



Civic Centre, Riverside, Stafford

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Please note venue for meeting

Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 23 April 2025** at **6.30pm** in the **Oak Room, Martin Street, 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 - 23 APRIL 2025

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.

	Page Nos
5 Planning Applications	3 - 104
6 Planning Appeals	105 - 169
7 Enforcement Matters	-

MEMBERSHIP

Chairman - Councillor B McKeown

B M Cross	A R McNaughton
I D Fordham	A Nixon
A D Hobbs	M Phillips
E G R Jones	A J Sandiford
P W Jones	S N Spencer
B McKeown	

PLANNING COMMITTEE - 23 APRIL 2025

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:-**

		Page Nos
22/36919/OUT	Land Off Sandon Road And MOD 4 Site, Beaconside	5 - 62
	The application was deferred by the Planning Committee on 18 March to allow the applicant to address unanswered questions.	
	Officer Contact - Richard Wood, Development Lead Telephone 01785 619324	
23/38510/FUL	Playing Field, Church Lane, Hixon	63 - 74
	This application has been referred to the Planning Committee because the agent for the application, Mrs S McKeown, is the wife of the Planning Committees Chairman, Mr B McKeown.	
	Officer Contact - Sian Wright, Development Lead Telephone 01785 619528	
22/35957/FUL	Highfields Social Club, Barnes Road, Highfields	75 - 104
	Planning Committee resolved to approve the application on 9 November 2022 subject to the applicant entering into a s106 agreement as per the Officer's recommendation.	
	Officer Contact - Richard Wood, Development Lead Telephone 01785 619324	

Previous Consideration

Nil

Background Papers

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

Application:	22/36919/OUT
Case Officer:	Ed Handley
Date Registered:	13 January 2023
Target Decision Date:	14 April 2023
Extended To:	31 January 2024
Address:	Land Off Sandon Road and MOD 4 Site, Beaconside, Stafford
Ward:	Milwich
Parish:	Hopton and Coton
Proposal:	Outline planning application for residential development of up to 420 dwellings (Use Class C3) with supporting infrastructure (including green infrastructure, highways and associated works) and the demolition of existing buildings and structures. All matters are reserved other than means of access to the Site from Beaconside and Sandon Road
Applicant:	Homes England
Recommendation:	<p>That the Planning Committee delegate authority to the Head of Economic Development and Planning to approve the application subject to the highway authority confirming the area of land and financial sum required as a contribution towards a new roundabout (Sandon Road/Beaconside junction), in accordance with the conditions set out in the Agenda, and to the applicant entering into a s106 agreement with regard to:</p> <ul style="list-style-type: none">• Travel plan and associated monitoring fees.• Contribution towards 'public transport purposes'• Dedication of land to provide a roundabout and associated footways at the junction of Beaconside and Sandon Road.• Contribution towards the construction costs of a roundabout at the junction of Beaconside and Sandon Road.• Affordable housing provision.• Contribution towards education services.• Contribution towards mitigation measures in relation to impacts upon the Cannock Chase SAC.• Provision of on-site open space.

- Contribution to sports facilities.
- Biodiversity net gain.

UPDATE SINCE COMMITTEE DEFERRAL

1.0 Introduction

- 1.1 The application was deferred by the Planning Committee on 18 March to allow the applicant to address unanswered questions relating to biodiversity net gain and the Beaconside/Sandon Road roundabout.
- 1.2 Further information was requested regarding:
- A detailed assessment of the site access junctions.
 - Clarification on the additional evidence that has been provided to overcome the local highway authority's initial concerns.
 - The impact on BNG arising from the land-take required for the Beaconside/Sandon Road roundabout.
- 1.3 The application has not been amended, however the applicant has provided a transport clarification note and a BNG report addendum.
- 1.4 The local highway authority have been re-consulted so that their comments on the transport clarification note can be presented to the Committee; however, these will be verbally updated at the meeting.

Biodiversity net gain

- 1.5 The BNG report addendum sets out how a 1% enhancement would be achieved. The baseline is set by the initial survey of the site; taking into account the land-take for the roundabout the assessment was reviewed in March 2025, resulting in a net unit (and %) change as set out below:

	Baseline	Post-intervention	Total net unit change	Total net % change
Habitat units	60.02	51.10	-8.92	-14.86%
Hedgerow units	5.02	8.16	+3.14	+62.55%
River units	0.00	2.31	+2.31	+100%

- 1.6 It is noted that no habitat creation has been calculated as part of the roundabout design as the responsibility for this lies with Staffordshire County Council and would be delivered separately. The indicative hedgerow creation on the southern boundary of the site has been recalculated to follow the boundary of the land required for the off-site highway works.
- 1.7 To achieve a 1% BNG a total of 9.52 habitat units are required either on or off site to reach a total of 60.62 habitat units. This number is fixed at the outline stage, however in support of an application for the approval of reserved matters a revised BNG assessment will be required, based on the landscaping proposed, which will detail the mechanism for securing the additional 9.52 units. BNG would be secured via the mandatory condition and as part of the s106 agreement.
- 1.8 It is considered that this is acceptable in the context of paragraph 187 of the NPPF requirement that development secures an undefined net gain for biodiversity.

Site access junctions

- 1.9 The application documents identify two access points (a priority-controlled junction on Sandon Road and a four-arm roundabout on Beaconside) with no vehicular connectivity between the two within the application site. The recommendation conditions specify that no more than 120 dwellings could take access from the proposed Sandon Road junction.
- 1.10 The number of vehicle trips generated by 420 dwellings in each peak hour has been calculated using trip rates requested by, and agreed with, the local highway authority. The transport assessment submitted in support of the application made an assumption that 350 dwellings would use the Beaconside access and 70 would use the Sandon Road access.
- 1.11 The transport assessment sets out detailing modelling which confirms that the proposed Sandon Road junction would operate within acceptable capacity thresholds. The Stafford Transport Model, however, does include a residential development of 120 dwellings on the southern element of this application site (outline permission granted under 14/20816/OUT). Therefore, it has been demonstrated that the Sandon Road junction could operate within acceptable capacity thresholds as an access for up to 120 dwellings.
- 1.12 The detailed junction modelling presented in the transport assessment demonstrates that:
- The number of vehicle trips generated by the site was calculated using trip rates agreed with the local highway authority.
 - The proposed Sandon Road access can accommodate access for 120 dwellings.
 - Conditions would prohibit the Sandon Road access being used for more than 120 dwellings and parameter plans indicate there being no vehicular link between the Sandon Road and Beaconside accesses.

- The Beaconside roundabout would operate within capacity and improve congestion issues on Tollgate Drive.

1.13 The submission of additional information, as set out in the transport clarification note, has resulted in the local highway authority lifting their initial objection and concluding that the proposed development is acceptable.

Additional matters

- 1.14 For clarity, the comments of Hopton and Coton Parish Council, which were verbally presented to the Planning Committee on 18 March are set out below. As verbally advised to the Planning Committee at the time, there is no policy requirement for this development to contribute towards works to Hopton and Coton Parish Hall.
- 1.15 No further representations have been received since the application was deferred on 18 March.
- 1.16 The recommendation remains as made to the Planning Committee in March. However, condition 19 is revised to resolve a typographical error and now refers to drawing 2002 P05 in accordance with the highway authority comments made in February 2025, rather than version P03.

Conclusion

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

Consultations (summarised)

Hopton and Coton Parish Council:

- The site would be better used as a nature reserve.
- The impacts of new housing development should be minimised.
- It is risky for the proposed development to rely upon facilities from another site which has no clear timeline for completion.
- Local infrastructure should be improved through s106 funding.
- Hopton and Coton Village Community Hall and its grounds requires improvement and expansion to meet the needs of the large community which it would serve.
- Hopton is a rural village with historical significance. It is increasingly encroached upon by major development, eroding its rural character.
- Local infrastructure (fibre broadband, energy, roads) require updating and repair.

Recommendation

Approve subject to the following conditions:

1. This is a grant of outline consent for means of access only and before the development is commenced details of the appearance, landscaping, layout, and scale of the proposal (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development shall thereafter be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. This permission relates to the originally submitted details and specification and to drawing 21002 09 (Site location plan).
5. The submission of reserved matters application(s) pursuant to condition 1 of this outline consent shall be in broad accordance with the following parameter plans:
 - 21002 10 (Building heights and density)
 - 21002 11 (Green and blue infrastructure)
 - 21002 12 (Land use)
 - 21002 13 A (Movement)
6. Application(s) for the approval of reserved matters submitted pursuant to condition 1 of this outline consent shall be supported by an acoustic assessment to include any recommended scheme of noise mitigation measures.
7. Application(s) for the approval of reserved matters submitted pursuant to condition 1 of this outline consent shall be supported by a Tree Protection Plan and an Arboricultural Method Statement covering all aspects of development which are within root protection areas of retained trees or that have the potential to result in damage to retained trees.
8. Application(s) for the approval of reserved matters submitted pursuant to condition 1 of this outline consent shall include the following details:
 - Existing and proposed site levels and finished floor levels.
 - The alignment (including the width and gradient) and construction details of all roads, footways, footpaths, cycleways, and other means of access.
 - Pedestrian, cycle, and vehicular connectivity to and from the site from the west of the site.

9. Application(s) for the approval of reserved matters submitted pursuant to condition 1 of this outline consent shall be supported by the following details:
- Provision of bat bricks in 10% of dwellings.
 - Provision of woodcrete bat boxes in retained trees.
 - Provision of swift boxes within 10% of dwellings.
 - Lighting strategy to incorporate dark corridors and avoid light spill on trees T1, T2, and T3, bat boxes, and bat bricks.
10. No development shall commence unless and until a written scheme of archaeological investigation has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the programme of archaeological works to be carried out within the site, including post-fieldwork assessment, reporting, and appropriate publication.
- The archaeological site work shall thereafter be implemented in accordance with the approved scheme and timeframes contained therein.
11. No development shall commence unless and until a further ground investigation assessment has been submitted to, and approved in writing by, the local planning authority. The assessment shall be carried out in accordance with the recommendations set out at 8.1.6 of the Geo-environmental desk study (reference 5206018.LCA.001 v4.0). The development shall thereafter be carried out in accordance with the assessment and any mitigation measures recommended therein.
12. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR148, or a 'Further Licence') and with the proposals detailed on plan Land Off Sandon Road and MOD 4 Site: Impact plan for great crested newt District Licensing (Version 1)", dated 23 June 2023.
13. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR148, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.
14. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR148, or a 'Further Licence'):
- Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the Great Crested Newt Mitigation Principles.
 - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
15. No development shall commence unless and until a construction environmental management plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall be informed by the recommendations of the bat survey report (reference: 807134-WOOD-XX-XX-RP-OE-00001_A_C01 revision 3) and shall include:
- Detailed mitigation measures to minimise effects on bats due to lighting during construction.
 - Avoidance measures and precautionary method of working relating to potential wildlife on site, specifically with regard to badgers and hedgehogs.
16. No development shall commence unless and until a construction transport management plan (CTMP) has been submitted to, and approved in writing by, the local planning authority. The CTMP shall include details relating to construction access; hours of construction; routing of HGVs; delivery times; construction programme; the location of the contractors' compounds, cabins, loading and unloading areas, plant/material storage areas, and contractors' parking; and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. The development shall thereafter be carried out in accordance with the approved CTMP.
17. No development, except for demolition, shall commence unless and until a detailed surface water drainage design has been submitted to, and approved in writing by, the local planning authority.

The design shall further detail the key design principles of the Flood Risk Assessment and Drainage Strategy (5206018-FRA-0001, December 2022) approved at outline stage and shall demonstrate:

- Surface water drainage system(s) designed in accordance with the non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- Evidence of infiltration testing in accordance with BRE digest 365 shall be provided to fully demonstrate whether shallow infiltration via attenuation basins/permeable paving etc., is/ is not feasible within the development site.
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change event (40%) to 63 l/s.
- Provision of surface water runoff attenuation storage to achieve the limited discharge.

- SuDS design to provide sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff. All SuDS measures are to be demonstrated on the drainage plan.
- Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements.
- Calculations shall demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include as a minimum the 1:1 year, 1:30 year and the 1:100-year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
- Arrangements for the control of surface water as part of any temporary works associated with the permanent development
- Management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

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

18. The development shall be carried out in accordance with a dust management plan to control dust and other emissions during all phases of development which shall first have been submitted to, and approved in writing by, the local planning authority.
19. No dwellinghouse accessed from the A513 (Beaconside) shall be occupied unless and until the new access from the A513 and the associated Toucan crossing have been provided in accordance with details, which shall be broadly in accordance with drawing 5206018-ATK-RB-ZZ-DR-C-2002 P03, and which shall have first been submitted to, and approved in writing by, the local planning authority.
20. No dwellinghouse accessed from the B5066 (Sandon Road) shall be occupied unless and until the new access from the B5066 has been provided in accordance with details, which shall be broadly in accordance with drawing 5206018-ATK-PJ-ZZ-DR-C-1001 P02, and which shall have first been submitted to, and approved in writing by, the local planning authority. The B5066 access shall thereafter be restricted for the use of up to 120 properties only, except when in use as an emergency access onto the local road network should the primary access off the A513 be unavailable.

21. No dwellinghouse shall be occupied unless and until a 3.5m wide shared use path along the site boundary on the A513 (Beaconside) and B5066 (Sandon Road) has been provided in accordance with details which shall first have been submitted to, and approved in writing by, the local planning authority.
22. The development hereby permitted shall not be brought into use unless and until a travel plan has been submitted to, and approved in writing by, the local planning authority. The travel plan shall set out proposals (including a timetable) to promote travel by sustainable modes and report to the local highway authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

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

1. This is a grant of outline planning permission only.
2. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
3. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
4. To define the permission.
5. To define the permission.
6. To safeguard the occupiers of the approved dwelling(s) from undue noise. (Policy N1e of The Plan for Stafford Borough).
7. To enable the Local Planning Authority to consider the scheme of development and the landscaping proposals in relation to the existing trees and hedges. (Policy N4 of The Plan for Stafford Borough).
8. In order to ensure ease of movement and permeability in to, out of, and within the development. (Policy N1 (o) of The Plan for Stafford Borough).
9. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost and that the development results in a net gain in biodiversity. (Paragraph 187 of the National Planning Policy Framework).
10. In order to ensure that an appropriate record is kept of a heritage asset in accordance with paragraph 218 of the National Planning Policy Framework.
11. In order to ensure that adequate provision is made to safeguard human health. (Paragraph 196 of the National Planning Policy Framework and policy N1e of The Plan for Stafford Borough)

12. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR148, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
13. In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
14. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR148, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
15. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 187 of the National Planning Policy Framework).
16. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
17. To prevent the increased risk of flooding both on and off site (Policy N2 of the Plan for Stafford Borough).
18. In order to ensure that adequate provision is made to safeguard human health. (Paragraph 196 of the National Planning Policy Framework and policy N1e of The Plan for Stafford Borough).
19. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
20. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
21. In the interests of the safety and convenience of pedestrians. (Policy T1 and N1o of The Plan for Stafford Borough).
22. In order to encourage the use of sustainable transport modes and reduce the impact of traffic from new development on the road network. (Policy T1 (b, d, and g) of The Plan for Stafford Borough).

Informatives

- 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 2024, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

- 2 It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR148, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground /vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife and Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

- 3 The applicant's attention is drawn to the comments of various consultees, and in particular the local highway authority, the Environment Agency, Cadent, Staffordshire Police, and Staffordshire Fire and Rescue Service. All comments can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).
- 4 The applicant's attention is drawn to the protected status of nesting birds and the requirement that they are not disrupted during the nesting season (March to August).

Previous report heard at Special Planning Committee 18 March 2025

Application:	22/36919/OUT
Case Officer:	Ed Handley
Date Registered:	13 January 2023
Target Decision Date:	14 April 2023
Extended To:	31 January 2024
Address:	Land Off Sandon Road and MOD 4 Site, Beaconside, Stafford
Ward:	Milwich
Parish:	Hopton and Coton
Proposal:	Outline planning application for residential development of up to 420 dwellings (Use Class C3) with supporting infrastructure (including green infrastructure, highways and associated works) and the demolition of existing buildings and structures. All matters are reserved other than means of access to the Site from Beaconside and Sandon Road
Applicant:	Homes England
Recommendation:	<p>That the Planning Committee delegate authority to the Head of Economic Development and Planning to approve the application subject to the highway authority confirming the area of land and financial sum required as a contribution towards a new roundabout (Sandon Road/Beaconside junction), in accordance with the conditions set out in the Agenda, and to the applicant entering into a s106 agreement with regard to:</p> <ul style="list-style-type: none"> • Travel plan and associated monitoring fees. • Contribution towards ‘public transport purposes’ • Dedication of land to provide a roundabout and associated footways at the junction of Beaconside and Sandon Road. • Contribution towards the construction costs of a roundabout at the junction of Beaconside and Sandon Road. • Affordable housing provision. • Contribution towards education services. • Contribution towards mitigation measures in relation to impacts upon the Cannock Chase SAC. • Provision of on-site open space.

- Contribution to sports facilities.
- Biodiversity net gain.

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Planning Committee because it relates to development which is classified as 'large scale major' which the Council's Constitution specifies is determined by the Planning Committee.

CONTEXT

1.0 Site and surroundings

- 1.1 The application site comprises 16ha of land to the north of Stafford. The southern roughly triangular part of the site (4.4ha) was last in agricultural use, whilst the remaining northern rectangular portion is currently in use by the Ministry of Defence (MOD).
- 1.2 The site is located to the north of Beaconside (A513), adjacent to the junction with Sandon Road. The land is enclosed by hedgerows and security fences and there are a number of buildings, structures, and areas of hardstanding which would be removed from the site.
- 1.3 The site is surrounded to the north, west and east by the north of Stafford Strategic Development Location (SDL) as identified in the Plan for Stafford Borough (TPSB). The northern part of the site is allocated as MOD safeguarded land whilst the southern part is unallocated in the TPSB, although it is noted that outline consent was granted for up to 120 dwellings on this part of the site in 2017.
- 1.4 The site is within the following designations:
- Flood zone 1
 - 15km of the Cannock Chase Special Area of Conservation (SAC)
 - The buffer zone of a former landfill site
 - Red, amber, and green impact risk zones for Great Crested Newts (GCN).

A public right of way (Hopton and Coton 11) runs north-south to the east of the site, and there are tree preservation orders on the southern part of the site.

2.0 The proposal

- 2.1 This application is for outline consent for the provision of up to 420 dwellings and supporting infrastructure with only means of access for consideration at this stage.

- 2.2 The supporting information identifies two proposed access points (one from Beaconside and one from Sandon Road) and an additional five potential links into the surrounding area; SuDS features and green infrastructure; children's play areas; and a pumping station.
- 2.3 Parameter plans demonstrate a density of up to 40 dwellings per hectare, predominantly two storeys in height with a proportion of 2.5 storeys to provide variation in the urban form, and a small number of landmark buildings which may be up to three storeys in height to aid legibility and wayfinding. An indicative layout is proposed to demonstrate how the scheme could be developed.

3.0 Development plan framework

- 3.1 Section 38(6) of the 2004 Planning and Compulsory Purchase Act and section 70 of the Town and Country Planning Act (as amended) require decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 The development plan for the purposes of this application comprises The Plan for Stafford Borough 2011-2031 Parts 1 and 2.

OFFICER ASSESSMENT – KEY CONSIDERATIONS

4.0 Principle of development

- 4.1 The application site is surrounded on three sides by the north of Stafford SDL (a strategic housing site) and to the south by the Tollgate Industrial Estate at the north end of Stafford.
- 4.2 Following the publication of the NPPF in December 2024 and with its new mandatory housing targets Stafford Borough does not currently have a 5 year housing land supply and consequently settlement boundaries for the purposes of new residential development no longer carry any weight. A 'tilted balance' is therefore engaged where the NPPF 'presumption in favour of sustainable development' is applied as set out in paragraph 11.
- 4.3 Notwithstanding this, the site is considered to be within a sustainable location with being surrounded by the north of Stafford SDL, its proximity to the built up area of Stafford and the level of services which Stafford provides with being the largest settlement in the borough.
- 4.4 On this basis the development of up to 420 dwellings in this location is considered to be acceptable, in principle, but subject to other material considerations being satisfied as discussed later in this report.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 7, 8, 10, 11, 48, 50, 61

The Plan for Stafford Borough

SP1 Presumption in favour of sustainable development;

Stafford 2 North of Stafford;

5.0 Character and appearance, heritage conservation

Character and appearance

- 5.1 The application site comprises an MOD complex to the north of Stafford and an additional parcel of agricultural land. To the north, west, and east is agricultural land which form part of the north of Stafford SDL, an allocated residential-led mixed use development location. Consequently, it is accepted that the character of the wider surroundings will drastically change in the near future with the development of the north SDL. To the south, on the other side of Beaconside (A513) is Tollgate Industrial Estate.
- 5.2 The site's northern boundary is predominantly defined by fences whilst the southern part is bound by hedgerows and trees in small groups. The site slopes down gently from northeast to southwest.
- 5.3 The development of up to 420 dwellings on this site would result in significant visual changes, although in the context of the forthcoming development of the eastern part of the surrounding SDL it is considered that, in principle, this would not result in adverse harm to the character and appearance of the area. Finer details of any scheme would also be secured via the approval of subsequent reserved matters application(s) in relation to the appearance, landscaping, layout, and scale of the development.
- 5.4 The application is supported by a Landscape Visual Impact Assessment (LVIA) which considers the likely effects of the proposed development upon the local landscape character and visual amenities within the area. The site is described as being on the urban fringe of Stafford with an industrial estate to the south and large open fields to the other directions; as having low landscape sensitivity; and as having limited visual receptors.
- 5.5 The LVIA recommends mitigation planting to offer screening for the proposed development and to facilitate its integration into the landscape. The LVIA further notes that the surrounding landscape will be subject to significant change from the strategic development location which envelopes the site and into which the proposed development would eventually amalgamate visually.
- 5.6 The LVIA therefore concludes that the proposed development could be delivered without undue permanent harm to the landscape character and visual receptors. It is not considered that there is any reason to challenge the conclusion of the LVIA and this conclusion is accepted. Any landscaping scheme (the subject of any future reserved matters application) would need to ensure the retention of landscape features where possible and the provision of appropriate planting to provide visual screening.

- 5.7 The Council's Design Advisor, whilst making comments regarding the extent of matters which can be reserved, raises no objection to the principle of development, advising that the design and access statement supporting the application demonstrates a good understanding of the site and its broader context. The indicative drawings are considered to be broadly acceptable and it is clear that a well-designed residential development could come forward which would align well with the structure and grain of the surrounding SDL site.
- 5.8 Concerns are raised, however, with regard to the indicative drawings in relation to the prevalence of on-street parking; the need to provide open, legible, and safe routes through the development; and the need to ensure meaningful interconnectivity with the adjacent development sites. It is considered that these elements of a detailed scheme would however be considered at the reserved matters stage and therefore do not constitute a reason for the refusal of this application.

Heritage conservation

- 5.9 The Council's Conservation Officer confirms that there are no designated heritage assets within, or adjacent to, the site. The submitted heritage assessment refers to two non-designated heritage assets within the site which are identified on the Staffordshire Historic Environment Record.
- 5.10 There are WWII buildings remaining on the site (five buildings in the centre of the site representing the core of the original WWII satellite site, three to the north, five air raid shelters, various boundary walls, and street furniture original to the camp). Most of these structures are relatively intact although there have been some unsympathetic modifications the buildings hold individual and group value.
- 5.11 The Council's Conservation Officer states that the site has significance as it is one of four satellite camps to MOD Stafford built during WWII, however the type and design of the buildings are not uncommon and there are plenty of other examples which survive elsewhere in the country and the significance is of a local magnitude. The site is surplus to MOD requirements, and they have disposed of the site, depriving it of its original purpose.

Archaeology

- 5.12 The County Archaeologist advises that the site has high potential for surviving built and below ground archaeology relating to post-medieval to modern (WWII) activity within the site, although the construction of the MOD satellite site likely disturbed earlier archaeological remains in that location. The other parcel of land (agricultural land south of the MOD complex) is more likely to hold below ground remains.

- 5.13 It is recommended that a programme of historic building recording be carried out, sufficiently in advance of any stripping out or demolition works, to a level consistent with a level 2 survey as outlined by Historic England and to include all of the original standing buildings, air raid shelters, isolated walls, and street furniture, both individually and as a group. Furthermore, an archaeological watching brief should be completed on the agricultural land prior to the commencement of development, in the areas identified in the application documents as containing the out-farm and brick kiln. Such provision should be secured by condition.
- 5.14 The Council's Conservation Officer confirms agreement with the recommendations of the County Archaeologist and raises no objection to the proposed development of the site.
- 5.15 It is considered that, subject to conditions, the proposed development would be acceptable with regard to heritage conservation and matters of character and appearance.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 131, 135, 137, 139, 202, 207, 208, 210, 216, 217, 218

The Plan for Stafford Borough

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

Supplementary Planning Document (SPD) – Design

6.0 Amenity and public health

Residential amenity

- 6.1 There is a small group of houses abutting the application site on the eastern boundary off Sandon Road. Numbers 1-3 back onto the application site and benefit from rear gardens of ample size whilst number 4 shares its rear and side boundaries.
- 6.2 It is clear that a detailed scheme could come forward, at reserved matters stage, which would not result in any undue harm with regard outlook and privacy to existing residents and to for future occupiers of the application site.

Ground contamination

- 6.3 The application is supported by a Phase 1 contaminated land risk report, noise and vibration report, and air quality assessment. The Council's Environmental Health Officer, having considered these reports, raises no objection to the proposed development. It is, however, considered that conditions are required with regard to these matters.

- 6.4 The contaminated land report recommends further investigation at paragraph 8.1.6 which should be secured by a pre-commencement condition and which is also recommended by the Environment Agency who raise no objection. The Environment Agency advising that otherwise the proposed development would be contrary to paragraph 184 of the NPPF without such mitigation being secured as there would be no guarantee that the development would not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. Paragraph 191 puts the responsibility for securing a safe development on the developer and/or landowner.
- 6.5 An informative should be attached to any approval to bring the other comments and advice from the Environment Agency to the attention of applicant.

Noise and dust

- 6.6 The noise report advises that any application for the approval of reserved matters be accompanied by a detailed noise assessment and mitigation scheme; a condition to secure this is considered to be appropriate. A pre-commencement condition to secure mitigation measures regarding dust management is also considered to be appropriate.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 135, 184, 191

The Plan for Stafford Borough

Policies: N1 Design

Supplementary Planning Document (SPD) - Design

7.0 Highway matters, access and parking

- 7.1 The site is adjacent to the north of Stafford SDL which will deliver over 3,000 dwellings and local facilities, approximately 2.6km from the town centre.
- 7.2 The proposal includes the provision of a four-arm roundabout at the A513/Tollgate Drive junction and a ghost island priority junction off Sandon Road. Other off-site highway works proposed include pedestrian/shared footways and crossings.
- 7.3 The application is supported by a Transport Assessment (TA) which concludes that the proposed site access junctions (and additional road improvements carried out as part of the SDL development) are predicted to operate within acceptable capacity thresholds; that safe and suitable access to the site can be achieved for all users; and that the residual cumulative impacts on the road network would not be severe.
- 7.4 The local Highway Authority initially raised objection to the proposed development, raising concerns regarding the following:

- There is no indication of the timescales for the proposed development and parts of the SDL providing improvements which do not yet benefit from detailed approval.
- The development would be reliant on schemes from a different development on adjacent sites to provide the infrastructure required and there is insufficient evidence to demonstrate that the proposal would meet connectivity guidelines without relying upon other development which may not come forward.
- There is no indication as to how the vehicular connection into the SDL site would be secured. There is no condition or obligation which secures a connection from the adjacent site into this site. Until such an agreement is in place, the application must be assessed on its own merits without any direct connection to the facilities proposed on the SDL site.
- There are no bus stops within 400m of the site and it is unclear how any bus stops would be accessed safely from the site.
- It is unclear how pedestrians and cyclists would access schools, food stores, and health facilities. The connectivity and quality of routes would not meet guidelines for walking and cycling.
- A footway/cycleway should be provided along the site frontage to connect to existing and proposed routes along Beaconside.
- No safe controlled crossings on Beaconside are proposed.

