, diversity and intensity of new economic development through:

- (f) provides for, amongst other things, encouraging farm/rural diversification for employment or service generating uses, to promote sustainable rural communities, preferably by re-using existing buildings, which are appropriate in size and scale, in or adjacent to villages, do not lead to significant traffic generation and are not detrimental to the local environment, landscape, heritage or residents.

Policy E2 supports sustainable rural development outside settlements, in circumstances including: (ii) provision for the essential operational needs of rural businesses; and (v) diversification of the agricultural economy. Development, however, is subject to a number of safeguards including making use of suitable existing buildings or previously developed land, being complementary to, and not prejudice, any viable agricultural operations on a farm and other existing viable uses, appropriate designs and not being detrimental to the amenity, character or landscape of the area.



Policy E2 of TPSB also supports developments that provide for the sustainable use and re-use of rural buildings for appropriate uses where, inter alia, it satisfies the following relevant criteria: (a) priority is given to economic before residential uses; (c) it is complementary to and does not prejudice any viable agricultural operations; (d) the building is structurally sound and capable of conversion without the need for extension or significant alteration or rebuilding; (e) the form, bulk and general design of the building is in keeping with its surroundings and will not harm the character of the countryside and the landscape setting; (f) the building is well related to an existing settlement; and (h) the building is large enough to be converted without the need for additional buildings, new extensions or significant alterations.

Policy E1 of TPSB provides for, amongst other things, encouraging farm/rural diversification for employment or service generating uses, to promote sustainable rural communities, preferably by re-using existing buildings, which are appropriate in size and scale, in or adjacent to villages, do not lead to significant traffic generation and are not detrimental to the local environment, landscape, heritage or residents (E1.f).

The proposal relates to the economic re-use of former agricultural buildings, originally used for machinery storage and general farming goods. The proposal is wholly retrospective other than the initial earlier approvals.

It is reported within the Design and Access Statement (DAS) that the applicant has re-concreted the existing yard area. This could well have been permitted development or at the least subject to some form of prior approval subject to the site area and use. Given that it was an existing yard area it has little bearing on the overall proposal.

The proposal does not involve any new buildings or extensions to existing buildings on the site. There have been minimal external changes with (roller shutter doors within existing openings to provide security for the businesses) and general repairs to the buildings. Having said this the works have not detracted from the agricultural character of the buildings' thus retaining the semblance of an agricultural group of buildings in line with criteria (e) of Policy E2 of TPSB.

The agent also advises the applicant is to retain some buildings including a grain store for the farming element of the site. Due to the location of the building within the site and the current hybrid nature of the proposed usage, the proposed change of use would not impact on the remaining agricultural use. There are large areas of hardstanding between the associated buildings and the retained agricultural uses for farm machinery and commercial vehicles to work alongside each other in harmony. The proposal is therefore compliant with criteria (c) of Policy E2 of TPSB

The site lies just outside the smaller village of Walton and around 3km beyond the outskirts of the large village of Eccleshall to the north-west and, as such is relatively well related to these locations. It is unlikely that anyone accessing storage facilities or workshops would do so on foot or by public transport as they would tend to be carrying items for storage or parts for vehicle repairs for example. It is more likely that they would be using a van or small lorry. This site is close enough to the above villages, to be convenient but sufficiently distant not to create a nuisance to residents of these villages. This is similar to designated industrial allocations in the district. The use is therefore considered to be appropriately sited in line with criteria (f) of Policy E2 of TPSB.

The D&A reports no structural changes to the existing building, although general internal re-configuration and external refurbishment has taken place. The proposal therefore relates to existing agricultural buildings being re-used, without extension or significant alteration. The use of the surrounding land and buildings for agriculture or other diversified uses would not be impacted upon by the proposal. The proposal would therefore be compliant with criteria (h) of Policy E2 of TPSB.

The proposal is also considered to accord with the relevant criteria within Policies E1 and E2.

In terms of SP6, the building would support a sustainable rural economy. In addition, the proposal would not conflict with paragraph 88 of the NPPF which in (a) supports the sustainable growth and expansion of all types of businesses in rural areas both through conversion of existing buildings and well-designed new buildings and on (b) the development and diversification of agricultural and other land-based rural businesses.

The proposal is therefore considered acceptable in principle, subject to all other material considerations being met.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 7, 8, 10, 11, 85, 88, 89.

The Plan for Stafford Borough

Policies: SP1 Presumption in favour of sustainable development; SP2 Stafford Borough housing and employment requirements; SP3 Stafford Borough sustainable settlement hierarchy; SP4 Stafford Borough housing growth distribution; SP5 Stafford Borough employment growth distribution; SP6 Achieving rural sustainability; SP7 Supporting the location of new development. Policy E1 Local Economy and Policy E2 Sustainable Rural Development.

## **2. Character and appearance**

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 131, 135, 137 and 139

The Plan for Stafford Borough

Policies: N1 Design; N8 Landscape character

Policies N1 and N8 of the Plan for Stafford Borough supports development that does not harm the character and appearance of the area.

The buildings have retained their utilitarian appearance commensurate with their original agricultural use with minimal alterations being undertaken. The application does not propose any further changes other than those already undertaken for example insertion of metal roller shutter doors for security. The same/similar materials are used in other buildings within the group and the overall impression of a group of agricultural buildings has therefore been retained. The proposal has resulted in minimal harm to the landscape character of the area and is therefore compliant with policies N1 and N8 of TPSB.

### **3. Residential amenity**

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 135

Policy N1 of TPSB requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas.

The existing buildings have been re-used with minimal alterations no extensions have been added that would result in any further overshadowing of neighbouring residential properties for example.

The proposal has however received a number of objections and comments following consultations with the neighbours in respect of noise emanating from the workshops after the hours of 18.00hrs reported on the application form. There has also been comments as to the smell from the fish storage with one stating that it is manufactured on site, this point has been denied by the applicant/agent. No evidence has been provided that the fish food is manufactured within the buildings. Lighting and an increase in traffic movements has also been raised as a concern following the buildings being brought into use.

Bearing in mind the objections that have been raised the Council's Environmental Health Officer advised early in the process of the assessment of the case that a noise and odour assessment of the site should be undertaken. This will enable these comments to be assessed correctly in terms of their impact and what mitigation may be required. This is mainly in reference to the fish storage element of the business regarding to smells and noise from the car repair businesses.

Officers advised the agent that it would be prudent to undertake an noise and smell assessment of the whole site in order to be able to recommend suitable conditions to seek to address neighbouring concerns.

An initial report was submitted, this raised some noise concerns that will require a management plan. The Environmental Health officer assessed the findings of the report and advised that further work was required in order to be as certain as possible that the measures put forward would be sufficient. Further noise assessments were carried out on the building nearest the residential properties due to this property not being in operation when the initial noise assessment was undertaken.

A letter has been sent to the Council from the operator of this unit 5 (Roadspeed Developments) advising that they were told to make more noise than usual to create a worst-case scenario in respect of noise that could be created from the commercial use.

The noise report advised:

“The assessment indicates that during the daytime, the excess of rating level above the existing background sound level is -7 dB(A). The site is approximately c. 12 m from the nearest NSRs at ‘The Willows’ with an unobstructed direct line of sight. The source of the specific sound level is a vehicle modification business that operates between the hours of 08:30 – 17:30 hours. The surrounding residual noise climate is dominated by road traffic noise from the A5013 and it is therefore reasoned that, given the similarity in noise breakout from both the road and the specific sound source that the impact will be lessened somewhat. In light of this, a -2 dB reduction in the rating level has been applied, reducing the excess of rating level above the existing background sound level to +6 dB(A). It is clear that keeping the roller shutter doors is likely to reduce noise levels to an acceptable level at the nearby NSRs.”

The Report concluded “The assessment indicates that during the daytime, the excess of rating level above the existing background sound level is -7 dB(A). The assessment therefore indicates a low impact at the nearest NSRs.”

A management plan has subsequently been recommended itemising a number of measures that would be required to be adhered to protect and retain acceptable levels of residential amenity for the neighbouring properties. The Council’s EHO has advised no further concerns subject to the recommendations of the noise assessment being executed exactly as specified.

In respect of any external lighting on the buildings it is reported by the agent that this will be pointed down to ensure there is limited light pollution. No lighting is to be pointed towards the residential barn conversions located to the north of the site. In addition, they will not be required during the summer and will only be used over the winter in the mornings and evenings. Light pollution has been raised as an issue however this is difficult to corroborate. No complaints to the Council have been received by the Environmental department prior to the submission of this retrospective application. This is possibly due to the neighbours not being aware that some of the uses did not actually have the required planning permissions.

In terms of other general amenity, officers consider that the proposed use would be conditioned to (B2) and (B8). In respect of noise and general disturbance compared to that of the former intensive agricultural use farm smells would be more apparent and noise from large machinery would be significantly noisier during busy times of farming calendar and could be undertaken late at night with no conditions attached to prevent this from happening. The buildings now in residential use have been sold off by the farm over the years thus noise from agriculture machinery has waned over time. The new uses can therefore be conditioned in order to try and seek a working solution to the concerns that have been raised.

At the time of the officers site visit there were no noisy operation being undertaken at that time. This however was only a fleeting visit. The B2 and B8 uses operating without formal consent can be conditioned to specific times in order to protect amenity together with weekend work potentially restricted to Saturday morning/early afternoon only.

In respect of the uses that have permission 04/02404/COU and 06/05930/COU there were no time restrictions imposed when they were approved despite the change of use of some of the buildings to the north to residential. 'The Willows' was approved to be converted in 2003. Therefore, without any substantive evidence that these units are a statutory nuisance, further restrictions cannot be imposed on these units.

#### **4. Access and parking**

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 111 and 112

The Plan for Stafford Borough

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

There is an existing access directly off a public highway, which is utilised by all the businesses and the adjacent residents. The applicant advises that he owns and maintains this access with rights of access by residents only. There has been comments from the neighbouring residents as to the maintenance of this roadway this point is not a material consideration neither is the walking of dogs.

The existing access gives a wide-open access to the A5013 with good visibility in both directions.

Local Plan Parking Standards specify 1 space per 80m<sup>2</sup> of gross floor area in the case of large scale storage and distribution facilities. 1 space per 25 m<sup>2</sup> gross floor space up to 250m<sup>2</sup> then 1 space per 50 m<sup>2</sup> thereafter. In cases where ancillary office space does not exceed 100m<sup>2</sup> no additional provision is necessary, thereafter 1 space per 25m<sup>2</sup> will be required.

In respect of the above parking requirements the site is a former farm-yard where there are numerous areas to park albeit these have not been specified there is no requirement to do so. Officers do not consider this to be an issue that would raise concerns for the users of the site.

County Highways Officer despite the objections raised by objectors has no objection to the proposal reporting that this development will not have a major effect on the surrounding highway network.

The proposal therefore complies with policies T1 and T2.

#### **5. Other**

Policies and Guidance:-

The Plan for Stafford Borough

Policies: N2 Climate change

National Planning Policy Framework

Paragraphs: 8, 124, 185, 186, biodiversity.

The buildings are utilitarian with asbestos/and corrugated tin roofs that are unsuitable for bats although there could easily have been a few birds nest prior to the buildings being re-furbished. There are no details as to if there were any birds or when the works took place but it is unlikely that they would have been affected.

## 6. Conclusion

The proposal change of use is considered to be acceptable and is not considered to have an adverse impact on the character or appearance of the surrounding area, parking and access, residential amenity or protected species. Subject to the conditions recommended the development is considered to comply with the requirements of relevant local plan policies and national guidance from the NPPF.

### Consultations

Highway Authority: The access to this development is off (A5013) Eccleshall Road The access, is over 6m with an approximately 6 radii and large visibility splays. The development is 200m along a private access road, with passing places, off the A5013 and it is considered that this development will not have a major effect on the surrounding highway network.

Environmental Health: Have no further concerns subject to the recommendations of the noise assessment are executed exactly as specified within the Noise/air report.

Parish Council: Object to the proposal;

- The proposal is contrary to Local plan policies E2
- The businesses are detrimental to the adjacent residents by reason of noise, smell, light pollution anti-social out of hours working. The access and highway has become more dangerous due to the increased traffic movements.
- This is not a designated industrial estate
- There are inaccuracies as to the amount of parked vehicles and the volume of traffic.

Fire service: Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16. The roadway in should be able to facilitate a fire engine.

Neighbours (7 consulted):

8 Letters of objections have been received;

- Businesses have been trading in these premises for considerable time and despite representation to the applicant to deal with increased noise, including during unsociable hours, light pollution from automatic floodlights and speeding traffic on the driveway, nothing has been done.
- Traffic has increased significantly there has been a number of near misses at the entrance to the site leading to the main road.

- Seighford Leisure (Unit 3) produces as well as stores fish food. Unit is less than 10m from the front elevation of the nearest dwelling.
- Obtrusive signage across the development
- Working hours beyond normal hours and at weekends - with disruptive noise and light.
- Roadspeed Developments has two units both numbered 5. The one closest to residents was opened in February 2023. This vehicle repair, parts manufacturing / fabrication and engine tuning business is 15m from the closest dwelling.
- Unit 6 is a vehicle repair business not utilised as personal use. Commercial vehicles relating to a sub-contractor to Severn Trent are regular visitors for repair and maintenance.
- There has been no consultation with the neighbours.
- An investigation was conducted in 2019 by Richard Saunders regarding two storage containers sited in the farmyard. These were subsequently removed and then reappeared at another location on the farm.
- The proposal is contrary to E1 and E2 of the Local Plan.
- The retrospective application does not include the demolition of an open sided barn and the erection of two new units (numbered 1 and 2) which were clearly not required for agricultural use as these were let to businesses almost immediately
- The site has been advertised for commercial uses since 16/05/2022.
- The applicant has deliberately misled the occupants of neighbouring residential properties.
- Property values: We have been informed that our property has lost value since our purchase due to the erection of an industrial estate on our doorstep.
- Opening operating times are different on web pages to what the application form states.

Site notice expiry date: 18.07.2023

### **Response from Applicant**

The applicant has provided a response to the proposed call-in and objections received with the points summarised below:

- Consequence of the poor state of agriculture and the government's encouragement for farmers to seek diversification to support themselves and the local economy/employment it made financial and economic sense to reinvest in buildings that already existed.
- The buildings were in a poor state of repair unfit for modern farming methods and machinery. Has spent much time, energy and investment improving these buildings whilst also maintaining their agricultural appearance.

- Residents were more than willing to contribute to provide a tarmac track
- The success of one of the longer serving tenants has resulted in him needing a larger premises.
- Was very surprised to hear that collections of goods are occurring out of designated hours, in the process of installing cameras to monitor events.
- The tenant in Unit 5 Roadspeed Developments operates out of two units both numbered 5 has advised he has contacted all the residents to find out if there are any issues from noise.
- Danny Harvey needed a small office and toilet all of which is very discreet.
- Containers are used by a local builder uses them for storage of his building materials. The containers are out of sight of residents and so do not affect their amenity.
- The applicant does not agree there is any significant issues with noise, light pollution, smells potential near misses with other traffic and out of hours working.
- The site supports local businesses it is not an industrial site we support the local economy.
- Disappointed with the PC's response none of whom have been to visit the site.

