



Civic Centre, Riverside, Stafford

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Dear Members

### **Planning Committee**

A meeting of the Planning Committee will be held on **Wednesday, 20 September 2023** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

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

Head of Law and Governance

## PLANNING COMMITTEE - 20 SEPTEMBER 2023

**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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### 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 - 20 SEPTEMBER 2023

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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>22/35886/FUL</b>	<b>Land Adjacent to 1 Brazenhill Lane, Haughton, Stafford ST18 9HS</b>  The application was called in by Councillor E L Carter  <b>Officer Contact</b> - Sian Wright, Development Lead Telephone 01785 619528	4 - 22
<b>23/37324/FUL</b>	<b>Land Addjacent to 26 St Peter's Gardens, Moss Pit, Stafford, Staffordshire ST17 4HL</b>  The application was called in by Councillor R P Cooke  <b>Officer Contact</b> - Leon Carroll, Development Lead Telephone 01785 619184	23 - 37

**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:** 22/35886/FUL  
**Case Officer:** Teresa Dwight  
**Date Registered:** 7 July 2022  
**Target Decision Date:** 1 September 2022  
**Extended To:** 11 August 2023  
**Address:** Land Adjacent To, 1 Brazenhill Lane, Haughton, Stafford, ST18 9HS  
**Ward:** Seighford And Church Eaton  
**Parish:** Haughton  
**Proposal:** Proposed erection of one two bedroom dwelling.  
**Applicant:** Mr P Essery  
**Recommendation:** Approve, subject to conditions and subject to s106 or s111 to secure SAC contribution

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## **REASON FOR REFERRAL TO COMMITTEE**

This application has been called in by Councillor E L Carter (Ward Member Seighford And Church Eaton), who has agreed to take on the original call-in from the previous ward member, for the following reason:-

" Negative impact on streetscene"

## **REASON FOR DEFERRAL AT COMMITTEE**

For clarification on land ownership/boundaries

The application was deferred at the committee meeting of 9 August 2023 for the above reason. The council has received land registry details confirming that the land ownership (as shown on the plans) is correct.

## **Context**

### **The application site:**

The site lies in the settlement boundary for the Key Service Village of Haughton and comprises land to the side of 1 Brazenhill Lane. The site is in within an established residential estate and comprises an incidental parcel of open land to the side of 1 Brazenhill Lane, plus a small area of incorporated garden land, at the junction of Brazenhill Lane and Moat House Drive.

The existing use of the land is stated on the forms as 'residential' and 'garden', however, it is not enclosed and is separated by a boundary fence from the current garden area to 1 Brazenhill Lane, which is shown to be in separate ownership.

Further information submitted by the agent during the course of the application shows that the land and 1 Brazenhill Lane were until recently registered as one plot (and hence in the same ownership). The applicant has subsequently purchased the unfenced part of this land to the side between 1 Brazenhill Lane and Moathouse Drive. The applicant land is now registered separately to 1 Brazenhill Lane.

### **The proposal:**

The application proposes a 2 bedroomed detached dwelling, although it is noted that the proposed plans show a first floor office, which could potentially be used as a third bedroom.

The plot adjoins the highway to the southern and western boundaries and is surrounded by other residential properties to all sides, mostly 2-storey detached/link- detached dwellings on well-proportioned plots. There are also several nearby detached bungalows visible within the wider streetscene, which are to the south west along Brazenhill Lane.

The vehicular access/parking area serving the site and proposed dwelling will be to the rear/western side, off Moat House Drive . A pedestrian access is shown to the front (south), off Brazenhill Lane.

The site is a irregular rectangular open plot of land that is tapered to the rear (north) and rounded to the front (south) and western side, where it follows the curve of the highway. The plot has approximate maximum dimensions of 28m deep x 13.5m wide (minimum 6m wide to the rear).

The proposed dwelling measures approximately 7.1m in width by 6.9m in depth (excluding a small porch canopy roof). The height is 7.2m to the ridge (pitched roof) and 5m to the eaves.

A streetscene elevation, a visibility splay plan and a revised proposed block plan have also been submitted during the course of the application.

The agent has also confirmed during the course of the application that the existing side fence to no.1 Brazenhill Lane is to remain, with new fencing proposed to the rear and western side only.

### **Officer Assessment - Key Considerations**

#### **Planning policy framework**

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

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

## **Principle of Development**

The site is considered to be incidental open space that has been previously purchased by the then occupants of 1 Brazenhill Lane, before being subdivided and sold on to the applicant. The application site is stated to be in residential use, however, although previously included in the land ownership of 1 Brazenhill Lane, a garden use has not been formally established.

Notwithstanding, the definition of previously developed land in the NPPF excludes private residential gardens in urban areas and the incidental open space has not been occupied by a permanent structure. Therefore, the site is defined as greenfield land. Whilst the NPPF encourages the use of previously developed land it does not exclude the development of greenfield sites.

Spatial Principle 3 (SP3) of the Plan for Stafford Borough sets out where the majority of future development will be delivered within the Borough in terms of a sustainable settlement hierarchy which consists of Stafford, Stone and 11 Key Service Villages (KSVs).

The site is incidental open land to the western side of 1 Brazenhill Lane, which is in the Key Service Village of Haughton and within the sustainable settlement hierarchy identified in Policy SP3 of the Plan for Stafford Borough. The site is therefore considered to be in a sustainable location for an additional house under current local plan policy.

Parish Council and neighbour comments relating to the principle of the development are noted and addressed above.

## **Policies and Guidance:-**

National Planning Policy Framework - Paragraphs 8,11, 20, 119  
 The Plan for Stafford Borough -Policy SP1 Presumption in Favour of Sustainable Development; Policy SP3 Sustainable Settlement Hierarchy  
 The Plan for Stafford Borough: Part 2 Policies: SB1 Settlement Boundaries  
 Neighbourhood Plan - None

## **Character and appearance**

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

SPD Design guidance refers to corner plots for extensions and, although not strictly relevant here, is a useful guide to other development such as new dwellings.

The Design guidance states that 'side extensions on corner sites should respect the building line of the adjoining road to support the streetscene.'

As mentioned previously, the surrounding streetscene comprises mainly of detached dwellings of similar type but with some variation of design. The curved nature of the plot in relation to the configuration of the roads/junctions and surrounding development also gives a sense of variety that softens the uniformity of the estate layout.

The size of the dwelling is commensurate with the size of the plot and the design and dimensions are not dissimilar to the existing adjacent dwelling at 1 Brazenhill Lane.

The proposed 2 storey dwelling will maintain the front and rear building lines of its immediately adjacent neighbour and will be of comparable height as shown on the submitted streetscene elevation.

To the front, the proposal will not breach the side building line of the opposing dwelling, no.6 Brazenhill Lane.

The proposal will also not breach the front building line of the (indirectly) opposing neighbour, no.7 Brazenhill Lane, a larger detached dwelling, which lies on the corner plot to the other side of the junction of Moat House Drive with Brazenhill Lane (given its orientation, the side elevation of no.7 opposes the site).

To the rear, any breaches of the established side building line to no.2 St Giles Grove (itself on the junction of St Giles Grove and Moat House Drive) are not considered so great as to warrant a refusal. The streetscene in this location is intersected by a small electricity substation and the open space to the side of no.2 St Giles Grove is of lesser width than the majority of the application site (which tapers down in this direction) and is hard surfaced and enclosed by an approximately 1m high single link chain fence on wooden posts.

Views from the public realm and nearby properties will differ insofar as the proposed dwelling will provide a stop gap to the existing semi-open view across the corner plot. However, the siting of the proposal within the plot will also retain an open grassed area beyond the proposed side boundary fence (between the proposal and the highway) which will help to lessen the impact of the development. The proposed dwelling also is sited in such a manner that it would be seen against the backdrop of existing dwellings from most views.

The design and materials are considered sufficiently in keeping with the area and immediate streetscene.

In particular, the proposal contains design features that are complimentary to the design of the adjoining dwelling. Materials are stated as 'to match neighbouring houses' Final details/samples can be secure by condition.

It is considered, on balance and overall, that the proposed development will be in keeping with the character and appearance of surrounding development and can be accommodated within the site without appearing cramped, incongruous or over-developed.

The development is therefore considered acceptable and the proposal would not impact adversely on the visual amenity of wider area to such an extent as to warrant a refusal.

Parish Council and neighbour comments relating to design and character are noted and addressed above.

## **Policies and Guidance:-**

National Planning Policy Framework - Section 12. Achieving well-designed places  
The Plan for Stafford Borough Policies - N1 Design,  
Supplementary Planning Document (SPD) - Design

### **Residential amenity**

Allowing for the scale, mass, location and the proposed residential use, the development does not harm residential amenity.

In particular, the proposal would not result in any breaches of the Council's Design Supplementary Planning Document (SPD) 2018 in context of residential amenity.

The subdivision of the site would afford sufficient private amenity space for the proposed dwelling and its immediately adjacent neighbour (no.1 Brazenhill).

In context of light and outlook, the proposed 2 storey dwelling would maintain the front and rear building lines of no.1 Brazenhill and therefore no breaches of the SPD Design guidance would occur.

In context of privacy and overlooking, the minimum recommended separation distances between any opposing principle windows (21m) are met or exceeded to the front, rear and western side. It is noted that the proposed western side elevation is blank. The east facing proposed side elevation is blank, as is the opposing side elevation to no.1 Brazenhill Lane, as such, there are no breaches to consider.

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

The Environmental Health Officer has no objections to the application, subject to conditions. Of these, given the small scale of the proposal, recommended conditions in respect of restricted hours for site works and deliveries; no burning on site; and any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings are considered reasonable.