7.5 During the course of the consideration of the application the applicant provided a technical note as an addendum to the TA along with a written response to the local Highway Authority. The written response refers to the commitment for the delivery of the SDL site as an allocation in the local plan and the reference to connections into the application site from the SDL within the approved masterplan, amongst other things. The technical note sets out a timeline showing the delivery of local amenities in the SDL site, an assessment of walking and cycling routes, an identification of existing bus routes, a calculation of person trip generation from the proposed development, and interim off-site highway works as well as junction modelling. The note concludes that the site can be accessed by a choice of sustainable transport modes in an interim scenario without reliance upon the full build out of the north of Stafford SDL. The technical note further outlines the view that any significant improvement to bus services in the interim scenario would not be proportionate to the impact from the proposed development. The technical note reasserts the view that the proposed development would not result in an unacceptable impact upon highway safety and that the residual cumulative impacts on the road network would not be severe.

- 7.6 Further to this, an access improvement strategy document was submitted in July 2024. The document sets out the view that the proposed development can be acceptable in the absence of the infrastructure committed within the SDL site and concludes that a safe and suitable access can be achieved for all users without reliance on infrastructure being delivered elsewhere; that alterations to the number 11 bus could create opportunities to maximise sustainable transport for the site and wider area; and that the proposed development is acceptable on highway grounds.
- 7.7 Numerous representations have been made by the local Highway Authority with regard to the submissions made by the applicant, culminating in that received in February 2025 raising no objection, subject to a number of conditions and planning obligations.
- 7.8 In raising no objection, the local Highway Authority made the following (summarised) comments:

The primary vehicular access would be via a four-arm roundabout off the A513, replacing the priority junction with Tollgate Drive. A local vehicular access for up to 120 properties is a proposed ghost island priority junction off Sandon Road; this access would form an alternative emergency access onto the local road network should the main access not be available. A 3m wide shared footway/cycleway would be provided on the western side of Sandon Road, and speed limits would be reduced to 40mph then to 30mph on this stretch of road.

A 33m inscribed circle diameter (ICD) roundabout at the junction of Sandon Road and Beaconside would not be suitable for forecasted traffic flows and a 41m ICD roundabout is required. The applicant's initial modelling was based on a 41m roundabout. The land under the control of the local highway authority would only allow for a 33m roundabout and would not allow for the continuation of the footpath/cycleway on Beaconside and Sandon Road to connect. Land should be secured and a financial contribution made towards the provision of a 41m roundabout. The applicant has acknowledged that such provision is an opportunity to maximise sustainable transport solutions and have agreed to dedicate land and make a financial contribution towards the provision of a roundabout and footway/cycleway along Beaconside.

The proposed temporary measure, to enhance public transport use, of a £338,000 contribution over five years would facilitate the expansion of the number 11 bus service by 3 hours per day during weekdays and 11 hours on a Saturday.

The route of the number 11 service would need to be temporarily extended in the application site to ensure that there is a bus stop within the 400m recommended walking distance. The applicant should demonstrate how a bus service could operate within the site.

A 3.5m shared footway/cycleway is required along the north side of Beaconside and Sandon Road. Furthermore, a link from the site into the adjacent SDL site to the west would assist in resolving connectivity issues; the link should be adequate to accommodate cyclists, pedestrians, and vehicles (including buses).

The travel plan submitted in support of the application requires revising to tie in with the trips forecast in the transport assessment, to include annual automatic traffic counts in the survey mechanism, seek a 50% response rate to questionnaire survey, and include a four-week free taster bus ticket to encourage the use of new bus services.

In order to enhance road safety and connectivity a toucan crossing is proposed on Beaconside; further details, including street lighting and speed restrictions, will need to be agreed as part of the highway works agreement with Staffordshire County Council.

7.9 The following conditions are recommended, as shown in italics, and which are then considered:

1) *Further details to form part of a reserved matters application.*

The majority of additional information set out in the first recommended condition would be covered by the definitions of the reserved matters as set out in the Development Management Procedure Order or other conditions and, therefore, their inclusion would constitute unnecessary duplication. However, it would be appropriate to ensure that reserved matters applications include details of the alignment (including width and gradient) of connection points to and from the neighbouring SDL site (west) for pedestrians, cyclists, and motor vehicles.

2) *Construction management plan relating to temporary construction impacts.*

It is considered appropriate for a construction management plan relating to temporary construction impacts to be secured by condition.

3) *Provision of the new accesses off Beaconside and Sandon Road, and Toucan crossing at the Beaconside access; the Sandon Road access to be restricted for the use of up to 120 properties and form an emergency alternative access.*

It would be entirely reasonable to attach a condition to ensure that the construction of the vehicular access into the site is completed before any dwelling which would rely upon that access is first occupied. The provision of appropriate crossing points associated with these junctions (including the Toucan crossing on Beaconside) should also be secured. It is understood that modelling has been carried out to demonstrate that the proposed ghost island off Sandon Road would be suitable for up to 120 properties; consequently, limiting the number of properties to be accessed off this new junction (except for in emergency situations) to 120 properties is considered to be reasonable.

- 4) *Provision of 3.5m shared use path along the site boundary with Beaconside and Sandon Road prior to first occupation.*

The provision of a 3.5m wide shared use path along the site boundary with Beaconside should be secured by condition.

- 5) *Development to be occupied in accordance with a revised travel plan to be submitted and approved prior to first occupation.*

It is considered appropriate for a revised travel plan to be secured by condition; a travel plan would assist in ensuring that the need to travel by private car is reduced and that the use of more sustainable modes of transport is maximised.

- 6) *Provision of bus stop and bus turning facility within the site prior to occupation of 50th dwelling. Retention for five years or completion of development, whichever is sooner.*

It is not considered that provision for a bus service to run through the site, including bus turning facility and bus stop, would be required to make the proposed development acceptable. Furthermore, requiring a bus connection through this site into the SDL would further constrain the layout of the SDL site without the proper consideration afforded to such a decision. This application site is immediately adjacent to Beaconside and Sandon Road, both of which could serve bus routes; and, furthermore, the North of Stafford SDL would require enhanced bus services under policy Stafford 2 of The Plan for Stafford Borough. It is considered that a financial contribution towards bus services as an interim measure until the SDL comes forward is an appropriate method to mitigate this concern; a temporary bus-stop layby could also be secured as part of a major works agreement with Staffordshire County Council for the proposed (Tollgate Drive) roundabout.

- 7.10 Further to the above, the local Highway Authority are seeking a 55m ICD roundabout at the junction of Sandon Road and Beaconside in order to provide a betterment and ensure that the local highway network is sustainable into the future. A proportionate (land and financial) contribution to this larger roundabout is sought on the basis that the development would necessitate the provision of a 41m ICD roundabout; the contribution and land dedication should form part of a s106 agreement.

- 7.11 It is also considered that the requested obligations, listed below, be secured via a s106 agreement are considered to be reasonable and any approval should therefore be subject to the applicant entering into a s106 agreement.

- a) *Contribution of £6,000 towards residential travel plan monitoring.*
- b) *£5,000 additional school sum for the travel plan.*
- c) *£338,000 for 'public transport purposes' commencing after the occupation of the first 50 dwellings and thereafter proportioned annually over a 5-year period.* It is understood that this would provide for an extension (with regard to a route

extension and the hours served) to the existing number 11 bus service for a temporary period.

d) Contribution of land (7,500sqm) to facilitate the provision of a roundabout with appropriate footways and cycleways at the junction of Beaconside/Sandon Road and the provision of a 3.5m cycleway/footway on Sandon Road.

e) Financial contribution (sum estimated to be approximately £630,000) towards the construction costs of the Beaconside/Sandon Road junction roundabout.

7.12 The local Highway Authority make reference to the need for approval under the Highways Act 1980 and highway works agreements with Staffordshire County Council. In order to bring these comments to the attention of the applicant, an informative should be attached to any approval.

7.13 A public right of way runs adjacent to the application site; the County Rights of Way Officer raises no objection to the proposed development, however it is considered that the proposal would likely result in greater use and therefore a financial contribution was initially requested towards improvements to local routes. Notwithstanding this, it has since been confirmed that Staffordshire County Council does not currently have the legal framework in place to request s106 funding with regard to this matter.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 105, 112 and 113

The Plan for Stafford Borough

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

8.0 Ecology and biodiversity

Special Areas of Conservation

8.1 The proposal would result in a net increase in dwellings within 15km of the Cannock Chase SAC and therefore an appropriate assessment under the habitat regulations needs to be carried out. The latest evidence suggests that the SAMMMs (Strategic Access Management and Monitoring Measures) will deliver sufficient mitigation and avoidance measures to prevent any likely significant effect arising towards the Cannock Chase SAC from residential development in this area. It is considered that any likely significant effects to the Cannock Chase SAC would be appropriately mitigated through financial contributions provided towards the SAMMMs (at a rate of £344.01 per net additional dwelling). Natural England confirm agreement with this conclusion.

- 8.2 The application site is also 5.9km from the Pasturefields Salt Marsh SAC and 8.9km from the West Midlands Meres and Mosses SAC and RAMSAR. The applicant has provided a statement in support of the application which concurs with the above assessment regarding the Cannock Chase SAC and impacts to the other European sites noted above are screened out. Given the context of the site, the nature of the application, and separation distances from these sites the council has not carried out a further screening under the habitat regulations with regard to these European sites.
- 8.3 Furthermore, Natural England advise that based on the application documents it is not considered that the proposed development would result in damage or destruction of the interest features for which the Cannock Chase SSSI has been notified.

Biodiversity net gain

- 8.4 The application was made before the BNG (biodiversity net gain) condition became mandatory and, therefore, it is considered to be exempt from national BNG requirements. In the absence of mandatory BNG, the NPPF and The Plan for Stafford Borough both seek to ensure net gains for biodiversity. The application is supported by a BNG assessment which concludes that the proposed development could achieve a gain in hedgerow units and river units (through the creation of ditches) and a loss in habitat units.
- 8.5 The Council's Biodiversity Officer advises that, whilst the proposed biodiversity net gain is disappointing and somewhat contradicts the aspirations set out within the applicant's design statement, it technically meets the relevant (non-mandatory) standards of BNG. Whilst the Biodiversity Officer initially requested that biodiversity net gain is reviewed and a greater enhancement secured, it is not considered that there is any policy justification to require this and the proposed development is considered to be acceptable in this regard. The applicant proposes a 1% gain by virtue of a financial contribution towards off-site habitats.

Protected species

- 8.6 The preliminary ecological appraisal submitted in support of the application identified no evidence of badgers although there is clearly potential for nesting birds. Further bat surveys and great crested newt surveys were submitted in support of the application which identified populations of both protected species within the site. Newts were found to be present in one pond and, whilst translocation could be possible, the Newt Officer has confirmed that the applicant has joined the District Licence Scheme and raises no objection, subject to conditions to ensure that the development is carried out in compliance with the conditions of Stafford Borough Council's District Licence.

- 8.7 A Natural England licence would be required with regard to works in the presence of bats and recommendations are made within the report in order to avoid and mitigate any harm in this regard. The Council's Biodiversity Officer raises no objection to the proposed development, advising that the recommendations made in the bat survey report (paragraph 4.2) should be secured by condition. It is recommended that the development is carried out in accordance with a construction environmental management plan (CEMP) to be secured by condition; the CEMP should include precautionary and avoidance measures for potential wildlife on site, including but not limited to pre-works checks for badgers, the provision of means of escape in any excavations left open overnight, and precautionary working methods for hedgehogs. An ecological management and monitoring plan should be secured by condition to ensure that mitigation objectives are achieved. Furthermore, a number of conditions are recommended to secure the provision of bat bricks and swift boxes within 10% of dwellings in appropriate locations; the installation of woodcrete bat boxes in mature trees to be retained; external lighting of a design to avoid light spill on bat boxes; and the provision of hedgehog gaps in fences.
- 8.8 Whilst the Biodiversity Officer recommends a condition to prohibit works to trees and hedgerows during bird nesting season, it is considered that nesting birds are more appropriately protected under separate legislation and therefore this matter should be covered by an informative attached to any approval bringing the protected status of nesting birds to the attention of the applicant.

Arboricultural

- 8.9 The application is supported by an arboricultural report which identifies numerous trees dispersed across the site and the Council's Tree Officer confirms that these have been assessed objectively. The Tree Officer raises no objection to the proposed development, stating that, in principle, the proposal would be deliverable provided there is adequate protection of valuable trees. As demolition of the existing buildings could present a problem to retained trees further information will be required, to include an Arboricultural Impact Assessment with an associated Tree Protection Plan, plus an Arboricultural Method Statement to cover suitable working methods around the retained trees from initial site preparation through to the final landscaping. This information should be secured by condition.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 8, 125, 162, 164, 192, 193, 195, 196, 197

The Plan for Stafford Borough

Policies: N2 Climate change; N4 The natural environment and green infrastructure; N5 Sites of European, national and local nature conservation importance; N6 Cannock Chase special area of conservation; I1 Infrastructure delivery policy

9.0 Flood risk and drainage

9.1 The application site is within flood zone 1 where flood risk is low. The application is supported by a flood risk assessment and drainage strategy which concludes that there is a low risk of fluvial flooding and a moderate risk of pluvial flooding due to the topography and context of the site. However, it is stated that this risk can be mitigated using flood risk management measures. The drainage strategy refers to the incorporation of the following flood risk management measures:

- Maintenance of a corridor to accommodate the existing surface water flow paths which pass through the site.
- The finished floor level of all dwellings at least 0.15m above adjacent external ground levels.
- Direction of surface water away from buildings via external ground profile.
- Modification of ground profile to eliminate isolated depressions where water could accumulate.
- A positive surface water drainage system which will intercept run-off from roofs and paved areas.

Surface water would then be discharged to the unnamed watercourse to the west of the site via pipework, as infiltration is not considered viable, limited to the average annual (QBAR) greenfield equivalent run-off rate. SuDS features including retention basins, swales, bio-retention/filter strips, filter drains, and permeable paving are proposed.

9.2 The Lead Local Flood Authority raise no objection to the proposed development, subject to conditions to ensure that the full detailed drainage design and suitable ongoing management and maintenance is secured.

10.0 Other

10.1 The Council hold no record of any high-pressure pipelines or other hazardous installations within or immediately adjacent to the site; including data from the Health and Safety Executive, National Gas, National Grid, and Cadent. It is acknowledged that, in objecting to the proposed development, a neighbouring resident makes reference to gas pipelines within the application site. However, no objection is raised regarding the application from the relevant technical bodies. The Health and Safety Executive advise that the application site does not lie within the consultation distance of any major hazard site or major accident hazard pipeline and therefore they do not require consultation. Cadent advise that there are medium and low-pressure assts in the vicinity of the site but their plans do not show any service pipes which may serve gas meters at individual properties. Cadent raise no objection but recommend an informative note on any approval to bring to the attention of the applicant the presence of Cadent's assets and advise that the developer makes an enquiry through LSBUD (line search before you dig) so that an appropriate risk assessment can be carried out.

- 10.2 The application is supported by a Minerals Safeguarding Assessment which concludes that there is no viable minerals resource present on the site. The site is not within an area designated as a safeguarding area and therefore it is not considered that any further action is required in this regard.
- 10.3 Staffordshire Police Service raise no objection to the proposed development although a number of comments are raised with regard to design. It is noted that the introduction of a new roundabout and the addition of signalised crossing points along Beaconside are supported. Comments are made with regard to potential implications of a secondary vehicular access off Sandon Road, however the concerns raised regarding the speed limit in this area are not shared by the local Highway Authority; as the professional experts in this field, it is considered that the views of the Highway Authority should be afforded more weight than those of Staffordshire Police's Design Officer. It is considered that the various comments made with regard to design should be brought to the attention of the applicant via an informative on any approval and thereafter consideration can be given to these matters in drawing up a detailed design for submission seeking approval of reserved matters.
- 10.4 Staffordshire Fire and Rescue Service raise no objection to the proposed development, however standard comments are offered with regard to the need for appropriate vehicle access and supplies of water for firefighting at the site and the recommendation that domestic sprinkler systems are installed within the proposed dwellings. It is considered that the comments of the Fire Service should be brought to the attention of the applicant via an informative attached to any approval.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 8, 125, 162, 164, 170, 172, 176, 177, 178, 181, 196, 197

The Plan for Stafford Borough

Policies: N2 Climate change; N4 The natural environment and green infrastructure

11.0 Planning obligations

- 11.1 Should the application be approved a s106 agreement would be required to secure the aforementioned contribution to the Cannock Chase SAC SAMMMs. Furthermore, any such s106 agreement should include schedules with regard to contributions towards education provision, open space and sports facilities provision, affordable housing and a biodiversity net-gain of 1%. It is noted that the local care board has requested a contribution towards improvements to the primary care network, however as outlined below it is not considered that such an obligation would be appropriate at this time.

- 11.2 Policy I1 states that new development which provides additional residential development will be supported by appropriate levels of physical, social and environmental infrastructure at a timely stage, as identified in the Infrastructure Delivery Plan (IDP). The IDP was published in 2012 and identified that health investment was required to facilitate the Strategic Development Locations but did not specify any requirements for windfall development. The Staffordshire and Stoke-on-Trent Care Board raise no objection to the scheme, but request a contribution of £312,510 towards local health infrastructure.
- 11.3 The NPPF states at paragraph 57 that:
- “Planning obligations must only be sought where they meet all of the following tests:*
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.”*
- 11.4 In this instance, the requested public health infrastructure contribution is not considered to be directly related to the proposed development as it has not been identified how the contribution would be related to additional patients resulting from the proposed development. It is also not considered to be necessary to make the development acceptable in planning terms as Policy I1 and the IDP do not specify the requirements for windfall developments of this nature. As such, it is not considered reasonable to require a contribution to public health infrastructure.
- 11.5 Further to this, with regard to the consideration given in section 7 of this report, the following highways matters should be secured as part of any s106 agreement:
- a. Development to be occupied in accordance with a travel plan.*
 - b. £6,000 towards residential travel plan monitoring.*
 - c. £5,000 additional school sum for travel plan.*
 - d. £338,000 towards ‘public transport purposes’ commencing following the occupation of the first 50 dwellings and proportioned annually over a five-year period.*
 - e. Contribution of land to provide a roundabout with appropriate footways and cycleways at the junction of Beaconside/Sandon Road.*
 - f. Financial contribution (estimated to be £630,000) towards the construction costs of the roundabout.*
 - g. Contribution of land to provide a 3.5m cycleway/footway on Sandon Road.*

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 56, 58

The Plan for Stafford Borough

Policies: C1 Dwelling types and sizes; C2 Affordable housing; C7 Open space, sport, and recreation; N6 Cannock Chase Special Area of Conservation; I1 Infrastructure delivery policy

12.0 Conclusion and planning balance

- 12.1 The application site is considered to be in a sustainable location within the settlement of Stafford where residential development is supported. The inherently sustainable location within the settlement of Stafford at the top of the Borough's settlement hierarchy suggests that public transport routes could be sustained in the immediate vicinity of the site along Beaconside and that it would not be necessary for such provision to be secured within the site to make this development acceptable. However, all other highway matters could be appropriately resolved via condition.
- 12.2 The impacts upon the historic environment within the MOD site are considered to be acceptable subject to a programme of building recording; the impacts upon the wider landscape are considered to be acceptable on the basis that the site is surrounded on three sides by the north of Stafford SDL which will be coming forward as a major allocated residential development. Sufficient information has been provided to demonstrate that matters of public health, public safety, and amenity can be appropriately mitigated through appropriately worded conditions and the submission of a policy compliant detailed scheme at reserved matters stage.
- 12.3 Notwithstanding the need for a licence from Natural England regarding protected species, other ecological matters can be mitigated appropriately via a planning obligation and conditions as set out in section 11 of this report. Similarly, matters of drainage can also be dealt with via condition.
- 12.4 Standard obligations and a number of other highway-related matters should be secured via s106 agreement.
- 12.5 It is considered that the application should be approved, subject to conditions and to the applicant entering into a s106 agreement.

CONSULTATIONS (summarised)

Design Advisor:

(Comments dated May 2023):

No objection.

- It should be noted that whilst the application only seeks approval of access and the maximum number of residential units, the definition of 'access' set out in the Development Management Procedure Order should be understood from the outset.

This sets out that in practical terms, the arrangement and disposition of the road, cycle, and pedestrian networks of the development are bound within the definition of access.

- The layout and related design information should be acceptable prior to approval to ensure that the scheme would deliver an overall quality of design which complies with and reflects the standards set out in the National Design Guide and other design related policies.
- Approval of outline consent should require the submitted indicative layout to act as an explicit reference to which the future reserved matters applications are bound to, with any subsequent divergence from the approved 'access' element therefore being discordant with the outline approval.
- The D&A demonstrates a good understanding of the site and its broader context.
- It is commended that the scheme is seeking to deliver a development which is an improvement over the more standard housing developments around the site. Consequently, the more urban solution indicated is not necessarily unacceptable from a contextual compatibility perspective.
- The strong urban structure, natural hierarchy of the street typologies and apparently high level of landscape/planting provision to the streets and public spaces is a key element in establishing quite a distinctive identify to the development and is broadly considered a significant positive to the underlying character and quality of the scheme.
- The indicative layout is considered to provide a coherent, rational, and relatively compact block structure which broadly reflects good urban design principles in that the streets are defined by the built form and activated by their active frontages. The structure and grain of the layout is disposed in a manner that would spatially align well with the adjacent structure and grain of the surrounding SDL sites and this should provide a fairly legible continuity of street scenes and built form between adjacent developments. This aspect is considered an important approach to creating the conditions whereby well-related connected development is delivered and which is a notably positive aspect of the design of the layout. The corresponding street sections provided within the street design principles section of the D&A appear to accord with the guidance set out in the Stafford Borough Design SPD and articulate how the various streets would support and express the underlying hierarchy of the layout and contribute positively to the underlying legibility and design coherence of the development.
- One aspect which raises concern is that many of the streets appear to have a very high level of on-street parking and although there appears to be an apparently good level of street tree planting and landscape, the arrangement of landscape to parking appears especially repetitive and exerts a quite formal character to the street scenes. Concern therefore remains that many of the streets would be dominated by hardstanding parking areas and, depending on final detailed designs, this could be considered to not fulfil the spirit of the National Design Guide.

- There are a number of rear access parking 'lanes' which have a high degree of parking provision within the street scenes; this raises concern from parking in less than convenient locations and the quality of place. Most of these lanes are through routes and whilst Staffordshire Police advice that these should be provided with gated, restricted, or secured access it is considered that open through routes are beneficial to the underlying permeability and legibility of the layout. However, this is dependent on appropriate levels of passive surveillance from the principal frontage and habitable rooms of dwellings. In this regard there is concern regarding some lanes.
- The proliferation of frontage parking arrangements raises a query as to how they would facilitate requirements for infrastructure to enable electric vehicle charging. Ensuring that there are no health and safety or aesthetic implications would need to be convincingly dealt with in more detail in subsequent applications.
- The urban structure and grain of the layout is relatively convincing in that it appears to provide a clear structure and hierarchy of connected streets and public spaces. Notwithstanding the weakness of the scheme in the lack of meaningful inter-connectivity with the adjacent development sites, it is acknowledged that the urban structure and grain appears quite well related to the adjacent sites and there appears to be opportunity to provide legible pedestrian and cycle connectivity between the site and the surrounding built and open green space.
- The D&A states that just short of 4ha of multi-functional green space would be provided. The illustrative site layout plan suggests that landscape provision would be a relatively prevalent characteristic of the developments and the majority of existing trees would be retained.
- Provision of SuDS related swales within the primary street scene is considered a significantly positive element in providing ecology and biodiversity enhancement and in imbuing and reinforcing a more naturalist character to some of the key areas of public realm. It is hoped that this approach is not lost in subsequent detailed applications.
- The provision and disposition of streets, squares, and other open space appears well considered throughout the layout and creates a rational hierarchy ranging between large strategic spaces which help to define the underlying character through to small local squares and greens. This should enable a wide variety of activities and social interaction as well as encouraging cycling and walking at a local level.
- There appears to be a reasonable mix of home tenures and a relatively wide range of house types and sizes.
- Whilst layout and architectural details of the house types are not part of this submission, the broad principles of the D&A are a sound basis for the future detailed submissions. It is noted that the vision section of the D&A clearly alludes to the development delivering high quality homes in a more contemporary architectural language and style in order to distinguish itself from more standard designs. It is hoped that this approach is maintained and borne out in the subsequent detailed applications.

- In overall terms, there is much about the design approach of this scheme which is commendable and supported and which represents good urban practice. However, there are some elements of the scheme which hold it back from being unreservedly supported.

Highway Authority:

(Revised comments dated 12 February 2025):

Comments updated to refer to the travel plan; a revised travel plan should be secured by condition.

(Comments dated 21 February 2025):

No objection, subject to conditions.

- A local vehicle access for up to 120 properties is proposed off Sandon Road in the form of a ghost island priority junction. The transport assessment suggests that only 70 vehicles would use this junction and demonstrates the queues that could be expected, however no modelling has been carried out for this junction for over 120 properties. Although this junction should be restricted to 120 properties it could be used as an emergency alternative access onto the local road network if the main access was not available.
- The proposed vehicular access points must be constructed prior to the first occupation of any dwelling which would utilise the access.
- The applicant should dedicate land and make a financial contribution towards the installation of a 41m ICD roundabout. An indicative drawing is provided by Staffordshire County Council showing its preference for a larger roundabout and the land that this would require; the drawing indicates a slightly relocated roundabout into the development site so that it could be constructed whilst the Sandon Road Beaconside junction remained open and it would provide additional benefits to the sustainability of the area. This would require a slightly larger area of land to be dedicated by the developer, to be secured via s106 agreement.
- An estimated figure of £630,000 is suggested as a contribution towards the roundabout, and a land dedication of 7,500sqm.
- Other points raised in January 2025 remain of relevance.
- Conditions are recommended as follows:
 - a) The reserved matters application(s) shall include the following details:
 - The means of inclusive access to the dwellings for all users.
 - The means of enclosure of the site, including the height, design, and position of all new walls, fences, and hedges.
 - Levels of the site, including finished floor levels of the dwellings.

- The alignment, (including width and gradient) and construction details of all roads, footways, cycleways, and other means of access including lighting, signage, and road markings.
 - Pedestrian/cycle and vehicular movement parameters in accordance with the Outline Illustrative Masterplan 21002-07 revision B.
 - Connectivity to and from the site from neighbour development to the west for pedestrians, cyclists, and motor vehicles, including provision from a bus connection.
 - Provision of adequate turning and servicing facilities within the site.
 - Tactile treatment of all paved surfaces.
 - The drainage of the site, including surface water drainage from roads, footpaths, and other hardstanding to an acceptable outfall.
 - Provision to be made for the adequate garaging and/or parking of cars.
- b) Before any dwelling is first occupied within the relevant phase of development, details of the new access on Beaconside (and associated Toucan crossing) and Sandon Road (drawing 5206018-ATK-RB-ZZ-DR-C-2002 P05 and 5206018-ATK-PJ-ZZ-DR-C-1001 P02) shall have been approved and constructed. The access off Sandon Road shall be restricted for the use of up to 120 dwellings only and would form an emergency alternative access onto the local road network to help if the main access of A513 was not available.
- c) Prior to first occupation a new 3.5m shared use path shall be provided in accordance with details which shall first be approved.
- d) Prior to the occupation of the 50th dwelling, and before the commencement of a temporary bus service, details of a temporary bus stop and means of a bus turning facility within the site shall be implemented in accordance with details which shall first be approved. This provision shall remain in place for five years.
- e) Development shall be carried out in accordance with a construction environmental management plan to be secured by condition.
- The following should be secured via s106 Agreement:
- a) Contribution of £6,000 towards residential travel plan monitoring.
 - b) £5,000 additional school sum for the travel plan.
 - c) £338,000 for 'public transport purposes' commencing after the occupation of the first 50 dwellings and thereafter proportioned annually over a 5 year period.
 - d) Contribution of land (7,500sqm) to facilitate the provision of a roundabout with appropriate footways and cycleways at the junction of Beaconside/Sandon Road and the provision of a 3.5m cycleway/footway on Sandon Road.

e) Financial contribution (sum estimated to be approximately £630,000) towards the construction costs of the Beaconside/Sandon Road junction roundabout.