Two letters of support have been provided by one of the occupants of the premises he advises that the strict working hours are kept to. All the residents were sent a letter and invited to raise any issues with respect to working practices. 3 of the 8 residents use our services. There are signs advising any visitors about noise. The adjacent residents live in close proximity to the main road where noise from passing trucks and cars far exceeds and noise made by us or any other tenants using any of buildings near to us.

### **Relevant Planning History**

00/39277/FUL Change of Use of Redundant Farm Building To Dwelling and Alterations To Farmhouse To Form Additional Dwelling approved 06.09.2000.

03/01368/COU Conversion of existing redundant farm building into dwelling 'The Willows'

04/02404/COU for change of use of bays 1-3 of existing building to use for light fabrication and associated storage approved 12/09/2004.

06/05930/COU for change of use of existing machinery shed / workshop to light industrial and storage from agricultural maintenance and storage approved 10/04/2006.

### **Recommendation**

Approve, subject to conditions:

1. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:



Site plan Walton Bank Farm as amended 22 December 2023

Drawing Number A3 Floor plans Units 1-7 received 15 June 2023

Design and Access statement

2. All external lighting shall be low lumen down lighting and directed so as not to light up the sky above or any boundary hedges or adjacent properties.
3. The approved development shall only be used only for purposes as per the Design and Access Statement, car repairs, light fabrication and storage.
4. Notwithstanding any description/details in the application documents, the hours of operation of the uses hereby approved shall be restricted to:-
  - XX:XX am to XX:XX pm Monday to Friday inclusive;
  - XX:XX am to XX:XX pm on Saturdays;
  - Not at all on Sundays, Bank Holidays and other public holidays.
5. The roller shutter doors at unit 5 shall remain in a closed position during the business hours of operation. No works shall be undertaken outside of this unit at any time.
6. Within 2 months of the date of the planning permission a Noise Management Plan shall be submitted to the local planning authority, this shall include the following criteria;
  - Name of person(s) response for implementation of the Noise Management Plan;
  - Permitted hours of operations at the site;
  - Strict speed limits for staff/ visitor vehicles;
  - Details of operations and activities permitted to be undertaken at the development site;
  - Vehicles should not be permitted to be left idling at the development site;
  - All doors and openings should be maintained in the closed position, when doors are required to be open, this should be reduced to as small a timeframe as possible;
  - Any reversing beacons at the development site should be of 'white noise' type rather than traditional;
  - Clear complaints procedure outlining how complaints should be investigated and what remedial action should be taken and who is responsible for complaint investigation; and,
  - Documented record of all complaints should be maintained and made available to the LPA if requested.

From the date that the Noise Management Plan is agreed in writing by the local planning authority it shall be complied with in its entirety for the lifetime of the development.

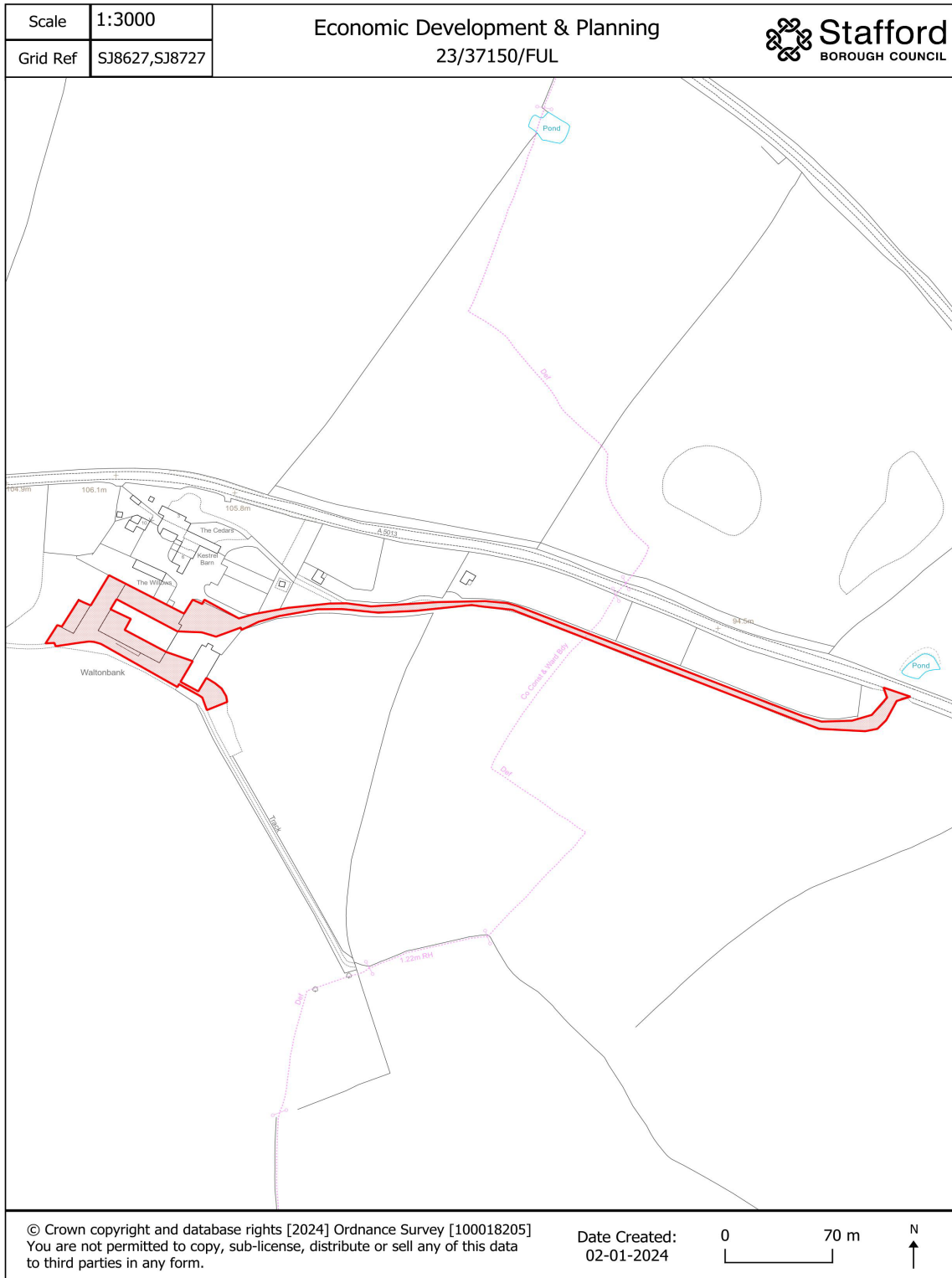
The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To define the permission.
2. In the interests of residential amenity and to prevent light spillage into the wider landscape in compliance with TPSB policies N1 and N8.
3. To define the permission.
4. To safeguard the occupiers of nearby residential properties from undue noise.
5. To safeguard the occupiers of nearby residential properties from undue noise.
6. To safeguard the occupiers of nearby residential properties from undue noise.

# 23/37150/FUL

## Walton Bank

## Stafford Road



<b>Application:</b>	21/34553/FUL
<b>Case Officer:</b>	Ed Handley
<b>Date Registered:</b>	Date in full
<b>Target Decision Date:</b>	22 November 2021
<b>Extended To:</b>	-
<b>Address:</b>	Izaak Walton Fisheries, School Lane, Chebsey
<b>Ward:</b>	Eccleshall
<b>Parish:</b>	Chebsey
<b>Proposal:</b>	Manager's permanent dwelling accommodation
<b>Applicant:</b>	Mr and Mrs Taylor
<b>Recommendation:</b>	Refuse

## REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor P Jones (Ward Member for Eccleshall) for the following reasons: -

*'The reason for wanting to build an agricultural workers house - an exception site - for the fishery is understood and supported however there have been a number of houses for sale within ten minutes of the site, in Chebsey village, over the past twelve months which would have negated the need to build an additional dwelling in the open countryside, that would have afforded similar amenity, especially as the fishery was acquired with no site dwelling provision. The size and design of the new proposed property is not in keeping with the location and an agricultural workers' property would by necessity have been expected to have been significantly smaller, the location proposed is not appropriate, as it is the site of a planning application that was refused previously and tested on appeal, which was also refused'.*

### 1.0 Context

#### Site and surroundings

- 1.1 Izaak Walton Fisheries comprises an area of approximately 4.5 hectares, located in open countryside east of the village of Chebsey. It includes four fishing lakes, a car park, secure storage unit and log cabin café and toilets. The site is bound by the River Sow to the south, Drumble Wood and Drumble House to the north and agricultural land to the east and to the west, on the edge of Chebsey. The site is accessed from the public highway which lies approximately 450m to the north; it shares an access point and 160m section of driveway with Drumble House, but with

a separate access track subsequently running to the east and south of that property to reach the Fishery.

- 1.2 The site is outside of, yet close to, the Chebsey Conservation Area, within 15km of the Cannock Chase SAC (special area of conservation), and within the impact risk zone of the Cannock Chase SSSI (site of special scientific interest). A public footpath runs roughly north-south through the western part of the Fishery yet away from the proposed development. The site is recognised by the Staffordshire Historic Environment Record as being part of an early larger ridge and furrow formation. The site is adjacent to the Drumble Wood SBI (site of biological importance) and there are statutorily protected trees within the site but outside of any area which would be developed as part of the proposed scheme. The site, where it abuts the River Sow is in flood zone 2, however this area is a significant distance from the proposed development. The site is within the red risk area for Great Crested Newts.

### Background

- 1.3 Izaak Walton Fisheries was originally developed in the 1990s following the grant of permission for Trout lakes on appeal in August 1990 (89/23923/FUL). Following a number of other applications, planning permission was subsequently granted in July 1996 for a farmhouse and agricultural buildings (95/32859/FUL) as part of the Fishery which comprised a large five-bedroom dwelling, Drumble House, with a range of substantial brick outbuildings, which in part included a hatchery facility.
- 1.4 Over subsequent years a number of further permissions were granted and implemented for relatively minor additions to the Fishery, including extensions to existing pools and, in September 2003, the erection of a log cabin to provide permanent toilets and kitchen (03/01072/FUL). Two applications for the major expansion of the Fishery to provide channels to be used for competitive fishing on land to the west of the existing facility between Drumble Wood and Chebsey were refused in November 1999 (99/37511/FUL) and in February 2001 (00/39684/FUL). The latter was the subject of an unsuccessful planning appeal.
- 1.5 More recently, an unsuccessful attempt was made in April 2007 (06/07014/FUL) to remove the condition which restricted the occupancy of Drumble House to persons solely or mainly employed, or last employed locally in agriculture (also including fisheries). An appeal against this refusal was dismissed in May 2008. The condition was removed by the approval of a further application (14/21081/FUL) in November 2014. Based on the detailed information provided it was concluded that, on balance, there was no demand to purchase Drumble House whilst it remained the subject of an occupancy restriction. This appeared to be at least in part due to the size of the dwelling, it being larger than would normally be deemed necessary for the operation of an agricultural business. In addition, the fishery with which the house was associated no longer appeared to be viable and it also looked unlikely that it would become viable in the foreseeable future. Consequently, it was concluded that the occupancy restriction had outlived its usefulness and should be removed.
- 1.6 Following an earlier unsuccessful attempt, planning permission (10/14597/FUL) was granted in June 2011 for a vehicular track. The main grounds advanced were the desirability of separating the Fishery from the dwelling and agricultural land, and

on increasing safety for users of the Fishery. It was acknowledged that the revised proposal, being to the east of the existing Fishery, would have limited impact on the character of the surrounding countryside and landscape, unlike the previous proposal which would have been located close to Chebsey and the Chebsey Conservation Area.

- 1.7 Following the removal of the occupancy restriction the Fishery and Drumble House were separated in ownership with the Fishery being acquired by the applicant in 2017.
- 1.8 In 2018 permission (17/27245/FUL) was granted for the development of fish breeding ponds, hatchery, and a temporary dwelling. That permission provided a temporary permission (3 years) for the retention of a mobile home to be used for residential accommodation by the Fishery manager. A temporary permission was granted in order to enable the applicant to demonstrate that the business could develop into a viable and long-term sustainable operation. The officer's report indicated that an application for permanent accommodation was anticipated three years after approval; this being the subject of the application now under consideration. It was stated, at that time, that the applicant would have to demonstrate that the viability of the business had been established and that the size of the dwelling would be commensurate with the needs of the business and funded solely through the business.

#### Proposal

- 1.9 This application is for a single storey dwelling with double height space, an associated detached double garage, drive and private garden to provide accommodation for a fishery manager.
- 1.10 The dwelling would have a broadly H-shaped footprint, with maximum dimensions measuring 19.6m x 13.9m (218.70sqm) with a height of 7.0m (4.4m to eaves). It would be of facing brick to the ground floor with metal cladding above and a pitched slate roof. Glazing would be focussed on the south elevation whilst the fenestration to other three elevations would be less prominent.
- 1.11 The double garage would measure 8.1m x 6.95m with a height of 5.3m (2.45m to eaves). The garage would be constructed in facing materials to match the dwelling with a single vehicular door and glazed gable end on the south elevation. Three roof lights would also be located in the eastern roof slope.
- 1.12 A private garden area with low boundary wall is indicated on illustrative drawings but is not detailed on any 'to scale' drawings.
- 1.13 The application states that the proposed development would provide an on-site presence for a manager of the fishery and follows the approval of application 17/27245/FUL for the development of fish breeding ponds, hatchery, and a temporary dwelling to accommodate the fishery manager. It is acknowledged that the mobile home should have been clad in accordance with condition 4 of that permission and that it should have been removed from site in March 2021 in accordance with condition 1 of that permission.

## Officer Assessment – Key Considerations

### 2.0 Principle of development

- 2.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the purposes of this application comprises of The Plan for Stafford Borough Parts 1 and 2 (TPSB).
- 2.2 Whilst the NPPF seeks to avoid new isolated homes in the countryside, paragraph 84 provides for the development of homes in the countryside where there is an essential need for a rural worker to live permanently at, or near to, their place of work. This provision is carried over by policy E2 of The Plan for Stafford Borough.
- 2.3 The NPPF, at paragraph 88, seeks to ensure that planning policies and decisions enable the sustainable growth and expansion of all types of business in rural areas and the development, the diversification of land-based rural business, and sustainable rural leisure developments which respect the character of the countryside.
- 2.4 In terms of development plan policies the acceptability of the provision of permanent residential accommodation in the open countryside needs be assessed against Spatial Principles (SP) 1, 2, 3, 4, 6, and 7 together with the provisions of policies E2 and C5.
- 2.5 The settlement hierarchy for Stafford Borough is set out in SP3 and identifies the settlements in which new development should be concentrated. SP7 sets out the criteria which must be satisfied for development in other locations, including the application site. Development in such a location must be consistent with the objectives of SP6 and policies E2 and C5 in supporting rural sustainability.
- 2.6 SP6 states that priority will be given to supporting the rural sustainability of the Borough by protecting and enhancing its environmental assets and character whilst sustaining the social and economic fabric of its communities. Amongst other things, this is to be achieved by promoting a sustainable rural economy, conservation or improvement of the rural environment, and the appropriate use of rural buildings.
- 2.7 Policy E2 supports the achievement of sustainability in rural areas by encouraging, amongst other things, provision for the essential operational needs of agriculture, forestry or rural businesses (ii) and proposals which meet the essential, local development needs of a community, to be evidenced by the developer, and which cannot demonstrably be met within the Settlements identified by Spatial Principle SP3 and in the context of criteria in Spatial Principle SP7 (iv).
- 2.8 Policy C5 requires new development to comply with SP7 and further states that new housing in rural areas will not be acceptable unless it can be demonstrated that it cannot be accommodated within the sustainable settlement hierarchy, is supported by a Parish based local housing needs assessment, and is of a high-quality design.