Recommended conditions in respect of parking of delivery vehicles on the access highways; removal of demolition materials; dampening down facilities/road sweeping to prevent excessive dust; dust mitigation; and screening to prevent excessive noise are not considered necessary or reasonable for the nature and scale of the development and/or are in any case better dealt with under separate legislation. Recommended conditions in respect of electric vehicle charging and adequate surface and foul water drainage are also better dealt with under separate legislation (e.g. Building Control).

It is not considered that the proposal would raise any other amenity concerns.

Parish Council and neighbour comments relating to amenity are noted and addressed above.

## **Policies and Guidance:-**

The Plan for Stafford Borough- Policy N1 Design  
Supplementary Planning Document (SPD) - Design



## Highways and Access

The proposal requires 2 on-site parking spaces to meet local plan parking standards.

The Highway Authority (HA) have been consulted and, subject to conditions (to secure the access, parking etc; visibility splays; rear access to remain ungated and; no parking to the front of the site), have no objection to the proposed development.

The HA's comments include an informative in respect of the dropped kerb, which is a separate process. The HA also inform that the re-positioning of any street furniture (street light column) is the responsibility of the applicant as a separate matter, who should contact Staffordshire County Council Street Lighting Team directly for advice. Informative attached.

Parish Council and neighbour comments relating to highways safety are noted and addressed above. In the absence of any objection from the Highway Authority, there is no evidence that the proposal would impact adversely on highway safety.

Policies and Guidance:-

National Planning Policy Framework - 107, 108  
The Plan for Stafford Borough - Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B - Car Parking Standards

## Ecology

The development falls within the amber impact risk zone for great crested newts.

The Newt Office has commented that the proposed development is not considered to be relevant to the District Licensing Scheme in this case. The Newt Officer also considers there would be no likely impact on great crested newts or their habitats and therefore has no comments to make at this time.

Policies and Guidance:-

National Planning Policy Framework - Section 15. Conserving and enhancing the natural environment: Habitats and biodiversity  
The Plan for Stafford Borough - N4 The Natural Environment and Green Infrastructure

## Cannock Chase SAC

The proposal falls within 15km of the SAC and therefore requires a financial contribution as mitigation for any adverse impacts on the SAC. This would be secured by means of either:

- Unilateral Undertaking to undertake to make the payment prior to the commencement of development.

or:

- s111 agreement to make the payment prior to the grant of planning permission.

The applicant has submitted a statement of willingness in respect of the financial contribution, however, as the application is currently called-in, this matter can be revisited once the outcome of the application, to include any committee decision, is known.

This will satisfy the requirements of Natural England who consider that without appropriate mitigation the application would have an adverse effect on the integrity of Cannock Chase Special Area of Conservation and that in order to mitigate these adverse effects and make the development acceptable, mitigation options should be secured as follows: delivering mitigation, for recreational impacts on Cannock Chase SAC, by means of the Strategic Access Management and Monitoring (SAMM) measures.

Policies and Guidance:-

National Planning Policy Framework Paragraphs: 8, 179, 180, 181 and 182  
The Plan for Stafford:  
Policy N6 Cannock Chase Special Area of Conservation (SAC).

### **Other matters**

The site adjoins an electricity substation to the rear/north I (the proposed access to the parking area). Western Power have been consulted but have not responded. In the absence of a response, restrictions to development within proximity of a substation would be considered a separate matter dealt with under separate legislation.

Parish Council and neighbour comments are noted and addressed in the relevant parts of the report and as below:

The proposal has been assessed against relevant government guidance and local plan policies. Policy C4 is not relevant to the proposal.

There is nothing to suggest that the land is defined as protected open space within the local plan. It is acknowledged that the majority of the land is open and not likely to be lawful residential garden, insofar as there are no planning records for a change of use or a lawful development certificate. However, available land registry information shows that it has previously been in the ownership of a domestic dwelling for several years.

Given the modest size of the plot, the open nature of the site and its location, it is not considered that the site has a high amenity value in context of open space or ecology.

There is no available evidence that the site is a formal soakaway for the surrounding house/estate. The site is not in flood zones 2 and 3 and there are no records of any surface water flooding hotspots on or around the site.

The council's legal officer has confirmed that the land has never been owned (and therefore has not been sold) by Stafford Borough Council. Any covenants or other restrictions etc attached to the purchase of the land (e.g. to keep the land open) are a civil matter.

The agent has amended the red edged to show a straight boundary between the site and no.1 Brazenhill Lane confirmed that the existing side fence to no.1 Brazenhill Lane is to remain.

Loss of views is not a planning matter.

Timing of application/timing of the purchase of site/financial gain of the applicant is outside of the council's control and not planning matters.

Planning policies encourage a mix of housing types and there is no evidence to suggest that a two bedroomed house is not appropriate for the village.

In context of precedent, all (future) development proposals, to include on similar plots, are/would be assessed on their own merits.

The council has met their statutory obligation in respect of publicity. Neighbour letters were posted and a site notice was placed at the site. The neighbour that did not originally receive a letter submitted a representation and was subsequently included in the neighbour re-consultation process.

There is nothing to suggest that the proposal would encroach or overhang onto neighbouring land. Structural matters and logistic issues of building so close to/on boundary are subject to separate legislation. Land ownership, to include boundary and boundary fence disputes, are considered a civil matter.

Policies and Guidance:-  
National Planning Policy Framework  
The Plan for Stafford Borough

### **Concluding comments and the planning balance**

The proposal is considered to be acceptable in terms of its design and scale and is not considered to have an adverse impact on the character or appearance of the surrounding area, parking and access, amenity, or protected species. Subject to conditions and a legal agreement to secure the appropriate mitigation for the Cannock Chase SAC, the development complies with the requirements of the relevant local plan policies and national guidance.

### **Consultations**

#### **Highway Authority:**

Amended plans:

Please see below my revised conditions for planning application 22/35886/FUL.

Recommendations:

There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:

- 1 The development hereby permitted shall not be brought into use until the access, parking, and layout have been provided in accordance with Drawing No PE-004 Revision E (Proposed site plan) and the parking area surfaced in tarmac as shown on Drawing No 0310 (Dropped Kerb Plan).

- 2 The development hereby permitted shall not be brought into use until the visibility splays shown on Drawing No 0300 Revision P3 (Visibility Assessment) 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. The grassed area shall be kept clear of all obstructions to a height of 600mm to also protect the visibility from Brazenhill Lane.
- 3 The parking area at the rear of the property to remain un gated.
- 4 No future off street parking to be provided directly in front of the proposed property adjacent to No 1 Brazenhill Lane due to its proximity to the junction with Moat House Drive.

Informative:

The above will require a vehicle access crossing which will require a permit from our Traffic and Network Management Unit. Please note that you require Section 184 Notice of Approval from Staffordshire County Council. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Traffic and Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford, Staffordshire, ST16 2DH. (or email to ([trafficandnetwork@staffordshire.gov.uk](mailto:trafficandnetwork@staffordshire.gov.uk)) Vehicle access crossing (dropped kerb) - Staffordshire County Council Staffordshire County Council street light column number 11 is noted within close proximity to the proposed access crossing therefore the responsibility and costs for re-locating / protecting the equipment is the applicants. Please contact the Staffordshire County Council Lighting Team for advice. [streetlighting@staffordshire.gov.uk](mailto:streetlighting@staffordshire.gov.uk)

Previous comments (summarised):

Recommendation Summary: Conditional

Site Visit Conducted on: 25-Jul-2022

Background:

Brazenhill Lane (Road number D2290) is a lit unclassified road with a speed limit of 30mph. There is footway on both sides of carriageway.

Moat House Drive (Road number D2351) is a lit unclassified road with a speed limit of 30mph. There is footway on both sides of carriageway.

Comments on Information submitted:

The proposal is for the erection of a two-bedroom dwelling with a proposed new driveway access into the site from Moat House Drive. I note on Drawing No PE-002 Proposed Plans and Elevations (Proposed First Floor Plan) identifies x2 bedrooms and an office, this could be classed as a 3-bedroom dwelling at a later date when marketed for housing therefore according to the Stafford Borough Council Parking Standards the site requires 2 car parking spaces for a 3-bed dwelling.

Drawing No 0310 (Dropped Kerb Plan) identifies x2 car parking spaces to be proposed at the rear of the proposed property. I have measured the two car parking spaces at a scale of 1:100 to be 2.4m x 4.8m which meets the current national standards in Manual for Streets (MFS). The width of the proposed vehicular access crossing to be dropped is 7.4m in total with a new transitional kerb to the south. I note this will incorporate the existing neighbouring substation vehicle access crossing which will be extended to provide the double width access for the proposed parking areas. The proposed surface material to be used on the private driveway is tarmac which is acceptable, as the Highway Authority does not want to see any loose material being dragged onto the highway.

Drawing No 0300 (Visibility Assessment) identifies a visibility splay taken 2.4m rear of the edge of carriageway within the centre of the proposed driveway by 43m in each direction taken to the near side kerb edge in land within the applicants control and Highway land which is acceptable.

Drawing No PE-003 (Proposed site plan) identifies what appears to be a fence west of the proposed property. If this proposal were to be granted, I am happy to accept the fence in this location as it does not affect the visibility splay to the north when exiting from Brazenhill Lane onto Moat House Drive. This grassed area should also be kept clear of all obstructions to a height of 600mm to protect the visibility from Brazenhill Lane.

Whilst on site I noted there is a street light column 11 located close to where the proposed new access is to be located. This street light column has been identified on Drawing No 0310 (Dropped Kerb Plan) the applicant will need to contact Staffordshire County Council Street Lighting Team for advice regards the proposed access to make sure they are happy with the existing position of the column, if it is required to be moved due to the proposed new access the applicant will be responsible for the costs for the re-position of the lighting column to accommodate the proposed new access.