- An informative should be attached to any approval to bring to the attention of the applicant the need for approvals under section 7 of the Staffordshire Act 1983 and section 38 of the Highways Act 1980, and the fees associated with necessary traffic regulation orders or legal agreements required.

(Comments dated 21 January 2025):

No objection, subject to conditions.

- Modelling checks stipulate that a 33m ICD roundabout at the junction of Sandon Road and Beaconside would not be suitable for the forecast traffic flows and would be constrained; a 41m ICD roundabout would be required.
- The land currently under the control of the highway authority would only allow for a 33m roundabout and would not allow for the continuation of the footpath/cycleway on Beaconside and Sandon Road to connect.
- It is noted that the developer previously (in 2016) agreed to dedicate 1,500sqm of land and contribute £125,000 towards a 41m roundabout in this location.
- The applicant's technical note confirms agreement that a financial contribution and land towards a 41m roundabout is an opportunity to maximise sustainable transport solutions and allow the delivery of footways and cycleways for the wider area.
- At this stage, the exact area of land and financial contribution required are to be confirmed.
- It has been agreed that the applicant will dedicate land on the Sandon road frontage to facilitate the provision of a 3.5m footway/cycleway to connect to the proposed route along Beaconside.
- To enhance the current public transport use the applicant proposed a £338,000 contribution over 5 years to expand the existing number 11 bus service by 3 hours per day during weekdays and 11 hours on a Saturday. The closest existing bus stop is over 1.1km (13 minute walk) away from the proposed roundabout; the recommended walking distance is 400m in urban areas so the route would need to temporarily extend into the proposed development. The applicant should demonstrate how a temporary bus service could operate from a temporary bus stop within the application site and how a bus could follow a designated route in forward gear.
- The applicant has suggested that a link from the site into the SDL site to the west would help to resolve some of the connectivity issues; this link must be adequate to accommodate cyclists, pedestrians, vehicles, and buses, although at this stage a bus service within the development is not considered. Such a link is required to provide access to services being provided as part of other proposed developments close to the application site.

- A Toucan crossing is proposed on Beaconside to enhance road safety and pedestrian/cycle connectivity. Although this is agreed in principle, further details including street lighting and speed must be agreed as part of the highway works agreement with the County Council.
- The permanent access to the site must be fully constructed prior to the commencement of any construction work of the proposed dwellings.
- Conditions are recommended as detailed.

(Comments dated 11 October 2024):

Objection.

- Whilst the additional information is welcome issues remain which need to be resolved.
- A 41m roundabout remains stated in the transport statement and that this land is to be dedicated under this application. Given issues with the adjacent SDL site the adjacent developer is bringing forward a 33m roundabout within the next 6 months and the applicant would therefore need to upgrade this new roundabout to a 41m roundabout before a threshold of 50 dwellings are occupied. Further information is required on how a 41m roundabout would be developed and its layout.
- The proposed contribution towards improving bus services is acknowledged, however it needs to be demonstrated how a bus can operate within the application site.
- The wider movement network needs to ensure that daily needs can be met within walking and/or cycling distances. Provision of a high-quality connected street and path network is required. A shared 3.5m cycle/pedestrian route is required along the north side of Beaconside to provide connectivity. Details are required to ensure that the desired route can be achieved.
- The proposed link into the adjacent site needs to be adequate to accommodate cyclists, walkers, and buses in order to provide access to services close to the development. It is recommended that the existing access at the east from Sandon Road is used and remodelled. Details of this improved access and link are required. Further information is required from both parties to ensure a link between this site and the adjacent site is provided.
- The proposed toucan crossing would require street lighting; such details are required to ascertain whether the location is achievable. A toucan crossing in this location may result in the need for additional speed reduction measures.

(Comments dated 4 September 2024):

Objection.

- Additional notes in response to earlier objections do not resolve the outstanding concerns.

- It has not been demonstrated when the various sections of the wider SDL and associated amenities, links, infrastructure, services, and off-site works will come forward and how this would impact on the proposed development. It is, however, agreed that there are various applications submitted and or built within the SDL and various infrastructure agreed. As these services and amenities would be funded from different stages of development, of independent development within the SDL there is no definitive information provided to allow fixed scheduling.
- The proposed development is reliant on facilities being provided by neighbouring development as part of the wider SDL, including connectivity to adjoining sites' facilities. At this stage there is no detailed proposal to develop the neighbouring site and there are reservations over delivery coming forward in a timescale suitable to provide the much-needed facilities, including shops, schools, and employment. There would be no local facilities or services within a 10-minute walk for an unknown period of time.
- If the LPA is minded to grant permission, it should be subject to conditions to secure the provision of the services to be provided by the SDL.
- To temporarily enhance the public transport use the applicant proposes a £338,000 contribution over 5 years to expand the existing number 11 bus service by 3 hours per day during weekdays and 11 hours on a Saturday. The closest bus stop is over 1.1km from the proposed roundabout so the route would need to be extended into the application site to achieve a reasonable walking distance to a bus service. Consequently, it needs to be demonstrated that a bus could operate within the site (without reversing).
- Further information is required with regard to the footway/cycleway to cover the site frontage, to include the provision of street lighting. There may be issues regarding land levels in this regard.
- More detail is required with regard the toucan crossing and lighting provision.
- Land is required to provide a new roundabout at the Beaconside/Sandon Road junction to resolve capacity issues at this location.

(Comments dated 17 November 2023):

Objection.

- A transport assessment has been submitted in response to the earlier representation.
- The proposed development can only be considered as a standalone scheme until further firm timescale information is provided or the services and amenities proposed under the north SDL are provided.
- It has not been demonstrated with any certainty when the various sections of the SDL developments will come forward and how this would affect the proposed development.

- As the various amenities and infrastructure are to be funded by different phases of development within the SDL there is no definite information provided which would allow any fixed scheduling. If this proposal is dependent on those amenities and services a fixed schedule would be required.
- There is no information provided which demonstrates how and if any physical links between the proposed development and the SDL could be secured at this stage.
- It is unclear whether the applicant is proposing to contribute proportionately to any off-site highway work and services which are not yet built, which are currently to be funded by the SDL developers, and which the proposed development would affect.
- There is no indication as to when various junctions would hit capacity if this site and the SDL are built out simultaneously before improvements triggered by SDL thresholds are provided.
- There are no bus stops within 400m of the site, a limited service which stops over a kilometre away, and no bus routes which run along the perimeter of the site. It is unclear how the existing bus services would be accessed and what facilities, including crossing points, would be provided.
- Whilst the transport assessment indicates that there will be bus routes running through the SDL and within 400m of the application site, it is not clear how or when these routes would be implemented.
- Whilst the nearest (Parkside) Primary School is within the 2km threshold, all cohorts at this school are full. Children from the proposed development may be able to gain a place at the primary school to be constructed within the SDL, however there is currently no connectivity to this as-yet unbuilt school.
- The catchment secondary school is The Weston Road Academy (2.3km away) which is over the recommended distance and projected to be full for all cohorts for the foreseeable future. The next closest secondary school (Sir Graham Balfour) is 3.1km away and is projected to be full for all cohorts and has no pedestrian connectivity from the application site.
- A new high school is proposed in the SDL site, however there is no date for the construction or opening of this new school.
- The nearest convenience store and GP are over the preferred maximum distance away from the development site.
- The facilities which the transport assessment states could be reached within 5 minutes by bicycle are not yet built.
- The existing connectivity to the proposed development currently does not meet the guidelines for walking/cycling and distances to bus stops or the quality of the routes.
- The development is reliant on schemes from another developer on adjacent sites to produce the infrastructure required. There is no evidence to demonstrate that the proposed site could stand alone and meet connectivity guidelines until any such time when other facilities become available.

- If the adjacent site (SDL) was developed the connectivity for this application site is reliant on an internal link between the two sites which is not secured by any condition, obligation, or timescale on the adjacent site.
- Tapered speed limits and visibility splays at the proposed access from Sandon Road would be required; this would require a traffic regulation order.
- Land would need to be transferred to the highway authority to introduce a roundabout at the Beaconside/Sandon Road junction.
- The developer should contribute proportionately to public transport and infrastructure improvements.
- The proposal fails to demonstrate how or when the site could be accessed by sustainable travel and would therefore increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger. As a result there is a significant likelihood that visitors to the development would be reliant upon private cars as a means of travel.

(Comments dated 27 March 2023):

Objection.

- The site is adjacent to the north of Stafford SDL which will deliver over 3,000 dwellings and local facilities. It is approximately 2.6km from the town centre.
- The transport assessment states that the proposed access junctions and additional road improvements carried out as part of the SDL development there would not be a severe impact on highway safety and that the residual cumulative impacts on the road network would not be severe.
- However, there are no indications of the timescales for the proposed development and parts of the SDL providing improvements do not yet benefit from reserved matters approval.
- The proposed main vehicular access is a four-arm roundabout on the A513 which would replace the existing priority junction with Tollgate Drive. A local vehicular access for 120 dwellings is proposed off Sandon Road in the location of the site access which was approved for the St Philips development of this site in 2017. The junction on Sandon Road would take the form of a ghost island priority junction which would form an alternative access onto the local road network to help with emergency access.
- Although approval is only sought for vehicular access off Beaconside and Sandon Road, the developer is also proposing a vehicular connection from the western side into the Bloor Homes and St Philips site. At this stage there are no indications how this connection would be secured; it is noted on the masterplans that this area along the boundary was a ditch forming part of the surface water drainage system.

- There are currently no bus stops within 400m of the site – they are 20 minutes' walk away. There are no bus routes which run along the perimeter of the site. It is unclear how the bus stops would be accessed and what facilities, including crossing points, would be provided. Facilities provided by adjacent sites may take a number of years to come into operation. It is not clear how the proposed bus route through the SDL will be delivered so this cannot be assessed.
- It is unclear how cyclists could reach schools, food stores, and health facilities within ten minutes.
- The existing connectivity to the site does not meet guidelines for walking and cycling or distances to bus stops. The quality of routes also do not meet guidelines.
- The development would be reliant on schemes from a different developer on adjacent sites to produce the infrastructure required and there is insufficient evidence to demonstrate that the proposal would meet connectivity guidelines without relying upon other development which may not come forward.
- There is no condition or obligation which secures a connection from the adjacent site into this site. until any such agreement is in place this application must be assessed on its own merits without any direct connection to the facilities being provided on the adjacent SDL site.
- The proposal does not show improvements to the highway network, such as a 4m footway/cycleway along the development frontage to connect to existing and proposed footways.
- No safe controlled crossings on Beaconside are shown.
- In conclusion, it is unclear how the site can be accessed by sustainable travel.

County Rights of Way Officer:

(Comments dated 20 November 2023):

No objection.

- The County Council is currently in a rights of way review and do not currently have the legal framework in place to request s106 funding.

(Comments dated 26 January 2023):

No objection.

- The development is likely to result in much greater use of the bridleway and adjoining rights of way. Further discussion is requested regarding s106 funding to benefit adjacent routes.
- Any grant of planning permission would not constitute authority for any interference with the public right of way and associated items or its obstruction (temporary or permanent).

Lead Local Flood Authority:

(Comments dated 8 February 2023):

No objection.

- Following discussion with the applicant regarding discharge rates there is no objection, subject to conditions.
- A full detailed drainage design should be secured by condition, along with a suitable arrangement for the management and maintenance of the drainage system. Sufficient measures should be put in place to ensure no increase in flood risk during the construction phase.

Natural England:

No objection.

- Without appropriate mitigation the proposed development would have an adverse effect on the integrity of the Cannock Chase Special Area of Conservation. Mitigation should be delivered for recreational impacts by means of the Strategic Access Management and Monitoring measures.
- The proposed development would not damage or destroy the interest features for which the Cannock Chase SSSI has been notified.

SBC Biodiversity Officer:

(Comments dated 7 January 2025):

No objection.

- The 1% net gain should be achieved on site.

(Comments dated 26 September 2023):

Comments made only with regard to Biodiversity Net Gain (BNG).

- The proposed BNG is disappointing at only 1.09% - the very minimum requirement possible. Technically this meets the current standards of BNG though against the imminent arrival of mandatory net gain of 10% and where many developers have already begun to provide this.
- The 1.09% contradicts the standards to which the applicant aspires within their design statement and increased BNG could assist in achieving their objectives.
- It is requested that the BNG is reviewed and a greater enhancement secured to fulfil the objectives of the applicant's design statement.

(Comments dated 16 March 2023):

No objection.

- Recommendations made in the Bat Survey report (paragraph 4.2) by Wood which should be undertaken as stated.

(Comments dated 7 February 2023):

Objection.

- The application is supported by an ecological impact assessment following earlier preliminary ecological appraisals and phase 1 habitat surveys.
- A biodiversity net gain assessment is submitted but requires further work.
- A pre-commencement emergence re-entry survey of all trees and buildings with PRFs within the site is recommended in mid-May-July in order to identify any potential maternity roosts missed by previous surveys.
- The report recommends the installation of bat bricks within 10% of housing, this should be targeted to the most appropriate locations.
- Woodcrete bat boxes should be installed in retained mature trees.
- External lighting should be designed to avoid light spill on bat boxes where possible.
- A pre-works check for signs of badger must be conducted no more than 34 hours before works begin.
- During construction any excavations left open overnight shall be provided with a means of escape.
- A precautionary method of working to include badgers shall be provided and shall be followed during development.
- Precautionary working methods for hedgehogs should be implemented.
- Creation of hedgehog gaps in garden fencing would allow passage across the site.
- Nesting birds should be protected – no works to trees and hedgerows during nesting season.
- Swift boxes should be integrated within 10% of the housing.
- A construction environmental management plan should be submitted to include precautionary and avoidance measures for potential wildlife on site.
- Mature trees and hedgerows should be retained.
- The biodiversity net gain of 1% is not acceptable; a 10% minimum should be provided.
- The biodiversity net gain report should be revised with a more defined plan for habitat creation, linking in with landscape design and SuDS provision.
- An ecological management and monitoring plan should be included.

Newt Officer:

(Comments dated March 2024):

No objection.

- The applicant has joined the District Licence Scheme and there is no further objection.
- Conditions should be attached to any approval as set out in the NatureSpace Report (in verbatim) in order to comply specifically with the conditions of Stafford Borough Council's District Licence.

(Comments dated 24 May 2023):

Objection.

- Further information is required, either in the form of an outline mitigation strategy or evidence of entry into the District licence Scheme to demonstrate that impacts to great crested newts and/or their habitat as a result of the development being approved can be adequately dealt with.

(Comments dated 16 February 2023):

Objection.

- Further information is required.
- The application site falls within the red impact risk zone for great crested newts (GCN) where there is highly suitable habitat and a high likelihood of GCN presence.
- There are ponds within 500m of the site, GCN records within the site, and indirect connectivity between the site and surrounding features in the landscape.
- The preliminary ecological appraisal and ecological impact assessment are accepted. However, more information is required on the ponds within 500m or evidence of entry into the District Licence Scheme is required to adequately demonstrate that there would be no impact to GCN and/or their habitat.

Tree Officer:

(Comments dated 16 February 2023):

No objection.

- There are numerous trees present, dispersed throughout the site. The supporting information appears to have objectively assessed the trees.
- In principle the proposal should be deliverable provided that there is adequate protection of valuable trees. Demolition of the existing buildings could present a problem to retained trees and this would need to be considered.

- Further information would be required at a later stage, to include an arboricultural impact assessment with an associated tree protection plan, plus an arboricultural method statement to cover suitable working methods around the retained trees from initial site preparation through to the final landscaping.
- Conditions are recommended to secure provision of these documents.

Environment Agency:

(Comments dated 2 March 2023):

No objection, subject to a condition to secure a remediation strategy to deal with the risks associated with contamination of the site.

- The supporting information identifies contamination risk associated with the former use of the site. In addition, controlled waters are sensitive due to the presence of Secondary A aquifer deposits and potentially linked surface water receptors in the vicinity.
- There is potential for radiation to existing within buildings and there are reported radium concentrations from previous investigations carried out on site.
- The potential contamination risk could be mobilised during development and contaminate controlled waters receptors. A limited intrusive investigation should be carried out.

Health and Safety Executive:

The application site does not lie within the consultation distance of any major hazard site or major accident hazard pipeline. HSE does not need to be consulted.

SBC Environmental Health Officer:

(Comments dated 24 May 2023):

No objection.

- The recommendation of the Environment Agency is noted and it is agreed that a pre-commencement condition to secure an appropriate remediation strategy is required.

(Comments dated 20 March 2023):

No objection.

- The Noise and Vibration Assessment (5208018. NOI.001) makes it clear that parts of the proposed development would be exposed to adverse levels of noise.
- If outline consent is granted, a further detailed noise assessment should be secured by condition. The assessment should set out a comprehensive scheme of noise mitigating measures (including ventilation arrangements), specific to each phase of the development.

- Where internal guideline levels would be exceeded and where façade insulation (including keeping windows closed) is relied upon to achieve recommended levels, a mechanical ventilation arrangement should be installed. This system must be capable of achieving a ventilation rate of 4 air changes per hour on demand in all affected habitable rooms. The windows shall not be sealed closed.

(Comments dated 9 February 2023):

No objection.

- The acoustic report is satisfactory and there are no additional comments on that matter.
- The air quality impact report is satisfactory. Mitigation is recommended in a future construction dust management plan to be secured by condition.
- The contaminated land risk report stage 1 is noted; it recommends further investigation (paragraph 8.1.6) which should be secured.

Cadent:

(Comments dated 6 March 2023):

No objection.

- Plans do not show service pipes which serve gas meters at individual properties. Before any works are carried out an enquiry should be made through www.LSBUD.co.uk where a risk assessment can be carried out.

(Comments dated 23 January 2023):

No objection.

- The site is in close proximity to our medium and low-pressure assets.
- To prevent damage to assets or interference with our rights an informative note is requested on any approval.

SBC Sport and Outdoor Leisure Officer:

No objection.

- A quantitative provision of 30.81sqm of open space per person is requested; all of which should be on-site.
- The contribution required for the proposed development should be £384,540.87 (capital) and £716,350.37 (maintenance).
- Sports contributions are requested as follows:
 - o Swimming pools: £199,087.00
 - o Sports courts/halls: £181,639.00

- Artificial turf (3G) pitches: £27,464.00.
- The Borough Council will not be seeking to adopt any footpath, cycleway, or associated infrastructure.
- The Borough Council will not be seeking to adopt any of the open space and alternative management methods must be secured.
- Trees planted should be native and not include Sycamore under any circumstances. Trees planted adjacent to hard surfaces should be planted in tree pits and liner pavement protection should be installed.

SCC County Schools Organisation:

- A contribution of £5,427,853.96 is requested to mitigate the impact on education.

Staffordshire and Stoke-on-Trent ICB:

No objection.

- A commuted sum should be secured via s106 to support the adaptation/enlargement of the Primary Care Networks (PCNs) impacted in this case.
- The local plan acknowledges that growth will place additional pressure on existing infrastructure; the burden of providing necessary new infrastructure should be shared by developments at a level commensurate to their scale.
- The site is adjacent to the north of Stafford SDL (strategic development location). Policy Stafford 2 makes clear that increasing capacity within the local primary care infrastructure will be required via contributions to achieve sustainable development in this location.
- The contribution would support the development of primary care services in the Stafford Central and Stafford Town PCNs. The relevant practices experience an existing shortfall of available clinical rooms to serve the current patient population.
- A sum of £312,510 is requested (£744 per dwelling) to support the development of the relevant PCNs.

Staffordshire Fire and Rescue Service:

No objection.

- Appropriate vehicle access and supplies of water for firefighting should be provided at the site.
- Roads and drives upon which appliances would have to travel to reach within 45m of any point within a property should be capable of withstanding the weight of a Staffordshire firefighting appliance (GVW of 17,800kg).
- Domestic sprinkler systems are strongly recommended.

SBC Conservation Officer:

No objection.

- There are no designated heritage assets within or adjacent to the site. The heritage assessment identifies two non-designated heritage assets within the site which are identified on the Staffordshire Historic Environment Record.
- Of the remaining WWII buildings, most are relatively intact and there have been a few unsympathetic modifications but the buildings hold both individual and group value. Their architecture is typical of other WWII buildings and the site has some limited national significance as one of four satellite camps built during WWII. The type and design of buildings are not uncommon and there are plenty of other examples similar to these which survive elsewhere in the country. They are therefore more of local significance, particularly for personnel who may have served and been based at this camp. The site has been disposed of by MOD as surplus to requirements and no longer forms part of the military portfolio, therefore the site has been deprived of its original purpose.
- Taking into consideration the proposed demolition of the WWI camp buildings and structures and the proposed erection of 420 new homes, the recommendation of the County Archaeologist is accepted and a level 2 building recording survey should be secured by condition, to be carried out prior to any demolition works commencing with regard to the buildings of the former WWII satellite camp.

SBC Housing Officer:

(Comments dated 16 February 2023):

No objection.

- The proposed development would assist in reducing the housing shortfall.
- The tenure mix should be 25% first homes and 75% social rent. The affordable element of the development should deliver 32 first homes and 94 social rented homes.
- There is an undersupply of one- and two-bedroom homes and an oversupply of three-bedroom homes. A mix of these properties would be expected on site.
- Affordable housing must meet the standards recommended by the Homes and Communities Agency.
- There should be a mix of bedroom numbers and sizes.
- Any one-bedroom accommodation should contain a minimum of three habitable rooms.
- Two or more bedroom units should not be delivered as part of flat/apartment units as these are unaffordable for single people or couples on benefits and are not considered to be the best environment for families with young children.

- On large developments with a mix of market housing and affordable housing, the affordable housing should be spread across the development in clusters of roughly 8 units to allow for easy management by the Registered Providers.
- Affordable housing should be indistinguishable in appearance from the market housing.

SCC Archaeologist:

No objection.

- The site has high potential for both built and built ground archaeology to survive relating to post-medieval to modern (WWII) activity within the site.
- Parcel 1 of the site is within Stafford's agricultural hinterland during the early medieval, medieval, and post medieval period and was, until very recently, part of MOD Stafford which was constructed as one of four satellite camps to the WWII and military base of RAF Stafford. The construction of the camp has likely disturbed any earlier archaeological remains. A number of WWII structures survive within the site which are described as having a generally good level of preservation and hold both individual and group value.
- There are five buildings in the centre of the site which represent the core of the original WWII satellite site, three to the north, and five air raid shelters, various boundary walls, and street furniture original to the camp.
- Parcel 2 of the site is within Stafford's agricultural hinterland during the early medieval, medieval, and post medieval period. An out-farm, probably associated with the nearby Hopton Farm is recorded on first edition Ordnance Survey maps and is likely to date to the early 19th Century. Below ground remains are likely to survive. The eastern portion of the application site includes 'Brick Field' and the first edition mapping locates several brick kilns and ancillary structures in this area. The kiln site is probably associated with the buildings of Hopton Farm.
- Should permission be granted it is recommended that a programme of historic building recording be carried out on parcel 1, sufficiently in advance of any stripping out or demolition works. The building recording should be to a level consistent with a level 2 survey as outlined by Historic England and should include all the original standing buildings, air raid shelters, isolated walls, and street furniture, individually and as a group.
- Should permission be granted, an archaeological watching brief should be completed on parcel 2 prior to any development works taking place. This should be undertaken in the areas identified as containing the out-farm and brick kiln and the brief should be scalable to a strip, map, and sample excavation should significant archaeological remains be observed during the monitoring works.

Staffordshire Police:

No objection.

- There would be no direct link to the north of Stafford SDL, however the illustrative layout indicates that the footpath may extend from the northern border, and there may be a path to the west of the site which runs adjacent to the site boundary.
- The 6m wide footpaths should be provided in the green infrastructure and open space areas providing a sense of security and fellow walkers and cyclists can pass safely at a distance.
- The landscape planting 3m either side of the path should consist of low lying shrubs to reducing possible hiding places and blind spots, and allowing for natural light to cover the path during the day.
- Lighting should be provided along paths in the green infrastructure and open space areas to ensure users can see the path in front and behind them.
- The introduction of a new roundabout would be beneficial to occupiers of the proposed development and those using Tollgate Drive. The addition of signalised crossing points would allow for safe crossing for all and may encourage more people to walk to work.
- A secondary vehicular access is proposed off Sandon Road. Drivers usually accelerate once they have turned onto Sandon Road and may not realise a vehicle is crossing to enter the proposed development. The speed limit could be reduced in this area and speed reducing measures could be introduced to prevent accidents on Sandon Road.
- A qualified lighting engineer should be consulted with regard to the lighting provision to ensure a safe well-lit environment.
- The number of children's play areas and open spaces would encourage people to enjoy the outdoor facilities and landscape.
- Children's play areas should have maximum natural surveillance for the safety of children and to prevent anti-social behaviour.
- If natural surveillance is not possible CCTV should be considered, linked back to the Borough Council's CCTV control room.
- Rear parking courtyards are discouraged by Secured by Design guidance.
- Rear gates should be operable on both sides.
- PIR lighting is essential in rear parking courts and rear gardens to allow safe passage between parking and homes.
- An access-controlled gate on the rear parking courtyard would reduce the fear of crime and potentially reduce on-street parking due to fear of crime.
- Privacy of existing properties on Sandon Road should be considered.
- The development should be built to Secured by Design standards.

Hopton and Coton Parish Council:

No representation received.

Neighbours:

Nine representations received in objection, raising the following points:

- Encroachment of Stafford into Hopton.
- Loss of green space.
- Loss of biodiversity.
- Loss of trees.
- Additional risk of flooding.
- Insufficient local facilities.
- Increased highway danger due to increasing volume of traffic.
- Insufficient capacity on local highway network.
- An access off Sandon Road would be unsafe.
- No consideration of gas pipes which cross the site.
- Drainage pipes from adjacent dwellings cross the application site and will need to be protected.
- Another developer has bought the site from Homes England.
- No social housing to be provided.
- Houses adjacent to Beaconside would be subjected to road noise.
- The buildings to be demolished would be suitable for employment use.
- There are no details of the appearance of the proposed buildings.
- Loss of light.
- The application is premature as it is currently unsustainable with regard to transport.
- The data provided in support of the application is out of date.
- The plans show inaccurate details of the adjacent sites.

Two representations received, neither in support nor objection, raising the following points:

- Consideration should be given to school places and health care provision.

- Consideration should be given to provision of temporary traffic lights.
- Hedgerows along the A513 and B5066 should be protected.