- 2.9 Consequently, a proposal for new residential accommodation in this rural area would therefore be considered to be unsustainable and would not be acceptable unless required for a specific identified need and supported with sufficient justification. There is no evidence, and the applicant does not put the case forward, that the proposal is acceptable under the provisions of policy C5.

### Conclusion

- 2.10 Permission 17/27245/FUL was granted for the development of the fisheries and the retention of a mobile home to be used for residential accommodation by the fishery manager on a temporary basis for a period of 3 years. A temporary permission was granted to provide time for the applicant to demonstrate that the business could develop into a viable and long-term sustainable operation. The officer's report indicated that an application for permanent accommodation was anticipated and it was stated at that time that the applicant would have to demonstrate that the viability of the business had been established and that the size of the dwelling would be commensurate with the needs of the business and funded solely through the business.
- 2.11 It is clear that the functional need for a rural worker to live at or near to the fishery was established and accepted in the granting of permission 17/27245/FUL. On this basis, the principle of the proposed development is acceptable subject to the applicant demonstrating that the proposal is required to meet that ongoing functional need, that the business is established and viable, that the size of the dwelling would be commensurate with the needs of the business, and that the dwelling could be funded solely through the business.

National Planning Policy Framework

Paragraphs: 7, 8, 10, 11, 84, 88

The Plan for Stafford Borough

Policies: SP1 Presumption in favour of sustainable development; SP2 Stafford Borough housing and employment requirements; SP3 Stafford Borough sustainable settlement hierarchy; SP4 Stafford Borough housing growth distribution; SP5 Stafford Borough employment growth distribution; SP6 Achieving rural sustainability; SP7 Supporting the location of new development; E2 Sustainable rural development; C5 Residential development outside the settlement hierarchy

The Plan for Stafford Borough: Part 2

Policies: SB1 Settlement boundaries

## **3.0 Demonstrable need**

- 3.1 The case of *Embleton and Ainsley v Northumberland and Gaston* (2013), hereafter referred to as 'Embleton', determined that although in the past rural worker's dwellings were dealt with using the advice of PPS7 (not up to date since the publication of the NPPF in 2012) the NPPF requires only a planning judgement as to whether there is an essential need for a worker to be on site or not. Whilst the Embleton case makes it clear that the NPPF does not require a proposal to be



economically viable, it does not prevent financial evidence from being considered as part of a planning judgement with regard to whether the proposal constitutes sustainable development. Further to this, Planning Practice Guidance states that considerations which may be relevant to take into account when applying paragraph 84 of the NPPF could include:

- Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry, or similar land-based rural enterprise (e.g., where livestock or processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies which could cause serious loss of crops or products).
- The degree to which there is confidence that the enterprise will remain viable for the foreseeable future.
- Whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance, and the local context.
- In the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

3.2 In this regard, reference is given to the Inspector's decision in dismissing appeal reference APP/E2734/W/19/3232005 against the refusal to grant planning permission for the erection of a single agricultural workers' dwelling in Harrogate. At paragraph 29 of the appeal decision the Inspector states:

*"I appreciate the argument that the testing of such considerations [sustainability and viability of the enterprise] is no longer required as an assessment of the appropriateness of an agricultural workers' dwelling. Nonetheless, I find that in any such assessment it is logical to identify a reasonable correlation between the scale of an agricultural workers dwelling and the functional requirements of the business it relates to. ... To that end, I find it reasonable to include a financial element when assessing the viability, sustainability and long-term prospects of the enterprise to endure."*

3.3 Furthermore, at paragraph 30 the Inspector goes on to state that a reasonable financial appraisal of the enterprise past, present and future should form a relevant part of the overall assessment of a proposed worker's dwelling with regard to the PPG.

3.4 The current temporary accommodation on site, whilst in breach of condition in that it should have been removed in March 2021, was permitted on the basis that it was demonstrated that on-site residential accommodation was required for the essential operation of the rural enterprise and that a three-year period would enable the applicant to demonstrate that the business would develop as set out and prove its viability. It was considered that after the three-year temporary period a further (this) application would be submitted, and that the applicant would need to demonstrate that the viability of the business has been established. It is set out that should the viability not be proven, permission for either the retention of the temporary

accommodation or for a permanent dwelling should not be granted. Furthermore, should an application for permanent accommodation be submitted, the size of the proposed dwelling should be commensurate with the needs of the business and funded solely through the business.

### Applicant's case

- 3.5 This application is accompanied by an appraisal of the need for permanent manager's accommodation to serve the fishery – this appraisal has been updated numerous times over the course of the consideration of the application. The appraisal contends that the business has expanded sustainably since the applicants purchased the site, and it includes details of staffing levels, the existing business operation, details of future business development, and a case setting out the functional need for accommodation. Financial figures and projections are also submitted in support of the application. Appended to the appraisal are documents which include the following:
- Analysis of rod licence sales which, on the whole, appear to be in decline.
  - Appeal decisions relating to applications across England dated 2008 and 2009 (pre-NPPF).
  - Various associated legislation and guidance on liability, safety, aeration, biosecurity, and security.
- 3.6 The business employs the equivalent of one full-time fishery manager (the applicants) with seasonal part-time assistants, if and when required.
- 3.7 The business operates as a commercial coarse fishery with day tickets sold to visiting anglers; it is open dawn until dusk, seven days a week, throughout the year. It is registered with the Centre of Environment, Fisheries, and Agriculture Science.
- 3.8 By reason of the approval of application 17/27245/FUL it is acknowledged that there is a functional need for a dwelling on-site for the essential operation of the business. It is stated that aspects of this need include the following:
- Daily administrative tasks.
  - Routine monitoring of the lakes and rearing ponds.
  - Managing water quality (ice breaking, aerating, preventing pollution).
  - Restocking lakes.
  - Controlling biosecurity risks.
  - Fish rearing in the hatchery.
  - Fish feeding.
  - Prevention of theft and other security requirements.

- Health and safety of anglers.
- Tackling predation from other birds and animals.

- 3.9 It is appropriate to consider whether there is any suitable alternative accommodation which would serve the purpose of meeting the essential needs of the business. As concluded during consideration of application 17/27245/FUL it is noted that there is a scarcity of affordable houses in the village of Chebsey which is too far out of sight and sound of the fishery and it is likely that accommodation would need to be found in Eccleshall which is even further from the site. The appraisal acknowledges that there is the possibility that if there is affordable accommodation available in the village of Chebsey or nearby then a fishery manager could live there and still be able to discharge their duties. Details of a search for properties in 2023 suggests that appropriate dwellings (2-3 bedroom) would cost in the region of £350,000 - £550,000. However, the response time to deal with overnight emergencies would be around 12 to 15 minutes, increased from around 3 or 4 minutes should the manager be living on site. Such a time would be outside of what is considered to be the window of opportunity to prevent wide-scale fish mortality. The appraisal continues to state that appropriate properties would need to be within 100m of the fishery and that there is nothing suitable, available, or affordable in such a location.
- 3.10 It is stated that the applicants have invested significant capital into the fishery since 2017 to improve the infrastructure of the site, the fish farming operation, the café, and the fishery experience. Current income is derived from day ticket sales and café income whilst it is intended that future income would also be generated from the sale of surplus fish stocks.
- 3.11 The forecasts provided in support of application 17/27245/FUL set out a net profit in year one of £17,273, rising to £30,834 in year two, and £56,297 in year three.
- 3.12 It is stated that should consent be granted for the proposed dwelling income streams would comprise:
- Day ticket fees, to be enhanced due to better management and enhanced promotion.
  - Night fishing fees.
  - Rearing of coarse fish to replace stock.
  - Sale of season tickets, angling competitions, and corporate events.
  - Sale of tackle, bait, drinks, and snacks.
- Furthermore, it is stated that the manager's accommodation would help the business to develop through significant increases in angler attendance and enhancing turnover from recreational fishing.
- 3.13 The accounts submitted for the year to March 2021 demonstrate income of approximately £50,000 for the year of which £22,628 (45%) was from the fishery; gross profit was £35,612, with a net loss of £3,134. For the year ending March 2022

turnover was approximately £77,000 with a net profit in excess of £30,000. The applicant suggests that the business is operating at a level which can sustain a full-time fishery manager. There is no breakdown of the items which constitute 'sales' or turnover and paid staff costs are approximately £2,400 in 2022.

#### Independent assessment of applicant's case

3.14 The Council has instructed an independent assessment of the proposal twice during the consideration of the application – one in January 2022 and one in August 2023. The initial assessment contained the comments summarised below:

- The site extends to approximately 4.5ha with four commercial coarse fishing lakes, river fishes, car park, secure storage unit, log cabin café with toilets, and car parking for over 50 vehicles. It benefits from mains electricity and water with private foul drainage.
- The four spring-water fed fishing pools cover a cumulative 2.62ha with 134 pegs; there is also capacity for fishing on the River Sow. The fishery operates seven days a week.
- The fishery had operated on a day-ticket basis for around 20 years before the previous owners leased the whole site and took early retirement.
- The applicant purchased the fishery and took over management in July 2017.
- Permission was granted in March 2018 for the development of fish breeding ponds, hatchery, and temporary dwelling.
- This application is for a permanent manager's dwelling comprising a two-storey brick and tile building with a gross external floor area of 696.3sqm.
- It is reasonable to consider the application broadly in line with the PPS7 tests as this is a well-known and established methodology for establishing whether the proposal is both sustainable and essential as required by the NPPF.
- In this case the essential requirement for onsite accommodation relates to the coarse fishery and the need to react at short notice to unnecessary stress of pain to livestock in the care of the applicant.
- The need for a dwelling for rural workers usually arises where such a worker needs to be on hand night and day, sometimes at short notice. This operation is a year-round one rather than seasonal and the essential need for on-site accommodation has been accepted in the granting of temporary permission for the siting of a mobile home under 17/27245/FUL. There is no indication that this essential need has diminished.
- The applicant is the full-time manager, a further booking and administration staff member is employed as well as part time maintenance and cleaning staff. The information available is satisfactory to demonstrate that there is an essential need for at least one full-time worker at Izaak Walton Fishery.

- The financial viability appraisal provided by the applicant is one of the means to determine if the business is sustainable and likely to be permanent or not.
- Financial information about the fishery business has been provided in the form of unaudited accounts for the 12-month period to 31 March 2021.
- Income for this period is £50,000, however over £20,000 is listed as 'other income' which has not been included in previous years. Fishery income represents approximately 45% of the annual income for the business in the year ending March 2021.
- The accounts do not include any salaries or cost of employment other than £344 for 'other staff costs'.
- The accounts show a trading loss of over £3,000 for this period. It is apparent that the business has not generated sufficient profits before salaries to cover the minimum wage costs for two full-time workers and the additional part-time staff referred to in the appraisal.
- The annualised cost of the proposed dwelling must be taken into account because if the business gives rise for the need for on-site accommodation it should be able to sustain the cost of the worker and the required accommodation. The business does not appear to be profitable and it is hard to see how it can generate sufficient income to cover the cost of workers and the proposed dwelling. Consequently, it remains uncertain the degree to which there is confidence that the enterprise will remain viable and sustainable for the foreseeable future.
- The dwellinghouse previously associated with the fishery was retained by the previous owner when the applicant purchased the fishery.
- Searches for property to buy or rent within a mile do not identify any suitable properties. Accommodation in Eccleshall would not be appropriate due to the distance from the application site.
- There are no buildings at the site which are available or suitable for conversion to provide accommodation.
- Whilst it is considered that an essential need for a worker to live on site has been demonstrated, particularly once the hatchery and stock ponds are developed, in order to give confidence that the enterprise will remain viable the business should be able to generate enough income to pay the workers concerned. Evidence submitted by the applicant indicates losses and no account is made of the costs associated with employing the workers required to run the business or of the annualised cost of the proposed dwelling. Consequently, the business does not appear to be sustainable at this time.

3.15 Following the submission of a revised scheme and additional supporting information, including an updated appraisal and more recent financial information, the second independent assessment came to a similar conclusion and contains the following summarised comments:

- No updated future development aims have been provided in the updated appraisal.
- The essential need for on-site accommodation has been accepted previously and there is nothing within the application which suggests that the essential need for at least one full-time worker has diminished at this site.
- Amended profit and loss accounts for the year ending 31 March 2022 were submitted in July 2023. There is no breakdown of the items which constitute 'sales' or turnover. Turnover has risen from around £50,000 in 2021 to around £77,000 in 2022, and a loss of over £3,000 in 2021 to a profit of over £30,000 in 2022. Paid staff costs are approximately £2,400 in 2022 and therefore the total amount available to cover all worker remuneration and the cost of the proposed new dwelling is around £32,800.
- The annualised cost of the proposed dwelling should be considered because if the business gives rise for the need for on-site accommodation the business should be able to sustain the cost of the worker and the required accommodation, rather than relying on funds from other sources. Should planning permission be granted, the site could (in theory) be sold to someone with a mortgage. Based on a floor area of around 280,000sqm and a conservative build cost of £2,000 per sqm, the cost of the proposed dwelling would be in excess of £563,000. A mortgage rate of 6% over a typical 25 year repayment term would result in an annualised cost of £43,914 which is clearly unsustainable.
- The applicant has failed to explain how the fishery business can sustain the annualised cost of constructing the proposed dwelling and garage.
- The business has not demonstrated consistent and sustainable levels of profits over the past five years and the extended time for developing the business since 2017 (when the current owners took over) has demonstrated that the business cannot generate sufficient income to cover the cost of workers and the proposed new dwelling. The fishery business cannot generate sufficient income to cover the labour said to be required to run the business at the UK National Minimum Wage.
- Alternative purchased or rented accommodation in the locality could be the best option if the business cannot sustain the annualised cost of the proposed dwelling and garage.
- It is evidence that two and three-bedroom properties have been available in the past year at a cost of between £350,000 and £550,000.
- The proposed dwelling is unusually large for a rural manager's dwelling.

3.16 In response to the Independent Assessment the applicant asserted that the figure quoted of £2,000 per sqm is an assumption without any examples and that there is a builder with experience in various trades whereby they could undertake the majority of the work themselves lowering the overall cost. No detailed costing is

submitted in response however and this assertion should therefore be given little weight.