There is no reference within the application if the parking area is going to be gated. If any future access gates were to be installed, I would require them to be set back a minimum of 5m from the rear of the footway. I noted on site with what is currently proposed that this would be unachievable so if this were to be granted, I would require the access to remain ungated.

It is unclear from the submitted drawings as to what the area directly in front of the proposed property adjacent to No 1 Brazenhill Lane is. I am keen to avoid this area being used for future off street parking due to its proximity to the junction with Moat House Drive.

Recommendations:

There are no objections on Highway grounds to the proposed development subject to the following condition being included on any approval:

(Case Officer note: Conditions and Informative replaced by comments on amended plans - see above).

**Environmental Health Officer:**

Environmental Health has no objection to the application, subject to the following conditions;

## 1. SITE HOURS

All works, including site works and construction shall be restricted to the following days and times:

Monday to Friday: 08:00 – 18:00

Saturday: 08:00 – 14:00

Construction shall not be undertaken on a Sunday or a public holiday.

## 2. DELIVERIES

Deliveries to the construction site shall only take place between the hours of

Monday to Friday: 08:00 – 18:00

Saturday: 08:00 – 14:00

Deliveries shall not be undertaken on a Sunday or a public holiday Delivery vehicles shall not park on the access highways to the site.

## 3. GENERAL CONDITIONS

a. There should be no burning on site during development

b. All demolition materials shall be removed from site and properly disposed of.

c. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.

d. If necessary, road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.

e. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.

f. If necessary, screening shall be provided to the site to protect residential dwellings from exposure to excessive noise. Details of such work shall be agreed with the local authority and carried out before other works begin.

## 4. DUST MITIGATION

A sufficient supply of mains water shall be provided to the site of the development for dust suppression purposes. This shall be used to dampen roadways, stockpiles and other dust sources as often as is necessary to prevent the emission of visible dust.

Regular monitoring for visible dust emissions shall be carried out throughout each working day. The wind direction, the activity giving rise to any visible dust, the location of the activity and the action to be taken to control the dust shall be recorded. These records shall be retained at the site of the development and shall be made available to the LPA upon request.

## 5. ELECTRIC VEHICLE CHARGING

Consideration should be given to the provision of electric vehicle charging points at the proposed development.

## 6. DRAINAGE

Ensure that there is adequate surface and foul water drainage to the site and that this does not adversely affect any existing systems

### **Newt Officer:**

Thank you for consulting us on the above planning application. The type of application/proposed development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on great crested newts or their habitats. I therefore have no comments to make at this time. If the proposal changes, then please seek further advice from us if necessary.

### **Natural England: (summarised):**

Summary of Natural England's Advise:

No objection subject to appropriate mitigation being secured.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

European site Cannock Chase SAC - No objection Appropriate Assessment undertaken;

Cannock Chase SSSI No objection;

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

### **Western Power:**

No response received.

### **Parish Council:**

Amended plans:

The Parish Council considered this application at its meeting on Monday 26th June 2023 and resolved to object to the application and request that it be called-in for determination by the Planning Committee (I understand Cllr Carter has called the application in already).

The Parish Council restated its previous objections (July 2022) and identified the following concerns:

- Policy C4 Housing Conversions and Subdivisions – the applicant has not demonstrated that the proposed development would not damage the character or amenity of the street

or residential area, that the proposed development does not demonstrate adequate amenity and private open space or appropriate on-site parking.

- Policy N1 Design – does not demonstrate how the proposed development will meet the requirement of respecting and strengthening the continuity of street frontages

- Policy N2 Climate Change - the proposed development will remove land currently available for infiltration and increase run-off .

- Policy N4 Natural Environment and Green Infrastructure – the proposed development will remove an area that currently promotes wildlife permeability and that has been open space for at least 40 years.

- Does not demonstrate how access arrangements will meet the requirements for safe access onto the highway and visibility splays recommended in The Manual for Streets.

Original comments:

The council wish to object to the application due to its negative impact on street scene, objections and concerns expressed by residents and traffic concerns due to the proximity to a road junction. The Parish Council consider this application to be in breach of the Borough Council's strategy for the retention of open spaces. This particular open space has been undeveloped for over 40 years.

**Neighbours** (22 consulted):

Amended plans:

6 representations received, comments summarised as (note: comments similar to/repeated from original consultation not included):

Previous concerns and strong objections re-iterated;

Query change to red edge to side boundary and if accurate;

Old stream bed runs along Brazenhill Lane to an old pond at the site;

Site probably acts as a soakaway and could lead to flood risk for neighbouring houses if built on;

Filled in pond is a natural soak away for excess water with this area only being grassland since the completion of the estate;

The natural fall of the land falls directly towards neighbour, and any flooding, as a direct consequence the development due to disturbance of the soak away, would impact their property and other neighbouring properties;

The fall in direction could also mean that the electrical sub-station could also be impacted by any surface water;

The site lies below the level of the adjacent roads and footpaths and would trap any water that does not soak away and push it onto neighbour's land.



Haughton does not have any designated green space and recent s106 cash was spent by the Parish Council on an SBC owned playing field instead;

The Parish Council have objected to the proposal;

Proposal goes against local plan housing and amenity policies;

Single house will not meet local housing needs;

Queries energy efficiency;

Eyesore from bedroom window;

Not suitable for domestic premises;

Neighbours were under impression that the various green spaces on the corners around the village were protected spaces, partly for road safety reasons and partly to deliver an attractive rural village environment;

Surprise that this unwanted application is still ongoing.

Proposal does not fit with governmental guidance to the detriment of the community;

Argues that no accident record is only due to current excellent visibility at junction;

Re-iterates various previous concerns;

Original submission:

13 representations received, comments summarised as:

Inappropriate location;

Detrimental impact on long established open green space and character of area;

How will design be similar architecturally to other properties in the area;

Crammed in;

Built for financial gain;

Setting precedent;

Believe that the land was purchased, by the then owners, from the council and for it to be maintained as open green space;

Purchase of land rushed without neighbours knowing;

Timing of proposal detrimental to house purchased as did not show up on searches;

Concerns that original owner moved fence to enable the development but has since left and won't be affected;

Land is open space and not garden;

Land was mowed by residents as a gesture of good will;

Current owner has left the site untidy;

Neighbour not received consultation letter;

No site notice observed/lack of publicity;

Concerns over structural impacts etc on neighbour and logistic issues of building so close to/on boundary;

Query over who owns/controls boundary fence;

Built over historic pond when still agricultural land which may cause/exacerbate flooding issues;

Green space concreted over and will just have surface water soakaway;

Concerns over noise from construction process;

Direct overlooking;

Loss of light to garden area;

Loss of view beyond;

Highways safety issues/too close to the junction/poor visibility;

Unsafe access to side;

Will encourage parking on highway to front;

Congestion;

Loss of open visibility at junction will affect road users, cars/pedestrians and nearby primary school/children walking to school and/or to playing fields;

Road already busy at school times, to include large coaches etc, and church times;

Lamp post will need to be moved;

Too close to substation;

No need for a 2-bedroomed house, 3 or 4 bedroomed house on village boundary more appropriate;

Village needs affordable housing for young people who cannot afford properties like this;

Proposal goes against current government thinking e.g. Levelling Up and Regeneration Bill, which covers a wide range of environmental issues, and the Stafford Borough Council Climate Change and Green Recovery Strategy 2020 – 2040.

Site Notice:

Expiry date: 12.09.2022

Relevant Planning History

None

### **Recommendation**

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. 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:-

DRAWING NUMBER: PE-001 REV B

DRAWING NUMBER: PE-002

DRAWING NUMBER: PE-004 REV F

DRAWING NUMBER: PE-005 in conjunction with DRAWING NUMBER 0300 REV P4 (Visibility Assessment)

DRAWING NUMBER 0310 REV P1

3. Notwithstanding any details/description in the application documents, before any above ground development takes place full details/samples of the facing materials to the external walls and roofs to the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
4. All construction works, including demolition, together with associated deliveries to the site shall only take place between the hours of:  
8:00 am and 18:00 pm Monday to Friday inclusive;  
8:00 am and 14:00 pm on Saturdays.  
Not at all Sundays, Bank Holidays, and other public holidays.
5. There shall be no burning on site during development.
6. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.

7. The development hereby permitted shall not be brought into use until the access, parking, and layout have been provided in accordance with Drawing No PE-004 Revision F (Proposed site plan) and the parking area surfaced in tarmac as shown on Drawing No 0310 REV P1 (Dropped Kerb Plan).
8. The development hereby permitted shall not be brought into use until the visibility splays shown on Drawing No 0300 Revision P4 (Visibility Assessment) 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. The grassed area shall be kept clear of all obstructions to a height of 600mm to also protect the visibility from Brazenhill Lane.
9. The parking area at the rear of the property to remain ungated.
10. The site frontage directly in front of the proposed dwelling shall provide pedestrian access only in accordance with the approved plans and shall not be used for off street parking.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
5. To safeguard the occupiers of nearby residential properties from fumes and general disturbance. (Policy N1e of The Plan for Stafford Borough).
6. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
7. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
8. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
9. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
10. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