PUBLICITY

Site notice expiry date: 15 March 2023

Newsletter advert expiry date: 15 February 2023

RELEVANT PLANNING HISTORY

- | | |
|--------------|---|
| 14/20816/OUT | Redevelopment of site to form up to 120 dwellings including formation of new vehicular access onto Sandon Road. All other matters reserved – Approved 14 November 2017 |
| 18/29161/REM | Redevelopment of site to form up to 120 dwellings including details of the appearance, landscaping, layout, and scale – Refused 5 April 2019 |
| 16/25450/OUT | Outline planning application for mixed-use development, comprising of the demolition of existing buildings and structures, the erection of up to 2,000 dwellings (Use Class C3), 2 no. Local Centres to provide up to 4,500 sqm of GIA (Use Class A1- up to 1,100 sqm, Use Classes A2/A3/A5 - up to 2,800 sqm and Use Class A4- up to 600 sqm), 1 no. Health Centre (Use Class D1- up to 600 sqm), 1 no. (up to 60 bed) elderly Living Facility (Use Class C2), a two form entry Primary School (Use Class D1), a five form entry Secondary School (Use Class D1), together with supporting infrastructure including: green infrastructure, highways and associated works. All matters are reserved with the exception of principal means of access on to existing highway – Approved 30 May 2022 |
| 24/39597/FUL | Variation of conditions 1, 3, 4, 6, 8, 9, 19 and 26 on application 16/25450/OUT – Pending consideration |

Recommendation

Approve subject to the following conditions:

1. This is a grant of outline consent for means of access only and before the development is commenced details of the appearance, landscaping, layout, and scale of the proposal (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development shall thereafter be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. This permission relates to the originally submitted details and specification and to drawing 21002 09 (Site location plan).

5. The submission of reserved matters application(s) pursuant to condition 1 of this outline consent shall be in broad accordance with the following parameter plans:
 - 21002 10 (Building heights and density)
 - 21002 11 (Green and blue infrastructure)
 - 21002 12 (Land use)
 - 21002 13 A (Movement)
6. Application(s) for the approval of reserved matters submitted pursuant to condition 1 of this outline consent shall be supported by an acoustic assessment to include any recommended scheme of noise mitigation measures.
7. Application(s) for the approval of reserved matters submitted pursuant to condition 1 of this outline consent shall be supported by a Tree Protection Plan and an Arboricultural Method Statement covering all aspects of development which are within root protection areas of retained trees or that have the potential to result in damage to retained trees.
8. Application(s) for the approval of reserved matters submitted pursuant to condition 1 of this outline consent shall include the following details:
 - Existing and proposed site levels and finished floor levels.
 - The alignment (including the width and gradient) and construction details of all roads, footways, footpaths, cycleways, and other means of access.
 - Pedestrian, cycle, and vehicular connectivity to and from the site from the west of the site.
9. Application(s) for the approval of reserved matters submitted pursuant to condition 1 of this outline consent shall be supported by the following details:
 - Provision of bat bricks in 10% of dwellings.
 - Provision of woodcrete bat boxes in retained trees.
 - Provision of swift boxes within 10% of dwellings.
 - Lighting strategy to incorporate dark corridors and avoid light spill on trees T1, T2, and T3, bat boxes, and bat bricks.
10. No development shall commence unless and until a written scheme of archaeological investigation has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the programme of archaeological works to be carried out within the site, including post-fieldwork assessment, reporting, and appropriate publication.

The archaeological site work shall thereafter be implemented in accordance with the approved scheme and timeframes contained therein.

11. No development shall commence unless and until a further ground investigation assessment has been submitted to, and approved in writing by, the local planning authority. The assessment shall be carried out in accordance with the recommendations set out at 8.1.6 of the Geo-environmental desk study (reference 5206018.LCA.001 v4.0). The development shall thereafter be carried out in accordance with the assessment and any mitigation measures recommended therein.
12. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR148, or a 'Further Licence') and with the proposals detailed on plan Land Off Sandon Road and MOD 4 Site: Impact plan for great crested newt District Licensing (Version 1)", dated 23 June 2023.
13. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR148, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.
14. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR148, or a 'Further Licence'):
- Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the Great Crested Newt Mitigation Principles.
 - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
15. No development shall commence unless and until a construction environmental management plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall be informed by the recommendations of the bat survey report (reference: 807134-WOOD-XX-XX-RP-OE-00001_A_C01 revision 3) and shall include:
- Detailed mitigation measures to minimise effects on bats due to lighting during construction.
 - Avoidance measures and precautionary method of working relating to potential wildlife on site, specifically with regard to badgers and hedgehogs.

16. No development shall commence unless and until a construction transport management plan (CTMP) has been submitted to, and approved in writing by, the local planning authority. The CTMP shall include details relating to construction access; hours of construction; routing of HGVs; delivery times; construction programme; the location of the contractors' compounds, cabins, loading and unloading areas, plant/material storage areas, and contractors' parking; and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. The development shall thereafter be carried out in accordance with the approved CTMP.
17. No development, except for demolition, shall commence unless and until a detailed surface water drainage design has been submitted to, and approved in writing by, the local planning authority.

The design shall further detail the key design principles of the Flood Risk Assessment and Drainage Strategy (5206018-FRA-0001, December 2022) approved at outline stage and shall demonstrate:

- Surface water drainage system(s) designed in accordance with the non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- Evidence of infiltration testing in accordance with BRE digest 365 shall be provided to fully demonstrate whether shallow infiltration via attenuation basins/ permeable paving etc., is/ is not feasible within the development site.
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change event (40%) to 63 l/s.
- Provision of surface water runoff attenuation storage to achieve the limited discharge.
- SuDS design to provide sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff. All SuDS measures are to be demonstrated on the drainage plan.
- Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements.
- Calculations shall demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include as a minimum the 1:1 year, 1:30 year and the 1:100-year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.

- Arrangements for the control of surface water as part of any temporary works associated with the permanent development
- Management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

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

18. The development shall be carried out in accordance with a dust management plan to control dust and other emissions during all phases of development which shall first have been submitted to, and approved in writing by, the local planning authority.
19. No dwellinghouse accessed from the A513 (Beaconside) shall be occupied unless and until the new access from the A513 and the associated Toucan crossing have been provided in accordance with details, which shall be broadly in accordance with drawing 5206018-ATK-RB-ZZ-DR-C-2002 P03, and which shall have first been submitted to, and approved in writing by, the local planning authority.
20. No dwellinghouse accessed from the B5066 (Sandon Road) shall be occupied unless and until the new access from the B5066 has been provided in accordance with details, which shall be broadly in accordance with drawing 5206018-ATK-PJ-ZZ-DR-C-1001 P02, and which shall have first been submitted to, and approved in writing by, the local planning authority. The B5066 access shall thereafter be restricted for the use of up to 120 properties only, except when in use as an emergency access onto the local road network should the primary access off the A513 be unavailable.
21. No dwellinghouse shall be occupied unless and until a 3.5m wide shared use path along the site boundary on the A513 (Beaconside) and B5066 (Sandon Road) has been provided in accordance with details which shall first have been submitted to, and approved in writing by, the local planning authority.
22. The development hereby permitted shall not be brought into use unless and until a travel plan has been submitted to, and approved in writing by, the local planning authority. The travel plan shall set out proposals (including a timetable) to promote travel by sustainable modes and report to the local highway authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

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

1. This is a grant of outline planning permission only.
2. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
3. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
4. To define the permission.

5. To define the permission.
6. To safeguard the occupiers of the approved dwelling(s) from undue noise. (Policy N1e of The Plan for Stafford Borough).
7. To enable the Local Planning Authority to consider the scheme of development and the landscaping proposals in relation to the existing trees and hedges. (Policy N4 of The Plan for Stafford Borough).
8. In order to ensure ease of movement and permeability in to, out of, and within the development. (Policy N1 (o) of The Plan for Stafford Borough).
9. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost and that the development results in a net gain in biodiversity. (Paragraph 187 of the National Planning Policy Framework).
10. In order to ensure that an appropriate record is kept of a heritage asset in accordance with paragraph 218 of the National Planning Policy Framework.
11. In order to ensure that adequate provision is made to safeguard human health. (Paragraph 196 of the National Planning Policy Framework and policy N1e of The Plan for Stafford Borough)
12. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR148, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
13. In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
14. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR148, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
15. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 187 of the National Planning Policy Framework).
16. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
17. To prevent the increased risk of flooding both on and off site (Policy N2 of the Plan for Stafford Borough).
18. In order to ensure that adequate provision is made to safeguard human health. (Paragraph 196 of the National Planning Policy Framework and policy N1e of The Plan for Stafford Borough).

19. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
20. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
21. In the interests of the safety and convenience of pedestrians. (Policy T1 and N1o of The Plan for Stafford Borough).
22. In order to encourage the use of sustainable transport modes and reduce the impact of traffic from new development on the road network. (Policy T1 (b, d, and g) of The Plan for Stafford Borough).

Informatives

- 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 2024, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR148, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground /vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife and Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

- 3 The applicant's attention is drawn to the comments of various consultees, and in particular the local highway authority, the Environment Agency, Cadent, Staffordshire Police, and Staffordshire Fire and Rescue Service. All comments can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).
- 4 The applicant's attention is drawn to the protected status of nesting birds and the requirement that they are not disrupted during the nesting season (March to August).

22/36919/OUT

Land Off Sandon Road And MOD 4 Site Beaconside

Stafford



Application:	23/38510/FUL
Case Officer:	Steven Owen
Date Registered:	1 February 2024
Target Decision Date:	28 March 2024
Extended To:	3 April 2025
Address:	Playing Field, Church Lane. Hixon, Stafford, Staffordshire
Ward:	Haywood and Hixon
Parish:	Hixon
Proposal:	26m x 4.26m all-weather artificial grass surface suitable for cricket practice and a 3.66m high net enclosure
Applicant:	Hixon Parish Council
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Planning Committee because the agent for the application, Mrs S McKeown, is the wife of the Planning Committees Chairman, Mr B McKeown.

Context

The application site comprises a 187sqm section of playing field within the village of Hixon. The area of development includes a rectangular portion of land adjacent to an existing Multi-use Games Area. The site is accessed through the playing field via an existing entrance off Church Lane.

The playing field has a village setting with open fields extending beyond its eastern boundary. To the north and south there are neighbouring dwellings. To the west is Church Lane, more neighbouring dwellings and St Peters Primary School. The nearest neighbouring dwellinghouse, The Old Vicarage, is located 35m to the south-west.

The designations of the development include the following:

- Flood Zone 1 (Least likely to flood)
- The Green Newt Protection Zone
- The Cannock Chase Special Area of Conservation (SAC)
- The West Midlands Meres and Moses (SAC and Ramsar)

- Pasturefields SAC
- St Peters Church yard (Grade II Listed Building) is 80m to the north

Background

The site has little planning history. Planning permission was granted in 2007 for the creation of the existing multi-use games area (07/08075/FUL). In 2005, planning permission was granted for a 5-a-side football pitch (03/00153/FUL).

Proposal

The application seeks full planning permission for cricket practice nets and associated artificial surface. The all-weather artificial grass would measure 26m x 4.26m. The nets would measure 3.66m high and would enclose 22m of the artificial surface on three sides, leaving a 6.76m run-up. The practice nets would be orientated parallel with Church Lane and over 30m from the highway verge.

Officer Assessment – Key Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises of The Plan for Stafford Borough 2011-2031, and the Hixon Neighbourhood Plan.

In this case the material planning considerations include:

- 1) The principle of the development type within the settlement of Hixon and the resulting impact on sports provision.
- 2) The impact of the development upon the character and appearance of its site and setting, the setting of the Grade II St Peters Church.
- 3) The resulting impact upon the area's amenity.
- 4) The impact of the proposal upon the safe functioning of the highway.
- 5) Impact upon ecology.

The assessment of each of these material considerations is detailed within the subsequent sections of this report. The report concludes with a planning balance and a recommendation.

1. Principle of Development

The Presumption in Favour of Sustainable Development

- 1.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, this 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 195 states:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

- 1.2 In this case the site falls within the catchment of SACs and a Ramsar site, therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the SACs/Ramsar site will not be adversely affected, having regard to avoidance or mitigation measures. This issue is addressed later under section 5 of this report.

Policy Context

- 1.3 Spatial Principle 3 (SP3) states the majority of future development will be delivered through the Sustainable Settlement Hierarchy. Hixon is identified as a Key Service Village within that hierarchy due to its transport links and range of facilities.
- 1.4 Spatial Principle 7 (SP7) supports development and activities of a scale and nature appropriate to secure the sustainability of any specific settlement.
- 1.5 Policy C7 Open Space, Sport and Recreation states that support will be given to sport and recreation by: retaining, supplementing or enhancing all types of sport, recreation and open space facilities in order to address deficiencies; by encouraging additional provision and enhancements to existing provision; and implementing specific open space proposals detailed in the area based policies.
- 1.6 Policy 4 of the Hixon Neighbourhood Plan (HNP) states the delivery of a diverse range of local open spaces for plan and leisure activities for all ages and abilities will be supported. The policy states this could take the form of attractive, high quality and well equipped open spaces within development sites, or improvements to existing open spaces within the village.
- 1.7 Policy 6 of The HNP states the delivery of community facilities and other local facilities to enhance the sustainability of the Neighbourhood Area will be supported.”
- 1.8 Paragraph 104 of the NPPF states Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The Principle of Development

- 1.9 Consideration has been given to the suitability of the development within Hixon and the impact upon the village in terms of its access to open space and sport. The proposal would create a new facility for cricket practice within an existing playing field. The development would result in the partial loss of open playing field. It should be noted that there is no loss of any formal sports pitch.
- 1.10 Sports England have been consulted on the development and has provided no detailed response but has highlighted standing advice. In their standing advice they state if the proposal involves the loss of any sports facility, then full consideration should be given to whether the proposal meets Par. 104 of the NPPF, is in accordance with local policies to protect social infrastructure and meets any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place. If the proposal involves the provision of a new sports facility, then Sports England states consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes.
- 1.11 In this case the development would replace 133sqm of the 4500sqm playing field with cricket nets and an artificial surface. The development would stand adjacent to an existing multi-use games area. While the development would result in some loss of the playing field, (no sports pitch is impacted), it would add a new sports facility located in a suitable location. It is noted that the residual playing field will remain large enough to host other sports events. Its also noted that the proposal is well related to an existing multi-use games area.

Section Conclusion

- 1.12 It has been concluded that the proposed addition of cricket nets and artificial surface to a playing field inside the village of Hixon accords with the open space objectives of the HNP, TPSB and NPPF. This development is therefore acceptable in principle, subject to all other material planning considerations.

Polices and Guidance:

National Planning Policy Framework, December 2024 (NPPF)

Section 2, Paragraphs 104

The Plan for Stafford Borough (TPSB) 2011-2031

Policies SP1 (Presumption in Favour of Sustainable Development), SP3 (Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development), C7 (Open Space Sports and Recreation)

The Plan for Stafford Borough: Part 2 (TPSB2) 2011-2031

SP3 (Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development),

The Hixon Neighbourhood Plan

Policy 4 Open space and natural environment, Policy 6 Community facilities and amenities

2. Layout, Design and Appearance

Policy Context

- 2.1 TPSB Policy N1 sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and have high design standards.
- 2.2 Policy N9 explains that development proposals will be expected to sustain and where appropriate enhance the significance of heritage assets and their setting by, amongst other matters, promoting high quality design and avoiding unnecessary loss of historic fabric.
- 2.3 Policy 5 of the HNP states the conservation and/or enhancement of Hixon's heritage assets (not just Listed Buildings) and their settings will be supported.
- 2.4 Paragraph 131 of the NPPF states the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 2.5 Paragraph 135 states planning decisions should ensure development meets a list of criteria. In summation the paragraph states development should be well-designed to add to the overall quality of the area for the lifetime of the development. It also states development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

The Development's Visual Impact Upon the Site, Setting and Listed Building.

- 2.6 Consideration has been given to the visual impact of the development on the site, the immediate area, and its wider setting in terms of its scale, form and use of materials.
- 2.7 The proposal would introduce an artificial cricket surface and nets within a village playing field. The development would stand adjacent to an existing multi-use games area. The development could be seen from vantages along Church Lane and would stand within the setting of Grade II listed church.

- 2.8 The Conservation Officer has been consulted on the proposal. In her response she has raised no objection to the development subject to the nets and supporting poles to be coloured either dark green or black. This condition is considered reasonable and necessary to secure the character of the rural setting.
- 2.9 More generally, the addition of cricket nets and artificial surface within a village playing field is considered reasonable. The size, form and mass of the nets would be well-designed for its use and would not appear incongruous within its rural setting, subject to the colour being conditioned.

Section Conclusion

- 2.10 Overall, the form and size of the development is acceptable within the setting of a rural village playing field and Grade II Church. Subject to conditions, the proposal would have an acceptable character and appearance and is sufficiently compliant with policy N1 and N9 of TPSB, and Policy No. 5 of the HNP.

Polices and Guidance:

National Planning Policy Framework, December 2024 (NPPF)

Section 12, Paragraphs 131 and 135

The Plan for Stafford Borough (TPSB) 2011-2031

Policies N1 (Design), N8 (Landscape Character), N9 (Historic Environment)

Supplementary Planning Document (SPD) – Design

Hixon Neighbourhood Plan

Policy Heritage Assets and Culture

3 Amenity

Policy Context

- 3.1 Policy N1 requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas.
- 3.2 The NPPF states in Paragraph 198, that planning decisions should ensure new development is appropriate for its location taking into account its likely effects. The NPPF mentions several effects to consider including pollution, living conditions, the natural environment, noise resulting from the development, tranquillity, light pollution, and any cumulative effect upon amenity.

The Proposals Impact upon Residential Amenity

- 3.3 Consideration has been given to whether proposed development is an appropriate use of land and how the proposal would impact residential well-being through disturbance or nuisance material to planning.

- 3.4 The proposal would add a facility for cricket practice within an existing playing field and adjacent to an existing multi-use games area. The current use of the field for recreation and sport creates a level of existing noise and residential disturbance. It is against this level of existing noise and disturbance that the application has been considered.
- 3.5 The nearest residential dwelling, The Old Vicarage, is located 35m to the south-east of the site. The residents at this property are the closest receptors of any likely noise or nuisance.
- 3.6 In terms of residential nuisance, consideration has been given to the likelihood of the development to cause noise and light disturbance. Regarding noise, the development would encourage cricket practice on the playing field. However, the resulting noise is not expected to adversely exceed what could reasonably be expected from a village playing field. Given no external lighting is proposed, the proposals use would also be limited to daylight hours.
- 3.7 The Environmental Health Team have been consulted on the development. Environmental Health has raised no objection to the development and no conditions have been requested.

Section Conclusion

- 3.8 It is considered that the development would not result in any adverse increase in external light or any adverse increase in noise. It is concluded that the proposed development, subject to these conditions would adhere to Policy N1. The development is therefore acceptable regarding amenity.

Polices and Guidance:

National Planning Policy Framework, December 2024 (NPPF)

Paragraph 135

The Plan for Stafford Borough (TPSB) 2011-2031

Policy N1 (Design)

Supplementary Planning Document (SPD) - Design

4. Access, Parking and Highway Safety

Policy Context

- 4.1 Policy T2 states that all new development must have a safe and adequate means of access and internal circulation. It also stated development should provide sufficient parking provision
- 4.2 Paragraph 116 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Impact Upon Parking and Highway Safety

- 4.3 Consideration has been given to the impact of the proposal upon highway access, safety and parking. There are no specific parking requirements for cricket nets, but given the development would occur within an existing playing field with multi-use games area, parking demand is not expected to materially increase.
- 4.4 Regarding highway safety and functioning, the Highway Authority had raised concerns with the original proposal due to the apparent risk of cricket balls being knocked into the path of vehicles traveling down Church Lane. To address these concerns the proposal has been relocated to 30m from the highway verge. The Highway Authority has been reconsulted on the amended plan and has raised no objection to the development subject to a condition requiring the cricket nets to be installed prior to first use. This condition is considered reasonable and necessary and should be attached if planning permission is granted.

Section Conclusion

- 4.5 The development, subject to conditions, is considered to be adhere to Policy T2 of TPSB and NPPF and is acceptable with regards to parking, access and highway safety.

Polices and Guidance:

National Planning Policy Framework, December 2024 (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. Ecology and Landscaping

- 5.1 TPSB Policy N4 states that the natural environment will be protected and that new development where damage to the natural environment is unavoidable must provide appropriate mitigation.
- 5.2 Policy N1 requires development to retain significant biodiversity and landscaping features and create new biodiversity areas.
- 5.3 Policy N5 states the highest level of protect will be given to European Sites, with new development only permitted where;
- A) There will be no adverse effect on the integrity of any European site, or
- B) If adverse effects are identified, it can be demonstrated that the proposed mitigation measures show that there will be no adverse effect on the integrity of any European site; or

C) if it cannot be ascertained that no adverse effect on integrity will result, the proposed development will only be able to proceed where there is no alternative solution and there are imperative reasons of overriding public interest.

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

Habitat Regulation Assessment

- 5.5 The site is within 15km of the Cannock Chase Special Area of Conservation. The site is also within 5km of the Pasturefields Salt Marsh SAC and West Midlands Meres and Mosses SAC and Ramsar site ; however, due to the nature of the proposal it is not considered that the development would result in any impact on the reasons for their designation. The Council is, therefore, not required to carry out an appropriate assessment.

Ecology and Biodiversity Net Gain

- 5.6 The proposal would develop an area of cut grass. The site is of low ecological value and wouldn't result in the loss of any trees or the habitats of protected species. The development is exempt from national Biodiversity Net Gain requirements as the planning application was received prior to its implementation.
- 5.7 Due to the nature of the development and the low ecological value of the site, the proposal is considered to be acceptable with regards to ecology and landscaping, and adheres to the development plan and NPPF in this regard.

Polices and Guidance:

Environment Act 2021

National Planning Policy Framework, December 2024 (NPPF)

Section 15, Paragraphs 192-195

The Plan for Stafford Borough

Policies N1 (Design), N2 (Climate Change), N4 (The Natural Environment and Green Infrastructure), N5 (Sites of European, National and Local Nature Conservation Importance) N6 (Cannock Chase Special Area of Conservation (SAC))

Planning Balance and Conclusion

In conclusion the proposal is acceptable in principle, and is also acceptable in terms of all other material planning considerations including, character and appearance, conservation, amenity, parking and highway safety, and ecology.

It has been concluded, on planning balance, that the development is sufficiently compliant with the polices and provisions of the Plan for Stafford Borough, Hixon Neighbourhood Plan and National Planning Policy Framework.

It is recommended that planning permission is granted, subject to conditions.

Consultations

Conservation Officer:

No objection, subject to conditions

Environmental Health:

No objection

Sports England:

The proposed development does not fall within their statutory remit. General advice provided including links to website.

Highway Authority:

No objection, subject to conditions.

Parish Council:

No comments

Neighbours (6 consulted):

No representations received

Site Notice expiry date: 27 March 2024

Newsletter Advert expiry date: 27 March 2024

Relevant Planning History

03/00153/FUL - Proposed 5-a-side football pitch – Permit - 29 October 2003

07/08075/FUL - Two sections of ball stop fencing each 7.5m long and 3m high within multi-use Games Area; dark green in colour – Permit - 13 June 2007

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:-

Location Plan, Proposed Site Plan, Proposed Elevations and Proposed Floor Plans
(Dated January 2025)

3. Notwithstanding any description, details and specifications submitted, the net enclosure including its galvanised steel posts and top rails shall be finished in either black or dark green, and thereafter retained as such for the life of the development.
4. The artificial cricket surface hereby permitted shall not be brought into use until the cricket practice net enclosure has been provided in accordance with the Block Plan Drawing Dated January 2025 (Proposed cricket practice facility at playing fields, Church Lane, Hixon) and shall thereafter remain for the lifetime of the development.
5. No external lighting shall be installed to illuminate the approved development unless planning permission is granted by the Local Planning Authority.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
5. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).

Informative

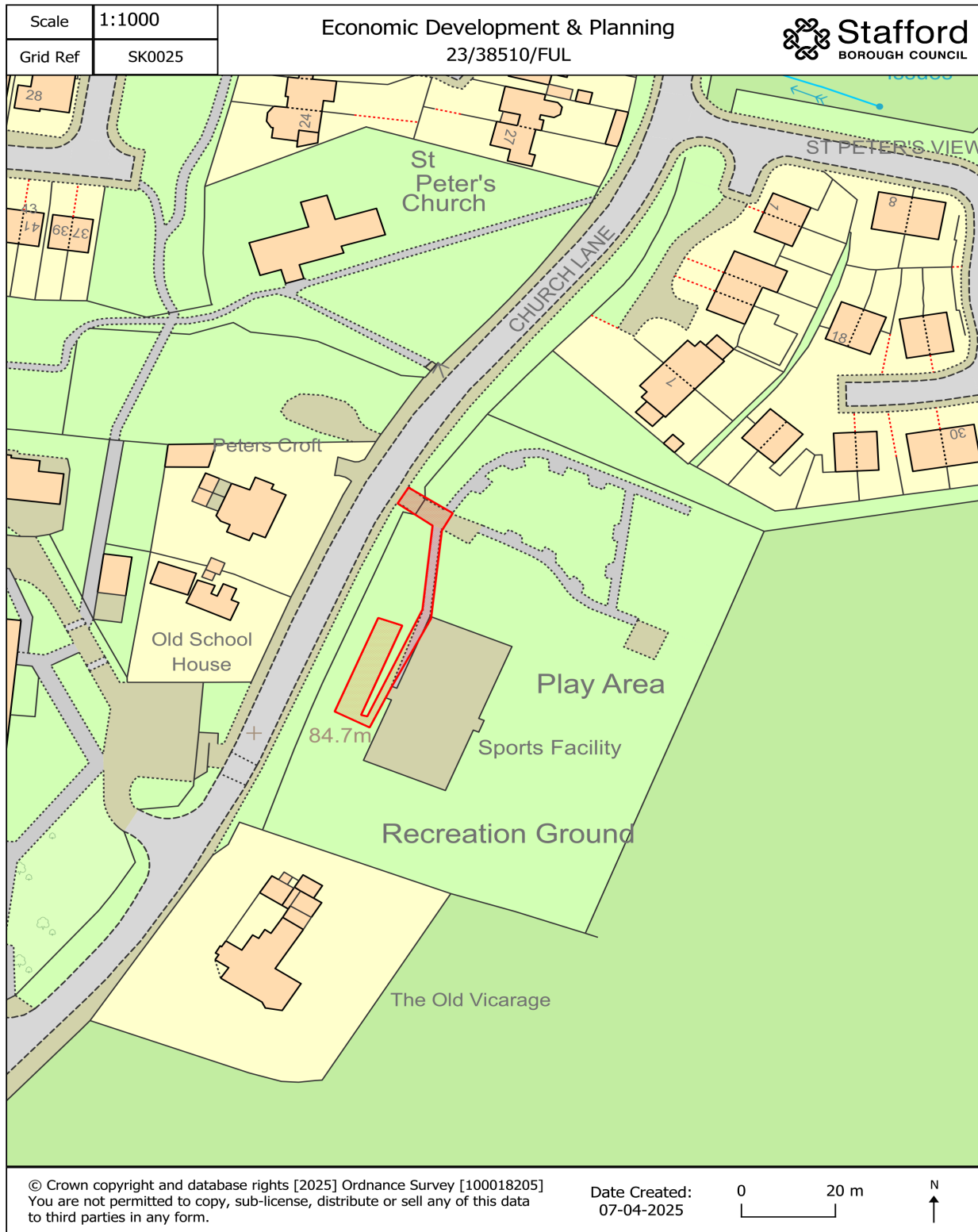
- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2024, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

23/38510/FUL

Playing Field

Church Lane

Hixon



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

REASON FOR REFERRAL TO COMMITTEE

Planning Committee resolved to approve the application on 9 November 2022 subject to the applicant entering into a s106 agreement as per the Officer's recommendation. In the absence of a s106 agreement no decision has been issued to this date.