- 3.17 Comment is made with regard to there being no wages taken out of the business and that the owner's profit is taken out of the business at the end of the financial year. On the basis that any permission would run with the land and the site could be sold to another party it is considered that remuneration of a manager and the annualised cost of the proposed dwelling must be taken into account.
- 3.18 Furthermore, the applicant's consultant advises that it is their experience of fishery manager's dwellings that most new dwellings are built with funding from other sources or with significant amount of labour from the proprietor. It is considered however that the Independent Assessor's view that the annualised cost must be taken into account. This is in the absence of any other mechanism to secure the nature of funding on the basis that any permission would run with the land and the site could be sold to another party with a mortgage which the business would need to cover.
- 3.19 The applicant states that a rented property would be a liability to the business and a further ongoing cost and any available rental properties should therefore be discounted. It is considered that the availability of local dwellings is a material consideration and should be taken into account. Furthermore, an online search suggests that the cost of dwellings in the vicinity is less than the estimated build cost of the proposed dwelling (in the absence of any detailed costings).
- 3.20 Other concerns raised by the applicant with regard to the Independent Assessment relate to matters such as the scope of the assessment made; the additional points raised within the assessment are not to be taken at face value on the basis that this comprised a desk-based assessment.

### Conclusion

- 3.21 It is acknowledged that the COVID-19 pandemic will have hampered profitability for at least the period 2020/21 whilst people's activities were significantly restricted. However, it is anticipated that there has been sufficient time since for the business to re-establish itself, and, furthermore, the application must be considered on the merits of the available supporting information. Whilst the applicant has had the opportunity to provide detailed accounts for the year to March 2023 the latest submission is an amended profit and loss account for the year to March 2022.
- 3.22 It is evident that the business has not sustained profitability over recent years and on the basis that the business does not appear to be profitable when taking into account staffing costs and the annualised cost of a new dwelling, it is not considered that the proposed development would comply with paragraph 84 of the NPPF with regard to the tests set out within National Planning Practice Guidance. The proposal is therefore contrary to the provisions of policy E2 of The Plan for Stafford Borough.
- 3.23 Notwithstanding the consideration of the essential need for the dwelling and the sustainability of the business, the dwelling proposed is of significant scale and it is not considered to truly represent the needs of a fishery business. Furthermore, the excessive height gives rise to the possibility that a first floor may be added at some

point in the future, making the dwelling even more unaffordable to a manager/proprietor relying on the fishery to provide a livelihood.

- 3.24 It is noted that the application site extends around the fishery business; should the application be approved, it is considered necessary to attach a condition to limit the curtilage of the building and the land around it which would be used for purposes of parking and as garden. A landscaping plan should also be secured by condition to ensure that the curtilage of the dwelling is appropriately surfaced and landscaped.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 7, 8, 10, 11, 84, 88

The Plan for Stafford Borough

Policies: SP1 Presumption in favour of sustainable development; SP2 Stafford Borough housing and employment requirements; SP3 Stafford Borough sustainable settlement hierarchy; SP4 Stafford Borough housing growth distribution; SP5 Stafford Borough employment growth distribution; SP6 Achieving rural sustainability; SP7 Supporting the location of new development; E2 Sustainable rural development; C5 Residential development outside the settlement hierarchy

The Plan for Stafford Borough: Part 2

Policies: SB1 Settlement boundaries

#### **4.0 Heritage, character and appearance**

- 4.1 Notwithstanding the principle of development, it is considered that the scale of the proposed dwelling is disproportionate to the needs of a rural worker. In this regard it is noted that a letter submitted by the applicant in response to the comments of the Council's Conservation Officer indicate that the dwelling is designed to accommodate two families and not just a manager and their family. The essential need of a rural worker, in this case, should relate to any potential fishery manager and not cater solely to the preference for the applicants' wider family to co-habit with them.
- 4.2 The application site covers the entire area of the Fishery and extends to within 15m of the Chebsey Conservation Area. The area in which development is proposed lies 125m east of the conservation area boundary, however there is clear visibility between the site of the proposed dwelling and the conservation area. The landscape is undulating and it is acknowledged that trees and hedgerows outside of the application site, yet within the immediate vicinity, have been removed in recent years, thereby reducing natural screening of the site. The application site is also visible in views from the grade II listed Chebsey House on School Lane.
- 4.3 Historically, and prior to the development of the fishery and subsequent sale of the associated dwelling the wider site comprised a mix of open fields and woodland which, since the loss of a number of trees in the area, is more visible in open views from the adjacent conservation area, particularly from School Lane and Park Lane.



The Chebsey Conservation Area tightly envelopes the historic settlement of Chebsey and protects a largely unaltered 19<sup>th</sup> Century layout. The character at this point is a sudden transition from the dense linear development of cottages along the narrow Park Lane to the rural character of open countryside to the east. The public footpath running from Park Lane through to School Lane allows views into and across the conservation area as well as an appreciation of its open rural setting. Furthermore, the right of way serves as the eastern approach and introduction to the character of the conservation area. It is considered that the approach is of value and is framed to the southwest of Park Lane by a row of vernacular cottages, most of which are grade II listed, of varying traditional materials and detailing.

- 4.4 The Council's Design Advisor raises no objection to the principle of the siting of a dwelling in this location on design grounds. However, concern is still raised with regard to its size and scale to the point that amendments would be required for the building to be considered an appropriate articulation of its intended function and comprise a more sensitive reflection of locally prevalent patterns of development and thus be less of a notable visual feature in the wider landscape. Furthermore, the quality of materials is not sufficiently clarified within the application documents. However, this could be resolved via condition should the application be approved.
- 4.5 The revised scheme is generally more convincing as a design approach, however, concerns regarding the size and scale remain. The substantial scale and composition of the proposed build form within this locality would be overly large for its intended function as a rural workers' dwelling. Whilst the reduction of the eaves height has resulted in a notably reduced impact upon the overall sense of scale and height and improved the proportioning of the separate elements of the proposed dwelling, it would still, by virtue of its size, likely constitute a notable visual feature in its setting. The dwelling could be reduced in size and scale, whilst maintaining similar useable internal floor area by relocated accommodation to partially utilise roof space. Furthermore, the eaves could further be lowered without compromising this usable floor space.
- 4.6 The Council's Design Advisor states that should the application be approved it would be appropriate to ensure that the apparent commitment to high quality materials is secured by conditions which require the approval of specification of materials and detailing.
- 4.7 It is noted that the inclusion of what appear to be exposed structural roof trusses within the roof space alludes to an intent not to increase the internal accommodation by retrofitting the roof space with additional floor area, however it is not considered that this could appropriately be controlled by condition and concern would remain that future uncontrolled enlargement of the dwelling would render it unaffordable for future rural workers and a repeat situation of applications seeking to remove any conditional occupancy tie which would be necessary if this application was to be approved. Furthermore, the excessive height, for which there is no clear justification, would result in the building being more prominent within this rural landscape.
- 4.8 The Council's Conservation Officer states that the proposed new dwelling, as redesigned, would be an improvement over the original proposal, however it would

remain a substantial-sized dwelling for manager's accommodation. The Conservation Officer states that the proposed dwelling would comprise development well beyond the boundary of the historically defined settlement, therefore impacting upon the transition from historic village to rural countryside and considers that the proposed dwelling would present a suburbanising encroachment, of excessive scale, into the surrounding rural landscape and open countryside which appears to be lacking justification.

- 4.9 By reason of its siting and scale, the Conservation Officer states that the proposed development would result in less than substantial harm to the setting of the Chebsey Conservation Area without clear and convincing justification. It is acknowledged that the area retains a rural character which provides the setting to the Chebsey Conservation Area. The siting of a dwelling, without justification, in this rural area, would constitute the inappropriate encroachment of development into the countryside. Consequently, the proposed development is contrary to paragraphs 205 and 208 of the National Planning Policy Framework (December 2023) and fails to satisfy s72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 which places emphasis on the preservation and enhancement of the character and appearance of conservation areas and their setting.

#### Conclusion

- 4.10 It is acknowledged that the proposed dwelling has been reduced in scale significantly and comprises a single-storey dwelling. However, the ridge height of 7.0m is considered to be excessively high without any justification and its reduction would further reduce the visual impact of the proposed dwelling upon the character and appearance of the area. The floor area of the proposed dwelling is significantly greater than what would be described as a 4-bedroom executive dwelling. Furthermore, by reason of the excessive height, the roof space could be utilised as additional living accommodation which would result in the dwelling becoming more unaffordable for rural workers/managers thereby resulting in the likelihood of future pressure to remove any agricultural workers' tie condition should this specific enterprise cease to operate in the future. It is, consequently, not considered that it has been sufficiently demonstrated that there is an essential need for a dwelling of this size.
- 4.11 Notwithstanding the concerns raised with regard to the design of the proposed development, should the application be approved a condition should be attached to define the extent of the curtilage of the dwelling in order to avoid the indiscriminate use of the adjacent land as gardens associated with any residential use of the site.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 131, 135, 137, 139, 205, 208

The Plan for Stafford Borough

Policies: N1 Design; N8 Landscape character; N9 Historic environment

Supplementary Planning Document (SPD) – Design

## **5.0 Residential amenity**

- 5.1 The proposed dwelling and garage would be situated well over 100m from the boundary of the nearest dwellings, Tinkers Butt and Drumble House respectively. Consequently, it is not considered that the proposed development would result in any undue harm with regard to residential amenity. Whilst neighbours have raised concern with regard to potential noise implications, given the separation distance it is not considered that the proposed residential development would result in any undue harm in that regard. Furthermore, the proposal would not result in any undue harm with regard to privacy or loss of outlook.
- 5.2 There is adequate space for private amenity space and the storage of refuse and recycling bins; the ground floor plan indicates an area of at least 220sqm to the north and west of the proposed dwelling.
- 5.3 The Council's Environmental Health Officer raises no objection to the proposed development. However, concern is raised with regard to the operation of the existing septic tank. There is a presumption within the Planning Practice Guidance that foul drainage would be discharged to a mains sewer or, if proven to be unfeasible, a package treatment plant. On the basis that there is already a septic tank in situ, should the application be approved it is considered that details of the foul drainage system should be secured by condition – to either include the upgrading of the existing septic tank as per the Environment Agency's Binding Rules or the installation of a package treatment plant.
- 5.4 Furthermore, conditions are recommended by the Environmental Health Officer with regard to potential undue disturbance during development; conditions regarding hours of works and associated deliveries, and burning on site are appropriate. Given the nature of the proposed development it is not considered that conditions relating to damping down or the removal and disposal of demolition materials would be necessary.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 135

The Plan for Stafford Borough

Policies: N1 Design

Supplementary Planning Document (SPD) - Design

## **6.0 Access and parking**

- 6.1 The application site is accessed from the public highway to the north and is served by a 670m long access track. The first 160m from the highway is shared with Drumble House and the adjacent recent conversion scheme. The track leads onto the existing, centrally located car park at its southern end and would continue to the proposed residential development.

- 6.2 No alterations are proposed to the access or the parking arrangements for the fishery. A private drive and double garage are proposed which would provide for at least three vehicles, thereby complying with local plan parking standards.
- 6.3 Notwithstanding concerns raised by neighbours, the local highway authority raise no objection to the proposed development on the basis that there would be no intensification of the existing access as the applicant has been living in a temporary dwelling on the site for the past three years and that vehicular movement relating to staff may reduce due to the permanent on-site accommodation for a manager. The highway authority recommends that any approval be subject to a condition to ensure that the proposed dwelling remains ancillary to the fishery business and not be sold, let, or occupied independently.
- 6.4 Furthermore, the highway authority state that the proposed parking spaces and double garage would exceed standards and that no visibility splays are required due to there being no proposed alteration to the access or the intensity of its use. A condition is recommended to secure the provision of the parking areas and garage.
- 6.5 It is noted that the highway authority suggest that the access road would benefit from passing places with regard to the operation of the site as a whole. Notwithstanding this, it is not considered that the erection of a single dwelling for a manager to live on-site would result in any material change in the volume of traffic using the access track which would justify the requirement of passing places being secured by condition.
- 6.6 A public right of way runs through the application site, although this is over 80m from the proposed dwelling and, consequently, it is not considered that the proposed development would result in any impact upon the public's right. The right of the public to pass would not be affected by any approval and is controlled under separate legislation.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 104, 111 and 112

The Plan for Stafford Borough

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

## **7.0 Other**

### Flooding

- 7.1 Whilst it is acknowledged that the application site extends into flood zone 2 this is along the banks of the River Sow. The area within which the proposed dwelling and associated development would be sited as well as the access drive is entirely within flood zone 1. Consequently, residential development is a compatible use for this site with regard to risks from flooding. On the basis that no development is

proposed on land which falls within flood zones 2 or 3 the Environment Agency have not been consulted.

### Cannock Chase Special Area of Conservation (SAC)

- 7.2 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 of dwellings it is considered that any likely significant effects to the Cannock Chase SAC should be appropriately mitigated through a financial contribution to the SAMMMs. Whilst updated comments from Natural England are awaited the applicant has not indicated that they would be willing to enter into a planning obligation to secure any such contribution and therefore this should constitute a reason for refusal.
- 7.3 Previous comments from Natural England raise no objection to the proposed development on the basis that it would result in no significant adverse impacts on any other designated site.

### Biodiversity

- 7.4 Whilst the application site is adjacent to the Drumble Wood SBI the Council's Biodiversity Officer raises no objection to the proposed development on the basis that the erection of a permanent dwelling would have no greater impact upon the SBI than the existing mobile home. Notwithstanding this, should the application be approved it is considered that an ecological net gain be secured via a condition in accordance with paragraph 180(d) of the National Planning Policy Framework.
- 7.5 The Newt Officer states that the proposed development is unlikely to have an impact upon great crested newts and/or their habitats due to the scale of the development and as all of the nearby ponds are for fishing it is unlikely that there would be any great crested newts present. As the application site is within the red impact risk area, as modelled by district licence mapping, it is considered appropriate that an informative be attached to any approval to bring the protected status of newts to the attention of the applicant.
- 7.6 There are trees on land adjacent to the application site (southwest) which are subject to tree preservation orders. However, these are over 60m from the development and consequently it is not considered that the proposal would result in any undue harm with regard to arboricultural assets. On the basis of the separation distance, the Council's Tree Officer has not been consulted.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 8, 124, 158, 159, 165, 167, 169, 171, 173, 174, 180, 185, 186, 187 and 188

## 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

### 8.0 Conclusion and planning balance

- 8.1 There is no indication that the functional need for a worker, a manager in this case, to live at or in close proximity to the rural business – Izaak Walton Fishery, has diminished since temporary permission was granted for the siting of a mobile home under 17/27245/FUL.
- 8.2 Whilst it is acknowledged that the National Planning Policy Framework does not require a proposal to be financially viable the Embleton case makes it clear that it is reasonable to consider financial evidence as part of a planning judgement with regard to whether a proposal constitutes sustainable development. The application documents do not take into account the annualised cost of the proposed dwelling, however, and it is apparent that the business has not generated sufficient profits before salaries to cover the minimum wage costs for the staff referred to within the appraisal as well as the annualised cost of a manager's dwelling. On this basis the business does not appear to be sufficiently profitable to be sustainable whilst covering the costs of the enterprise and the proposed dwelling. Consequently, there is significant doubt as to whether the enterprise would remain viable and sustainable for the foreseeable future and it is considered likely that any failure of the business would lead to pressure for the proposed new dwelling to be available on the open market. Whilst it is accepted that there is a functional need for a worker to live at or near their place of work, it is considered that the proposal is contrary to paragraph 84 of the National Planning Policy Framework in that there is no demonstrable essential need for a worker to live at this site on the basis that it has not been demonstrated that there is any long-term sustainable rural business venture to support a dwelling of the scale proposed at the premises.
- 8.3 Consequently, the proposed development is considered to be unsustainable development in that it comprises a single private dwelling in the open countryside contrary to the provisions of Policies SP1, SP3, SP6, SP7, E2, and C5 of The Plan for Stafford Borough.
- 8.4 By reason of its siting and excessive scale the proposed dwelling would form an incongruous feature within its wider setting. Consequently, the dwelling would constitute unnecessary encroachment into the rural countryside which contributes towards the setting for the Chebsey Conservation Area. The proposal is, therefore, considered to be contrary to paragraphs 135, 139, 205, and 208 of the National Planning Policy Framework and policies N1 (g and h), N8 (a and c), and N9 of The Plan for Stafford Borough. Furthermore, the proposal would fail to satisfy s72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 which places emphasis on the preservation and enhancement of the character and appearance of conservation areas and their setting.
- 8.5 The applicant has not indicated that they would be willing to enter into a planning obligation to secure a financial contribution to the Cannock Chase SAC SAMMMs in order to provide sufficient mitigation and avoidance measures to prevent any

likely significant effect arising towards the Cannock Chase SAC from residential development in this area. In the absence of such mitigation, the proposed development is considered to be contrary to policy N6 of The Plan for Stafford Borough.