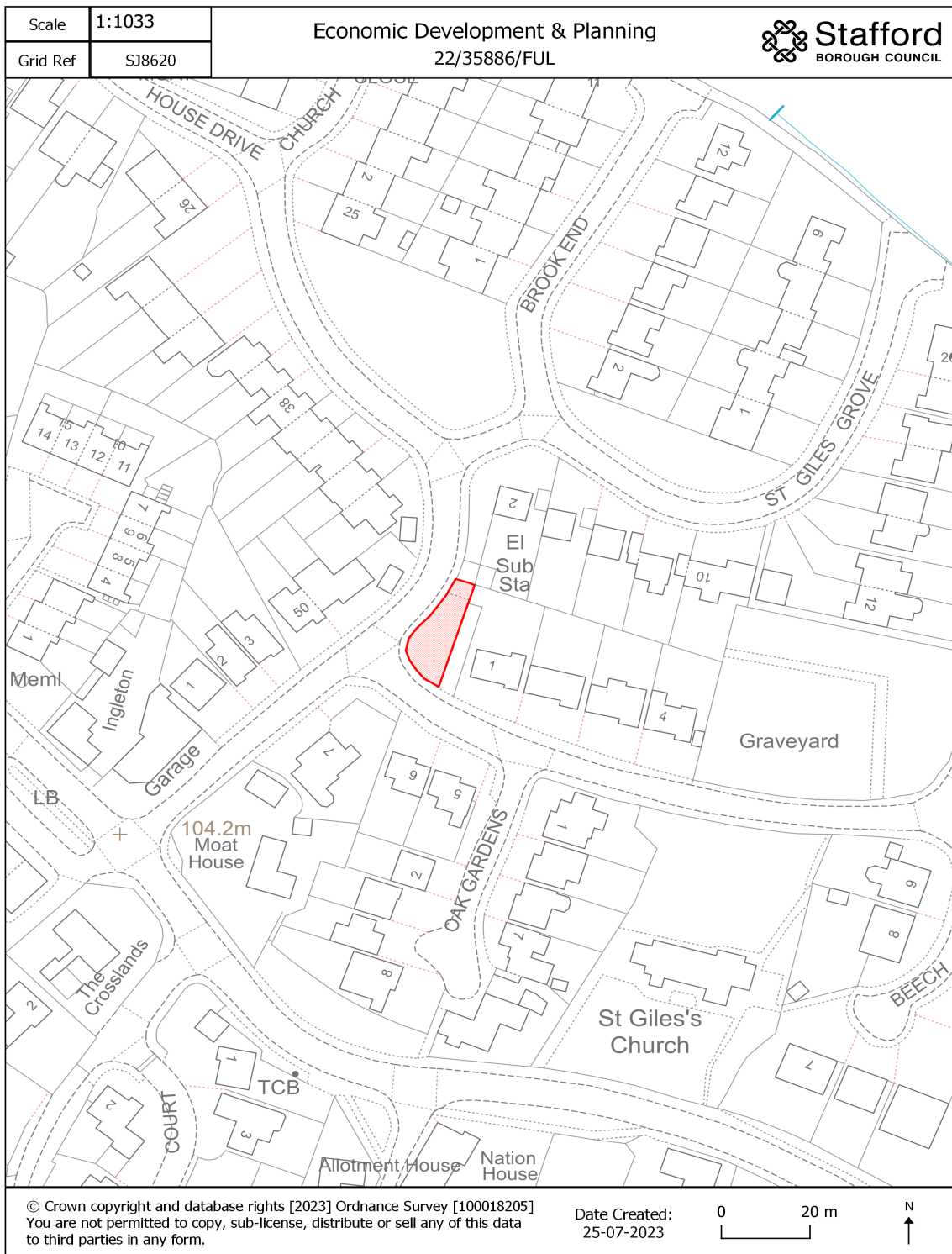
## Informative(s)

- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 That the applicants attention be drawn to the comments of the Highway Authority available for view on public access in respect of this application and as summarised within the case officer's report, to include the following informative:

The above will require a vehicle access crossing which will require a permit from our Traffic and Network Management Unit. Please note that you require Section 184 Notice of Approval from Staffordshire County Council. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Traffic and Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford, Staffordshire, ST16 2DH. (or email to [trafficandnetwork@staffordshire.gov.uk](mailto:trafficandnetwork@staffordshire.gov.uk)) Vehicle access crossing (dropped kerb) - Staffordshire County Council Staffordshire County Council street light column number 11 is noted within close proximity to the proposed access crossing therefore the responsibility and costs for re-locating / protecting the equipment is the applicants. Please contact the Staffordshire County Council Lighting Team for advice. [streetlighting@staffordshire.gov.uk](mailto:streetlighting@staffordshire.gov.uk)

**22/35886/FUL**

**Land Adjacent To 1 Brazenhill Lane, Haughton**



<b>Application:</b>	23/37324/FUL
<b>Case Officer:</b>	Ike Dimano
<b>Date Registered:</b>	3 April 2023
<b>Target Decision Date:</b>	4 July 2023
<b>Extended To:</b>	-
<b>Address:</b>	Land Adjacent To 26 St Peters Gardens, Moss Pit, Stafford, Staffordshire ST17 4HL
<b>Ward:</b>	Penkside
<b>Parish:</b>	-
<b>Proposal:</b>	Demolition of existing garages and erection of 2no assisted living bungalows
<b>Applicant:</b>	Key Developments (Midlands) Limited
<b>Recommendation:</b>	Approve, subject to conditions and a planning obligation to provide a financial contribution for Cannock Chase SAC mitigation

## REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor R P Cooke (Ward Member for Penkside) for the following reason:

*"To give the Planning Committee an opportunity to discuss the exacerbation of the existing problem of noise, including the type of language emanating from this development, much to the dismay of local residents, together with additional parking problems."*

### Background

This application relates to a site located east of St Peter's Gardens in Stafford. The site is surrounded by residential properties. The site has an existing access off St Peter's Garden and is currently a brownfield site consisting of garages and associated hardstanding located on adjacent land to 26 St Peters Gardens.

The site is located within the settlement boundary of Stafford. The site lies within flood zone 1, within 8km of the Cannock Chase Special Area of Conservation (SAC) and within a Site of Special Scientific Interest (SSSI) impact zone.

Planning permission was granted in August 2021 for eight assisted living bungalows to the east of the site, outside of the redline boundary.

## Description of proposal

The proposal seeks permission to demolish a set of 12 garages and construct two assisted living bungalows, with small gardens towards the southern end of the site.

The bungalows would be arranged within a semi-detached pair to the south of St. Peters Gardens.

The building would measure 10.1m in width and 5.5m in depth. The drawings show that it would have a single dual pitched roof with the ridge running north to south, with a ridge height of 4.4m. The building would be constructed of multi stock brick and grey tiles. An Air Source Heat Pump is proposed to be located underneath the front windows of each unit.

Both units would have small private rear gardens. Each unit would comprise of a kitchen, living room, bedroom and bathroom. No staff accommodation is proposed.

The development would have a single gated access from the north, off St Peter's Gardens. Four vehicle parking spaces would be provided.

The applicant purchased the site in April 2022. At the time all the garages apart from one were vacant. The remaining garage was used for storage, however the applicant was unable to be contacted.

The operator 'Aspirations' has been the care provider at St. Peters Gardens, Staffordshire since December 2022. They provide support to people who have a learning disability and or mental health diagnosis, to enable them to live in their own homes within their own community. Housing Management is provided by Inclusion Housing, a national health and social care landlord for vulnerable adults. Each person supported has their own tenancy.

This is a model known as Supported Living and is underpinned by the Reach Standards for Supported Living is in line with the key elements outlined in *People at the Heart of Care* (Department for Health and Social Care, 2021), a 10-year vision to transform adult social care.

Aspirations follow a robust assessment process and works closely with Staffordshire County Council and the local integrated Care Team in the completion of these assessments to ensure the suitability of the person to reside at St. Peters Gardens and the wider local community.

Supporting information has been provided by 'Aspirations' to confirm that the design and proposal will meet the needs of the people they support.

Support has also been provided by Staffordshire Learning Disability and Autism Partnership who have confirmed that they have a need for the additional two properties and as such would be supportive of this scheme in principle. They also confirm that the usable garden size is suitable and sufficient for the end user needs.



## Planning history

To the east of the site, outside of the application red line and labelled 'A' and 'B' on the block plan is an approved development for 8 assisted living bungalows, planning application reference 21/34133/FUL. This was submitted by the same applicant 'Key Developments Limited'.

24B-24L St Peters Gardens was developed in partnership with Staffordshire ICB and Local authority to provide homes in Staffordshire for Stafford citizens, rather than them living 100's of miles away from their families and community. Only Staffordshire citizens reside at St. Peters Gardens. Aspirations have stated that there continues to be a high demand in Staffordshire for this type of accommodation and support, hence the application by the property developer for two further bungalows.

## Officer Assessment - Key Considerations

### 1. Principle of the Proposed Development

The NPPF sets out a presumption in favour of sustainable development which is echoed in Spatial Principle 1 of The Plan for Stafford Borough (TPSB). Paragraph 12 of the NPPF states that "the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making." However, paragraph 182 states that "the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined." In this case the site falls within the catchment of the Cannock Chase SAC, therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the Cannock Chase SAC will not be adversely affected, having regard to avoidance or mitigation measures. This issue is addressed later under section 5 of this report.

Spatial policies within TPSB identify Stafford as the most sustainable settlement in the Borough and direct much of the future growth towards the settlement. TPSB Policy Stafford 1 states that 7,000 new homes will be delivered in Stafford, including the provision of specialist housing.

Policy C1 of TPSB seeks to deliver a range of residential development, including specialist provision to respond to the identified needs of the community. Policy C3 supports the provision of specialist housing within sustainable locations, with adequate parking provision and access to public transport.

The site is located within the settlement boundary of Stafford and the development would deliver two additional assisted living one bed bungalows, which would provide an additional dwelling type within a sustainable settlement. The proposal would allow individuals to live largely independently but within a safe environment with additional support available when required. The proposal is considered to be acceptable in principle.