Officer Assessment

According to information available online via Companies House, the applicant, Hodgkinson Builders Ltd, entered Administration in September 2024.

A final draft of the s106 agreement was written up in December 2023, however, there has been no further movement on the matter in the intervening period.

It is recommended that the application be refused on the basis that the applicant has not entered into a s106 agreement to secure the appropriate obligations:

- Affordable housing to be secured in perpetuity.
- Financial contributions towards:
 - Cannock Chase SAC strategic access management and mitigation measures.
 - Education provision.
 - Sport and leisure facilities.

In the absence of bespoke mitigation or a signed legal agreement to secure necessary financial mitigation towards the Cannock Chase Special Area of Conservation the resulting harm to the integrity of the Cannock Chase SAC through additional recreational pressure arising from the proposed residential development is unacceptable, and the development fails to comply with the provisions of policy N6 of The Plan for Stafford Borough.

Furthermore, in the absence of a signed s106 agreement, the proposal would not make adequate provision for infrastructure needs arising from the proposed residential development, specifically in respect to educational facilities and sport and leisure facilities, contrary to the provisions of policy I1 of The Plan for Stafford Borough which requires proposals to provide for and contribute towards the provision and other infrastructure needs generated by the development where this is necessary to make the development acceptable in planning terms.

Recommendation

Refuse for the following reasons:

1. The development would result in harm to the integrity of the Cannock Chase Special Area of Conservation through additional recreational pressure arising from the scheme. In the absence of bespoke mitigation or a signed legal agreement to secure necessary financial mitigation towards the Cannock Chase Special Area of Conservation the harm is unacceptable, and the development fails to conform with Policy N6 of The Plan for Stafford Borough.
2. The proposal would not make adequate provision for infrastructure needs arising from the proposed residential development, specifically in respect to educational facilities and sport and leisure facilities. The proposal would conflict with Policy I1 of The Plan for Stafford Borough which requires proposals to provide for and contribute towards the provision and other infrastructure needs generated by the development where this is necessary to make the development acceptable in planning terms.

Informatives

- 1 In dealing with this application, Stafford Borough Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the period for determining the application, having regard to the policies of the development plan, paragraph 39 of the National Planning Policy Framework 2024 and other material planning considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development.

Previous report heard before Planning Committee on 9 November 2022

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

REASON FOR REFERRAL TO COMMITTEE

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

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

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

Context

The site

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

The site is in the settlement boundary for Stafford, within 8km of the Cannock Chase SAC (special area of conservation) and the Cannock Chase SSSI. The southeast boundary of the site is adjacent to Rising Brook and is in flood zone 3. There is also a flooding hotspot recorded at the site. The site is within a blanket Tree Preservation Order (TPO) (No.1 CSB of 1949) and there is a further group TPO on the bank of the brook (No.46 of 1976).

The proposal

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

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

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

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

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

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

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

- 2) *The proposed development, by reason of the orientation and layout of the apartment block and dwellinghouses, would fail to provide an adequate level of amenity for future occupiers in terms of the inadequate outlook to ground floor windows and the provision of insufficient recycling/refuse bin storage facilities. The proposed development is therefore contrary to the provisions of policy N1 (e) and (j) of The Plan for Stafford Borough and paragraph 130 (b) and (f) of the National Planning Policy Framework.*

Planning policy framework

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

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

Officer Assessment - Key Considerations

1 Principle of development

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

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

Policy Stafford 1 seeks to enhance Stafford's role as the County town by increasing both the range and quality of services and facilities. Furthermore, part 2 of TPSB states that the provision of social and community facilities is integral to supporting sustainable communities and it is important to protect existing facilities.

Notwithstanding this, public houses (drinking establishments) are not protected where they are located within the settlement boundaries of Stafford and Stone.

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

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

Policies and Guidance:-

National Planning Policy Framework

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

The Plan for Stafford Borough

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

The Plan for Stafford Borough: Part 2

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

2 Heritage, character, and appearance

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

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

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

considered in detail below and with regard to the comments of the Council's Design Advisor.

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

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

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

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

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

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

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

In order to ensure that the wider aesthetic and functional qualities of the proposed scheme are appropriately articulated the choice of quality materials and detailing as

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

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

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

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

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

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

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

Policies and Guidance:-

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

The Plan for Stafford Borough
Policies: N1 Design; N8 Landscape character; N9 Historic environment
Supplementary Planning Document (SPD) - Design

3 Residential amenity

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

The separation distance between facing principal windows to the proposed apartment block to those on the rear elevations of plots 5-7 would measure 13.35m. Whilst it relates to extensions and alterations to existing dwellings and isn't strictly relevant in this context, guideline 6 of the Council's Design SPD is considered to be a reasonable starting point in considering the relationship between the proposed units. Guideline 6 recommends a minimum distance of 12m from a principal window when it faces the wall of another dwelling within more than one storey with no principal window. The northwest elevation of the proposed apartment block would have secondary principal windows at ground floor to units 1A and 2B and non-principal windows (by virtue of their obscure glazing) to units 5A and 6B above. Whilst the application documents indicate that the northwest-facing windows would be top-hung and have restricted opening it is considered that a condition should ensure that these first-floor windows are obscure glazed and non-opening to a height of 1.7m above finished floor level in order to achieve appropriate levels of privacy for occupiers of both the proposed flats and the dwellings. A 1.8m close-boarded fence would be erected on the boundary between the flats and units 5-7 which would provide adequate privacy at ground floor level. On this basis, it is consequently considered that the separation distance between the proposed flats and dwellings would be acceptable with regard to residential amenity.

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

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

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

With regard to the relationship between existing dwellings at Hambridge Close and manor Green to the southeast, it is not considered that any views from the ground floor flats would result in any undue level of overlooking. At first floor a Juliet balcony is proposed to the southwest elevation and fully accessible balconies are proposed to the first and second floor of the northeast elevation. It is not considered

that these would result in any undue loss of privacy with regard to the occupiers of existing properties given the direction of any views and the separation distance from the boundaries, and consequently any private garden areas. Two upper floor windows on the southeast elevation would be in close proximity to the open boundary onto the watercourse, yet over 10.5m to the boundary of the adjacent properties on Manor Green. Such separation distances are considered to be entirely reasonable within a suburban location where many first-floor principal windows are situated only 10.5m from shared rear boundaries and 21m from a direct facing window.

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

Windows to plots 2-8 would be focussed on the front (northwest) and rear (southeast) elevations facing the highway and private gardens respectively. A small side-facing window at ground and first floor level would be provided within plots 4 and 5. The first floor window would afford some passive surveillance of the parking area. Adequate outlook would also be achieved from all habitable rooms.

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

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

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

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

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

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

Policies and Guidance:-

National Planning Policy Framework
Paragraph: 130

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

4 Access and parking

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

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

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

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

- Provision of access, parking, servicing, and turning areas.
- Provision of visibility splays for each access off Barnes Road in accordance with the approved plans, and their retention in perpetuity.

- Closure of the existing site access which is to be made redundant as a consequence of the proposed development, and the reinstatement of the crossing as verge/footway.
- The development to be carried out in accordance with a construction environmental management plan to be approved prior to the commencement of development.

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

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

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 107 and 108

The Plan for Stafford Borough
Policies: T1 Transport; T2 Parking and manoeuvring facilities; Appendix B - Car parking standards

5 Ecology and biodiversity

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

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

The application is supported by a preliminary ecological appraisal of the site which concludes that the site is of low ecological value; there being no evidence of protected species within the site and it having very low suitability for protected

species. It is, however, stated that the trees within the site should be protected during development. The Council's Biodiversity Officer raises no objection to the proposal, subject to conditions to secure the following:

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

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

As the proposal would result in a net increase in dwellings within 15km of the Cannock Chase SAC it is considered that the proposal would result in potential harm to the SAC; it is considered that this harm would be mitigated via contribution to the Cannock Chase SAC SAMMMs (strategic access management and monitoring measures). This is considered in further detail within section 8 of this report. Natural England raise no concern with regard to any potential impacts upon the Cannock Chase SSSI.

Policies and Guidance:-

National Planning Policy Framework

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

The Plan for Stafford Borough

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

6 Flood risk and drainage

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

Following the submission of a revised FRA the Environment Agency directed the local planning authority to their standing advice. The FRA concludes that the site is not at risk from fluvial sources on the basis that the development area is wholly within flood zone 1 and that the site is at medium risk of flooding from overland flows. The assessment states that the site is suitable for development and recommends that drainage and external levels are designed appropriately. Furthermore, it advises that maintenance access could be achieved from the

parking area and by removing some fences along the rear of the proposed dwellings. The Environment Agency advised, with regard to 20/33494/FUL, that finished floor levels should be set no lower than 85.15m AOD (plots 1-4), 85.65m AOD (plots 5-8), and 85.00m AOD (apartment block); the FRA provided in support of this application recommends the same finished floor levels, except for plots 1-4 which are set 75mm higher at 85.225m AOD. With regard to the comments of the Environment Agency in respect of application 20/33494/FUL it is considered that any approval should be subject to a condition that the finished floor levels of the proposed residential properties are set no lower than shown within the FRA.

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

Policies and Guidance:-

National Planning Policy Framework

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

The Plan for Stafford Borough

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

7 Other

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

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

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

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 45 and 97

The Plan for Stafford Borough

Policy: N1 Design

8 Planning obligations

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

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

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

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

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

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

Policies and Guidance:-

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

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

9 Conclusion and planning balance

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

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

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

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

Consultations

Highway Authority:

(Comments received 3 October 2022):

No objection.

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

(Comments dated 5 July 2022):

No objection, subject to conditions to secure the following:

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

Design Advisor:

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

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

Conservation Officer:

No objection.

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

Lead Local Flood Authority:

(Comments dated 29 September 2022):

No objection.

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

(Comments dated 5 July 2022):

Objection.

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

Environment Agency:

(Comments dated 6 October 2022):

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

(Comments dated 24 June 2022):

Objection.

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

Housing Manager:

No objection.

- The strategic housing market assessment suggests that Stafford Borough has an annual affordable housing shortfall of 210 dwellings and this scheme will help to meet the identified need.
- The mix of properties on the site is welcomed as there is a shortage of one-bedroom affordable housing whilst there is also a need for affordable bungalows within the Borough.
- Affordable housing must meet the standards recommended by the Homes and Communities Agency in terms of size (floor area) and rent level as well as other factors which affect the work of registered providers.

Sports and Leisure Officer:

(Comments dated 18 June 2022):

No objection

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

County Schools Organisation:

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

Natural England:

No objection, subject to appropriate mitigation being secured.

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

Biodiversity Officer:

No objection.

- The preliminary ecological appraisal of 2019 (revised in May 2020) found no evidence of protected species on site.

- Conditions should ensure the following:
 - Protection of nesting birds.
 - Provision of six Schwegler 1B bird boxes in suitable locations around the site.
 - Trees on site should be retained with replacement planting provided if any trees are removed.
 - Planting of native species hedgerows and additional tree planting within landscaping plans.

Tree Officer:

No objection, subject to conditions to secure the following:

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

Pollution Control Officer:

No objection.

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

Environmental Health Officer:

(Comments dated 22 June 2022):

No objection, subject to conditions to secure the following:

- Restriction of hours of works and associated deliveries.
- Only inaudible equipment to be left running outside of the allowed working hours.
- Acoustic screening to be provided to protect neighbouring residents from excessive noise.
- No burning on site during development.
- Removal and proper disposal of all demolition materials.
- Damping down facilities to prevent excessive dust.
- Road sweeping to prevent excessive dust.

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

Cadent:

No objection.

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

Staffordshire Police Crime Prevention Design Advisor:

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

- The standard of communal door should be carefully considered.
- Door entry and access control systems, and communal mail delivery systems should be considered.
- Secured by design standards should be met.

Neighbours:

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

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

Site notice expiry date: 8 July 2022

Newsletter advert expiry date: 13 July 2022

Relevant Planning History

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

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

Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-
 - UP0620.06 P10 A
 - UP0620.06 P11 A
 - UP0620.06 P12 P
 - UP0620.06 P13 F
 - UP0620.06 P15 F
 - UP0620.06 P16 K
 - UP0620.06 P17 M
 - UP0620.06 P19
 - UP0620.06 P20 D
3. Notwithstanding any description/details of external materials in the application documents, no construction works above ground shall be commenced until precise details or samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
4. Notwithstanding any description/details in the application documents, no construction works above ground shall be commenced until precise details or samples of the following elements have been submitted to and approved in writing:
 - Projecting window surrounds.
 - Balconies and Juliet balconies.
 - Facias, eaves, and soffits.
 - Rainwater goods.
 - Window and door systems.

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

13. No development shall commence unless and until temporary acoustic mitigation measures have been provided in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The proposed measures shall take into account any necessary piling works. The mitigation measures shall be implemented prior to the commencement of development on the site and shall be retained for the duration of development works.
14. All construction works, including demolition and associated deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
15. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
16. There shall be no burning on site during development.
17. The development shall not be brought into use unless and until the access, parking, servicing, and turning areas have been provided in accordance with the approved plans.
18. The development shall not be brought into use unless and until the visibility splays show on drawing UP0620.06 P12 P have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm from the level of the adjacent carriageway.
19. The development shall not be brought into use unless and until the accesses into the site have been completed within the limits of the public highway.
20. The development shall not be brought into use unless and until the existing site access, which shall include the access crossing between the site and carriageway edge, made redundant as a consequence of the development, has been permanently closed and the access crossing reinstated as verge/footway.
21. No development shall commence unless and until a construction management plan (CMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CMP shall include details relating to construction access; hours of works; routing of HGVs; delivery times; the location of the contractors compounds, cabins, material storage areas, contractors parking; and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. The development shall thereafter be carried out in accordance with the approved CMP.
22. The development shall be carried out in accordance with the tree survey report by CBE Consulting (reference P1939/0819-01 V2).
23. Any trees, plants, or shrubs which are to be retained or planted in accordance with an approved landscaping plan which are removed or die, or become seriously damaged or diseased, within a period of 5 years from the date on which the landscaping scheme is implemented shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

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

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
5. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
6. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

7. To ensure an adequate level of privacy for occupiers of adjacent residential properties. (Policy N1e of the Plan for Stafford Borough).
8. To ensure an adequate level of privacy for occupiers of adjacent residential properties. (Policy N1e of the Plan for Stafford Borough).
9. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
10. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
11. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
12. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
13. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
14. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
15. To safeguard the area from fumes, smoke and smells (Policy N1e of The Plan for Stafford Borough).
16. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
17. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
18. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
19. To prevent the indiscriminate crossing of the pavement by vehicles. (Policy T1 of The Plan for Stafford Borough).
20. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
21. To enable the Local Planning Authority to consider the scheme of development and the landscaping proposals in relation to the existing trees and hedges. (Policy N4 of The Plan for Stafford Borough).
22. To enable the Local Planning Authority to consider the scheme of development and the landscaping proposals in relation to the existing trees and hedges. (Policy N4 of The Plan for Stafford Borough).

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

Informatives

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 The applicant's attention is drawn to the comments of the local highway authority, Cadent, and Staffordshire Police. All comments can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).
- 3 The applicant's attention is drawn to the protected status of nesting birds and the requirement that they are not disrupted during the nesting season (March to August).

22/35957/FUL
Highfields Social Club
Barnes Road
Highfields



 PLANNING COMMITTEE - 12 MARCH 2025

Ward Interest - Nil

Planning Appeals

Report of Head of Economic Development and Planning

Purpose of Report

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

Notified Appeals

Application Reference	Location	Proposal
24/39412/LDC Delegated refusal	Camomile Watery Lane Stafford	Application for a Lawful Development Certificate- Existing. Confirmation that the use of a detached garage as an annexe is lawful.
24/39577/FUL Delegated Refusal	Land Adjacent Moreton House Farm Bishton Lane Wolseley Bridge	Change of use of land to dog walking field and associated works
24/39261/FUL Delegated refusal	13 Blythe Road Mospit	Extending front garden and creating a dropped kerb. Extending rear garden with new fence
24/39316/LDCPP Delegated refusal	18 Brocton Crescent Brocton Stafford	Lawful Development Certificate for the proposed use of the property as a residential care home (Class C2) for 2 young people supported by 2 members of care staff working on a shift basis (no material difference with the lawful use as a Class C3 dwelling).

Application Reference	Location	Proposal
24/39654/FUL Delegated refusal	The Wood Stallington Road Meir Heath	Retrospective application for change of use of land to private equestrian use, construction of stables, manege and erection of fencing
USE/00218/EN24 Enforcement Notice	Land Lying To The East Of Stallington Road Blythe Bridge	Unauthorised change of use and associated operational development

Decided Appeals

Application Reference	Location	Proposal
24/39797/HOU Appeal Dismissed	79 Baswich Crest Baswich	Side dormer extension to the existing bungalow
24/39250/ADV Appeal Allowed	51 - 52 Greengate Street Stafford	Proposed illuminated fascia sign
24/39525/FUL Appeal Dismissed	Cocknage Farm Barns Woodpark Lane Cocknage	Change of use of land (agricultural) for use as residential garden (retrospective) and associated fencing
24/39326/OUT Appeal Allowed	Land Off Stafford Road Woodseaves	Outline planning application with all matters reserved for the erection of two dwellings and associated works
23/36938/FUL Appeal Allowed and Costs refused	Lower Farm Drointon Lane Grindley	Installation and operation of solar farm and energy storage system with associated landscaping, underground cabling, works, equipment and infrastructure

Application Reference	Location	Proposal
24/38748/FUL Appeal Dismissed	Land East Of Brookside Gregory Lane Loynton	Agricultural storage building to store agricultural machinery, agricultural implements and tools and general hay and feed store.
24/38978/LDCPP Appeal Dismissed	64 Ford Drive Yarnfield Stone	Proposed 2m heigh fence to front of property, adjacent to the highway
23/38534/HOU Appeal Allowed	Stone Cottage Doley Road Bishops Offley	Part demolition / 2 storey side extensions and 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 February 2025

by **Elaine Benson BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/Y3425/D/25/3358416

79 Baswich Crest, Baswich, Stafford, Staffordshire ST17 0HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Deborah Instone against the decision of Stafford Borough Council.
 - The application Ref is 24/39797/HOU.
 - The development proposed is rear dormer extension to the existing chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the development on the character and appearance of the host dwelling and the surrounding area, and its effect on the living conditions of neighbouring occupiers.

Reasons

3. The dormer extension has already been constructed and the appeal proposal is for its retention. The appeal has been determined on this basis.
4. The appeal property is a bungalow which was allowed on appeal. The Inspector imposed a condition removing 'permitted development' rights for extensions and additional windows and dormer windows. The condition was imposed to protect the amenity of neighbouring occupiers due to the cramped nature of the site and the close relationship between the bungalow and its neighbours. Accordingly, planning permission is required for the proposal.
5. The dormer extends across much of the width of the bungalow's roof plane. There is a minimal set down from the ridge and its base is close to the eaves. As a result, it appears overly large and visually dominating in its context. Although there are many dormer windows in the local area, they are of a significantly more modest size than the appeal proposal. The dormer window is clad with dark grey material which contrasts with the original roof tiles and this further contributes to its incongruous appearance.
6. I conclude that the scale of the dormer window and the materials used result in an incongruous and imposing feature in the street scene which harms the character and appearance of the surrounding area. Thus, the proposal conflicts with Policy N1 of the Plan for Stafford Borough (the Plan) which, in summary, requires high

- quality design which respects its surroundings. Furthermore, the scheme does not conform to the detailed design guidance set out in the adopted Supplementary Planning Document - Design (SPD). The proposal is also counter to the similar design objectives of the National Planning Policy Framework (the Framework).
7. The dormer is close to the boundary with No 2 Tavistock Avenue (No 2). The combination of its bulk and height in a location so close to both the boundary and the property itself has an unacceptably overbearing effect on the occupiers of No 2, as experienced from their rear windows and garden. Furthermore, the appeal dormer has 3 windows which face onto the neighbouring property. I saw that both bedroom windows in the dormer provide views into the rear rooms of No 2, including its bedrooms, as well as overlooking much of its garden. The extent of overlooking includes the garden area closest to the back of No 2 where one would expect greater privacy. This degree of overlooking amounts to an unacceptable loss of privacy for the neighbouring occupiers. The appeal bungalow stands on higher ground than No 2 and this relationship exacerbates the overbearing effect of the dormer and the extent of overlooking.
 8. The appellant suggests that the dormer windows could be fixed shut and obscurely glazed to overcome the overlooking concerns. However, this amendment would not address the overbearing effect of the dormer, nor remove the perception of overlooking. Moreover, the suggested changes would provide an unacceptable living environment for the appellant as there is no other source of daylight to these bedrooms.
 9. When originally granting planning permission, the Inspector removed permitted development rights for windows and dormer windows to avoid the very situation the dormer extension creates. I conclude that the identified harms to the living conditions of the neighbouring occupiers conflict with the amenity requirements of Policy N1 of the Plan, the SPD and the similar objectives of the Framework.
 10. Whilst I appreciate that the dormer provides larger and more usable first floor accommodation, this factor does not outweigh the harm caused. The appellant is concerned that the Council did not discuss potential amendments to the proposal, prior to making its decision. However, this is not a matter for consideration in this appeal and should be addressed through the Council's own procedures.
 11. For the reasons set out above and having regard to all other matters raised, the appeal should be dismissed.

Elaine Benson

INSPECTOR



Appeal Decision

Site visit made on 25 February 2025

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2025

Appeal Ref: APP/Y3425/Z/24/3357948

51- 52 Greengate Street, Stafford, Staffordshire ST16 2JA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Edward Bryan, Cards Direct Retail Ltd against the decision of Stafford Borough Council.
 - The application Ref is 24/39250/ADV.
 - The advertisement proposed is illuminated fascia sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of illuminated fascia sign and hanging sign at 51- 52 Greengate Street, Stafford, Staffordshire ST16 2JA in accordance with the terms of the application, Ref 24/39250/ADV, dated 12 June 2024. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations.

Preliminary Matter

2. The description of the proposed advertisement display as set out on the application form and the Council's Decision Document refers only to the fascia signage. However, the scheme includes a hanging sign. The Council considered this aspect of the proposal and the appeal has also been determined on this basis. For clarity, the description of the proposal has been amended in the Decision above.

Main Issue

3. Advertisements are subject to control only in the interests of amenity and public safety. No objections are raised on public safety grounds and there are no reasons to disagree.
4. The main issue in this appeal therefore is the effect of the proposed advertisement display on amenity, including whether it would preserve or enhance the character or appearance of the Stafford Town Conservation Area (the Conservation Area).

Reasons

5. The appeal proposal seeks consent for the display of an aluminium fascia sign and hanging sign. Both signs would be externally illuminated by trough lighting. This illumination would be above the centralised lettering and would not extend along the width of the fascia sign. The fascia sign is currently being displayed without

illumination. The shop's fascia has a grey background with a centrally displayed fascia sign comprising a matt pink background with lime green and purple lettering. The hanging sign would be mounted just above the fascia and would contain the same colour scheme. The Council raises no objections to the location and proportions of the proposed fascia sign or hanging sign. There are no reasons to disagree.

6. The factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The appeal site is located within Stafford town centre in a pedestrianised area. Greengate Street is the main shopping street. The building containing the appeal property is of no historic or architectural interest. However, it is within the Conservation Area which contains a range of attractive historic buildings dating from a variety of periods. They are principally in retail and other commercial use. There are a number of listed buildings in the vicinity, including opposite the appeal site, and the appeal building is also close to the Ancient High House, a Grade II* listed Tudor building which is a local landmark and focal point. In accordance with the statutory duty, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. The Council's concerns relate to the proposed colour scheme of the background and lettering on both signs. In respect of advertisements in conservation areas, the Council's Supplementary Planning Document on Shopfronts and Advertisements (SPD) indicates among other things that the design, materials, and colour of the signage should be appropriate in relation to the building and surrounding area. The SPD also recognises that many companies have specific corporate colours, stating that if these are considered inappropriate for the area, it may be necessary to "tone down the colour".
8. The colour scheme of the signage reflects the corporate branding of the appellant company. In the light of the Council's concerns about the appearance of the brighter colours, the scheme was amended. The extent of the pink area was reduced to approximately 50% of the width of the fascia board, thereby significantly increasing the grey area of fascia. The use of grey reflects the colour of the shopfront and the fascia of the adjoining restaurant.
9. Whilst the combination of the colours is undisputedly bright, the limited size of this element of the display produces a satisfactory appearance within the context of the appeal building. The fascia signage is not visually intrusive within the commercial context of the wider town centre where corporate signage is prevalent. As revised, I find that the proposed fascia signage scheme does not detract from the special historic character and appearance of the Conservation Area. Furthermore, given its distance from the Ancient High House, the setting of the listed building is preserved. I consider that the hanging sign would be in keeping with its surroundings and would not result in any harm to amenity.
10. The Council refers to other sites where the appellant company has used more muted colours in its signage than is proposed here. The appellant company indicates that the alternative branding was a temporary and unsuccessful experiment and that the company has reverted to its original corporate branding. I do not have sufficient evidence to consider this matter further. But in any event, the appeal proposal has been found acceptable on amenity grounds.

11. There are some brightly coloured advertisement schemes in the locality, particularly the signage at the adjacent 53 Greengate Street. However, the Council states that this signage does not have advertisement consent and is unauthorised. Accordingly, the neighbouring advertisement scheme has not been considered in my assessment of the context of the appeal site.
12. There is disagreement between the parties about whether other advertisement schemes in the Conservation Area were amended to take account of the SPD guidance. However, neither has provided convincing evidence to support their case and I am therefore unable to take the cited examples into account. But in any event, the appeal proposal has been determined on its individual merits.
13. The Council indicates that the Conservation Area is on Historic England's 'Heritage at Risk' register due to the presence of inappropriate shopfronts and advertisements, many of which are unauthorised. However, the enforcement of unauthorised works and advertisements is not a matter for consideration in this appeal. Furthermore, notwithstanding this context, I have found that the appeal proposal as a whole would not harm amenity and would preserve the character and appearance of the Conservation Area.
14. A number of other issues have been raised which are not related to amenity or public safety. They are therefore beyond the scope of this appeal as there is no indication in the Regulations, National Planning Policy Framework (the Framework) or Planning Practice Guidance that any other factors can be taken into account either for, or against, a proposal.
15. I conclude that the proposed externally illuminated fascia and projecting signs would have an acceptable appearance and would respect the visual amenities of the surrounding area. Furthermore, the advertisement display would preserve the character and appearance of the Conservation Area.
16. I have taken into account Policies N1 and N9 of The Plan for Stafford Borough which, in summary, seek to deliver good design that complements its surroundings and respects the historic environment and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies. For the reasons set out above, the scheme does not fully satisfy the requirements of the SPD. There would be no conflict with the requirements of the Framework in respect of advertisement proposals.
17. For the reasons set out above, the appeal should be allowed, subject to the standard conditions. The Council recommended a further condition to control the materials used for the advertisements and their finishes. However, this grant of consent is restricted to the approved drawings and details which have been found acceptable. I am satisfied that the suggested condition is unnecessary and it would be unreasonable to impose it in the circumstances of the appeal.

Elaine Benson

INSPECTOR



Appeal Decision

Site visit made on 25 February 2025

by **Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/Y3425/W/24/3356392

Land At Cocknage Farm Barns, Cocknage, Stoke-on-Trent ST3 4AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Smith against the decision of Stafford Borough Council.
 - The application Ref is 24/39525/FUL.
 - The development proposed is change of use of land (agricultural) for use as residential garden (retrospective) and associated fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my visit I saw the appeal site being used as gardens and fencing in accordance with the submitted plans. Therefore, the appeal development has commenced.
3. A revised version of the National Planning Policy Framework (the Framework) was issued on 12 December 2024. I have had regard to comments from the main parties on the Framework.