### **Consultations (summarised)**

#### **Conservation Officer:**

(Comments dated 22 May 2023):

Objection.

- The proposed dwelling has been completely re-designed and comprises a contemporary style bungalow; the floor area is significantly reduced from 696.3sqm to 225.54sqm, with a detached garage.
- Whilst the overall design and scale is much improved, this is still a substantial sized dwelling for manager's accommodation for two people with occasional guests and the need for a dwelling of this size is questioned.
- Whilst the proposal comprises only ground floor accommodation with substantial vaulted ceilings, the height of the dwelling could allow for the insertion of an additional floor internally which could double the floor area. The height of 7.0m does not appear to be necessary as a vaulted ceiling within a single-storey bungalow could be achieved with a significantly lower ridge height.
- It is acknowledged that there is likely to be an essential need for manager's accommodation on the site, however the conclusion of the independent assessment was that the business is not profitable as it operates at a loss for the trading period which was assessed. It is uncertain as to whether there is confidence that the enterprise would remain viable for the foreseeable future.
- Insufficient justification (on the basis that the business is currently not profitable and cannot demonstrate financial viability for the foreseeable future) has been provided to justify the less than substantial harm which would be caused to the setting of the Chebsey Conservation Area by means of a new permanent dwelling presenting a suburbanising encroachment into the surrounding rural landscape and open countryside. If the dwelling were to be approved and the business was to cease trading due to non-profitability in the near future this risks a permanent dwelling in the open countryside and the setting of the conservation area for no justifiable reason.
- The proposed development is contrary to policies N1, N8, N9 of The Plan for Stafford Borough and paragraphs 200 and 202 of the NPPF.
- The proposal does not satisfy s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places emphasis on preserving and/or enhancing the character and appearance of conservation areas and their settings.
- The harm caused to the setting is considered to be at the mid-scale of less than substantial harm. Under paragraph 200 of the NPPF any harm to a designate

heritage asset requires clear and convincing justification. Where it is deemed that the harm is justified by balancing against the public benefits of the proposed development, every effort should be made to mitigate the harm as far as possible.

(Comments dated 3 December 2021):

Objection.

- Should trees not have been removed or should the newly planted trees reach maturity there would still be a conservation objection as the site is readily appreciated from the public footpath and is very much in the setting of the conservation area.
- Permission was granted for works to Park View on the individual merits of that case.
- The properties on Park Lane are listed primarily for their group value and the intact and characterful frontages. (Comments dated 23 November 2021):

Objection.

- Historically the site comprised a mix of open fields and woodland including Drumble wood to the northeast and a small pocket of woodland at the eastern end of Park Lane.
- The woodland at the end of Park Lane has been felled in recent years together with a belt of trees which ran northeast from the western corner of the site along the public footpath to School Lane; these trees provided a good level of screening to the fisheries and application site which is now clearly visible in the open views from the conservation area on School Lane and Park Lane.
- The Chebsey Conservation Area boundary is drawn tightly around the historic settlement, protecting a largely unaltered 19<sup>th</sup> Century layout. The character at this point is the sudden transition from dense linear cottages along the narrow Park Lane, opening out to the rural character of the rolling countryside to the east.
- The public footpath running from Park Lane through to School Lane allowed views into and across the conservation area as well as an appreciation of its open rural setting; it also serves as the eastern approach and introduction to the character of the conservation area. This approach is of high quality character, framed to the southwest of Park Lane by a charming row of small-scale vernacular cottages (most are grade II listed) of varying traditional materials and detail.
- The site is adjacent to the conservation area at the eastern end of Park Lane separated by approximately 14.3m at its closest point, and approximately 143m from School Lane.
- The site is visible in views from the grade II listed Chebsey House on School Lane.
- The proposed new dwelling would serve as an intrusion within the landscape of the open countryside, harming the verdant setting of the conservation area and would be development well beyond the historically defined settlement. By virtue of the



distinct lack of screening due to the felling of many trees in recent years and the colossal floor area of the proposed dwelling the proposed development would result in a fundamental change in the character to views out of the conservation area from Park Lane and School Lane as well as a dramatic visual intrusion to the approach along the public footpath.

- The design, scale, and massing of the proposed new dwelling is completely out of scale and character with other dwellings in the area. The floor area is excessive for a manager's dwelling at 697.6sqm (including of balconies), the building materials (concrete roof tiles and grey uPVC windows, doors, and fascias) are inappropriate, and the vast expanses of glazing with full width balconies and the general pattern of fenestration would have an overtly suburban character which would fail to relate to the character of the conservation area.
- The concerns regarding design and scale combined with the conservation objections to the principle of a new dwelling in this location serve only to compound the harm to the character and appearance of the setting of the Chebsey Conservation area.
- The proposed new dwelling is unacceptable from a conservation perspective by virtue of its inappropriate siting, excessive scale, and unsympathetic design and materials; it would cause less than substantial harm in the form of serious harm to the setting of the Chebsey Conservation Area without clear and convincing justification. The proposed development is contrary to policies N1, N8, and N9 of The Plan for Stafford Borough and paragraphs 200 and 202 of the NPPF. Additionally, the proposal fails to satisfy s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places emphasis on preserving and/or enhancing the character and appearance of conservation areas and their setting.

### **Design Advisor:**

(Comments dated May 2023):

- The footprint of the latest design remains unchanged from the earlier revision and is very large for its function. However, it is acknowledged that lowering the eaves height has had a notably reductive impact on the overall sense of the dwelling's scale and height in its wider setting and has improved the proportioning of the separate elements/blocks of the dwelling.
- The recent inclusion of what appear to be exposed structural roof trusses in the roof space clearly alludes to an intent not to increase the internal accommodation by retrofitting the roof space with additional floor area, but whether this could be relied on to preclude any future enlargement of the property is uncertain.
- Although the latest design would be more diminutive and marginally less impactful on its wider setting than the previous scheme the latest design would still, by virtue of its overall size, be likely to constitute a notable visual feature in its setting.
- It is still considered that partial use of the roof space for bedrooms and/or storage would allow the footprint of the building to be reduced to an 'L' form whilst maintaining similar useable internal floor area and would allow for a significant

reduction to the building's footprint and scale, composition, and massing to a point where it would be much more likely to be viewed as a more appropriate articulation of its intended function and as a more sensitive reflection of locally prevalent patterns of development and therefore be less of a notable visual feature in the wider landscape.

- A commitment to high quality design should be secured via condition relating to materials and detailing.

(Comments dated February 2022):

Objection.

- Whilst the principle of the proposed development is not inherently objectionable, the design is of an insufficient quality to be supported.
- The overarching impression is that the proposed dwelling is simply too large to be convincing as a single domestic dwelling. Whilst new homes of this size are not unheard of, there appears no substantive narrative or justification within the application documents to demonstrate how this scale of building is necessary to serve its function.
- The proposed dwelling (justified as business-related accommodation) is 3-4 times larger than a typical new four-bedroom detached executive home and the living room alone is larger than the total floor area of a typical new-build three-bedroom semi-detached dwelling.
- The application is not supported by any analysis of the site and its wider context to justify how the design has been arrived at and how it could be construed as being appropriately reflective of, and/or sensitive to the underlying character and quality of its wider setting.
- The detailed architectural design appears to be unreferenced and unrelated to the prevalent character and identity of the local built environment, and without sufficient information and narrative within the submission to further inform and potentially modify this view, the design is likely to constitute an architecturally incongruous and far too dominant a visual feature in its wider, high-quality setting.
- It is not considered that minor tweaks would bring substantive enough benefit to adequately mitigate the concerns raised. It is advised that the design be reconsidered with the intent of ensuring that the proposed dwelling is far more visually diminutive in its setting and either far more reflective of the underlying architectural characteristics of the local building environment or of a sufficiently high quality alternative architectural approach to be genuinely considered to be a positive addition to that character.

### **Highway Authority:**

(Comments dated 16 May 2023):

No objection.

- The proposal would not result in any intensification.
- Conditions are recommended to ensure the retention of the parking area and garage for the parking of vehicles, and that the proposed dwelling remains ancillary to the management of the fishery business.

(Comments dated 15 October 2021):

No objection.

- The access leading to Izaak Walton Fisheries is private.
- School Lane is an unlit unclassified single-track road with a speed limit of 60mph, there is a narrow grass verge on either side of the carriageway.
- There would be three new parking spaces associated with the dwelling, surfaced in tarmac.
- There would be a double garage with roller doors which would exceed the standard dimensions for a double garage.
- Vehicular movement of staff would reduce should there be a manager's dwelling on site.
- There would be no intensification to the current access as the applicant has lived on site in a temporary dwelling for the past three years.
- There are no alterations to the access so visibility splays are not required.
- A condition is recommended to secure the provision of the parking and garage area.
- The access road would benefit from passing places with regard to the operation of the site as a whole.

**Natural England:**

Updated comments awaited.

Previous no objection.

**Biodiversity Officer:**

No objection. The proposed (permanent) dwelling would have no greater impact upon the site of biological interest.

**Newt Officer:**

No objection.

- The proposed development is unlikely to have an impact great crested newts and/or their habitats.

- The development is quite small scale and all the nearby ponds are for fishing – there are unlikely to be any great crested newts present.
- As the development is within the red Impact Risk Zone, as modelled by district licence mapping, I recommend that that an informative be attached to any approval to bring the protected status of newts to the attention of the applicant.

**Environmental Health Officer:**

No objection.

- There is concern over the operation of the septic tank as it is understood that final discharge may be to a watercourse.
- The tank may require upgrading as per the Environment Agency Binding Rules 2020.
- Full details of the proposed sewage treatment are required prior to first occupation.
- Conditions to secure the following are also recommended:
  - Restriction of hours of works and associated deliveries.
  - Only inaudible equipment to be left running outside of the allowed hours.
  - No burning on site.
  - Removal and proper disposal of all demolition materials.
  - Facilities provided for damping down to prevent excessive dust.

**Independent Consultant (Midwest Planning):**

(Appraisal dated November 2023):

- Amended profit and loss accounts for the year to 31 March 2022 were provided to the Council; the name of the accountant or author of the accounts is not provided.
- There is no breakdown of the items which constitute sales or turnover. This figure has risen from 2021 to 2022 and a loss in 2021 has risen to a profit in 2022.
- The conclusion remains that no realistic account is made of the costs associated with employing the workers required to run the business or the annualised cost of the proposed dwelling. The business which requires the worker's dwelling does not generate sufficient projects to sustain the cost of the workers employed and the annualised cost of the proposed new dwelling.

(Appraisal dated August 2023):

- New design, reduced to 225.54sqm with detached garage of 56.21sqm (total 281.57sqm).

- Business appraisal has not changed future development aims since the original appraisal (October 2021) despite 2 years elapsing.
- There is a year-round essential need for at least one full-time worker.
- The latest accounts are for the year to 31 March 2021 with projections for the following two years, representative of trading to three years from August 2023.
- The 2021 accounts do not include detailed salaries or cost of employment.
- The accounts show a trading loss and the applicant has therefore failed to demonstrate that the business has generated a sufficient profit before salaries to cover the minimum wage cost for the workers referred to in the appraisal.
- The business should be able to sustain the cost of the worker and the required accommodation. Based on the floor area a conservative build cost of £2,000/sqm would total in excess of £563,000. A mortgage rate at a typical 6% over 25 years would have an annualised cost of £43,914 which is clearly unsustainable. The applicant has declined to take the opportunity to explain how the fishery business can sustain the annualised cost of constructing the proposed dwelling and garage.
- The business has not demonstrated profitability over the past 4 years, and the extended time for developing the business since 2017, when the current owners took over, has demonstrated that the business cannot generate sufficient income to cover the cost of workers and the proposed dwelling.
- The proposed dwelling is far in excess of what is required to house a key rural worker. The ridge and eaves height of the dwelling are excessive and their reduction would also assist in reducing build cost.
- There do appear to be other dwellings available for purchase or rent in the vicinity.
- Many other LPAs apply limits of 100m GIA to rural worker dwellings.
- The residential curtilage should be limited to something appropriate for a single dwelling.
- Income needs to increase significantly to cover the annual labour cost and the annualised cost of even a modest dwelling.
- Recent global (and local) events appear to have hampered developer of the business as intended in the 2021 appraisal.
- The evidence submitted indicates losses and no account made of the costs associated with employment of the workers needed to run the business or of the annualised cost of the proposed dwelling. It must be concluded that the business is not sustainable at this time.
- Alternative accommodation in the locality has been sold at a price much less than the likely cost of building the proposed dwelling and is located close enough to provide effective supervision of the fishery enterprise.

- The size of the rural worker dwelling is not commensurate with the requirements of running the business.
- There is clearly scope to include a first floor in the proposed building at a later date due to its height – this would further increase the value and price out later rural workers.

(Appraisal dated January 2022):

- It is reasonable to consider the application broadly in line with the PPS7 tests as a well as known and established methodology for establishing if the proposal is both sustainable and essential as required by the NPPF.
- There is no evidence that the established essential need for at least one full-time worker at this site has diminished.
- Financial information about the business is provided in the form of unaudited accounts for the 12-month period to 31 March 2021.
- Fishery income represents approximately 45% of the annual income for the business for the 12-month period.
- The accounts do not show full details of salaries or cost of employment.
- The accounts show a trading loss for the 12-month period.
- The business does not generate sufficient profit before salaries to cover the minimum wage cost for works.
- The annualised cost of the proposed dwelling must be taken into account. If the business gives rise for the need for on-site accommodation the business should be able to sustain the cost of the worker and the required accommodation.
- The degree to which there is confidence that the enterprise will remain viable for the foreseeable future is uncertain.
- It is acknowledged that there is no other suitable, and available, alternative accommodation to meet the essential need.
- The proposed dwelling does not appear to be commensurate with the requirements of running the business.

**Chebsey Parish Council:**

(Comments dated 5 September 2023):

Objection.

- The earlier comments made with regard to the Parish Council's objection remain of relevance.

(Comments dated 24 May 2022):

Objection.