Polices and Guidance:-

National Planning Policy Framework (NPPF)

Sections 2, 5, Paragraph 182

The Plan for Stafford Borough (TPSB) 2011-2031

Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Stafford Borough Housing and Employment Requirements), SP3 (Stafford Borough Sustainable Settlement Hierarchy), SP4 (Stafford Borough Housing Growth Distribution), SP7 (Supporting the Location of New Development), Stafford 1 (Stafford Town), C1 (Dwelling Types and Sizes), C3 (Specialist Housing)

The Plan for Stafford Borough (TPSB): Part 2 2011-2031

Policies SP3 (Stafford Borough Sustainable Settlement Hierarchy), SB1 (Settlement Boundaries)

## **2. Layout, Design and Appearance**

TPSB Policy N1 sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and have high design standards. Policy N8 states that new development should respect the character of the landscape setting, through design, layout and materials. The Design SPD provides further detailed guidance.

Whilst the proposal would increase density within the surrounding area, it is considered that given the proposed single storey nature of the development and future occupiers, the proposed development would be appropriate in this location.

The layout of the scheme is similar to that of the previously approved scheme for bungalows (21/34133/FUL) to the east. The proposed layout, whilst relatively simple, is considered to be acceptable given the size of the site and the proposed future occupiers/use. The front elevations of the dwellings contain principle habitable room windows which would provide passive surveillance. Air source heat pumps are also positioned under the front windows and contribute to reducing carbon emissions.

The development would be constructed of brick and tile which is considered acceptable which would be in keeping with the surrounding area, however a condition would be required to secure the exact details.

In accordance with Policy N1, the proposal includes a suitable shared bin store within close proximity to the site access. The proposed block plan demonstrates planting will be provided beyond the northern wall and will soften the appearance of the development and provide visual interest.

Overall, the layout, design and appearance of the proposed development is considered to be acceptable, subject to conditions. The proposal is considered to adhere to the development plan and NPPF in this regard.

Policies and Guidance:-

National Design Guidance (NDG)

National Planning Policy Framework (NPPF)

Section 12 - Achieving well designed places

The Plan for Stafford Borough (TPSB) 2011-2031

Policies N1 (Design), N4 (The Natural Environment and Green Infrastructure), N8 (Landscape Character)

Supplementary Planning Document (SPD) - Design

### **3. Amenity**

Policy N1 of TPSB requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas. The Design SPD provides further detailed guidance.

The Design SPD requires a separation distance of 21m between the rear elevation of dwellings. In this case, the proposal would appear to provide a separation distance of approximately 18m. However, given its single storey nature, any views towards windows serving neighbouring buildings would be at an oblique angle. As such, the proposal is not considered to result in any undue overlooking to the neighbours to the north and south. It is also not considered that there would be significant loss of privacy to neighbouring windows.

There are windows shown within the four elevations of the proposed building. In this instance however, the windows are set at ground floor level and given the heights of the proposed boundary treatments (2m high close board fence), the windows are not considered to result in any undue loss of privacy.

The development is not considered to result in any loss of amenity to existing residents through loss of light. In order to prevent any future issues permitted development rights for extensions and alterations will be removed via a condition.

The development is not thought to result in light pollution for adjoining occupiers. No floodlighting is being proposed as part of the application.

The units would have private rear gardens of 40-50m<sup>2</sup>. Whilst the Design SPD does not set a specific standard for 1no bedroom dwellings, the proposed gardens are considered to be sufficient given the expected occupiers. It is also noted that there is existing public open space approximately 50m to the northwest, which future occupiers could utilise. A condition is attached to ensure that the boundary treatments are provided prior to first occupation to ensure that the gardens are sufficiently private. As the gardens are relatively small, permitted development rights for extensions are removed via condition in order to ensure the retention of the private amenity space.

The neighbours' concerns with regards to noise are noted. The Council's Environmental Health Officer has recommended a condition to restrict the hours of construction. Given that the site is within a residential area and the scale of development, this condition is considered to be reasonable and necessary. A condition would also be attached, as recommended by the Environmental Health Officer, to secure noise screening measures during construction. The Environmental Health Officer has also requested a condition relating to delivery hours, however this would be agreed to and approved by the Highway Authority via the Construction Management Plan (discussed below).

The Environmental Health Officer has requested conditions relating to burning on site and the use of equipment outside of the permitted construction hours. These conditions are not considered to meet the six tests for conditions and would be more appropriately dealt with under separate environmental health legislation. As such, these conditions are not attached.

The proposal is considered to provide sufficient amenity for both existing and future residents and adheres to the Development Plan and NPPF in this regard.

A number of issues have been raised by neighbouring occupiers, in relation to the existing issues arising from the assisted living accommodation in St Peter's Street including anti-social behaviour, and parking issues. The operator Aspirations have undertaken community engagement and provided the following measures to alleviate existing and prevent future issues as follows:

- Coffee mornings at Aspirations local office
- Door to door operations to neighbouring properties
- Provision of contact details to neighbours of local management team
- Relationship with the local police and the team at the Harm Reductions Hub
- Intervention/prevention from support staff when isolated incidents occur (i.e. throwing rubbish)
- In relation to noise, two people that are supported have been identified with mental health difficulties and intense pain and are being medically treated
- Local procedures to ensure considerate parking and handover by staff

Policies and Guidance:-

National Design Guidance (NDG)

National Planning Policy Framework (NPPF) Section 12

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

Supplementary Planning Document (SPD) - Design

#### **4. Access, Parking and Highway Safety**

TPSB Policy T2 states that all new development must have a safe and adequate means of access and internal circulation; not have unacceptable highway safety impacts and provide sufficient parking provision. The Council's parking standards are set out in Appendix B of TPSB.

The proposal would utilise an existing single access point from St Peter's Gardens. St Peter's Gardens is a lit unclassified road with a speed limit of 30mph. The access to the proposed site is private. This private access currently leads to two existing sites, a detached 1 bed bungalow which was granted permission under application 21/34876/FUL

and eight assisted living bungalows which were granted under planning application 21/34133/FUL.

The Highway Authority require a minimum of 6m rear of the any car parking space to enable a vehicle to safely reverse and manoeuvre to exit the site in a forward gear, 6.96m is provided and therefore this is acceptable. The surface material to the driveway is proposed to be surfaced in tarmac, which again is acceptable.

The proposed plan shows an image of the existing gates which are currently located to the entrance of the eight assisted living bungalows that are proposed to be relocated and reused at the new entrance once the two bungalows are built, opening inwards. This will need to be approved by the LPA and details are sought via condition.

Neighbours have cited that towards the southern end of the garage area there appears to be an existing access to a residential shed for property 4 The Brandons. There also appears to be a pedestrian rear access to 2 The Brandons within the hedgerow. In terms of private rights of way, the applicant and owner will need to seek appropriate advice which would be outside of the planning remit. The Highway Authority have informally advised that the applicant may wish to obtain a title indemnity insurance against any risk of claim in future regards any potential access rights.

In accordance with the Council's vehicle parking standards the development would provide 4 vehicle parking garages. The Highway Authority have advised that the parking provision and layout is acceptable and have recommended a condition to ensure that the parking, access and turning areas are provided prior to first occupation. This is considered reasonable and would be attached.

Neighbours' concerns regarding highway safety and parking are noted, however the Highway Authority have advised that they have no objection to the proposal. They consider the proposed measures to be adequate, subject to appropriately worded conditions.

A condition is also attached to ensure that the dwellings are occupied for assisted living only, as the layout and parking provision would not be suitable for market housing.

The Highway Authority have recommended that a Construction Management Plan (CMP) be secured in order to prevent any unnecessary issues to the highway. This is considered to be reasonable and as such will be secured via condition. The CMP would also secure the road sweeping and delivery hours as requested by the Environmental Health Officer.

TPSB Policy T1 seeks to achieve sustainable transport through the provision of secure, accessible and sheltered bicycle parking. The proposal does not provide any cycle storage, however it is considered that there is sufficient space within the gardens should future occupiers require cycle storage.

Overall, it is considered that the development provides sufficient parking and a safe and suitable access and as such adheres to Development Plan and NPPF in this regard.

Policies and Guidance:-

National Design Guidance (NDG)

National Planning Policy Framework (NPPF) Section 9

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

## **5. Cannock Chase SAC**

Policies N1 and N6 of TPSB state that development which has 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 of TPSB sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase 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 proposal lies within the 0-8km buffer of the Cannock Chase SAC. As such mitigation is required in the form of a financial contribution as the proposal would result in two additional residential units. This can be dealt with via a financial contribution should planning permission be granted.

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.

Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's AA, which concludes 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 and therefore they have offered no objections to proposal.

On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework Paragraphs 174, 180, 182

The Plan for Stafford Borough

Policies N1 (Design), N6 (Cannock Chase Special Area of Conservation)

## 6. Other

### **Arboriculture**

TPSB Policy N1 requires that development retain significant landscaping features. Policy N5 also states that developments are required to retain mature trees. There is a Holly tree located on adjacent land, immediately to the south this site which would be retained. The site does not contain any significant trees.

The Council's Tree Officer has advised that there are no objections to the scheme and that no tree of significant value will be lost or damaged as a result of the proposal. The Tree Officer has advised that tree related conditions are not necessary.

### **Flooding**

TPSB Policy N1 states that development should not be located in areas of flooding or contribute to flooding elsewhere. The site lies within Flood Zone 1 which is at the lowest risk of flooding. Surface water will be disposed of via soakaways which is considered to be acceptable.

### **Ecology and biodiversity**

TSPB Policy N1 requires the retention of significant biodiversity and the creation of new biodiversity areas.

The scheme includes additional landscaping which will provide additional habitats.

The proposal, due to its scale, is not considered to have a detrimental impact upon nearby SSSI. Overall, the proposal is considered to be acceptable with regards to ecology and biodiversity.

Policies and Guidance:-

National Planning Policy Framework Section 14, Paragraphs 174

The Plan for Stafford Borough Policies N1 (Design), N2 (Climate Change), N5 (Sites of European, National and Local Nature Conservation Importance).