Main Issues

4. The main issues are (i) whether the scheme represents inappropriate development in the Green Belt, (ii) its effect on the character and appearance of the area, (iii) whether it supports rural sustainability, and (iv) if the scheme constitutes inappropriate development in the Green Belt, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other factors so as to amount to the very special circumstances necessary to justify it.

Reasons

5. The appeal site is an area of land around former farm buildings that have been converted into dwellings. The planning permission for the conversion also permits the change of use of a small area around the rear of the buildings to be used as gardens. In effect, the appeal seeks planning permission to extend these garden areas outwards from the rear of the dwellings as well as the erection of fencing on the boundaries between the gardens and next to adjoining fields.

Whether inappropriate development – the change of use.

6. The site lies in designated Green Belt. Spatial Principle 7 of the Plan for Stafford Borough adopted 2014 (the Plan) only supports development in the Green Belt

where it is consistent with national policies. The Framework states inappropriate development in the Green Belt should not be approved except in very special circumstances. Under sub-paragraph 154(h)(v) of the Framework, material changes in the use of land are defined as not inappropriate development. However, this is provided the change in use preserves the Green Belt's openness and does not conflict with the purposes of Green Belt policy.

7. Aerial photographs show the appeal site was managed separately from the adjoining fields before it was used as gardens. Even so, there is no evidence of any buildings or other features that would have affected its openness. Also, the description of the development indicates the land was in agricultural use and so it would have appeared as part of the countryside, albeit near to buildings.
8. It is likely residents would wish to erect or place structures and features within their gardens. Indeed, on my visit I saw sheds, decking, play equipment and outdoor furniture already on the site. The appeal development does not include for the erection of any buildings or structures apart from the fencing. Also, it would be possible, if allowing the appeal, to impose a planning condition that removes permitted development rights in relation to buildings within the curtilage of a dwellinghouse. However, such a condition would only apply to acts of development. It would not prevent other domestic paraphernalia that falls outside of planning controls being placed on the land. I have considered the suggestion of a planning condition that would specifically restrict paraphernalia in the gardens. However, I am uncertain how this condition could be worded so as to be precise on what is restricted. Also, such a condition would unreasonably curtail the residents' enjoyment of their properties.
9. As such, the change of use element of the appeal scheme would have an adverse effect on openness through the placing of domestic paraphernalia within the gardens. Such items are likely to be modest in scale and moveable but they may be in place on a fairly permanent basis. Also, the appeal site is large and it could accommodate a significant amount of paraphernalia. Features within the gardens would not be easily seen from any public vantage points but they may be visible from each of the dwellings within the complex as well as from the surrounding fields. Having regard to the spatial and visual effects, I find the change of use has caused a modest harmful effect on Green Belt openness and it would continue to do so if the appeal is allowed.
10. The purposes of Green Belt policy are set out at paragraph 143 of the Framework. To my mind, the significant extension of the gardens further away from the dwellings onto land that was previously in agricultural use clearly conflicts with the purpose of Green Belt policy to safeguard the countryside from encroachment.
11. As such, the change of use element of the scheme fails to preserve the openness of Green Belt and it is at odds with one of the purposes of Green Belt policy. It does not comply with sub-paragraph 154(h)(v) of the Framework and no case is made that any of the other exceptions under paragraphs 154 and 155 apply. As such, the change of use represents inappropriate development in the Green Belt.

Whether inappropriate development – the fence.

12. The erection of fencing is not referred to as an exception under paragraphs 154 and 155 of the Framework. Also, there is no contention before me that the erection

of the fencing falls within the exception categories. Therefore, I find the erection of the fence represents inappropriate development in the Green Belt.

13. Parts of the fencing are constructed of posts and rails with wire mesh fencing, while others are made of vertical timber boarding. The fencing has a fairly minor effect on spatial openness. However, it has a pronounced impact on visual openness as it prevents or partially obstructs views out of and into the appeal site. Overall, the fencing causes a moderate level of harm to Green Belt openness.

Effect on character and appearance.

14. The appeal site lies in an area characterised by fields, hedgerows and woods. The converted barns and the adjoining residence at Cocknage Farm are seen from the public footpath along the access drive leading to the appeal site. Nonetheless, the locality has an obvious countryside feel.
15. It is evident the extended garden areas have resulted in the appeal site having a more residential character compared to the previous agricultural use. Domestic paraphernalia on the land would emphasise this change. The gardens are not widely apparent due to the screening effect of the fencing and so they are only visible from private land. Also, the gardens are seen in the context of the associated dwellings. Nonetheless, the change in character in the appeal site undermines the rural nature of the area.
16. The post and rail fencing is of a type that is often seen within the countryside. However, the vertical timber boarding fences are more typical of residential areas and they are unsympathetic to the rural style of the converted buildings and to the countryside context. Also, the fence on the western boundary is of a significant length and it is seen from the public footpath through gaps in the hedgerow.
17. For these reasons, I conclude the development is harmful to the character and appearance of the area. In these respects, it is contrary to The Plan's policies N1 and N8 as well as policy D1 of the Barlaston Neighbourhood Development Plan 2019 to 2031. Amongst other things, these look for development to have regard to local context and to reinforce and respect the character of the landscape setting.

Whether sustainable rural development.

18. Spatial Principle 7 of the Plan states development within the countryside will only be supported where it is consistent with objectives of Spatial Principle 6 in supporting rural sustainability. This is to be achieved by protecting and enhancing environmental assets and character whilst sustaining the social and economic fabric of communities.
19. I have already found the development would cause harm to the character and appearance of the area. As such, it does not conserve or improve the rural environment and it is inconsistent with the objectives of Spatial Principle 6.
20. The appellant queries the relevance of Spatial Principle 7 to the appeal scheme as its overriding aim is to ensure new development is of a scale and nature that is appropriate to its location. However, there is no part of the policy that restricts its application to any specific types of development or that indicates it should be disregarded in the assessment of this appeal. Accordingly, I conclude the development does not support rural sustainability and in these regards it does not is contrary to Spatial Principle 7 of the Plan.

Other considerations.

21. The appellant states that the appeal site is not large enough to return to agricultural use. However, if this is the case, it is unclear why it could not be used as part of the adjoining and wider field area. As such, this factor attracts limited weight in my assessment.
22. The development means the dwellings have larger back gardens. Even so, the conversion scheme includes gardens to all of the properties, albeit smaller in size. The benefit in these regards is afforded limited weight.
23. As pointed out by the appellant, the erection of fences can constitute permitted development. It is not in my remit in deciding this appeal to come to a firm view on whether the erection of the fencing subject of this appeal is lawful. However, it is noteworthy that the Council has not sought to dispute the appellant's claims in these regards. Therefore, even if the appeal is dismissed, there is more than a theoretical possibility the fencing elements of the scheme would be deemed authorised and that they will remain in place. This fallback position is a factor of significant weight.

Green Belt Balance.

24. The appeal scheme represents inappropriate development. As such, under the provisions of paragraph 153 of the Framework, it is by definition harmful to the Green Belt and it should not be approved except in very special circumstances. Such circumstances only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this balancing exercise, the Framework dictates that substantial weight is to be given to any harm caused to the Green Belt.
25. The development impacts on openness and conflicts with a purpose of Green Belt policy. Also, I have found it to be harmful to the character and appearance of the area and so it fails to support rural sustainability. These additional factors attract modest weight given the scale and overall visual effects of the development.
26. In light of the aforementioned fallback position, I am minded to disregard the ill-effects of the fences in my overall balance of the issues. However, the development also includes the change of agricultural land to garden. The subsequent loss of openness and encroachment into the countryside would continue if the appeal were allowed. The factors in support of the scheme are insufficient to clearly outweigh the total harm caused by the development. Very special circumstances necessary to justify the scheme do not exist and so it conflicts with the Framework. Therefore, I conclude the development does not accord with the Green Belt provisions included in The Plan's Spatial Principle 7.

Conclusion

27. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR



Appeal Decision

Site visit made on 11 March 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Appeal Ref: APP/Y3425/W/24/3354385

Land off Stafford Road, Woodseaves, Stafford ST20 0NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stockings against the decision of Stafford Borough Council.
 - The application Ref is 24/39326/OUT.
 - The development proposed is erection of two dwellings and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of two dwellings and associated works at Land off Stafford Road, Woodseaves, Stafford ST20 0NR in accordance with the terms of the application, Ref 24/39326/OUT, and the plans submitted with it, subject to the standard biodiversity gain plan condition set out under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990, and the conditions in the attached schedule.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with all matters reserved for future consideration. A plan, 78819/RJC/003, has been submitted as part of the appeal which indicates one way that two dwellings could be accommodated on the site. I have taken this plan into account for indicative purposes only.
3. The revised National Planning Policy Framework ('the Framework') was published on 12 December 2024. The parties were invited to comment on the Framework in relation to its implications for the proposed development, including in relation to housing land supply. The comments received have been taken into account in the determination of this appeal

Main Issue

4. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to local policy and if harm arises, whether this is outweighed by other material considerations.

Reasons

5. The appeal site comprises former agricultural land. It is currently being used as an access to, and for storage of building materials for, the housing development being undertaken at land adjacent to 'The Paddocks'. It is located on the corner of the B4505 Stafford Road and Riley Lane. Adjacent to and opposite the site is existing residential development. To the rear of the site is agricultural land. The settlement boundary sits adjacent to the site currently under construction. Woodseaves is a

residential village surrounded by open countryside. A primary school is located opposite the site on Dicky's Lane and a bus stop is a short walk away on Stafford Road.

6. The Plan for Stafford Borough 2011-2031 (TPSB) establishes, in Policy Spatial Principle (SP) 3, the Council's approach to the distribution of housing across the borough. The TPSB seeks to focus housing within the settlement hierarchy of Stafford, Stone, and then Key Service Villages, which include Woodseaves. The accompanying text identifies that Woodseaves has a primary school but limited retail and community facilities as well as a lack of employment provision. It also acknowledges that the village has good transport links to Eccleshall and Stafford.
7. The site is outside of the designated settlement and is therefore within the 'open countryside' for planning purposes.
8. A range of policies are relevant when considering new housing development in the countryside. TPSB policies SP7 and C5A contain criteria that relate to such development. Policy SP7 on the location of new housing development recognises that outside of the identified settlement boundaries, development will be supported where it is consistent with the objectives of the Council's spatial principles in supporting rural sustainability. Also, it will be supported where it would not conflict with environmental protection and nature conservation policies.
9. Policy C5A, where development sits outside of the identified settlements, finds that proposals for new residential development will be required to meet the criteria in policy SP7 alongside three other criteria. These require demonstration that provision cannot be accommodated within the identified boundaries of settlements in the hierarchy; supported by a parish based local housing needs assessment and appraisal showing that it meets the defined needs, and that the development is of high quality reflecting local character.
10. Although the appellant suggests that the proposal is adjacent to the settlement and only in 'technical' breach of the policy, the site is clearly outside the village and in the open countryside for policy purposes. The submitted evidence before me does not provide information on whether the development can be provided within the settlement boundary and is not supported by a parish based local housing needs assessment and appraisal showing that it meets the defined needs. Accordingly, the proposed development would conflict with Policy SP3, Policy C5A and Policy SP7, whose objectives have already been outlined above.
11. Therefore, when considered against local policies, the proposal would not be in a suitable location. Permitting it would be harmful in that the strategy for the distribution of housing would be undermined. As such, there would be a conflict with the relevant development plan policies.

Other Considerations

12. As identified above, the appeal site is well located in relation to the Woodseaves settlement and is acknowledged within the TPSB as having good transport links to the larger settlements. Its location on the edge of the village, adjacent to other new housing development, bordered by roads and developing the remaining site along this stretch of Stafford Road, characterises the end of the village before entering open countryside. As such, the appeal site would not lead to isolated homes in the countryside. Whilst the proposal would only deliver two dwellings, this would

nonetheless be valuable in boosting the housing stock and supporting the village functions. Benefits would also ensue for the local economy.

Planning Balance

13. The Local Plan dates from 2014 but the weight to be attached does not rest on its age. Paragraph 232 of the National Planning Policy Framework (the Framework) identifies that due weight should be given to existing policies according to their degree of consistency with the Framework. The proposal is not in accordance with the aforementioned policies of the TPSB, with the associated conflict resulting in the undermining of the Council's housing distribution strategy. As there are no policies within the TPSB which positively support development of this nature in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
14. The Council accepts that they can no longer demonstrate a deliverable five-year supply of housing land as required by paragraph 78 of the Framework. It is agreed between parties that the Council can demonstrate a housing land supply position of 3.65 years. This is significantly below Government expectations and is therefore evident that there is a pressing need for housing when considering this shortfall. The Council also acknowledge that elements of Policy SP7 relating to development outside of settlement boundaries are no longer up to date as a result (in accordance with footnote 8 of the Framework). Consequently, paragraph 11d) of the Framework, which is a material consideration of significant weight, is engaged. In these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. As described above, the proposal would deliver an additional two housing units in a Borough that is falling significantly below the level of housing supply required by national policy. Socially, the two units would make a minor but useful contribution to the Council's housing land supply. This would be a moderate benefit to the scheme. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy. Moderate weight should be afforded to this benefit. The site is within a short distance of a range of day-to-day services in Woodseaves, which is identified as a key service village. Future occupants would be able to reach these on foot and by public transport, providing them with transport choice rather than reliance on a private car. Furthermore, more than 10% increase in biodiversity net gain from the proposed landscaping can be achieved. I give these environmental benefits moderate weight.
16. Weighed against these benefits is the fact that the appeal scheme would conflict with the development plan, as far as it does not meet with the criteria of TPSB policies C5A and SP7. However, the weight to be given to this conflict is reduced by the Council's inability to demonstrate a five-year supply of deliverable housing sites. The Framework is clear that where this situation arises, relevant policies for the supply of housing should not be considered up to date. Policies setting development limits must be regarded as 'relevant policies' in this context. In addition, the appeal scheme would broadly conform to the TPSB's overall strategy and its identification of the Key Service Villages as suitable locations for development.

17. Consequently, there are significant material considerations that indicate that planning permission should be granted, warranting a decision other than in accordance with the development plan. The limited adverse impacts of the appeal scheme would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development applies and the proposal would represent sustainable development for which permission should be granted.

Conditions

18. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other aspects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.
19. To ensure certainty and clarity, I have imposed the standard conditions relating to the approval of reserved matters, the commencement of development and approved plans. I have not included the proposed block plan as part of the approved plans as the plan is for illustrative purposes only.
20. In the interests of highway safety and impact on neighbouring occupiers, a condition requiring details of construction management including site compound, deliveries, storage of plant and materials, parking and dust control measures is required along with a condition detailing the necessary highway requirements and visibility splays. It is also necessary to impose conditions relating to delivery times and construction hours to ensure that the neighbouring occupiers are not subject to undue noise and disturbance. In the interests of biodiversity enhancement within the landscaping, it is necessary to impose a condition requiring details of tree planting including root depths and to ensure that they are replaced should any die within five years. To ensure that the development is undertaken in accordance with the recommendations of the ecological appraisal, a condition is also considered necessary. Whilst the Council has not requested a drainage condition, I consider it necessary to ensure that both the surface and foul water are addressed correctly on site.
21. As the proposal is for outline permission with all matters reserved, I do not consider it necessary to impose a condition relating to finished floor levels as these details are covered through reserved matters. The Council also requested a biodiversity gain plan condition. However, since February 2024, planning permissions, unless exempt, are deemed to have been granted subject to a pre-commencement condition requiring a biodiversity gain plan to be submitted and approved by the Council prior to commencement of the development. On this basis, it is not necessary to attach a condition.

Conclusion

22. For the reasons outlined above, I conclude that the appeal should be allowed, and planning permission is granted with the attached conditions.

P Brennan

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing no Drawing No 78819 / RJC / 001 - Location Plan.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) measures to control the emission of dust and dirt during construction; and
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) Development shall not take place until drainage works for surface and foul water have been carried out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall then be fully installed and operational prior to the occupation of the dwellings and maintained thereafter.
- 7) Details to be submitted upon submission of reserved matters relating to access, shall include the following:
 - i) Full details of parking, turning, and servicing areas;
 - ii) Full details of surfacing materials;
 - iii) Full details of the width of the proposed site access, connection to the existing road network, and gradient of the proposed site access.
 - iv) Details of a footway connection from the proposed site access towards the neighbouring properties to the west.
 - v) Visibility splays being taken from 2.4m rear of the edge of carriageway and showing 43m taken to the near side kerb edge/verge in both directions from the centre of the new driveway. All visibility splays shall be kept clear to visibility over a height of 600 mm above the adjacent carriageway level.

- 8) Details to be submitted upon submission of reserved matters relating to landscaping scheme submitted, shall include the following details:
- i) details and location of proposed planting including a maintenance schedule to ensure the trees establish;
 - ii) details demonstrating how the planted trees shall have enough ground suitable for unrestricted root growth for the planted trees to their approximate maximum perceived crown spread and to a depth of 600mm - 1000mm, unless agreed otherwise in writing with the local planning authority.

Any plants, trees or shrubs in the landscaping scheme that are removed, die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the Local Planning Authority has given written consent to any variation.

- 9) Demolition or construction works shall take place only between 0800 and 1800 hours Monday to Friday, 0800 and 1400 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 10) Deliveries shall be taken at or despatched from the site only between 0800 and 1800 hours Monday to Friday, 0800 to 1400 hours on Saturdays and not at any time on Sundays or on Bank or Public Holidays.
- 11) The recommendations set out in the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment by Arbor Vitae shall be carried out as stated.



Appeal Decision

Hearing held on 14 January 2025

Site visits made on 15 and 30 January 2025

by **Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/Y3425/W/24/3351763

Lower Farm, Drointon, Stafford, ST18 0LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Novus Renewable Services Limited against the decision of Stafford Borough Council.
 - The application Ref is 23/36938/FUL.
 - The development proposed is the installation and operation of solar farm and energy storage system with associated landscaping, underground cabling, works, equipment and infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for Installation and operation of solar farm and energy storage system with associated landscaping, underground cabling, works, equipment and infrastructure at Lower Farm, Drointon Stafford ST18 0LX in accordance with the terms of the application, Ref 23/36938/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Novus Renewable Services Limited against Stafford Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Prior to my determination of this appeal, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 which replaced the previous version. The relevance of the revised Framework was discussed in the Hearing. I have taken into account the relevant provisions of the revised version in the determination of this appeal and any references to the Framework in this Decision relate to the revised document.
4. An accompanied site visit was initially undertaken on 15 January 2025. However, owing to inclement weather, which restricted visibility, the site visit was adjourned and resumed on 30 January 2025. All of the viewpoints suggested by the Appellant, the Council and interested parties were observed at the resumed site visit.
5. Prior to the opening of the Hearing, an agreed Statement of Common Ground (SoCG) was provided, signed by the Council and the Appellant. This expands on

the areas of disagreement relating to the Council's single reason for the refusal of planning permission. It also identifies, subject to the imposition of appropriate planning conditions, that there are no outstanding objections on technical matters from statutory consultees.

6. The Council are in the process of preparing a new Local Plan to replace the adopted Plan for Stafford Borough 2011 – 2031 (PSB). The emerging Plan is currently at the Preferred Options stage having recently undergone consultation and is thus at a relatively early stage of preparation. Neither main party relied on any policies in the emerging plan to support their respective cases. Consequently, I agree with the views of both main parties expressed in the Hearing that the emerging plan should be afforded limited weight in the consideration of this appeal.
7. There is some confusion in the submitted evidence regarding the name of the public highway to the west of the appeal site from where the main access would be taken. Most of the submitted documents refer to this as Grindley Lane whilst interested parties and the Council refer to it as Drointon Lane. Staffordshire County Council, in the capacity of highway authority, also refer to the road as Grindley Lane in their responses to the planning application consultation. I have no plans that conclusively identifies the correct name of the part of the public highway from where the main access would be taken or where the transition from Grindley Lane to Drointon Lane may occur. Therefore, I have used the name of the highway from which the main access would be taken as Grindley Lane in this Decision in order to remain consistent with the Appellant's submitted application and appeal documents.

Main Issue

8. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area.
9. It is also necessary to consider the benefits of the scheme, and how this and other material considerations should be weighed against one another. I do this as part of the planning balance.

Reasons

The appeal site and proposed development

10. The appeal site is located within the open countryside and comprises two areas of land. The main site comprises approximately 63ha of predominantly agricultural land located to the immediate east of the small settlement of Drointon. This area is referred to as Lower Farm and would house the Solar Photovoltaic (SPV) Array and Battery Energy Storage System (BESS).
11. The second smaller parcel, approximately 0.74ha, is located around 250m to the south-west of the settlement and contains an existing 15m high pylon with a 132KV overhead powerline which forms part of the National Grid Electricity Distribution (NGED). This smaller site would contain a substation and provide access to the NGED network. The proposed compound housing the substation would be enclosed with 2.4m high palisade fencing and house a 15m high communication tower and four 9m high floodlight columns.

12. The SPV site is comprised of 11 field parcels which feature gentle undulations with no steep rises or troughs in topography. The northern boundary abuts wider agricultural land with a wooded area to the northeast identified as Black Hough Plantation. The eastern Boundary is formed by further woodland, which is identified as Newton Gorse Plantation, while the southern boundary is formed by further fields with a farmstead and a small number of dwellings beyond. The western boundary is formed by farmsteads and the centre of Drointon. The field parcels are relatively well defined with mature vegetation forming a large portion of the boundaries.
13. The main site is partly split between the northern and southern portions by land owned by Plough Farm which does not form part of the appeal proposals. Two Public Rights of Way (PRoW) traverse the main site and a further PRoW runs adjacent to the south eastern boundary of the substation site.
14. Access would be achieved via Grindley Lane (note paragraph 7 above) abutting the western boundary of the main SPV array site. Grindley Lane continues south linking with a short section of unnamed road which would facilitate access to the substation site.
15. The SPV array would have a generating capacity of no greater than 49.9MW. The ground mounted solar arrays would be arranged in rows on an east to west alignment with an anti-reflective design to reduce glint and glare. The panels would be static, have a width of 4.85m and be tilted between an angle of 15 to 30 degrees with a maximum height of 3.10m. A network of 1.9m high stockproof fencing would surround the blocks of solar arrays, together with the perimeter of the main site. In addition, 3m high CCTV mounted poles would be installed at various locations on the site.
16. The BESS is proposed to be located in the north- east portion of the main site adjacent to the Black Hough Plantation. The BESS would comprise a bank of twenty containerised batteries with ten Medium Voltage (MV) skids with an overall capacity of 30MW which would discharge at times of high demand. A total of eighteen transformer / inverter units with a small cabinet are proposed near to each parcel of solar panels and adjacent to the proposed internal access tracks.
17. The site would have an operational lifetime of 40 years following construction. A connection agreement has been reached with the network operator which the Appellant suggests will enable the proposal to begin contributing to energy need from 2027. At the end of its operation lifetime all structures and hard surfacing would be removed, and the land restored to agricultural use.

Landscape baseline

18. The submitted Landscape and Visual Assessment (LVA) identifies the landscape and visual effects of the proposed development. The SoCG confirms that the parties agree that the methodologies employed in the assessment of landscape and visual effects have been carried out in accordance with the Guidelines for Landscape and Visual Assessment (Third Edition) 2013 (GLVIA3). I concur that the LVA has been undertaken broadly in line with best practice guidance as set out in GLVIA3. Whilst there is general agreement on the approach adopted in the LVA there is disagreement regarding the magnitude of visual effects.

19. The LVA identifies that the study area for the assessment of landscape and visual impact was partly defined by a Zone of Theoretical Visibility (ZTV) and professional judgement. The combination of these factors resulted in a study area that encompasses up to 3km from the site. The extent of the ZTV or the study area was not contested by the Council in the Hearing and it is generally accepted that beyond this distance, the potential landscape and visual effects would unlikely give rise to any major adverse or moderate adverse visual effects.
20. The LVA identifies representative viewpoints used to assess the impacts and resultant effects of the proposed development on a range of views towards the site. Additional viewpoints were also identified by the Council during the appeal which were assessed by the main parties. I also observed a number of additional viewpoints identified by interested parties. I consider that the study area encompassed by the viewpoints is appropriate for the consideration of the likely important effects of the proposed development on landscape character and views.
21. The SoCG also confirms that neither the appeal site nor the immediate surrounding landscape is located within any international, national, or regional landscape designation and that there would be no significant effects upon any such designated landscapes as a result of the proposal. The SoCG identifies that it is agreed that there would be no cumulative landscape or visual impacts. It is common ground that none of the appeal site falls within any protected landscape and that it cannot be defined as a valued landscape in terms of paragraph 187 of the Framework.
22. Of the various landscape character documents referred to in the LVA, the most relevant is the Supplementary Planning Guidance for Staffordshire and Stoke on Trent Structure Plan¹. This identifies the appeal site as lying almost entirely within the 'Enclosed Plateau Farmlands Landscape Character Type' (LCT) which is an area described as "an intensively farmed landscape which is visually dominated by large broadleaved and coniferous woodland due to the flat or gently undulating landform and coalescence of the woodland blocks. Hedgerow trees are characteristically regularly spaced and variable in number, consisting largely of oak, but with ash in places." The landscape characteristics of the appeal site and immediate surroundings are consistent with these key characteristics of the LCT.
23. In considering the landscape and visual effects, I have taken into account the proposed mitigation set out in the Landscape Strategy Plan (Drawing ST197768-218B). This identifies that visual screening in the immediate environs of the site will be maintained through the retention of trees and hedgerows within and around the perimeter of the site where possible. The mitigation planting would consist of hedgerow infill planting and the addition of hedgerow trees within hedgerow gaps and planting of hedgerow trees next to the existing hedgerows. The management of the existing hedgerows would be altered to allow them to grow up to a height of at least 3m. The mitigation would also include large areas of species rich grassland covering a significant area of the main site.

Landscape Impacts

24. Given their nature and scale, it is inevitable that large scale solar farms may result in landscape harm. In this context, national policy adopts a positive approach

¹ Planning for Landscape Change, Supplementary Planning Guidance of the Staffordshire, and Stoke on Trent Structure Plan 1996 – 2011, Staffordshire County Council (2000).

indicating that development should be approved where the harm would be outweighed by the benefits of a scheme.

25. Although the Council's Statement of Case sets out that the Council's concerns relate specifically to matters concerning the visual impact of the proposed development, rather than landscape impact, it is necessary for me to consider landscape impact of the proposed development in order to make a judgement of any harm that would be caused. In doing so I have considered any direct loss of landscape elements (i.e. subtractive changes which change landscape character) or through additions that change landscape character (additive).
26. The proposed development would predominantly occupy pasture land, which would accommodate the solar arrays, with land under the panels being used for the biodiversity enhancements and continued agricultural co-use with livestock grazing. The existing perimeter vegetation consisting of hedgerows, with trees alongside the hedgerows, form the field boundaries which would be retained except for vegetation removed for access. Changes in landscape character would be largely as a result of a modification to the land use by the introduction of SPV panels that would result in the introduction of man-made features within the study area.
27. The proposed SPV panels, BESS, substation, inverters and access tracks would occupy a considerable portion of the landscape immediately to the east and southwest of Drointon. These features, particularly the metal and glass panels of the solar arrays, along with their regular arrangement in long rows, would be out of keeping with the character of the area. The colour and texture of the solar arrays would not be typical of the agricultural and rural settlement context. Consequently, the proposed development would introduce a discordant element into the local landscape.
28. The individual components of the development would be largely contained within existing well-defined fields whilst enhancing field boundaries through new planting would be beneficial in mitigating some local landscape effects in the medium term. However, this would not entirely ameliorate the landscape harm that would be caused.
29. Although it is clear that the BESS and associated infrastructure would detract from the existing character, the detraction would be limited in extent and would affect a minor part of the overall area. The impact would be reduced over time with the establishment of new planting.
30. On the substation site, part of the existing grassed area would be replaced by hardstanding and the proposal would introduce vertical features associated with the telecommunications tower, lighting poles and the substation equipment. However, the substation site includes the existing transmission pylon which is part of the intended point of the grid connection for the substation. This in itself is a strong influence on the character of the locality and the lighting columns and telecommunication mast would be seen within the context of this existing pylon.
31. Taking the above factors into account, I conclude that at the site level, there would be moderate adverse landscape effects during construction and year 1, reducing to minor adverse by year 15 as the proposed mitigation planting matures to enhance the existing field boundaries and hedgerows within the site. The proposed substation would largely be confined by existing field boundary

vegetation, enhanced and reinforced with mitigation planting. However, owing to the extent of tall structures that would be introduced into the rural landscape, I consider that the landscape harm would remain as minor adverse for the duration of the development.