- There are several misleading errors in the design and access statement submitted in support of this application.
- By reason of its height (7.0m), the proposed dwelling would be readily visible.
- The café has been leased to the third party.
- The size of the building remains excessive.
- The large, detached garage also remains excessive.
- The fishery does not appear to be able to demonstrate its financial viability to support the costs of the building.

(Comments dated 24 March 2022):

Objection.

- There has been, and continues to be, suitable accommodation available to purchase and rent within the locality.
- Since 2017, 12 properties have been available for sale and 4 for rental.
- Chebsey village is well connected by road and footpath to the fishery.
- The size of the proposed dwelling is grossly excessive and out of proportion with the surrounding area. It is beyond the needs of a site manager.
- The proposed dwelling should be large enough to function as manager's accommodation and not for extended family in the future to facilitate the retirement plans of the applicant.
- The design is out of character with the surroundings and the proposed materials are unsuitable in this location.
- The siting of the proposed dwelling is in the location of a fishing pool dismissed at appeal due to impact upon the conservation area.
- A previous dwelling (smaller than that proposed) was built with a rural tie condition which has since been removed due to the lack of need and it not being affordable under rural workers' terms.
- The views of the Council's Design Advisor are welcomed.
- Should the business not be sustainable in the long-term there would be an unjustifiable dwelling in the open countryside.
- The business should be able to sustain the cost of the worker and the accommodation.

- Trees which screened the fishery from the conservation area have been removed.
- The proposed dwelling would result in a fundamental change in views from the conservation area.
- The proposal would harm the significant of the conservation area.

(Comments dated 25 November 2021):

Objection.

- The proposed dwelling is excessive in size for its purpose and out of keeping with the surroundings.
- Additional fishing pools in this location have been refused and dismissed at appeal due to potential impact upon the conservation area.
- Two of the properties available for purchase in the past 12 months have been within four minutes' walking distance of the business via the public right of way.
- Drumble House, which is smaller than the proposed dwelling, was available for purchase with the fishery and for a considerable time afterwards. It was considered to be too large to justify the 'agricultural workers tie'.
- Security does not justify a new dwelling in the open countryside.

(Comments dated 20 October 2021):

Objection.

- The planning history should be considered alongside this application in order to ascertain the facts.
- The size and scale of the proposed dwelling is disproportionate to the need for a single family.
- Rapid access from Chebsey would be available via the road or footpath.
- The footpath is not shown on the application documents.
- There have been suitable properties for sale in Chebsey in the past seven years and two in the past two years.
- The implementation of night fishing could be detrimental to the local community.
- The proposed dwelling would be visible from public vantage points.

### **Neighbours:**

26 representations received in objection, including a number from the same households and a number of duplications sent via email and the Council's website, raising the following points:



- The rural workers' tie condition was removed from Drumble House in 2014. The application was supported by evidence that the building was too large for a person employed by the fishery or other agricultural holding.
- Any approval must be tied to the fishery business.
- There is no evidence that the business could bear the costs of the proposed dwelling.
- There is no evidence that the business is viable in the long-term.
- If the business ceases to operate, any dwelling would not benefit from access rights over the adjacent land.
- A significant number of trees and hedges have been lost and not replaced.
- Traffic has already increased and will continue to do so.
- Large buildings would alter the landscape.
- The roads to access the site don't allow two cars to pass.
- The site is distinctly rural.
- There is no pressure to approve dwellings in unsustainable locations to meet housing needs.
- There is no locally derived need for social or affordable housing in this location.
- There is no justification as to why a manager could not adequately be accommodated in Chebsey or slightly further away in Eccleshall.
- There is no evidence to demonstrate that a fishery manager must be without sight and sound of the business.
- The scale of the operation is at odds with the requirement for a manager's dwelling in the open countryside.
- The proposed dwelling is too large with a footprint of 346.5sqm and an equal sized first floor as well as a balcony over 21m in length.
- The number of anglers has declined since summer 2020 when fishing was one of few permissible activities at the height of Covid-19 restrictions.
- There is clearly a decline in rod licences between 2009 and 2019 in the application submission.
- The relevance of the applicants' exemplar cases is questioned as they are dated 2007 and 2008.
- There is little information on the background of the business.

- The impact upon heritage assets could be significant and no such information has been provided.
- The landscape policy objective of Staffordshire and Stoke-on-Trent planning guidance is one of 'landscape restoration'.
- The proposed dwelling would appear as a new alien form in the landscape and would be prominent in the open countryside.
- The proposed dwelling is out of keeping with the surrounding area.
- The proposed dwelling would harm the setting of the conservation area and listed buildings.
- The applicant indicates that 200 trees have only recently been planted to provide screening and would clearly take 10-15 years to mature.
- The elevated position of the proposed dwelling would be inappropriate within its setting.
- The proposed dwelling would be prominent from the public footpath.
- Loss of privacy.
- Increased noise pollution.
- The proposal would propagate a business in an unsustainable location served almost exclusively by private car.
- In 2001 an application to construct fishing pools in this location was refused and dismissed at appeal on the grounds that it would result in harm to the significance of the Chebsey Conservation Area.
- Other applications elsewhere for dwellings linked to the performance of a fishery have been dismissed at appeal.
- Since 2017 the applicant has had the opportunity to purchase multiple houses in the immediate vicinity.
- A new dwelling in an open field adjoining a conservation area could not protect, conserve, or enhance the area.
- Dwellings in Chebsey would be within a suitable distance of the fishery in the case of emergency.
- The applicant has consistently breached planning conditions.
- There is an unauthorised restaurant on site.
- There are no access rights for other, non-ancillary, functions on the site. Without income from the café/restaurant the business is even less financially viable.

- Foul water infrastructure on the site is inadequate.
- There were no reports to the Environment Agency regarding any pollution event at the fishery; it is difficult to understand how any such event could then be blamed for poor trading.
- Disease is likely to come from competition fishing rather than coarse fishing.
- Fish welfare can be taken care of during the day or by using simple timers at night.
- It is common for a fishery manager to walk the banks on a regular basis to monitor behaviour, however this wouldn't be done at regular intervals during the night.
- A night watchman would be more appropriate for security and safety.
- Many activities carried out on site would not necessitate a 24-7 on-site presence.
- Events at the fishery are regularly being cancelled due to lack of interest.
- There are inaccuracies in the supporting report.
- The need for enhanced security or a dwelling on site has not been proven.
- The site is within 15km of the Cannock Chase SAC.
- The site is in close proximity to the Drumble Wood site of biological importance.
- Any approval should be of an appropriate size for the stated needs and subject to occupancy conditions.
- Any approved dwelling should have permitted development rights for extensions removed.
- The dwelling is too large for its function.
- The revised height of the building suggests a later conversion to provide additional first floor space.
- Any accommodation within the site should be provided within existing buildings.

22 representations received in support, raising the following points:

- This would constitute an improvement to a local asset.
- The fishery hosts community events.
- Numbers of users have increased significantly over recent years.
- The views of the Parish Council don't reflect the entirety of the community.
- There are very few other local facilities/services.

- The business and site have been improved considerably by the current proprietors.
- The success of the business depends on the proposed development.
- Fisheries with on-site managers are more popular due to increase safety and improved management.
- There are flaws in the independent appraisal commissioned by the local planning authority.
- Rural enterprise should be supported.
- The health and wellbeing of the managers depends on the proposed development as the current living arrangements are unsatisfactory.
- The fishery does not present a traffic problem.
- The site is pleasant for villagers to use.
- The site provides a facility which contributes positively to mental and social wellbeing.
- The proposed dwelling would not result in any harm to residential amenity.
- The proposed dwelling would be appropriate in its context.
- The proposed dwelling is separated from the conservation area would be screened from view once trees mature.
- The proposed dwelling would not be readily visible from the main road into Chebsey.
- The business needs the security which would be provided by a permanent presence on site.
- The dwelling is needed to ensure that somebody is around 24-7 to provide care to the fish.
- Previous owners were granted permission for a dwelling on site due to essential need so the current owners should be allowed to erect a suitable dwelling.
- A dwelling would be more appropriate than a caravan within its setting.
- It would be unreasonable to require the proposed dwelling to be paid for only by proceeds from the fishery.
- The dwelling would enable the extended family to live on site.
- There are no objections from the local highway authority or Natural England.
- Trees have been removed due to ill health.

- New trees have been planted.

### **Publicity**

Site notice expiry date: 29 November 2021

Newsletter advert expiry date: 10 November 2021

### **Relevant Planning History**

89/23923/FUL – Trout lakes – Refused 1 November 1989

89/24657/FUL – Trout lakes, vehicular access, and landscaping – Refused 30 May 1990

90/25980/FUL – Conversion of existing farm building to residence for water bailiff in association with trout lakes – Approved 13 February 1991

95/32124/FUL – Pond, breeding pools, polytunnel, septic tanks, and fisherman's hut/toilets – Approved 23 August 1995

95/32239/FUL – Water bailiff's cottage – Approved 23 August 1995

95/32859/FUL – Farmhouse and agricultural buildings – Approved 1 July 1996

98/36010/FUL – Extension to fish pond – Approved 12 May 1998

98/36631/FUL – Renewal of temporary permission (95/32124/FUL) for toilet block – Approved 16 September 1998

98/36696/FUL – Extension to existing pools – Approved 28 October 1998

99/37511/FUL – Competition fishing pools and fisherman's lodge – Refused 2 November 1999

00/39684/FUL – Fishing pools and fisherman's lodge – Refused 6 February 2001 – Appeal dismissed 13 November 2001

02/42716/FUL – Extension to fishing pool – approved 6 May 2003

02/42717/FUL – Brood stock and specimen pools – Approved 2 May 2003

03/01072/FUL – Replace existing portacabin toilets and mobile kitchen with permanent toilets and kitchen (log cabin) – Approved 26 September 2003

06/07014/FUL – Removal of condition 2 of 95/32859/FUL – Refused 19 April 2007 – Appeal dismissed 6 May 2008

09/12443/FUL – Vehicular track – Refused 5 November 2009

10/14597/FUL – Vehicular track – Approved 8 June 2011

14/21081/FUL – Removal of condition 2 of 95/32859/FUL – Approved 12 November 2014

17/27245/FUL – Development of fish breeding ponds, hatchery, and temporary dwelling –  
6 March 2018

## **Recommendation**

Refuse for the following reasons:

1. The proposed development is outside of any defined settlement boundary as set out in Part 2 of The Plan for Stafford Borough. The Council can demonstrate a 5-year supply of housing land. The Plan for Stafford Borough has demonstrated that for the plan period the objectively assessed need can be fully met. Furthermore, it has not been demonstrated that a single dwelling cannot be accommodated within the settlement hierarchy or that the house is required to meet any specific need identified through a Parish based Local Housing Needs Assessment. The proposal would therefore contribute towards a disproportionate amount of development taking place at a lower level of the sustainable settlement hierarchy and consequently conflicts with Policy C5A and undermines the development strategy set out in Spatial Principle 3 of The Plan for Stafford Borough.
2. Insufficient evidence has been submitted to demonstrate that there is a financially sustainable business for which there is an essential need for a rural worker to live permanently at or near to their place of work in this rural location. The proposal therefore represents an unsustainable form of development contrary to paragraph 84 of the National Planning Policy Framework, together with Spatial Principles 1, 3, 6, 7 and policies E2 and C5 of The Plan for Stafford Borough.
3. Insufficient evidence has been submitted to justify the excessive scale of the proposed dwelling which would not be commensurate with the need for a rural worker. The excessive scale would consequently result in a greater annualised cost burden upon the business enterprise where insufficient financial evidence of affordability has been provided. The proposed dwelling is therefore unlikely to be affordable in perpetuity to a rural worker should the enterprise cease to operate, resulting in an isolated home in the countryside. The proposed development is therefore contrary to provision (a) of paragraph 84 of the National Planning Policy Framework having regard to paragraph: 010 Reference ID: 67-010-20190722 of the Planning Practice Guidance.
4. By reason of its excessive scale and unsympathetic design the proposed dwelling would comprise an incongruous and dominant feature within its wider setting. Consequently, the dwelling would constitute unnecessary encroachment into the rural countryside which provides the setting for the Chebsey Conservation Area. The proposal is therefore contrary to paragraphs 135, 139, 205, and 208 of the National Planning Policy Framework and policies N1 (g and h), N8 (a and c), and N9 of The Plan for Stafford Borough. Furthermore, the proposal would fail to satisfy s72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 which places emphasis on the preservation and enhancement of the character and appearance of conservation areas and their setting.
5. The proposed development lies within the 15 kilometres zone of influence of the Cannock Chase Special Area of Conservation (SAC) where the evidence base which underpins the development plan demonstrates that any development which is likely to increase recreational disturbance of the area is likely to result in

significant harm to the reasons for designation (European Lowland Heathland) of the SAC.

The Cannock Chase SAC Partnership has agreed a series of mitigation and avoidance measures with Natural England which are referred to as Strategic Access Management and Monitoring Measures (SAMMM). Developers needing to mitigate their increased recreational impacts upon the Cannock Chase SAC are however able to provide a financial contribution towards this scheme at a rate proportional to their impacts.

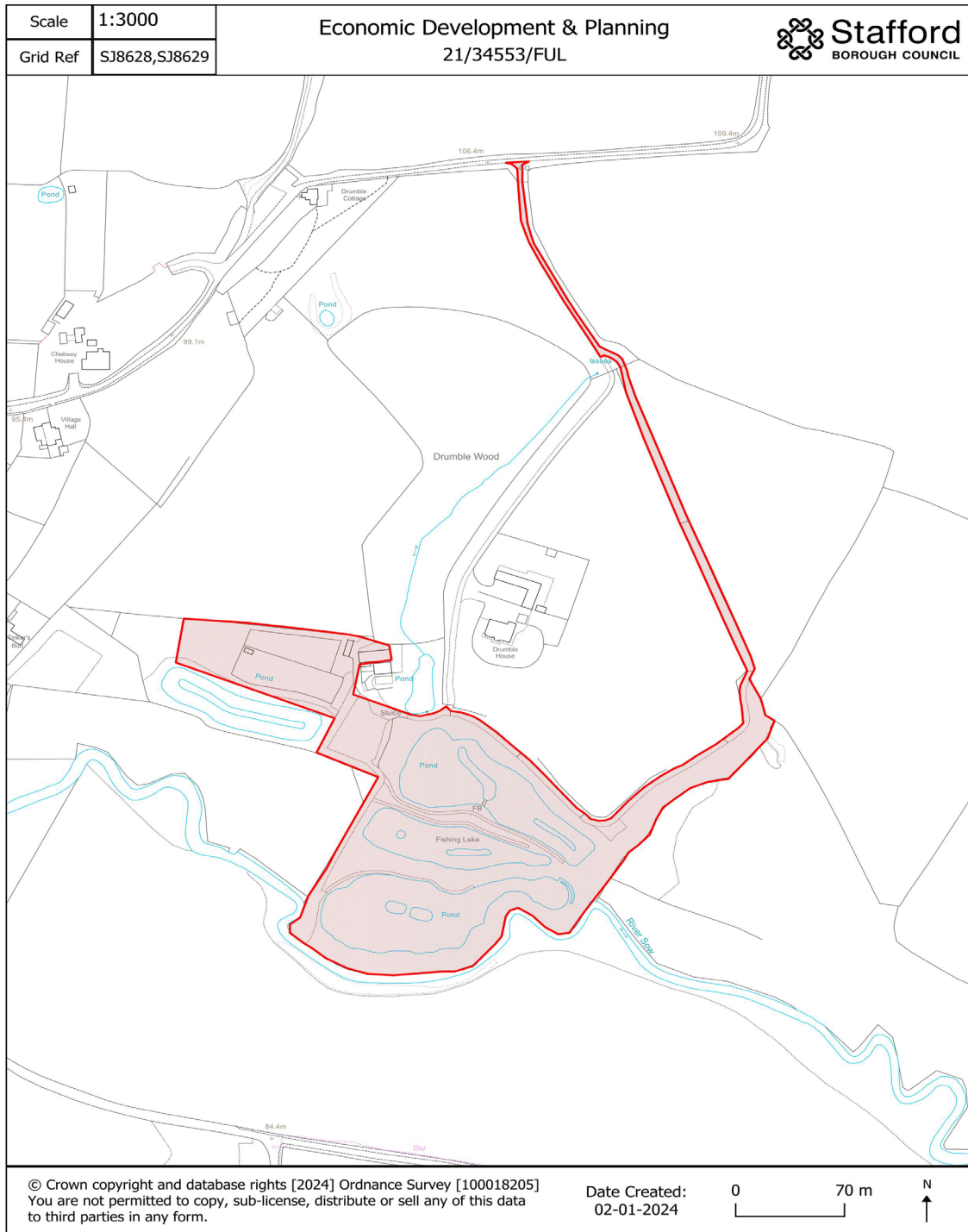
The applicant has not demonstrated a willingness to provide a proportional contribution to the SAMMM via an appropriate planning obligation. As such, the proposal is likely to result in adverse impacts upon the reasons for the designation of Cannock Chase SAC and therefore the Local Planning Authority, as the Competent Authority, would be acting contrary to the provisions of Regulations 75 and 77 of the Conservation of Habitat and Species Regulations (2017) (as amended) should permission be granted.