### **Conclusion**

In conclusion, the development would provide additional and alternate housing provision within a sustainable location. The proposal is considered to be acceptable with regards to layout and design, residential amenity and highway safety. The proposal is considered to adhere to the development plan and NPPF and is recommended for approval, subject to conditions.

## Consultations

### Highway Authority: (21.08.2023)

No objections, subject to securing a construction method statement. Recommend condition to ensure access, parking and turning areas are provided prior to first occupation. Require amended layout to widen access drive. Request construction method statement.

### Environmental Health: (02.06.2023)

No objection. Recommend conditions to restrict hours of construction and deliveries, require road sweeping and noise screening, prevent burning and relating to equipment.

### Tree Officer: (08.08.2023)

No objections, or recommended conditions.

### Staffordshire Fire and Rescue Service:

General advice to applicant regarding vehicle access and sprinklers.

### Natural England (31.08.23)

No objection- subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Cannock Chase Special Area of Conservation. In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured: delivering mitigation, for recreational impacts on Cannock Chase SAC, by means of the Strategic Access Management and Monitoring (SAMM) measures

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

## Neighbours

(19 consulted): 10 responses:

Material planning considerations summarised below: -

- Overdevelopment
- Impact upon service vehicles
- Access is via rear gate being lost
- Inadequate level of accommodation
- Parking issues



- Overbearance on neighbouring occupiers
- Impact upon highway safety
- Loss of light
- Noise disturbance and debris from construction
- Loss of garden privacy
- Noise disturbance and antisocial behaviour from future occupiers
- Light pollution
- Impact of drainage/ sewers
- Asbestos within the site
- Previous construction not in accordance with approved plans
- Problems with deliveries due to name and numbering of buildings

All relevant planning matters have been considered in the main body of the report.

Site Notice expiry date: 15.06.2023

### **Relevant Planning History**

21/34876/FUL - Erection of 1 bedroom bungalow. Approved 05.11.2021

21/34133/FUL - Erection of eight assisted living bungalows. Approved 18.08.2021 – located to the east of the site outside of the red line.

20/31958/FUL – Detached 2 bed bungalow – Approved 12.05.2020

17/25872/FUL – Erection of 4no. 2-bedroom detached bungalows with integral garages, associated parking and landscaping – Approved 21.06.2017

16/24187/FUL – Detached dormer bungalow – Approved 20.07.201

16/24007/FUL – Revised design to bungalow on Plot 1 of approval number

15/21880/FUL – Withdrawn - 17.05.2016

15/21880/FUL - Construction of two detached bungalows and two dormer bungalows with associated access and landscaping works – Approved 03.07.2015

## Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the originally submitted details and specification and to the following drawing, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence: 2407-20 revision B
3. No development shall take place until a Highways Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall thereafter be adhered to throughout the construction period. The Statement shall provide for:-
  - A site compound with associated temporary buildings
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - Wheel wash facilities
  - Times of deliveries
  - Duration of works
4. No development shall take place until details of noise mitigation screening has been submitted to and approved in writing by the Local Planning Authority. The approved screening shall thereafter be installed before the commencement of development and retained throughout the construction period.
5. The external walls and roofs of the dwellings shall be constructed in accordance with the materials specified in the approved drawings (Brick - Ibstock Mercia Antique 65mm and Rooftiles - Marley Edgemere Smooth Grey).
6. Before the development is first occupied, the access, parking and turning areas shall be provided in accordance with Drawing 2407-20 Revision B and shall thereafter be retained as such.
7. Before the development is first occupied, the boundary treatments and other means of enclosure shown on the approved plan shall be erected and thereafter be retained as such.
8. The landscaping scheme shown on the approved plan shall be implemented within eight months of the development being brought into use. Any tree, hedge or shrub planted as part of a landscaping scheme on the site and which dies or is lost

through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season.

9. All works, including demolition, site works and construction shall only take place between the hours of 08.00 and 18.00 Monday to Friday; 08.00 to 14.00 Saturdays and not at all on Sundays or bank holidays.
10. The development hereby approved shall only be occupied as assisted living accommodation.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling hereby approved without the prior approval of the Local Planning Authority:
  - Schedule 2, Part 1, Class A - enlargement, improvement or other alteration,
  - Schedule 2, Part 1, Class B - additions etc to the roof,
  - Schedule 2, Part 1, Class C - any other alterations to the roof.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
4. To safeguard the occupiers of nearby residential properties from undue noise. (Policy N1e of The Plan for Stafford Borough).
5. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
6. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
7. To ensure an adequate level of privacy for occupiers of the proposed dwellings (Policy N1e and Design Supplementary Planning Document).
8. To ensure the satisfactory appearance of the development and to deliver a net gain to biodiversity (Policies N1 g and h, N4 of The Plan for Stafford Borough).
9. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).

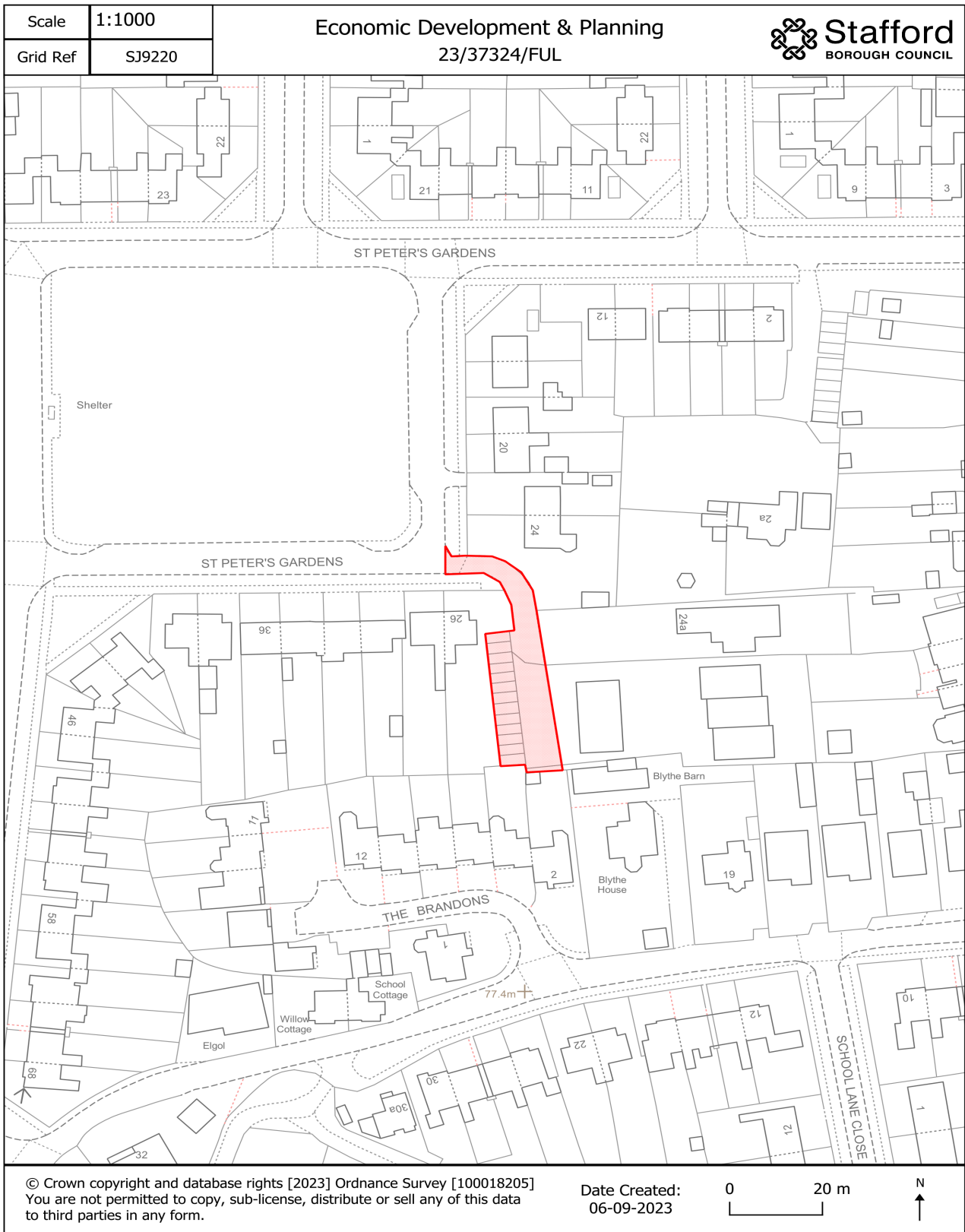
10. To define the permission and to ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
11. To ensure an adequate level of privacy for occupiers of adjacent residential properties and to ensure the retention of sufficient amenity space for future occupiers (Policy N1e of the Plan for Stafford Borough and the Design Supplementary Planning Document).

#### Informative(s)

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 All nesting birds are afforded protection under Part 1 section 1 of the Wildlife and Countryside Act 1981 (as amended 2016), making it an offence to: disturb, injure or kill a nesting bird; disturb, take or destroy their nest; or damage, take or destroy their eggs. As such any site clearance works should occur outside of bird nesting season (March-September inclusive). If, site clearance outside of bird nesting season cannot be achieved then the site must be checked to be free of nesting birds, by a suitably experienced ecologist, immediately prior to commencement of any site clearance works.
- 3 The applicant/developer will require an exemption notice (S219(4e) of Highways Act 1980) from Staffordshire County Council Road Adoptions Team ([road.adoptions@staffordshire.gov.uk](mailto:road.adoptions@staffordshire.gov.uk)), and details of a maintenance management company for the development.