32. Beyond the extent of the site, the proposed development would result in minor adverse effects on the landscape character of the LCT within the study area during construction and year 1 but reducing to negligible adverse in year 15 as the proposed mitigation planting would help to integrate the proposed development into the existing landscape.

Visual impacts

33. I have considered the views of both main parties in relation to the visual impact of the proposed development relative to the agreed viewpoints. I have set out my assessment of the visual effect on some of the viewpoints that have influenced my overall assessment of the visual effect of the proposed development. The viewpoint numbers referred to below represent those agreed between all parties as shown on the site visit route plan and are considered below in the order that they were viewed on the site visit. These views are those that the main parties and interested parties consider to be key viewpoints to gain an appreciation of the visual impact of the proposed development.
34. I do not have any agreed field numbering to provide an indication of the orientation of views. I have therefore used the numbering shown on the Planning Capacity Plan (Drawing LF 14) to provide some degree of reference to the location of the solar arrays. There is dispute regarding the extent to which the proposed landscaping would have grown by year 15 from planting. However, whilst not necessarily reaching full maturity, most of the planting would have achieved a reasonable height to offer a relatively high level of screening by year 15.
35. FFC2 was viewed from the rear of Upper Farm looking east. Foreground views would be of a relatively long field that would be retained in agricultural use. However, the land to the east slopes downwards from approximately half of the length of this long field before rising towards Newton Gorse Plantation where the arrays in Areas 6, 7 and 10 would be seen. Mitigation planting would reduce the visual effect on the lower slope of the arrays but would unlikely screen views of the arrays on the upper slope towards the Plantation. Given the distance to the views of the arrays, the visual effect would be minor adverse for the duration of the development.
36. AVP3 is a view from the rear of Ivy House Farm/Yew Tree Cottage looking southwest towards the substation site. Views of the current substation site from the residential property are limited due to curtilage buildings and existing vegetation both from within the garden area and as a consequence of the existing hedgerow fronting the substation site. The existing pylon is dominant in such views. Although the residential property is relatively close to the substation site, as a consequence of the foregoing, it is unlikely that the electrical switch gear would be readily seen. The main visual impact would arise from the installation and use of the lighting columns and the communications tower. These structures would be seen in the context of the existing pylon which has a reducing influence on the visual effect. Consequently, I consider that the visual effect would be

minor adverse at year 1 and remain so for the duration of the development. There would be some impact as a consequence of nighttime lighting which I consider later in this Decision.

37. FFC3 is the view looking east through the access into Upper Farm. Currently views down this access are relatively funnelled due to the storage of agricultural machinery and farm materials but concern was raised that the view may be widened if the farm ceases agricultural use as a consequence of the appeal proposals. I cannot speculate on the extent of the future use of the farm and I have considered the visual impact as at the date of the site visit. Proposed planting and topography would mitigate views of the nearer parts of the SPVs, identified as Area 9, but longer distance views of the panels in area 6 would be attainable as the land rises towards Newton Gorse Plantation. However, these would be distant views with visual receptors comprising passing vehicles/pedestrians/horse riders using this part of Grindley Lane. The significance of visual effect would be minor adverse.
38. WA3 / FFC1 / PRoW CP 0.1620 are collective views travelling eastwards along Public Right of Way CP0.1620 from Grindley Lane towards Newton Gorse Plantation. Relatively open views of the solar arrays would be available following implementation. Landscape mitigation by year 15 would likely screen views of the solar arrays from either side of the PRoW whilst walking through the appeal site. However, in views walking west from the vicinity of Newton Gorse Plantation, the mitigation would have limited effect. Users of the footpath would likely experience enhanced field boundaries but a change in the colour of the land occupied by the arrays.
39. Concern was expressed that the proposed mitigation would result in walkers experiencing an unacceptable tunnel effect. The 'Landscape Design - Public Rights of Way' document shows a section of this PRoW would be provided with a corridor of over 20m between the proposed solar arrays, including a 10m wide landscape buffer. Whilst walkers may, on maturity of the mitigation, experience a "green corridor" this is not an unusual feature of part of this footpath route. However, with the high sensitivity of the footpath users, the visual effect would likely be in the range of moderate to major adverse at year 1, decreasing to moderate adverse by year 15.
40. FFC9 and WA5 are views from the settlement of Lea Heath and the field gate on Drinton Road. Views of the SPVs would be attainable at medium distance due to the elevated position of the settlement with some screening offered by the existing roadside hedging. Overall, I consider that the visual effect from these viewpoints in year 1 would be moderate adverse, reducing to minor adverse at year 15.
41. FFC 8 comprises views from Brookside Farm where the receptors are the residential occupants of the farm and those involved in farm-based activities. Although the SPVs in Area 11 are positioned close to the northeastern boundary of the farmyard, direct views of these would be limited by the existing topography and hedgerow. Partial medium distance views of the arrays in area 10 would likely be attainable as the land rises to the east. The visual effect would likely be minor adverse at years 1 and 15.

42. WA6 is the view from the approximate position of the access to the substation site. Views of the current site are to some extent dominated by the pylon but the extent of equipment proposed to be installed would have an urbanising effect on part of the site. Receptors are those users of the public right of way adjacent to the southeastern boundary of the site and vehicles/pedestrians/horse riders passing along the unmade road in the vicinity of the access. At year 1 there would be a major adverse visual impact, reducing to medium adverse as the proposed landscaping matures.
43. AVP2 is a view looking east from the vicinity of Waters Edge. Middle and longer distance views of the SPVs in Areas 3, 5 and 6 would be attainable. Proposed planting would mitigate medium distance views by year 15. Overall, the visual effect would be moderate adverse at year 1, reducing to minor adverse by year 15.
44. WA2 / FFC5 / PRoW CP12 are collective views travelling eastwards along Public Right of Way CP12 from Grindley Lane towards Newton Gorse Plantation. Relatively open views of the solar arrays in Areas 1 and 3 would be available following implementation. Landscape mitigation by year 15 would screen view of the solar arrays whilst walking through the appeal site. However, in views entering the appeal site via the footpath in the vicinity of the northern part of Newton Gorse Plantation, users would likely experience partial views of predominantly of Areas 1, 3 and 4 throughout the duration of the development. Given the high sensitivity of the footpath users, the visual effect would likely be in the range of moderate to major adverse at year 1 decreasing to moderate to minor adverse by year 15.
45. FFC7 is a view from a field gate on Grindley Lane in the vicinity of Moss Rise Farm looking south. Medium distance views of arrays in Area 1 and the BESS would be attainable through a 'gappy' hedge but in such views these areas would not be particularly prominent. Receptors are vehicles/pedestrians/horse riders using Grindley Lane who are likely to experience transient views. Overall, I consider that the visual effect from this viewpoint would be negligible.
46. AVP4 is a view looking east from Grindley Lane in the vicinity of Moss Side Cottage. Longer distance views of the BESS site would be attainable over intervening open fields but partially screened by existing roadside hedging, albeit this is not in the control of the Appellant. I consider the visual effect would be minor adverse at year 1 reducing to negligible by year 15.
47. FFC6 is a view looking east in the vicinity of the proposed access to the main site. Receptors are vehicles/pedestrians/horse riders using Grindley Lane who are likely to experience transient views. Medium and longer distant views of the SPVs would be attainable but filtered by the existing roadside hedgerows. Overall, the visual effect in year 1 would be moderate adverse, reducing to minor adverse at year 15.
48. AVP1 is a view looking east from Plough Farm. The fields to the immediate east of the farm buildings are not in the control of the Appellant and would likely remain in agricultural use. Direct views eastwards from the rear of the farmhouse are limited due to the presence of farm buildings and storage. Oblique views from the rear of the farmyard of the panels in Area 1 to the northeast and Area 3 to the southeast would be attainable at medium distance with longer distance views of

Areas 2 and 4. Mitigation planting would have limited influence on these views. Overall, I consider that the visual effect would likely be minor adverse at year 1 and remain as such throughout the life of the development.

49. WA1 is a view looking east from Grindley Lane to the south of Plough Farm. Foreground views would primarily be of part retained agricultural land with proposed meadow grass areas and tree planting. Medium distance views of the arrays in Area 3 and longer distance views of Area 6 would be attainable at years 1 and 15. Receptors are vehicles/pedestrians/horse riders using Grindley Lane who are likely to experience transient views. I consider that the visual effect from this viewpoint to be minor adverse throughout the duration of the development.
50. In concluding the overall assessment of the visual impact of the proposed development, I have found that there would likely be moderate to major adverse visual impacts at year 1 reducing to moderate to minor adverse by year 15.

Nigh-time lighting

51. Concern was raised in the Hearing that lighting to the substation site and BESS would cause potential light pollution resulting in an urbanising effect. The Appellant confirmed that lighting would only be required in the event that nighttime essential maintenance or emergency work may be necessary. The CCTV system would use infrared lighting.
52. I recognise that lighting may cause an adverse visual effect in the rural area if illuminated throughout the night. I have no compelling evidence to suggest that the use of external lighting would be otherwise restricted to maintenance or emergency work only. Furthermore, a planning condition could be imposed to restrict the use of external lighting to such events.
53. I have taken into account the likely limited intermittent need for night-time lighting and measures that could be imposed to minimise the generation of obtrusive light beyond the site. I have no other compelling evidence to suggest that the proposed development would materially alter the night-time environment. I consider that night-time effects would not be of such significant extent to warrant this matter contributing to reasons to dismiss this appeal.

Cumulative impacts

54. Interested parties raised concern regarding proposals for other solar developments in the vicinity of Drointon and the potential cumulative effect that this may have on character and appearance. Reference was made to a potential planning application on land to the northwest of Drointon but I have no evidence to indicate the content or defined location of such proposal.
55. The Council's Statement of Case clearly sets out in paragraph 6.4 that cumulative impacts are not a matter contested in this appeal. The paragraph identifies that the Council has received an Environmental Impact Assessment screening request (Ref 23/37693/ESS) submitted in June 2023 for a development that would occupy approximately 85 ha of land to the northwest of Drointon. However, the Council are clear that there is no committed solar development on this site at present.
56. Whilst the possibility of a planning application being submitted for this site cannot be ruled out, in my determination of this appeal I am unable to make any informed judgement on the cumulative effect of a speculative proposal, particularly when

the Council has not sought to rely on any aspect of this proposal in the evidence provided in this appeal.

57. Therefore, there is no material evidence before me that would require the cumulative impact of an additional speculative scheme to be considered in my determination of this appeal. Consequently, I have attached limited weight to any potential cumulative impacts.

Character and appearance - Conclusion

58. The proposed development would cause Moderate Adverse landscape effects during construction and year 1, reducing to Minor Adverse by year 15 beyond the site boundary. The development would cause a High to Moderate Adverse visual impact in year 1, reducing to moderate to minor adverse by year 15.
59. Drawing the above together, it is inevitable that being located in a countryside location, a solar farm of this scale would have some adverse landscape character and visual impact. However, through a combination of topography, existing screening and the introduction of landscape mitigation, the adverse effect would be localised. Moreover, as the existing and proposed planting matures, some of the adverse effects would be acceptably mitigated. Whilst the 40-year lifetime of the scheme is significant, once the solar farm was decommissioned, there would be no residual adverse landscape effects. Rather the scheme would, through the mitigation planting, leave an enhanced landscape consistent with the key characteristics of the LCT.
60. Notwithstanding the longer-term landscape benefits on decommissioning, on the basis of the above, the development would cause a moderate degree of harm to the landscape character and visual amenity of the area. It would therefore be contrary to Policy N1 of the PSB which, amongst other matters, requires development to respect the character and appearance of the surrounding area.

Other Matters

Loss of Agricultural Land

61. The proposal would be located on what is currently open agricultural land. The submitted Agricultural Land Classification Survey identifies that some 92% of the proposed development would be located on land comprising grades 3b. Hence it does not fall within the definition of being best and most versatile land (BMV). A relatively small proportion (about 8%) of BMV would be utilised.
62. I recognise that the land could continue to be used as grazing land around and under the solar panels, and that in due course the land would be returned to full agricultural use (albeit that this would likely be 40 years in the future). In this regard, Natural England have advised that the development is unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations due to its temporary nature and proposed construction method.
63. In view of the relatively small proportion of BMV agricultural land which would be utilised in this case, I am satisfied that there is no reason on these grounds to dismiss this appeal.

Highway Safety

64. The Council did not identify the effect of the proposed development on highway safety or the free flow of traffic on the highway network as reasons for the refusal of planning permission. Staffordshire County Council, in the capacity of highway authority, raised no objections to the proposal subject to the imposition of a number of conditions relating to the submission of a Construction Traffic Management Plan (CTMP), provision of access and visibility splays, provision of passing places on Grindley Lane and measures to mitigate any deterioration of the highway as a consequence of the use by construction traffic.
65. The conditions suggested by the highway authority were included in the schedule of agreed planning conditions² and are considered later in this Decision. Notwithstanding the above, highway safety is a concern of some local residents and I have given consideration to the representations made, in writing and at the Hearing.
66. Roads in the vicinity of the appeal site are narrow, predominantly single track with some passing places and have no lighting or footpaths. As a consequence of the narrow width, road alignment and roadside hedgerows, I observed that vehicle speeds tend to be low.
67. The submitted Transport Statement assesses the transport implications of the proposed development during its construction and any subsequent operational traffic impact. Construction and primary maintenance and operational access to the proposed development would be provided via the introduction of a priority-controlled T-junction on Grindley Lane at the northern end of the site. A secondary access to the smaller substation site would be provided via a proposed priority-controlled access on an unnamed road.
68. The Transport Statement identifies that the highest average number of movements per day is expected to be approximately 79 two-way movements comprising of 58 Cars/LGVs and 21 HGVs assuming a 22-day working month. Over the construction period, there would be approximately 2822 two-way movements of HGVs.
69. The primary means of controlling construction vehicular traffic would be through the CTMP. Subject to the imposition of suitable planning conditions to secure the measures identified by the highway authority, the Transport Statement concludes that the impact of the proposed level of construction traffic on Grindley Lane during the anticipated six-month construction period is expected to have no significant adverse impact on the operation of the local highway network.
70. I recognise that the proposed traffic management measures may cause a degree of temporary inconvenience for users of the local highway network in the vicinity of the appeal site. I also recognise that local residents are not persuaded that the measures proposed would acceptably mitigate highway safety concerns. However, taking into account the views of the Council and the highway authority, I have no other compelling technical evidence to indicate that the traffic arising during the construction period would pose an unacceptable impact on highway safety or that residual cumulative impacts on the road network would be severe.

² HD11

71. For the above reasons I am satisfied that there are no impediments to the proposed scheme on the grounds that it would be unacceptably harmful to highway safety. There is therefore no conflict with Policies T1 and T2 of the PSB.

Effect on the special interest of nearby heritage assets

72. Although the Council's reason for the refusal of planning permission does not identify any concerns regarding the impact of the proposed development on designated heritage assets, I am nevertheless required to have regard to the statutory duty to consider the effect of the proposal on such assets within the context of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have had regard to the desirability of preserving or enhancing the designated heritage assets.
73. The submitted Archaeology and Heritage Statement and Heritage Technical Note identify that there are no designated or non-designated heritage assets located within the boundary of the appeal site. There are a number of heritage assets in the vicinity of the appeal site which these documents consider to be sensitive to change and therefore require assessment.
74. The nearest designated heritage asset is the Grade II Listed Old Hall Farmhouse located approximately 175m to the west of the site. Further away from the site, approximately 685m to the east of the main site, is Lower Booth moated site and deserted medieval village scheduled ancient monument, which contains the Grade II Listed Lower Booth Farmhouse. Chartley Castle, Chartley Old Hall and associated water systems including garden remains (Grade II Listed Building and Scheduled Monument) lie approximately 2km to the northwest of the main site, situated on higher ground to the north of the A518. I consider the effect on these heritage assets below.
75. The evidence suggests that the significance of Old Hall Farmhouse arises principally from its historic and architectural interest as a likely 17th century farmhouse. The timber frame construction is of particular interest holding evidence as to the construction materials and techniques employed at the time. Although the farmhouse is located 175m west of the appeal site it does not have any views towards the site, nor can the farmhouse be seen from within the site. The lack of intervisibility leads me to conclude that the proposed development, including lighting, would not affect the current ambience of the asset or how it is experienced within the small hamlet of Drointon. Although there would be change to the wider setting, the proposal would have no material effect on the heritage significance of this asset.
76. Lower Booth Moated site and deserted medieval village (Scheduled Monument) hold archaeological and historic interest in the remains including a platform on which Lower Booth farmhouse is located, a partially infilled moat and earthworks representative of the tofts and crofts of the deserted medieval village. Significance also stems from the potential for below ground remains which provide evidence as to how the occupants would have lived and worked and how the village was arranged.
77. Although the topography may have allowed for views towards the monument from the appeal site, the presence of a tall mature hedge to the east of the site blocks all views. There is no intervisibility and I consider that the site does not materially form an element of the monument's setting which adds to understanding of its

significance. As such, I conclude that the appeal site does not materially contribute towards an understanding of the historic and architectural interests held by these assets. The proposal would have no material effect on the heritage significance of these assets.

78. The significance of Lower Booth Farmhouse (Grade II*) arises from its historic, archaeological and architectural interests as a likely 15th century farmhouse with later alterations. The extant building is noted to occupy the footprint of an earlier building set upon the platform surrounded by the earlier moated site. The position of the extant building on the platform alongside the position to the north of the deserted medieval village are important aspects of the asset's setting which reveals its historic interest.
79. The farmhouse is located approximately 710m east of the site. There is no clear intervisibility between the appeal site and the asset. In addition, there are also modern buildings within the immediate vicinity of the farmhouse.
80. I have no evidence to suggest that the appeal site contributes towards an understanding of the historic and architectural interests held by the asset, nor that the appeal site is historically associated with the asset. Taking the above factors into account, the proposal would have no material effect on the heritage significance of this asset.
81. Turning now to Chartley Castle, Chartley Old Hall and associated water control systems, including garden remains (Scheduled Monument) (the Chartley Heritage Assets), the significance of the monument stems from its archaeological and historic interest in its above and below ground remains as a motte and bailey castle which also includes parts of an associated water management system. The later 13th century remains of the enclosed castle are Grade II* listed also.
82. The monument is located approximately 2km north-west of the appeal site. Due to the topography of the intervening area there is no material intervisibility from the asset to the appeal site. The intervening undulating landscape and natural screening precludes definable visibility.
83. The Appellant's heritage witness suggested in the Hearing that there may be less than substantial harm to the significance of the Chartley Heritage Assets. However, this was qualified to be at the very lower end of such harm and was identified as being due to a change in the field scape in the wider setting as a consequence of the proposed development.
84. Also, with regard to the Chartley Heritage Assets, the Council's Conservation Officer and Historic England identified that the proposed development would fall within the realms of less than substantial harm, with the degree of harm at the lower end of the spectrum. I do not consider that the appeal site materially affects the understanding of its significance, but it is a feature of the wider setting of the monument. However, both these consultees raised no objection but recognised that any less than substantial harm would need to be weighed against the public benefits of the proposal. I do this as part of the Planning Balance below.
85. Discussion in the Hearing also considered the effect of the proposed development on the setting of Plough Farm. Although this was suggested to be a non-designated heritage asset, I have no formal evidence that this may be the case. Nonetheless, I agree with the views expressed by the Appellant's heritage witness

that there would be a degree of change to the field scape within the wider setting of the farm but direct intervisibility between the proposed development and the farm would be limited. Consequently, I agree that there would be less than substantial harm to the setting of this suggested non-designated asset but I also agree that this would be at the very lower end of the spectrum of such harm.

86. I conclude that the development would cause a low level of less than substantial harm to the Chartley Heritage Assets and a small degree of harm to the significance of the non-designated heritage asset at Plough Farm. The harm to these heritage assets would be temporary and reversible. I address the approach of balancing the harm against the public benefits, in accordance with Policies DM13, DM14 and the Framework, in the overall balance below. However, for clarity at this stage, I find (below) that the public benefits outweigh the less than substantial harm to these heritage assets. I note that this is also the conclusion reached by the Council.

Safety at the BESS location

87. Concern has been expressed in relation to the safety of the BESS installation, which would include a significant number of containers containing racks of batteries, and other equipment. The Staffordshire Fire and Rescue Service (SFRS) raised no in principle objections to the appeal proposals but provided advice regarding the installation of fire preventative and control measures.
88. The interested parties drew my attention to the guidance provided by the National Fire Chiefs Council (NFCC) in respect of Grid Scale Energy Storage Systems³ which the Appellant indicated was to be eventually replaced by an emerging July 2024 Draft Revision⁴. Although I have scant evidence regarding the fire safety details of the BESS, the Appellant indicated that the scheme would be compliant with the requirements of the NFCC guidance and that provision would be available for the storage of 228,000 litres of water for firefighting purposes.
89. I was informed that BESS installations now include sophisticated automatic monitoring systems which are designed to deal with any problems. But in any event the type of battery proposed would minimise any potential for problems to occur and that the battery containers and other would equipment follow the latest guidelines on spacing. The likelihood of fire would be minimised to the lowest possible level and there would be little likelihood of thermal runaway should a fire occur in any container.
90. In the absence of any formal objection from the SFRS, I have no other compelling reasons to dismiss this appeal on fire risk grounds. However, I recognise that fire risk remains a serious concern for local residents. Given the limited evidence before me, I consider that a battery safety and fire risk management plan would be appropriate to impose as a planning condition were I minded to allow the appeal.

Glint and Glare

91. The submitted Glint and Glare Assessment demonstrates that there would be no substantive unacceptable impacts in this regard. The assessment considers

³ HD8

⁴ HD10

surrounding receptors, with particular attention paid to those with potential health and safety consequences should dazzle be experienced.

92. The assessment identifies that there is a potential for glint to occur around 6.00 am for less than an hour in the Spring and Summer months but would be limited to properties immediately to the west of the site. It also suggests that there would be the potential for some glint to be experienced by users of the Public Rights of Way crossing the site albeit the establishment of the landscaping would mitigate this. The assessment demonstrates that the impact on surrounding receptors is considered to be negligible to no material impact, particularly once screening is taken into account.
93. The Council's Environmental Health Officer raised no concerns regarding the findings of the assessment. Overall, the assessment identifies that there is no evidence to suggest that there would be an unacceptable impact resulting from glint and glare as a result of the proposal. In the absence of any other compelling evidence to the contrary, I am satisfied that the proposed development would not cause any glint or glare of a level that would materially harm the living conditions of the occupants of nearby properties or users of the PRoW network.

Noise

94. The submitted Noise Impact Assessment (NIA) sets out the existing background sound climate at the nearest noise-sensitive receptors, as well as the potential sound emissions associated with the proposed development with respect to existing sound levels in the area.
95. The NIA identifies that the proposals would not give rise to rating sound levels that exceed the measured background sound level in the area, both during the day and during the night, thus giving rise to a 'Low Impact'. The NIA also identifies that no significant change in ambient sound level at the identified receptor locations would be engendered as a result of the proposed development and that the amenity of residential receptors and operational use of the nearest non-residential receptors would not be compromised.
96. The NIA sets out that the proposed development would give rise to noise impacts that would be within the range of NOAEL (No observed adverse effect level) as described within the Planning Practice Guidance. In the absence of any other compelling technical evidence to the contrary, I do not consider that there are any substantive reasons to dismiss the appeal on the grounds of noise impact.
97. In coming to the above view, I have taken into account the Council's suggestion that there could be changes to the equipment that may be installed on the site and that a final noise assessment should be prepared prior to the commencement of the development when the final specification of the equipment would be known. Consequently, a planning condition can be imposed to address this matter but on the basis of the evidence before me I am not persuaded that the proposal would likely give rise to unacceptable levels of noise.

Safety of oil and gas pipeline

98. During the Hearing many local residents expressed concern at the impact of construction traffic on the integrity of a high-pressure gas main and oil pipeline which cross Grindley Lane at a suggested shallow depth. I have no evidence

that considers the impact of heavy goods vehicle use on the integrity of these pipelines or the extent to which any necessary protection measures may be necessary during the construction phase of the development.

99. Whilst I am satisfied that this matter would not be a sustainable reason to warrant the dismissal of this appeal, I have some sympathy with the concerns of local residents who suggest that previous damage has been caused to the high-pressure gas pipeline. Consequently, it would be appropriate and necessary for the suggested condition relating to the provision of a Construction Traffic Management Plan to be expanded to include measures to protect the integrity of these pipelines.

Ecology and European Protected Habitat Sites

100. Subject to the implementation of appropriate mitigation, neither Natural England (NE) nor the Council's Biodiversity Officer raised objections to the proposal and there is no reason for refusal relating to this matter. The SoCG confirms that there are no areas of disagreement between the Council and the Appellant relating to ecological matters.
101. The proposals are supported by a detailed Ecological Impact Assessment (EIA), Wintering Birds Survey and a Technical Note Assessment of Site Drainage Impact on the Chartley Moss SSSI. These documents assess the existing conditions of the site, identify any nearby sensitive habitats, and the impact the scheme may have, in conjunction with any gain in biodiversity and habitat that can be achieved. The EIA identifies that, subject to appropriate working methods being followed, the proposal would not have a detrimental impact upon protected species.
102. The Conservation of Habitat and Species Regulations 2017 (as amended) (the Regulations) require that where a project is likely to have a significant effect on a European site⁵, either alone or in combination with other projects, the competent authority must make an Appropriate Assessment of the project's implications in view of the relevant conservation objectives.
103. The appeal site is not located within any statutory or non-statutory nature conservation sites. The Officer's Report identifies that the nearest European statutory nature conservation site is the West Midlands Mosses SAC, Midland Meres and Mosses - Phase 1 Ramsar which is located approximately 0.4km to the north of the site. The Pasturefields Salt Marsh SAC is approximately 3.5km southwest of the site and Cannock Chase SAC is approximately 6.1km southwest of the site. In terms of national statutory nature conservation sites, Chartley Moss (NNR and SSSI) is located approximately 0.5km to the north of the site and Blithfield Reservoir (SSSI) is approximately 1.4km to the southeast of the site.
104. I have taken into account the Council's Habitats Regulation Assessment and the ecological evidence relating to the above sites. Chartley Moss is identified as floating peat bog which supports a large number of plants and invertebrates. Whilst the site is located within the SSSI Impact Risk Zone for Chartley Moss, given the nature of solar developments and energy storage, the proposals would not likely result in any impacts on the SSSI during the site's operation. Additionally, the evidence suggests that the appeal site does not contain any connecting or supporting habitat which would link it to Chartley Moss.