The proposed development is therefore contrary to the provisions of policy N6 of The Plan for Stafford Borough in that it would lead to an adverse impact on the Cannock Chase SAC which would not be appropriately mitigated for.

#### Informatives

- 1 In dealing with this application, Stafford Borough Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the period for determining the application, having regard to the policies of the development plan, paragraph 38 of the National Planning Policy Framework 2021 and other material planning considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development.

**21/34553/FUL**  
**Izaak Walton Fisheries**  
**School Lane**  
**Chebsey**





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 PLANNING COMMITTEE - 17 JANUARY 2024
 

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**Ward Interest - Nil**

### Planning Appeals

*Report of Head of Economic Development and Planning*

#### 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
<b>21/35141/COU</b> <b>Delegated refusal</b>	5 Prince Avenue Haughton Stafford	Retrospective application for change of use of ground floor to treatment centre. Residential use of first floor retained and create new access, driveway and permeable surfaced hard-standing for parking.

#### Decided Appeals

Application Reference	Location	Proposal
<b>21/34912/FUL</b> <b>Delegated refusal</b> <b>Appeal Allowed</b>	Crossfields 35 Cannock Road Stafford	Demolition of the existing structures and the construction of a 76 bedroom care home (Use Class C2) with associated access, parking, landscaping, plant and site infrastructure.

#### Previous Consideration

Nil

#### Background Papers

File available in the Development Management Section

#### Officer Contact

John Holmes, Development Manager, 01785 619302



## Appeal Decision

Hearing held on 24 October 2023

Site visit made on 24 October 2023

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 January 2024**

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**Appeal Ref: APP/Y3425/W/23/3326519**

**35 Cannock Road, Stafford ST17 0QE**

- 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 Care UK against the decision of Stafford Borough Council (the Council).
  - The application Ref 21/34912/FUL, dated 2 September 2021, was refused by notice dated 6 February 2023.
  - The development proposed is the demolition of the existing structures and the construction of a 76no. bedroom care home (Use Class C2) with associated access, parking, landscaping, plant and site infrastructure.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing structures and the construction of a 76no. bedroom care home (Use Class C2) with associated access, parking, landscaping, plant and site infrastructure at 35 Cannock Road, Stafford, ST17 0QE in accordance with the terms of the application, Ref 21/34912/FUL, dated 2 September 2021, subject to the conditions listed in the attached schedule.

### Preliminary Matters

2. Following the submission of a Drainage Statement on 5 September 2023 to the Council by the appellant, the Lead Local Flood Authority removed its objection to the scheme after accepting that the development would not lead to unacceptable increase in flood risk both on and off the site from surface water run-off. Thus, the Council has confirmed within the Statement of Common Ground (SoCG) that it no longer wishes to defend refusal reason no.2 on the Council's decision notice, in relation to drainage/flooding.
3. The appellant has submitted amended plans to the Council and County Council as Highway Authority (LHA) prior to the event on 19 July 2023 for consideration. It is agreed in the SoCG that the amendments proposed in drawings: Proposed Site Plan (ref 4979-PL02S) and Landscape General Arrangement Plan (ref 402.40000.00001\_19\_01 P07) are for consistency purposes and are extremely modest and do not result in any substantive changes. I am satisfied that no one with an interest in the outcome of the appeal would be prejudiced if these drawings were taken into consideration, as they are essentially the same as those considered and consulted upon by the Council at planning application stage. Thus, I accept the revisions proposed in the above drawings, as they do not materially alter the scheme that was originally submitted.

4. The Revised National Planning Policy Framework (the Framework) was published on 19 December 2023, after the appeal was lodged. However, the changes to the Framework are not material to the appeal. Consequently, I have not needed to go back to the parties for comments. Thus, whilst I have had regard to the Framework in reaching my decision, I will not prejudice any party by taking this approach.
5. Following the close of the Hearing, a completed Unilateral Undertaking (the UU) was provided on 26 October 2023, which includes all of the planning obligations sought by the Council. I consider this further below.

## **Main Issues**

The main issues of this appeal are:

- whether the proposed development would result in the unacceptable loss of trees; and,
- whether the proposed development would be acceptable in terms of its transport and highways impacts, with particular regard to vehicular parking, manoeuvrability within the site, and safe access and egress.

## **Reasons**

### *Trees*

6. The appeal site comprises a large residential plot and a paddock area, forming in part a brownfield and greenfield site respectively. The site benefits from a large number of mature trees and landscaped gardens, which form notable features giving the site a verdant, spacious and pleasant quality. Tree Preservation Order No.67 (TPO) straddles the northern boundary.
7. The details of the appellant's tree survey are agreed, which establishes the site to be currently occupied by 42no. trees, 2no. group of trees and 4no hedgerows. It is agreed that the TPO will be unaffected by the proposed development. It is also acknowledged that the revisions to the scheme have enabled a mature Purple Beech to be retained (T1), whilst also reducing the pressure on a mature Common Yew (T41).
8. Nonetheless, the removal of some 24no. trees is proposed, along with 2no. groups of trees and the full or partial removal of hedgerows to facilitate the proposed development. However, of the 24no. trees identified for removal, only 3no. trees are considered to be moderate or high in value, as T5 (Blue Atlantic Cedar) and T24 (Common Sycamore) are category 'B' trees and T27 (Common Beech) is an 'A' grade tree. The remaining trees to be felled are either considered low in quality or in the case of T2 and T28 poor in quality. The proposed development will retain 17no. trees and 3no. hedges in part, whilst providing 19no. new trees as part of a landscaping strategy.
9. Majority of the trees to be removed are located off the southern site boundary, which includes T24 and T27. T5 is located off the northern site boundary. There is little doubt that removal of the 24no. trees would reduce the level of canopy cover on the site. On a purely numerical basis, a lower number of trees would result on site from the proposed development. However, the majority of trees removed would be low or poor quality. Thus, within the proposed new 19no. trees there is scope to improve the stock and quality of trees on the site. This

cannot be said for T5, T24 and particularly T27. Although, given the respective locations within the site of T24 and T27, set away from both the front and rear boundaries, they are not prominent features within the public realm, particularly along Cannock Road and Wildwood Drive. Although glimpsed views are possible.

10. However, T5 is prominent when viewed from Wildwood Lawns, forming a distinct, mature and attractive feature that could be seen from considerable distances. The tree thus makes an important and positive contribution to the mature and verdant landscape of the locality and to the character and appearance of the area. The other tall trees on the northern boundary of the site and any new tree planting in time would blend into its verdant surroundings.
11. The number and location of new trees and type of soft and hard landscaping could also be secured by condition. There is little doubt that the proposed building would be visible from the street, even with the retention of, and new trees but, this is not an unusual arrangement and, put simply, change does not always equate to harm. Depending on the age of specimens planted, it is likely that the new trees would take a period of time to establish and thus be as notable as those being removed. Whilst I am confident that eventually the loss of the trees contributing to the verdant quality of the site would be mitigated, inevitably in the short term there would be some harm, with particular regard to the loss of T5, T24 and T27.
12. For the reasons given above, I conclude that the proposed development would have an unacceptable effect on trees, albeit the harm would be moderate in the short term, as any future planting scheme would eventually mature. Nonetheless, there is still conflict with Policies N1 and N4 of The Plan for Stafford Borough 2011-2031, adopted on 19 June 2014 (PfSB) in this regard, which require the retention of significant landscaping features and any new development where damage to the natural environment is unavoidable must include measures to mitigate and/or compensate such impacts, through the establishment of replacement habitats or features, including appropriate site management regimes, amongst other things. The scheme would also fail to accord with the requirements of the Framework, particularly paragraph 136.

#### *Highway safety*

13. The proposed development would provide 32no. car parking spaces, which would also include 2no. disabled bays, with additional bays for an ambulance and servicing. The LHA confirms in its submission that it requires a total of 59no. parking spaces in accordance with Parking Standards listed in Appendix B of the PfSB.
14. PfSB Policy T1 seeks to achieve a sustainable transport system within the Borough, whilst PfSB Policy T2 requires adequate parking facilities are provided for new development proposals and that development should not materially impair highway safety, amongst other things. However, PfSB Policy T2 states that there may be scope to reduce provision to less than that set out in the parking standards in Appendix B, but this will be dependent upon a number of factors, including the site's relative accessibility by walking, cycling and public transport; the content of a Travel Plan, in particular the targets, measures and the parking management regime and the predicted traffic generation, amongst other things.

15. There is already agreement between the parties in the SoCG that the site has a sustainable location, with convenient access to public transport, cycle routes and shops and services within walking distance. Additionally, it is agreed in the SoCG that the proposed care home would be a low trip-generating use, where the car parking spaces would typically only be used by staff and visitors, as it would be highly unlikely that residents would be able to leave the care home unassisted due to their overall health condition. As such, a more flexible approach to parking requirements can be considered on this scheme.
16. The appellant has provided a plethora of evidence in their Transport Statement to support the level of car parking within the proposed development. Whilst little detail has been supplied, the appellant has also quoted 2no. planning applications for similar development to the scheme before me, which has been approved by the Council. These schemes comprise a 71no. bedroom care home with 28no. parking spaces for staff and visitors; and a 66no. bedroom care home with 33no. parking spaces for staff and visitors. The appellant is of the view that these approved schemes are comparable to the appeal scheme, and whilst the detail is limited, I consider that they demonstrate that the Council has applied a more flexible approach to parking requirements when determining similar development in the borough.
17. The appellant has provided details of how the proposed development will operate, with particular regard to shift patterns and occupancy levels. The appellant has also referred to 15no. other sites that it operates in reaching its estimations/projections. Whilst the LHA has raised concerns surrounding the validity of the other sites operated by the appellant in respect of this appeal, the figures are not disputed. Whilst the full extent of the circumstances surrounding the appellant's other sites is not known, I find this information to provide a valuable insight as to the general operation of their facilities, which in turn provides an ability to reasonably assess car parking demand from expected staff and visitor numbers.
18. Consequently, I find the justification and views of the appellant to reduce the amount of car parking in the proposed development compelling, particularly in the absence of substantive evidence to the contrary. I acknowledge that some off-site parking may arise, but I consider this would have a low probability and be an unlikely occurrence. In the event, that some vehicular parking occurs outside of the site, I also observed that Cannock Road and surrounding roads, particularly Wildwood Drive and Sergeant Way are not the subject of any kerbside traffic restrictions.
19. Given that the probability of off-site parking associated with the proposed development would be low, I do not find that the potential vehicles requiring on-street parking spaces would serve as a restriction on the ability for motorists to navigate the surrounding road network, as these roads are of sufficient width, with general good visibility in both directions of travel. In reaching this conclusion, I have also taken into account the change in speed limit from 30mph to 40mph to the south of the existing site access and the yellow box junction, located directly outside the access on the north bound section of Cannock Road. I have also had regard to the number of recorded incidents of personal injury.
20. The LHA has also raised other issues in respect of the scheme, including manoeuvrability within the site, tandem parking spaces, the dimensions of the

ambulance and disabled bays and foot path dimensions. There was agreement between the parties at the event that the revised plans addressed the concerns surrounding the dimensions of the disabled bays and the proposed footpath widths. Regarding manoeuvrability within the site, this primarily centred around the length of a refuse vehicle. The LHA are concerned that a 11.2m vehicle would not be able to enter and leave the site in a forward gear without running over parking bays. The LHA has cited a development at 'The Crispin', providing a photograph of a large delivery vehicle having to reverse into the site. However, I do not have the full planning history of this development, including any conditions. The appellant has since clarified that they tend to use a smaller 9.0m private refuse vehicle. Whilst the LHA have raised concerns about the enforceability of preventing larger vehicles entering the site by means of condition, I am satisfied that unacceptable development could be made acceptable, through the imposition of a suitably worded condition.

21. I accept that tandem parking spaces is not always a suitable solution to vehicular parking. However, in this instance, given that a travel plan and car park management plan can be secured by means of condition, and the modest number of spaces involved, I am confident that any potential issues could be avoided through proactive management by the appellant. The proposed ambulance bay is 6.0m x 3.6m with 2.4m behind giving a total available length for the ambulance and unloading of 8.4m. Whilst this would not be acceptable in all circumstances, given the expected low number of trip generations at the site, I do not consider that such an arrangement would give rise to vehicular or pedestrian conflict. Additionally, I note that the ambulance can access and egress the bay safely and in one manoeuvre.
22. I am satisfied that electric vehicle charging points and their location could be secured by means of condition. A Travel Plan would also accompany the proposed development, which would be secured by means of condition. Furthermore, an associated monitoring fee is detailed in the completed UU to the satisfaction of the LHA. However, whilst a Traffic Regulation Order (TRO) is also listed in Schedule 2 of the UU, I do not consider that a TRO is required given my findings above.
23. For the reasons given above, I conclude that the proposed development would not give rise to conditions prejudicial to highway safety, including safe access and egress. Therefore, the proposed development complies with the highway safety aims of PfSB Policies T1 and T2, which seek a sustainable transport system and that adequate parking and manoeuvring is provided in all new development, amongst other things. The scheme would also accord with the requirements of the Framework.