**23/37324/FUL**

**Land Adjacent To 26 St Peters Gardens, Moss Pit, Stafford**



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 PLANNING COMMITTEE - 20 SEPTEMBER 2023
 

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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

<b>Application Reference</b>	<b>Location</b>	<b>Proposal</b>
<b>21/34912/FUL</b> <b>Delegated Refusal</b>	Crossfields, 35 Cannock Road	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.
<b>22/36901/HOU</b> <b>Delegated Refusal</b>	19 Berkeley Street, Stone	Reinstate roof to existing garage structure, lift the roof eaves up to allow home office within roof space with rear dormer and rooflights to the front elevation.
<b>23/36981/FUL</b> <b>Delegated Refusal</b>	Stafford Rangers FC, Astonfields Road	Freestanding digital advertising and information sign for the display of static information and advertisements for the football club
<b>23/37454/HOU</b> <b>Delegated Refusal</b>	18 St Ives Close, Stafford	Erection of a single storey extension to the rear elevation

### Decided Appeals

<b>Application Reference</b>	<b>Location</b>	<b>Proposal</b>
<b>22/35962/HOU</b> <b>Delegated refusal</b> <b>Appeal Dismissed</b>	Holly Barn, Moddershall Oaks	Construction of detached garage and associated hardstanding areas
<b>22/35600/HOU</b> <b>Non determination</b> <b>Appeal Allowed</b>	Wolseley House, Orchard Lane	Form two storey and single storey extensions and elevations alterations to existing dwelling
<b>21/35243/HOU</b> <b>Delegated refusal</b> <b>Appeal Dismissed</b>	30 St Michaels Mount, Stone	Demolition of existing garage. New single and two-storey side and rear extension with internal alterations.

### Previous Consideration

Nil

### Background Papers

File available in the Development Management Section

### Officer Contact

John Holmes, Development Manager, 01785 619302



## Appeal Decision

Site visit made on 25 July 2023 by Andreea Spataru BA (Hons) MA MRTPI

### Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

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### Appeal Ref: APP/Y3425/D/23/3319216

### Holly Barn, Moddershall Oaks, Moddershall, Stone, Staffordshire ST15 8TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Holland against the decision of Stafford Borough Council.
  - The application Ref 22/35962/HOU, dated 6 May 2022, was refused by notice dated 23 February 2023.
  - The development proposed is for the construction of a detached garage and associated hardstanding areas.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are:
  - Whether the proposed development would be inappropriate development in the Green Belt;
  - The effect of the proposal on the openness of the Green Belt;
  - The effect of the proposal on the character and appearance of the host property and surrounding area; and
  - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

### Reasons for the Recommendation

#### *Inappropriate Development*

4. Paragraph 149 of the National Planning Policy Framework 2021 (the Framework) lists the types of development that are not considered inappropriate in the Green Belt. These include, for the purposes of the appeal, the extension or alteration of a building provided it does not result in a disproportionate addition over and above the size of the original building. Whilst



the proposals are not an extension of the building's fabric, they are an extension of the residential use, providing an incidental function within its curtilage. It is reasonable therefore to consider the appeal scheme under this exception.

5. These aims are reflected by section C of Policy C5 of The Plan for Stafford Borough 2011- 2031 (LP), which relates to residential development proposals outside of the settlement hierarchy including areas of Green Belt. It states that an extension or alteration of an existing building should not result in additions of more than 70% to the dwelling as originally built unless, (i) the existing floor area is less than 41 square metres, where development up to 75 square metres will be acceptable, and/or (ii) the design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area.
6. The proposed garage would be located to the north-west of the appeal dwelling and would replace three existing sheds. Both main parties agree that the proposal can be regarded as an extension, which would increase the floor area of the original dwelling by approximately 60%.
7. I note point (i) of part C of LP Policy C5 in that it makes specific reference to the floor area, however this part is not applicable to the proposal given the floor area of the original dwelling and that of the proposal. Policy C5 does not limit the assessment of extensions or alterations to buildings only to the floor area, as it refers to 'additions of more than 70% to the dwelling as originally built'. I have therefore not restricted my consideration of the proposal solely to the floor area.
8. The planning history of the site, as outlined within the officer's report, indicates that a lawful development certificate<sup>1</sup> (LDC) has been granted in 2019 for single storey side extensions to both sides of the dwelling and a two-storey rear extension. At the time of my site visit there were no extensions to the original dwelling, however I am mindful that there is no time limit in regard to a LDC.
9. Whilst the increase in the floor area by the proposal itself would not exceed the 70% threshold, the garage would have a footprint larger than the original dwelling. Given its footprint and height, the garage would also have a significant volume. Accordingly, even when considered by itself, the proposal would be a substantial addition due to its overall size, form, and massing, which I find it would be disproportionate over and above the size of the original building as a result. Consequently, the appeal proposal would be inappropriate development in the Green Belt, which is, by definition, harmful. It would therefore conflict with LP Policy C5, and the provisions of the Framework.

### *Openness*

10. The Framework indicates that openness is an essential characteristic of the Green Belt. The development would introduce a permanent solid structure that would be substantially and noticeably larger than the sheds that would be removed. As a result, both in spatial and visual terms, the openness of the Green Belt would be reduced. Although in isolation the loss of openness would be limited, nonetheless, there would be a degree of harm arising from this.

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<sup>1</sup> LPA ref: 19/31042/LDCP

### *Character and Appearance*

11. The two-storey appeal dwelling is a converted barn with a wide façade and pitched roof, located within the countryside. There are no other dwellings within its immediate vicinity, only small domestic outbuildings. The land levels increase towards the north of the appeal site, where the outbuildings that would be replaced by the proposal are currently sited. The dwelling is a good quality example of a traditional brick built former agricultural building with quaint proportions and an assemblage of original features.
12. The proposed garage would be located a few metres away from the house, to the north-west of it, thus it would have an elevated position in relation to the dwelling. It would have a depth greater than that of the house and would exceed the footprint of the host dwelling. Whilst it would have a single storey and be lower in height than the appeal dwelling, due to its elevated position combined with its significant size and massing, the proposal would fail to appear subordinate, competing for domination of the plot, detracting from the quality of the host building and how it relates positively to its rural siting.
13. Notwithstanding the use of the garage and its relationship to the host dwelling, due to its significant overall scale the proposal would be harmful to the character and appearance of the host dwelling. Consequently, because the garage would detract from the appearance of the dwelling, the proposal would also have a negative effect on the appearance of the surrounding area, albeit to a limited degree, as the garage would be set back from the road and would be partially screened by the established vegetation. Matching materials would not be sufficient to mitigate this harm.
14. Accordingly, the proposed development would be contrary to Policy N1 of the LP, which requires, amongst other things, for developments to include high design standards and to take into account the local context.

### *Other Considerations*

15. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. Point (ii) of part C of LP Policy C5 allows for larger additions to be considered if the design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area. Given my findings above, this would not be the case.
17. Whilst I understand that the size of the development has been reduced in comparison to the initially submitted scheme, these amendments are not sufficient to make the appeal proposal appear proportionate to the original dwelling.
18. The Council found that the proposal would not harm the living conditions of the occupiers of neighbouring properties, trees, or highway safety. From all I have seen and read, I have no reason to disagree. However, these are neutral matters rather than ones that carry positive weight for the scheme.

## **Conclusion**

19. The appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful. It would also cause harm to the openness of the Green Belt and would be detrimental to the character and appearance of the host property and of the surrounding area. The Framework requires that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
20. For the reasons I have set out, it is sufficiently clear that the combined weight that could be ascribed to the other considerations would be insufficient against that which must be attached to the harms to the Green Belt. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policies C5 and N1 of the LP. The aims of which I have set out.

## **Recommendation**

21. For the reasons given above the appeal scheme would conflict with the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate to the contrary. I therefore recommend that the appeal should be dismissed.

*Andreea Spataru*

APPEAL PLANNING OFFICER

## **Inspector's Decision**

22. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

*John Morrison*

INSPECTOR



## Appeal Decision

Site visit made on 1 August 2023

**by H Smith BSc (Hons) MSc MA MRTPI**

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

**Decision date: 01 September 2023**

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**Appeal Ref: APP/Y3425/W/22/3313610**

**Wolseley House, Orchard Lane, Wolseley Bridge, Stafford, Staffordshire ST17 0XR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr A. Baker against Stafford Borough Council.
  - The application Ref 22/35600/HOU, is dated 9 February 2022.
  - The development proposed is described as "form two storey and single storey extensions and elevations alterations to existing dwelling."
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### Decision

1. The appeal is allowed and planning permission is granted for 'form two storey and single storey extensions and elevations alterations to existing dwelling' at Wolseley House, Orchard Lane, Wolseley Bridge, Stafford, Staffordshire, ST17 0XR in accordance with the terms of the application, Ref 22/35600/HOU, dated 9 February 2022, subject to the schedule of conditions attached.

### Preliminary Matters

2. The appeal follows the Council's failure to determine the application Ref 22/35600/HOU within the prescribed period. However, the Council has indicated in its statement, that had it been in a position to determine the application, it would have refused planning permission. The substance of the Council's statement has informed the main issues of the appeal.

### Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

### Reasons

4. The appeal site is a large, detached dwelling located on Orchard Lane. The property is set back from the road on a wide plot with a large rear garden. The site is accessed by a long private driveway off Orchard Lane. Orchard Lane is characterised by substantially sized detached dwellings of varying styles, which are generally set back from the road on spacious plots.
5. Permission is sought for a two-storey side extension and a single storey side extension to the existing dwelling. The proposed extension would link the main house to the existing detached garage.
6. The appeal site is located within the rural settlement of Wolseley Bridge. It does not fall within a Key Service Village as defined within the Sustainable

Settlement Hierarchy of The Plan for Stafford Borough 2011-2031 (TPSB) (2014) and consequently, is within the open countryside.