## **Other Matters**

### *Heritage asset*

24. Whilst noting a disagreement between the parties on this matter, I find No 35 comprises a non-designated heritage asset (NDHA), and whilst of a lower status than designated heritage assets, the Framework requires that the significance of it should be taken into account and a balanced judgement should be made, having regard to the scale of any harm or loss and the significance of the heritage asset.
25. The proposal includes the demolition of a Victorian villa, which is a good

example of a middle-class Victorian Villa, constructed circa 1881 in a Gothic vernacular style for the Twigg Family. This property was one of the first residences to be built on this stretch of Cannock Road and is one of the few surviving Victorian properties remaining in the Weeping Cross area. It is from these circumstances that I find the significance of No 35. The PPG<sup>1</sup> identifies NDHAs as buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. However, the PPG acknowledges that only a minority have enough heritage significance to merit identification as NDHA. Thus, even if there is some doubt on this matter, I am satisfied that the evidence merits No 35 being considered as a NDHA.

26. I note the comments from the Council's Conservation Officer and other bodies/interested parties in respect of the loss of No 35 as part of the proposed development, but acknowledge the stance of the Council in its recommendation to Planning Committee and the subsequent decision made by its Members in refusing the scheme. Consequently, I shall expand upon this matter later in the Decision.

#### *Planning obligation*

27. The completed UU that has been submitted would provide a mechanism to secure an appropriate monitoring fee for the Travel Plan, which would be secured by a suitably worded planning condition. In view of this requirement and with exception of Schedule 2 regarding a TRO, I consider the obligation set out in the UU is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. Therefore, the UU meet the tests within CIL Regulation 122 and those set out in paragraph 57 of the Framework. As such, I have taken the provisions of the UU into account in reaching my decision.

#### *Other*

28. I have had regard to the considerable number of objections received from interested parties, as part of the original planning application and this appeal. I also note the views expressed by those interested parties who attended the Hearing, expressing a wide range of concerns including, but not limited to the following: pollution (air, light and noise); living conditions; character and appearance; ecology and the need for a care home in this area, amongst other things. However, I note that these matters were considered where relevant by the Council in the determination of the planning application. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.
29. Additionally, interested parties have highlighted the presence of restrictive covenants on No 35. However, the existence of such a contract on the property does not alter my conclusions on the main issues or the planning merits of the case.

#### **Planning Balance**

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this

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<sup>1</sup> 039 Reference ID: 18a-039-20190723

appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. I accept the lack of harm in respect of highway safety and the absence of other harm arising from the proposed development. There would also be a significant contribution to the Council's supply of specialist care accommodation, general economic and social benefits through the construction phase and subsequent occupation/operation of the scheme, the support of existing local business' and the generation of a notable number of job opportunities, particularly available to those in the local community, amongst other things. These benefits, with particular regard to the provision of specialist care accommodation, where there is an identified need in the borough, collectively attract very substantial weight in support of the proposed development.

31. Against this are the harmful effects resulting from the loss of trees, including 3no. trees that are moderate to high in value and the demolition of the NDHA. The proposal would result in substantial harm to the significance of the NDHA. Therefore, it would conflict with the PfSB Policies N1h. and N9, which seek, among other things, regard to heritage assets and that development which affects the significance of a heritage asset will not be accepted, and that development is expected to sustain the significance and setting of a heritage asset. Collectively, I attribute moderate to substantial weight to these harms in the overall balance.
32. In my view the benefits of the proposed development notably outweigh the conflict with the development plan. I therefore conclude that these are material considerations which mean that in this case the proposed development can be determined other than in accordance with the development plan. I therefore conclude that the proposed development is suitable for the site.

### **Conditions**

33. I have considered what planning conditions would be appropriate in light of the discussion at the Hearing, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 56 of the Framework and the PPG. In addition to conditions relating to the time limit for implementation, for reasons of certainty a condition requiring the development to be undertaken in accordance with approved plans/documents is necessary.
34. Pre-commencement conditions relating to the submission of details or samples of materials are reasonable and necessary in the interest of character and appearance. Pre-commencement conditions for drainage; a Demolition and Construction Management Plan; Contamination; Arboricultural Method Statement and other tree works are all reasonable and necessary in the interest of the living conditions of neighbouring and future occupiers, highway safety and the environment.
35. Pre-occupation conditions are reasonable and necessary for the vehicular access/car parking, visibility splays, electric charging points (EV), car park management/ travel plans, refuse/cycle stores in the interest of highway safety and sustainable travel. There was some disagreement surrounding the wording of the travel plan condition, particularly the inclusion of a three-month period of pre-use to enable sustainable travel patterns. I do not consider that additional wording to include a period of pre-use is either reasonable or necessary, so I have not included it. A pre-occupation condition relating to the



implementation of the drainage scheme is reasonable and necessary in relation to the surrounding environment. Pre-commencement conditions for a hard and soft landscaping scheme; external lighting; ecological measures and sustainable technologies are all reasonable and necessary in the interest of character and appearance, biodiversity and renewable energy.

36. Other conditions have been included that define the permission; removal of some permitted development rights; the ventilation system; ecology and replacement planting are all reasonable and necessary to ensure clarification, highway safety, character and appearance, biodiversity and to enable new planting to establish on the site. A condition has been suggested that would prevent HGV deliveries to the site between the hours of 08:30 to 09:00 or 15:00 to 16:00 Monday to Friday. There is disagreement between the parties surrounding this condition. In any event, I consider the scheme and the other conditions that would be imposed upon it, would be sufficient to ensure no circumstances prejudicial to highway safety would arise.

### **Conclusion**

37. For the reasons given above, I conclude that the appeal should succeed.

*W Johnson*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

### **Time Limit**

1) The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

### **Approved drawings**

2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 4979 – LP01C – Site Location Plan; 4979 – PL01B – Block Plan – Existing Site Plan; 4979 – PL02S – Proposed Site Plan; 4979 – PL03B – Proposed Ground Floor Plan; 4979 – PL04B – Proposed First Floor Plan; 4979 – PL05 – Proposed Roof Plan; 4979 – PL06B – Proposed Elevations and Sections – Sheet 1 of 2; 4979 – PL07B – Proposed Elevations and Sections – Sheet 2 of 2; 4979 – PL14 – Proposed Refuse Store; 402.40000.00001\_19\_001 P07 Landscape General Arrangement Plan and 28875 Topographical Survey.

### **Pre-commencement**

3) Notwithstanding any description/details of external materials in the application documents, no above ground construction works shall commence 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. The development shall thereafter be carried out in accordance with the approved details/samples.

4) No development shall commence unless and until temporary arrangements for the control of surface water and pollutants have been implemented as part of any temporary works associated with the permanent development hereby permitted.

5) Notwithstanding any description/details in the application documents, no above ground construction works shall commence until a Demolition and Construction Management Plan (DCMP) is first submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the approved DCMP, which shall include, but not be limited to, the following: Details of acoustic screening to protect the occupants of nearby dwellings during development; Damping down facilities; Road sweeping to prevent excessive dust and Hours of works and deliveries.

6) No development shall commence unless and until a further land contamination investigation has been carried out (in accordance with the recommendations contained in section 7 of the Preliminary Land Quality Risk Assessment dated August 2021) and a schedule of remediation measures 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 schedule.

7) No development shall commence, including demolition works, 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.

8) A comprehensive schedule of works for tree pruning and removal shall be

agreed in writing by the Local Planning Authority prior to the commencement of any demolition works, ground works or construction activity, including the delivery to site of any materials or equipment. Thereafter the development shall be carried out in accordance with the approved schedule of works.

### **Pre-occupation**

9) The development shall not be brought into use unless and until the vehicular access onto Cannock Road has been fully constructed in accordance with details which shall first be submitted to, and approved in writing by, the Local Planning Authority.

10) The development shall not be brought into use unless and until the car parking, access, servicing and circulation areas have been provided in accordance with the approved plans, hard-surfaced in a uniform paved surface, and marked out. This provision shall thereafter be retained for the lifetime of the development.

11) The development shall not be brought into use unless and until the refuse store has been provided in accordance with the approved plans.

12) The development shall not be brought into use unless and until visibility splays have been provided in accordance with the approved plans. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

13) Notwithstanding any description/details in the application documents, the development shall not be brought into use until secure and weatherproof cycle parking facilities have been provided in accordance with details which shall first be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking and shall thereafter be retained.

14) Notwithstanding any description/details in the application documents, the development hereby permitted shall not be brought into use until electric vehicle parking charging points have been installed in accordance with details which shall first be submitted to, and approved in writing by, the Local Planning Authority.

15) The development hereby permitted shall not be brought into use unless and until the approved drainage scheme shown in the reports below has been implemented:

- Cannock Road Care Home, Stafford, Drainage Statement (document ref 402.40000.00025.003 September 2023), as appended by the following drainage drawings: Proposed Drainage Layout 402.40000.00025.003/001 Rev P2; Proposed SW Drainage MH Schedule 402.40000.00025.003/03 Rev P2; Drainage Details Sheet 1 402.40000.00025/004 Rev P0 and Drainage Details Sheet 2 402.40000.00025./003 Rev P1

The drainage system shall thereafter be managed and maintained by the operator of the site in accordance with the maintenance schedule outlined in the Flood Risk Assessment and Outline Drainage Strategy by SLR (reference 402-40000-00001-0019 v1, dated August 2021).

16) Notwithstanding any description/details in the application documents, the development is first occupied a hard and soft landscaping scheme, broadly in accordance with drawing 402.40000.00001\_19\_001 P07, shall be first be

submitted to, and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following: a) Precise details/specification of

hard surfacing materials; b) Precise details/specification of means of enclosure and retaining structures; c) Precise details/specification of ancillary structures (raised beds, smoking shelters, pergolas, etc.); d) Planting specification (species, size, location, planting methodology, etc.); e) Details of the provision of adequate soil rooting volume for the type of tree specified and f) Landscape maintenance and management schedule.

The elements of the landscaping scheme covered by part a) shall be completed prior to the development first being brought into use; the remaining elements of the landscaping scheme (parts b-d) shall be completed within eight months of the development first being brought into use; the landscaping of the site shall be carried out in accordance with the approved methodology (d-e); and the site shall be managed and maintained in accordance with the approved landscape maintenance and management schedule (part f).

17) All external lighting shall be installed in accordance with a revised 'external lighting and external detailed lighting design' which shall be first submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The revised lighting scheme shall be designed to avoid light spill on bat boxes and bat commuting areas and be implemented in accordance with the approved details.

18) Before the development is first brought into use, a log pile shall be provided (and thereafter maintained) in accordance with the Ecology and Green Infrastructure Report by SLR (reference 402.40000.00001.0019 v1, dated August 2021) and drawing 402.40000.00001\_19\_001 P07 Landscape General Arrangement Plan and it shall thereafter be retained.

19) Before the development is first brought into use, two hedgehog holes shall be provided (and thereafter maintained) within the boundary fences in accordance with the Ecology and Green Infrastructure Report by SLR (reference 402.40000.00001.0019 v1, dated August 2021) and drawing 402.40000.00001\_19\_001 P07 Landscape General Arrangement Plan and they shall thereafter be retained.

20) Before the development is first brought into use, four bug hotels shall be installed in accordance with the Ecology and Green Infrastructure Report by SLR (reference 402.40000.00001.0019 v1, dated August 2021) and drawing 402.40000.00001\_19\_001 P07 Landscape General Arrangement Plan and they shall thereafter be retained.

21) Notwithstanding any description/details within the application documents, and before the development is first brought into use, eight bird boxes (to include integrated boxes for swifts, house martins, and woodcrete general bird boxes) shall be installed in suitable locations within the application site and thereafter be retained.

22) Notwithstanding any description/details within the application documents, and before the development is first brought into use, ten bat boxes (six integrated within the proposed building(s) and four tree mounted) shall be installed within the application site and thereafter retained.

23) Before the development is first brought into use a scheme of sustainable technologies provision (e.g. solar panels, air source heat pumps, etc.) shall be provided in accordance with details which shall first be submitted to, and approved

in writing by, the Local Planning Authority. The scheme shall include, where necessary, details of their location, design, appearance, materials, colour finish, and acoustic performance. The approved details shall then be implemented within the development.

24) Before the development is first brought into use a Car Park Management Plan shall first be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be occupied/operated in accordance with the approved details.

25) Before the development is first brought into use, a travel plan, broadly in accordance with the Draft Travel Plan (reference 402.40000.00001.0019 v2.1, dated January 2023) has first been submitted to, and approved in writing by, the Local Planning Authority. Consequently, upon first use the approved travel plan shall be implemented and monitored in accordance with the targets and timescales contained therein.

### **Other**

26) The facilities and services provided within the development hereby permitted shall only be used in a manner ancillary to the approved use of the site as a care home and shall not be used, sold, or let separately.

27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other subsequent equivalent order, no gates associated with any vehicular access shall be located within 11m of the carriageway boundary and any gates erected shall open away from the highway.

28) Notwithstanding any description/details in the application documents and before any external extract/ventilation system, including external ducting, is installed, details of the location, design, materials and colour finish of the extract/ventilation system and ducting shall first be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

29) All glazing and ventilation specifications and plant noise limits and control measures shall be as specified in sections 6, 7, and 8 of the noise assessment (reference 402.40000.00001.0019 v1, dated August 2021).

30) The development shall be carried out in accordance with the recommendations (section 6.2) of the Ecology and Green infrastructure Report by SLR (reference 402.40000.00001.0019 v1, dated August 2021).

31) Any plants, trees or shrubs which are retained or planted within the landscaping scheme that are removed, die, or become seriously damaged or diseased, within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless details of alternative provision is first submitted to, and approved in writing by, the Local Planning Authority.

32) Once the development has been brought into use, the servicing vehicles entering the site shall be restricted to no greater than 9.0m in length and shall not access the site outside the hours 09:00 to 17:00.

**\*\*End of Schedule\*\***

## **APPEARANCES**

### FOR THE APPELLANT:

Mr C Banner of Counsel	Instructed by Miss A Paterson
He called:	
Miss A Paterson BA(Hons) MRTPI (Agent)	Assoc. Director at DLBP
Mr A Ryley BA(Hons) MSc MRTPI	Director at DLBP
Mr D Bird	Director at Vectos/SLR Ltd
Mr A Ward MSc	Assoc. Director at Vectos/SLR Ltd
Mr W Anstey BSc MSc MIENVSC	Tech. Director at Vectos/SLR Ltd
Mr S Rose BSc(Hons) TECHCERT Arb.a	Principal Consultant at CBE Trees
Mr D Gannon	Care UK

### FOR THE LOCAL PLANNING AUTHORITY:

Mr E Hanley	Senior Planning Officer, Stafford Borough Council
Mr D Woodhouse MA ArborA LG Dip Arb (ABC) BEng(Hons) NDH(Arb) RFS(Cert)	Tree Officer, Stafford Borough Council
Mr S Hawe	The LHA, Staffordshire County Council
Mrs L Anthony	The LHA. Staffordshire County Council

### INTERESTED PARTIES:

Mr M Judson	Local resident
Mr D Strong	Local resident
Mrs N Davies	Local resident
Mr I Preston	Local resident

## **HEARING DOCUMENTS**

- SoCG received 26 September 2023
- Transport Rebuttal from Vectos/SLR Ltd, dated October 2023
- An email dated 24 October 2023 from the Council, received at 09:30 forwarding on 4no. representations from interested parties, including a local Member for Weeping Cross and Wildwood Ward.
- A completed UU received 26 October 2023.