7. Part C of Policy C5 of the TPSB is referred to in the Council's statement. Policy C5 states that in areas outside of the Sustainable Settlement Hierarchy the extension or alteration of an existing building should not result in additions of more than 70% to the dwelling as originally built, unless the design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area. In this case, the main parties are in agreement that the proposed development would exceed the 70% figure, to which I agree. Therefore, it is necessary to consider whether the resulting building would be proportionate to the existing dwelling and its surroundings.
8. While the proposed extension would increase the bulk and mass of the host dwelling, it would be set back from the frontage with lower eaves and ridge line. The proposal's two-storey gable element would be narrower and set back compared to the central gable on the host dwelling's front elevation, making it appear less prominent. It would also appear proportionate to the existing rear gables. These features would provide a clear distinction and visual break between the host dwelling and the proposed extension, resulting in the development being seen as subordinate. The use of matching construction materials and fenestration design would contribute to the development being seen as a natural extension to the host dwelling rather than an incongruous new feature.
9. The proposed link to the existing garage building would be discrete due to the proximity of the existing garage and its positioning forward of the proposed extension. As the existing garage is already present, it would not create additional floorspace or bulk to the main dwelling and would remain subordinate. Views of the proposed extension would also be partially screened by the existing garage building.
10. The visual impact of the proposed extension on the wider area would be limited due to the host dwelling's considerable distance from the road and the mature trees and vegetation round the site that provide significant screening. Although public views of the rear of the proposal would be possible, these would be distant views across countryside. The appeal site is also large enough to accommodate the appeal proposal without causing any significant impact on the rural appearance of the area.
11. Consequently, the proposal is not a dominant, disproportionate addition that is out of keeping with the host dwelling or out of character with the surrounding area. Rather, its design reflects the character and appearance of the host dwelling and would integrate positively to the surrounding area's identity in terms of scale, volume, mass, and materials.
12. Permission has already been granted at the appeal site for single storey side extensions under application references 17/26754/HOU and 19/30879/HOU. Construction work for planning permission ref 19/30879/HOU has already commenced on site, which I observed during my site visit. Therefore, this other permission represents a realistic fallback for the appellant.
13. Whilst the proposal would be larger than the previous planning permission (ref: 19/30879/HOU), the appellant indicates that there would only be a small

increase in floor area. Based on the evidence before me, I find the proposal would not be significantly larger than the 2019 scheme. Though there would be an increase in height, the set back and positioning of the appeal proposal, combined with the additional two-storey gable feature, would create visual balance and rhythm when viewed from the site's main entrance. In my judgement, this would improve the visual harmony of the front elevation compared to the 2019 scheme, which did not include the additional two-storey gable feature.

14. Although the planning permission for ref 17/26754/HOU has expired, the submitted plans indicate that the appeal proposal would be significantly smaller. Even if I were to agree with the Council's floorspace figures, there would still be a decrease compared to the expired planning permission. Furthermore, unlike the 2017 scheme, the proposal would not alter the existing front or rear elevation of the host dwelling.
15. Therefore, whilst representing a notable increase in the size of the existing dwelling, the proposed extension would not cause an adverse impact on the character and appearance of the host dwelling or its surroundings over and above the already approved extensions.
16. For the reasons given, the proposal would not be harmful to the character and appearance of the host dwelling and the surrounding area. Consequently, it would accord with Policy C5 of the TPSB, which, amongst other things, seeks to ensure extensions do not have an adverse impact on the character of properties or their surroundings. In addition, the proposal would adhere with the National Planning Policy Framework (Framework) (para 130), which emphasises the importance of securing good design and states that development should respond to local character and add to the overall qualities of the area.

### **Other Matters**

17. The appellant refers to potential fallback options in the shape of development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). However, there is limited information within the evidence regarding the detail of such permitted development. Whether it would be likely and indeed whether it would be more or less harmful than the appeal scheme. I therefore give limited weight to the potential permitted development fallback.

### **Conditions**

18. In addition to the standard time limit, I have imposed one requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. To ensure the satisfactory appearance of the development, a condition is attached to require that the external materials match those of the existing building.
19. I have given consideration to the Council's suggested condition relating to the removal of permitted development rights for extensions. However, no clear justification to restrict these rights has been presented to me. Moreover, I have not been made aware that such restrictions apply to other properties nearby. It would therefore be unnecessary and inequitable to restrict permitted

development rights in relation to this development. Therefore, I have not imposed the suggested condition.

### **Conclusion**

20. For the reasons given, having considered the development plan as a whole, the approach in the Framework, and taken account of all other material considerations, the appeal should be allowed.

*H Smith*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans:

Location Plan – 470-LP1, dated Feb 2022

Block Plan – Drawing No: 470-SP1 Revision A, dated: Feb 2022

Existing House Floor Plans – Drawing No: 470-101, dated: Feb 2022

Existing Elevations – Drawing No: 470-102, dated: Feb 2022

Existing Detached Garage – Drawing No: 470-103, dated: Feb 2022

Proposed Ground Floor Plan – Drawing No: 470-104, dated Feb 2022

Proposed First Floor Plan & Roof Scape – Drawing No: 470-105 Revision A, dated: Feb 2022

Proposed Front & Rear Elevations – Drawing No: 470-106, dated: Feb 2022

Proposed Side Elevations – Drawing No: 470-107, dated: Feb 2022

Proposed Sections – Drawing No: 470-108, dated: Feb 2022

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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



## Appeal Decision

Site visit made on 14 June 2023

**by N Duff BSc (Hons) MA MRTPI**

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

**Decision date: 14<sup>th</sup> August 2023**

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**Appeal Ref: APP/Y3425/D/23/3320259**

**30 St Michaels Mount, Stone ST15 8PZ**

- 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 Mrs G Banks against the decision of Stafford Borough Council.
  - The application Ref 21/35243/HOU, dated 17 November 2021, was refused by notice dated 26 January 2023.
  - The development proposed is Demolition of existing garage. New single and two-storey side and rear extension with internal alterations.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The effect of the proposed development on the character and appearance of the area.

### Reasons

3. St Michael's Mount is a quiet residential cul-de-sac within a wider housing estate within Stone. It is characterised by mainly semi-detached and detached properties with a generally consistent pattern of development with gaps between buildings, particularly at first floor level. Several properties have side extensions in the immediate vicinity. The appeal property and its immediate neighbours are set at a higher level than the highway with sloping driveways.
4. No. 30 is a semi-detached property with a detached single garage set at the end of the driveway which would be removed to accommodate the proposed two storey side extension. The non-adjoining neighbouring property has been extended in the form of a two-storey side extension which has partially eroded the original gap between the properties.
5. The proposed extension to the side would see the loss of the gap between the properties with a very modest gap of 0.4m remaining. This gap would not provide the visual break between the properties that is consistent with other development in the immediate vicinity and is especially prominent due to the site levels. The proposal would see the loss of the glimpses between host dwelling and neighbouring property which adds to the character of the area. The loss of the gap particularly at first floor level would cause a terracing effect and would erode the dominant pattern of development, and as a result would have cramped appearance. This would have an unacceptably detrimental impact on the character and appearance of the area.



6. The development would only be viewed from limited vantage points due to the position of the property in the cul-de-sac, nonetheless, the proposal would be visible from neighbouring properties and the immediate vicinity and would cause harm to the character and appearance of the area.
7. Examples of other two storey side extensions exist in the area, including the immediate non-adjointing neighbour and opposite the appeal site. However, a reasonable gap has been maintained at first floor level in local examples. Therefore, these have not had the same detrimental effect on the character and appearance of the area as would the development.
8. The proposed extension would be subservient to the main dwelling due to the lower ridge height and set back design. The extension would also be constructed in appropriate materials including those proposed for the fenestration. Whilst these elements may be acceptable for the dwelling itself, in the context in which it sits the erosion of the gap and cramped appearance would still exist. Accordingly, the subservient nature of the extension and appropriate materials do not overcome my concerns with the overall scheme and the harm it would cause to the character and appearance of the area.
9. The development would result in unacceptable harm to the character and appearance of the area. It would therefore conflict with parts (g) and (h) of the Policy N1 of The Plan for Stafford Borough (2014) and Policy H2 of the Stone Neighbourhood Plan - made July 2021 which seek to ensure development has regard to local character and delivers a high quality of design. It also conflicts with the Council's Design Supplementary Planning Document (SPD)(2018) which states that side extensions will not be permitted where little or no space is left between adjacent buildings and that side accesses should be retained to ensure adequate visual separation between buildings.
10. Finally, it would conflict with the National Planning Policy Framework, which requires developments to respond to local patterns of development and be sympathetic to their surroundings.

### **Other Matters**

11. The site has been referred to in the officer's report as being within the Cannock Chase Special Area of Conservation (SAC), no other information has been provided in respect of this matter. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter any further.
12. The extension would make efficient use of the land by extending a property on a sustainable brownfield site. The scale of development is such that this only attracts limited weight in favour of the development and does not outweigh the harm identified.
13. The proposed development would not result in harm to the living conditions of neighbouring occupiers, highway safety and is outside of any special character or conservation areas, the lack of harm is neutral and weighs neither for nor against the development.
14. The appellant has referred to their permitted development rights as a potential fall-back position. The parties have confirmed that a Prior Approval for a Proposed Larger Home Extension was granted at the property for a larger single storey rear extension. The appellant has put forward permitted development options in the form of CGIs in their evidence relating to a two-

storey rear extension and single storey side extension using two different designs. I have no certificates of lawfulness or evidence before me that these could be carried out as per the drawings and the appellant has stated that it would not be their preference. Nonetheless, even if there was a reasonable prospect of the permitted development extensions being carried out, the effect would be less harmful than the proposal before me as it would not result in the harm caused by closing the gap between the appeal property and neighbouring property at first floor level. Accordingly, this matter does not weigh in favour of the development.

### **Conclusion**

15. The appeal scheme would conflict with the development plan as a whole and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore be dismissed.

*N Duff*

INSPECTOR