⁵ As defined at Regulation 8 of The Conservation of Habitats and Species Regulations 2017 (as amended)

105. The submitted Technical Note Assessment demonstrates that there is no existing or proposed hydrological link to Chartley Moss SSSI. Additionally, the evidence provided in the Planning Officer's Report suggests that the level of vehicle traffic resulting from the development would be below the nitrogen thresholds set out by NE.
106. Based on the plans submitted, NE considers that the proposed development would not have significant adverse impacts on designated sites comprising West Midlands Mosses SAC, Midland Meres and Mosses Phase 1 RAMSAR, Chartley Moss SSSI, and Blithfield Reservoir SSSI and has no objection to the proposed development.
107. In concluding my Appropriate Assessment, I am satisfied that there would be no adverse effect on the integrity of the protected sites when considered alone or in combination with other development. The proposal complies with the Regulations and there are no other unacceptable environmental effects.
108. Turning to biodiversity, the EIA identifies that the appeal site is currently of relatively limited ecological value, being predominantly comprised of species poor grassland which is of negligible ecological importance. Ecological features of note are largely limited to the mature hedgerows and trees surrounding the site which will be retained as part of the development, with any losses compensated for by additional planting. The EIA demonstrates that the land management and landscaping proposals would provide a net gain of 89.70% in habitat units and a net gain of 18.13% in hedgerow units giving an overall 79.75% Biodiversity Net Gain (BNG) when calculated against the national DEFRA metric. The extent of BNG is substantial and a benefit that attracts significant weight.
109. The proposal therefore accords with Policy N4 of the PSB which, amongst other things, seeks to protect, conserve and enhance the natural environment and ensure that no new development takes place in areas where environmental risks cannot be properly managed.

Flood risk and drainage

110. During the consideration of the application the Council did not raise any concerns about the flood risk implications of the development and there is no reason for refusal relating to this matter. The SoCG confirms that there are no areas of disagreement between the Council and the Appellant relating to flood risk or the indicative surface water drainage strategy.
111. The appeal site is located within Flood Zone 1, a low-risk flood area. Staffordshire County Council, in its capacity as the Lead Local Flood Authority (LLFA), raised no objection to the proposal subject to the imposition of an appropriate condition requiring the submission of the detailed drainage system design.
112. The submitted Flood Risk Assessment (FRA) is a robust assessment, which forms the basis for a surface water drainage strategy, the details of which would be covered by the condition suggested by the LLFA. The FRA identifies that the proposed drainage strategy would comprise a Sustainable Drainage System (SuDS) that would offer betterment to the existing scenario in which surface water runoff flows off the site unrestricted. The drainage strategy includes a network of swales which would retain any additional runoff from the impermeable roof areas and semi-permeable access tracks.

113. On the basis of the evidence before me, I am satisfied that the development would not adversely impact on flooding or drainage. The risk of surface water flooding to areas downstream of the site would not increase as a result of the proposed development. In this regard, the proposal would accord with the relevant provisions of Policies N1 and N2 of the PSB.

Other concerns

114. I heard in the Hearing submissions about the effects of the proposal on the well-being, health and safety of local residents. Anxiety about a development of this scale in the vicinity of a small settlement is understandable. However, I am not convinced that much land use planning weight can be attached to such fears given the proposed mitigation measures, along with the controls that could be imposed on the construction, operation and decommissioning phases of the proposed development.
115. I have also taken into account the concerns that allowing this appeal may set an undesirable precedent that would influence the manner in which the Council would determine future applications for solar development. However, it is a fundamental planning principle that each proposal has to be considered on its own individual planning merits. It is rarely the case that decisions on other sites will bring to light parallel situations and material considerations which are so similar as to provide justification for a decision one way or another. This is particularly relevant to considerations of landscape and visual impact which inevitably have variations between one site and another. My decision is based squarely on the evidence before me. For that reason, I do not consider that my decision in this case would have a significant determinative influence on the Council's consideration of other solar development proposals.
116. I have also taken into account the other concerns raised by local residents, Stowe-by Chartley Parish Council and Hixton Parish Council relating to the urbanisation of the area, financial cost of decommissioning and rural crime. Although the above matters have been carefully noted, they do not alter the main issue which has been identified as the basis for the determination of this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons.

Benefits of the development

117. The proposed development would have a generating capacity of up to 49.9MW with an Energy Storage capacity of up to 30MW. The Appellant indicates that the projected output of the proposals would result in a reduction of over 9,436 tonnes of carbon dioxide per year. The export capacity of the solar farm has been calculated to provide enough electricity to power around 12,736 homes per year. There are no physical constraints limiting early development of this site and a grid connection offer is in place. As such, the proposed development would make an early and significant contribution to national objectives in achieving net zero emissions by 2050 and energy grid decarbonisation by 2035. This is a public benefit that attracts significant weight.
118. In terms of biodiversity, the proposal would include substantial planting of trees and hedgerows. It would retain and enhance the ecological conditions of the site resulting in an overall 79.75% Biodiversity Net Gain. I attach significant weight to this benefit,

119. There would be some economic benefits associated with employment during the construction, operation and decommissioning period. In addition, there would be economic benefits associated with the manufacture and supply of the solar panels and electrical equipment. However, these benefits are unquantified and, as such are given limited weight.

Heritage and Planning Balance

120. The proposed development would cause a moderate degree of harm to the landscape character and visual amenity of the area. Therefore, the proposal would be contrary to Policy N1 of the PSB. I give significant weight to this harm.
121. In terms of heritage, I have concluded above that the proposal would cause less than substantial harm to the Chartley Heritage Assets. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special regard to the desirability of preserving listed buildings, their settings, and any architectural features they may possess. The Framework provides that great weight should be given to the conservation of designated assets, the more important the asset, the greater the weight should be. Considerable importance and weight should be given to this harm.
122. Paragraph 216 of the Framework sets out that, in relation to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the asset.
123. The low level of less than substantial harm that I have identified to the significance of the designated heritage assets and the limited harm to the identified non-designated heritage asset is outweighed by the substantial public benefits that would be attributable to the renewable energy generated by the proposed solar farm and the other benefits set out above. The Council provided no reason for the refusal of planning permission on heritage grounds. Historic England raised no objections to the proposal and considered that the application meets the requirements of the Framework. Consequently, the proposal does not conflict with the relevant provisions of Policy N9 of the PSB.
124. The British Energy Security Strategy was published in April 2022 and outlines the importance of achieving energy independence and achieving a supply which is resilient to global events. This document recognises that harnessing solar energy is critical and necessary to minimise the UK's dependence on energy imported from abroad and instead allow the UK to become a lot more self-sufficient. The strategy states that a government ambition is to achieve 70GW of solar capacity by 2035. These targets are further emphasised within the 'Powering Up Britain' document produced in March 2023. Both documents also note that BESS will play an important role in delivering net zero.
125. The main parties agreed that National Policy Statements EN-1⁶ and EN-3⁷ are material considerations in the determination of this appeal. EN-1 identifies 'low carbon infrastructure' as a 'critical national priority' (CNP) central to decarbonisation of the power system by 2035 and achieving 'net zero' by 2050. EN3 specifically identifies solar generation as playing 'an important role in delivering the government's goals for greater energy independence', with a target

⁶ Overarching National Policy Statement for Energy (EN-1) (November 2023)

⁷ National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023)

of 70GW to be deployed by 2035. It is further recognised that solar developments may also be paired with energy storage, and that as the electricity grid increasingly shifts towards renewable energy sources, 'there will be an increasing need for storage infrastructure to balance electricity supply and demand'.

126. Paragraph 168 of the Framework identifies that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
127. National policy is therefore clearly supportive of solar generation and is a key part of the Government's strategy for the decarbonisation of the energy sector. At local level, the Council declared a climate emergency in July 2019 and have committed to working towards carbon neutrality by 2040. To facilitate the delivery of carbon neutrality, the Climate Change and Green Recovery Strategy (2020-2040) notes the policy direction in the Borough will, amongst other things, encourage renewable energy production. In addition, Policy N3 of the PSB is supportive of renewable energy schemes but recognises the consideration of landscape impact in the determination of such development proposals.
128. Both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. National policy is clear in adopting a positive approach indicating that development can be approved where the harm is outweighed by the benefits. This is a planning judgement.
129. In this case, through a combination of topography, existing screening and landscape mitigation, the adverse effect on landscape character and visual impact would be localised but moderate in effect. Moreover, as the existing and proposed planting matures, adverse effects would be progressively mitigated and once decommissioned there would be no residual adverse landscape effects. Rather the scheme would leave an enhanced landscape consistent with the objectives of the LCT. In these circumstances, whilst there would be some localised harm to landscape character and some visual harm in conflict with the relevant development plan policies, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the harm.

Conditions

130. I have considered the proposed planning conditions, including a number of pre-commencement conditions, that have been provided by the Council. I have considered these against the advice given in paragraph 58 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the PPG. Where necessary I have amended them in the interests of clarity, precision, conciseness or enforceability.
131. In addition to the standard time limit, I have imposed a condition (No. 2) relating to the approved plans in the interests of certainty. In the interests of flood prevention, a condition relating to drainage is reasonable and necessary (No. 4).
132. The development is proposed to be operational for a period of 40 years only. Conditions are therefore necessary to confirm the extent of the temporary period,

to provide for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings and all associated structures, storage facilities, hard-surfacing and fencing when the permission expires or if it ceases to operate (Nos. 3, 25 and 26).

133. In the interests of highway safety, conditions relating to the management of construction traffic, including measures to protect the integrity of pipelines, and condition surveys and reinstatement of the carriageway (Nos. 5, 6, 7 and 8), the provision of passing places (No. 9), visibility, access points construction and the provision of internal access roads (Nos. 10 and 11) are reasonable and necessary.
134. In the interests of protecting the living conditions of the occupants of nearby properties, conditions are necessary to provide for a construction environmental management plan and the mitigation of noise (Nos. 12 and 23). It is necessary to impose a condition in relation to the BESS which addresses a detailed safety management plan.
135. To retain the quality of stripped and stored soil, a condition is necessary to provide details of topsoil and subsoil stripping and storage (No. 13). In order to ensure the protection of trees on the site that are to be retained, conditions are necessary requiring the submission of an Arboricultural Method Statement and the provision of tree protection measures (Nos. 14 and 15).
136. In the interests of the character and appearance of the area, conditions relating to the provision and implementation of a detailed scheme of landscaping, details and implementation of landscape management and maintenance, details of the external appearance of the development and lighting are reasonable and necessary (Nos. 16, 17, 21 and 22). However, I have amended condition No. 22 to ensure that lighting is not permanently illuminated during hours of darkness.
137. In order to investigate and record any archaeological interest on the site, a condition is necessary requiring the submission and implementation of a scheme of archaeological investigation and recording (No. 18). Conditions are also necessary in the interests of the protection and enhancement of ecology, including the submission of a Habitat Management Plan (Nos. 19 and 20).

Conclusion

138. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, material considerations outweigh the harm that would arise, the conflict with the relevant provisions of the development plan policies and the great weight afforded to the conservation of heritage assets. Consequently, material considerations indicate that the appeal should be allowed.

Stephen Normington

INSPECTOR

ANNEX A

APPEARANCES

FOR THE APPELLANT:

Adam Day MPLAN, MRTPI

Associate Planning Director, Wardell
Armstrong

David Stockoe MA, MLI

Associate Landscape Director, Wardell
Armstrong

Anthony Hannah BA (Hons), DipPA, MCIfA

Technical Director, Wardell Armstrong

Richard Turner BSc (Hons), MSc, MRTPI

Lead Planning Manager, Innova
Renewables Developments Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Wedderburn BSc, MA, MRTPI

Senior Associate, Knights

Francis Colella Dip LA, MLI

FFC Landscape Architects

INTERESTED PARTIES

Cllr Brendan McKeown

Chair Stafford Borough Council Planning Committee

Richard Rayson

Anthony Afford

Chris Shaw

Ellie Holmes

Mrs Tanya Alder

Parish Councillor

Brian Holmes

Richard Holmes

Edward Holdcroft

Sue Gregory

David Gregory

Mr Kevin Byrne

Naomi Perry

Cllr Peter Coote

Parish Council Chairman

William Holdcroft

Barbara Hurdle

Anita Rafferty

Andy Khan

Steven Alder

Valerie Bradfield

Fred Bradfield

Matthew Holmes

Andrea Batey

Lynn and David Allen

Chris Oakden

Eileen Davison

Mr and Mrs Reed

Jonathan Thompstone

John Lameris

Mr and Mrs Baker

ANNEX B

LIST OF DOCUMENTS SUBMITTED DURING THE HEARING

- HD1 Revised Joint Viewpoint Review and Site Visit Itinerary
- HD2 Booklet set of Plans considered by the Council at A3 size
- HD3 Plan provided by interested parties showing the position of Proposed Solar Farm Locations around Drointon
- HD4 A0 size Plan of Proposed Landscape Strategy provided by Mr Colella
- HD5 Technical Note on Assessment of Site Drainage Impact on Chartley Moss SSSI provided by the Appellant
- HD6 Plan showing position of High Pressure Gas Pipeline and High Pressure Oil Pipeline provided by interested parties
- HD7 Plan showing additional community viewpoint locations provided by interested parties
- HD8 NFCC Guidance for Fire and Rescue Services – Grid Scale Battery Energy Storage System planning provided by interested parties
- HD9 Revised list of agreed planning conditions

LIST OF DOCUMENTS REQUESTED BY THE INSPECTOR AND SUBMITTED AFTER THE CLOSE OF THE HEARING

- HD10 Draft NFCC Grid Scale Energy Storage System Planning – Guidance for Fire and Rescue Services. (3 July 2024 Revision)
- HD11 Final agreed list of planning conditions

ANNEX C

SCHEDULE OF CONDITIONS

Implementation

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Plans

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and specification, as listed below:

Drawing V1 - Site plan
Drawing V1 - Onsite transformer
Drawing LF14 - Planning Capacity Plan (27/06/24)
Drawing 1 - NG Battery side elevation
Drawing 1 - CCTV and security fence elevations - with mammal door
Drawing 2 - Palisade fence
Drawing 4 - PV panel detail
Drawing 6 - Onsite transformer
Drawing 7 - Security gate detail
Drawing 8 - Spares container
Drawing 9 - Substation
Drawing 10 - Communications Tower
Drawing 14 - MV skid / inverter dimensions
Drawing 17 - Access Track
Drawing ST19768-153-A1 - Proposed site access arrangement (1 of 2)
Drawing ST19768-154-A1 - Proposed site access arrangement (2 of 2)
Drawing ST19768-218 B - Landscape strategy plan
Drawing EP-22.135-2004 P2 - Overhead line teed connection.

Temporary period

- 3) Within 1 month of the date of first export of electricity, written confirmation shall be submitted to the Local Planning Authority of the date of first export to the Grid. The development hereby permitted shall cease on or before the expiry of a 40-year period from the date of the first export of electricity and the Local Planning Authority shall be notified of the cessation of electricity generation and storage in writing no later than 5 working days after the event.

Drainage

- 4) No development shall commence unless and until a final detailed surface water drainage design has been submitted to and approved in writing by the Local Planning Authority. The design shall be in accordance with the indicative surface water management plan attached to the approved Flood Risk Assessment (FRA) (produced by Wardell Armstrong, dated December 2022, ref 0005 V1.0) and shall further demonstrate:

- (a) Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- (b) Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage scheme, including details of any attenuation system, SuDS features and the outfall arrangements.
- (c) Attenuation storage and conveyance of surface water to existing land drains using a network of swales as outlined in the approved FRA.
- (d) Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.
- (e) Details of the body responsible for undertaking the approved management and maintenance regime.

The approved drainage scheme shall thereafter be implemented in accordance with the approved details prior to the development first being brought into use and retained as such for the life of the development.

Construction Traffic Management Plan

- 5) No development shall commence unless and until a final Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall expand upon the Preliminary CTMP detailed within the Transport Statement (produced by Wardell Armstrong, dated June 2024, version V2) and will provide details in relation to the following elements:
 - (a) A system of temporary traffic lights to be installed for the duration of the construction work (during construction hours) along parts on Grindley Lane where there is not suitable forward visibility between passing places,
 - (b) Only one HGV vehicle associated with this development shall be on Grindley Lane at any one time,
 - (c) Operation of an escort vehicle for all HGVs entering and leaving the site along Grindley Lane,
 - (d) The holding location at the layby at the junction of Loxley Lane and the A518, and management measures ensuring no more than 1 HGV associated with the development will use Grindley Lane at any one time,
 - (e) Banksman or stop/go procedures to be provided for all vehicle movements to/from the substation access,
 - (f) A waiting area (exclusion zone) to be left clear so that vehicles arriving to the site can drive directly onto the site with appropriate areas for parking to avoid any tailback to the site access,
 - (g) Installation of temporary signage to direct construction vehicles,
 - (h) Installation of temporary signage to be located in the vicinity of the site access during the construction period to warn drivers of the site entrance and HGV movements,
 - (i) Measures to prevent mud or other material emanating from the site reaching the public highway,
 - (j) Measures to ensure that the integrity of the high-pressure gas pipeline and oil pipeline is not compromised during the construction and decommissioning phase.

All site operations shall then be undertaken strictly in accordance with the approved CTMP for the duration of the construction phase.

Highways Condition Survey

- 6) No development shall take place and no construction traffic shall enter the site until a Highways Method Statement setting out the details for pre-development and post-construction highway dilapidation surveys, along the section of the road between the A518 and the site access points, has been submitted to and approved in writing by the Local Planning Authority.
- 7) No development shall take place and no construction traffic shall enter the site until a pre-development highway dilapidation survey undertaken in accordance with the approved Highways Method Statement has been submitted to and approved in writing by the Local Planning Authority.
- 8) Within three months of the first export of electricity, a post-construction highway dilapidation survey shall be undertaken in accordance with the approved Highways Method Statement and a scheme of mitigation works including a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme of mitigation works shall be carried out in accordance with the approved timetable for implementation.

Highways access, internal roads and passing places

- 9) No solar panels, battery storage components or any associated on-site infrastructure shall be brought onto the sites unless and until the passing places shown in the locations on drawing ST19768-402 revision A within the Transport Statement (produced by Wardell Armstrong, dated June 2024, version V2) have been provided.
- 10) No on-site development shall commence other than activities associated with the construction of the access point, until the site accesses and associated visibility splays, as shown on drawings ST19768-153-A1 and ST19768-154-A1, have been provided. The accesses and associated visibility splays shall thereafter be retained as such for the life of the development with the visibility splays being kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level for the life of the development.
- 11) No construction works of the internal access tracks shall take place until details of the surfacing track material have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved surfacing material and retained as such for the life of the development.

Construction Environmental Management Plan

- 12) Before the development hereby approved is commenced, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in

writing by, the Local Planning Authority. The CEMP shall include details relating to:

- (a) Construction working hours,
- (b) parking and turning facilities for vehicles of site operatives and visitors,
- (c) loading and unloading of materials,
- (d) storage of plant and materials used in constructing the development,
- (e) a scheme for recycling/disposing of waste resulting from construction works,
- (f) temporary portacabins and welfare facilities for site operatives,
- (g) site security arrangements,
- (h) a scheme for the management and suppression of dust from construction activities,
- (i) a scheme for the prevention of water pollution from construction activities, including details of any temporary drainage,
- (j) temporary external lighting during the construction phase,
- (k) measures for the control and management of any mud that may be deposited onto the highway.

All site operations shall thereafter be undertaken strictly in accordance with the approved CEMP for the duration of the construction phase.

Soil stripping and storage

- 13) Before the development hereby approved is commenced, a soil management strategy shall be submitted to and approved in writing by the Local Planning Authority. The soil management strategy shall include:
- (a) details of the locations of any topsoil and subsoil to be stripped,
 - (b) details of how and where the soils will be stored over the lifetime of the development,
 - (c) a methodology for soil stripping during site development. Topsoil and subsoil should be stripped, stored and replaced separately to minimise soil damage and to provide optimum conditions for site restoration.

The soil management plan shall thereafter be implemented in accordance with the approved details for the life of the development.

Tree Protection Measures

- 14) Before the development hereby approved is commenced, including any ground works, an Arboricultural Method Statement covering all aspects of development that are within the root protection areas of retained trees, or that have the potential to result in damage to retained trees, shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall include the provision of appropriate Arboricultural site supervision during the construction period. The measures within the approved Arboricultural Method Statement shall be implemented and maintained until the completion of all construction related activity.

- 15) Before the development hereby approved is commenced, including any ground works or any equipment, machinery or materials are brought onto the sites, full details of protective fencing and/or other protective measures to safeguard existing trees and hedgerows on and adjacent to the sites shall be submitted to and approved in writing by the Local Planning Authority. The approved tree and hedge protection measures shall thereafter be provided and retained for the duration of the construction phase. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas.

The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment, machinery and surplus materials have been removed from the sites.

Landscaping and Maintenance

- 16) Before the development hereby approved is commenced, a detailed final landscape and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The final landscape and planting scheme shall:
- (a) Expand upon drawing ST19768-218 B (Landscape strategy plan) and adhere to the principles within the 'Landscape Design - Public Right of Way' (produced by Wardell Armstrong, dated Dec 2023),
 - (b) Provide details of the plant species, size, planting numbers and distances,
 - (c) Provide a programme detailing the timing of the landscaping works in relation to the phasing of construction.

The approved landscape and planting scheme shall thereafter be implemented in accordance with the approved details.

Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the sites 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 with others of a similar size and species.

- 17) Before the development hereby approved is commenced, a detailed landscape management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape management and maintenance plan shall include details of:
- (a) the aims and objectives for landscape management and the details of the body / management company responsible;
 - (b) the management operations, stating the frequency and duration over the lifetime of the landscape of: tree maintenance measures, timings for removal of tree guards, tubes and stakes, grass cutting regime, treatments for meadows, removal of arisings, control of alien invasive and notifiable species and litter removal.

The approved landscape management and maintenance plan shall thereafter be implemented in accordance with the approved details for the life of the development.

Archaeology

- 18) Before the development hereby approved is commenced, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

The archaeological site work shall thereafter be implemented in full accordance with the approved written scheme of archaeological investigation. The site investigation and post excavation assessment shall be completed in accordance with the approved written scheme of archaeological investigation and provision made for analysis, publication and dissemination of the results.

Habitat Management Plan and Ecology

- 19) Before the development hereby approved is commenced, a Habitat Management Plan (HMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMP shall include the following information:

- (a) Proposed management prescriptions for all habitats for a period of no less than 25 years;
- (b) Assurances of achievability;
- (c) Timetable of delivery for all habitats; and
- (d) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as a description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken and thereafter maintained in accordance with the approved HMP.

- 20) The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working, detailed within the Ecological Impact Assessment (dated 22nd December 2023) and the Wintering Bird Survey Report (dated 14th March 2023), both produced by Tyler Grange.

External appearance

- 21) Notwithstanding any description / details within the application submission, prior to their erection on site, details of the proposed materials and external colour finish of all solar panels, frames, ancillary buildings, containers, equipment, fencing, CCTV and enclosures 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 and retained as such for the life of the development.

External lighting

- 22) Notwithstanding any description / details within the application submission, prior to the installation of any external lighting within or on the boundary of the sites a scheme of illumination shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- (a) The location of all units of external illumination,
 - (b) The design and height of all units of external illumination together with any mitigation features such as cowls,
 - (c) Levels of illumination and light spread.
 - (d) The external illumination to be designed in accordance with Guidance Note 08/23: Bats and Artificial Lighting at Night.
 - (e) Control measures to ensure that, other than for the purposes of essential maintenance or emergency work, lighting is not permanently illuminated during hours of darkness.

The approved scheme of illumination shall thereafter be provided and maintained in accordance with the approved details for the life of the development.

Noise

- 23) Before the installation of the energy storage units and inverters, an updated noise report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide details of the plant design, noise mitigation and resultant noise levels at noise sensitive premises. The development shall thereafter be carried out in accordance with the approved details and retained as such for the life of the development.

BESS Safety Management Plan

- 24) Notwithstanding the submitted information, works to form the Battery Energy Storage System (BESS) shall not commence until a Battery Safety Management Plan (BSMP), including measures to control fire risk and water storage arrangements, has been submitted to and approved in writing by the Local Planning Authority. The BSMP shall prescribe measures to facilitate safety, fire risk and fire management during the construction, operation and decommissioning of the battery storage system. The BESS shall be operated in accordance with the approved BSMP at all times.

Decommissioning

- 25) Within 3 months of the date of the Local Planning Authority receiving written notification of the cessation of electricity generation and storage pursuant to condition 22 of this permission, a Decommissioning Scheme shall be submitted to the Local Planning Authority for approval in writing. The Decommissioning

Scheme shall include, but not be limited to, the provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings and all associated structures, storage facilities, hard-surfacing and fencing, together with a scheme for the restoration of the land to its former condition and timetable for implantation and completion. The decommissioning shall thereafter be carried out strictly in accordance with the approved scheme.

- 26) In the event of the development ceasing to generate electricity for supply to the electricity grid network for a period in excess of 12 months, a Decommissioning Scheme shall be submitted to the Local Planning Authority for approval in writing, no later than 3 months from the end of the 12-month period. The Decommissioning Scheme shall include and be subject to the same provisions referred to in condition 25 of this permission.



Costs Decision

Hearing held on 14 January 2025

Site visits made on 15 and 30 January 2025

by **Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Costs application in relation to Appeal Ref: APP/Y3425/W/24/3351763

Lower Farm, Drointon, Stafford ST18 0LX

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Novus Renewable Services Limited for a full award of costs against Stafford Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for installation and operation of solar farm and energy storage system with associated landscaping, underground cabling, works, equipment and infrastructure.
-

Decision

1. The application for a full award of costs is refused.

Preliminary matters

2. The planning application and appeal form were submitted by Novus Renewable Services Limited. The application for an award of costs was submitted by Innova Renewables Developments Limited. The Appellant confirmed that Innova Renewables Developments Limited is now the new company name for Novus Renewables Services Limited but in essence both companies are the same entity. However, in order to be consistent with the planning application form, appeal form and my appeal decision, I have used Novus Renewables Services Limited in the banner heading above.

The submissions for Novus Renewable Services Limited

3. The costs application was submitted in writing prior to the opening of the Hearing. No further additional points were made orally at the Hearing.
4. The Appellant contends that the Council chose to go against the advice of its own Officers without any contradicting supporting evidence to justify the decision taken against such advice. It is considered that the single reason for the refusal of planning permission is muddled, contrived and fails to fully consider the planning merits of the case and importantly the Development Plan policies when taken as a whole. The Council's Statement of Case and Landscape Statement of Case are also both confusing and contradictory.
5. It is also considered that the Council sought in its Appeal Statement to intentionally omit key aspects of its Officers' advice. The Appellant considers that this is reflective of the Council's assessment of this application as a whole which failed to

- consider the Development Plan as the starting point, choosing rather to cherry pick extracts of policy and consultee responses to refuse this application.
6. The Appellant provides an example of the above approach by citing Paragraph 20 of the Council's Appeal Statement which concludes that 'There is no follow up response by Design Midlands and issues raised by Design Midlands remain.' The Appellant contends that there was no follow up response is because the Council themselves did not seek it from Design Midlands (the Council's consultant) but relied on the Council's Design Officer's review.
 7. In particular, the Appellant considers that the Council chose to omit the summary from their own design expert who concluded in the referenced response dated February 2024 that: "...significant improvements to the design of the scheme have been achieved, and which to a large extent do successfully mitigate many of the concerns expressed previously to the applicant. Therefore, (and also considering the broad support for such schemes within National and Local Planning Policy which was highlighted in the previous Design Consultation in May 2023) it is considered on balance that the latest revised scheme would not be so damaging and detrimental to the experiential and qualitative aspects of the landscape to warrant strong objection on design grounds."
 8. It is contended that the failure to consider the full response of this consultee, who expressly considers and summarises the impacts on experiential and qualitative aspects of the landscape, resulted in the Council's case comprising inaccurate assertions and a vague reason for refusal.
 9. Central to the Council's failure to fully assess the application against the Development Plan is its complete disregard to its own Policy N3 for which the starting point is the support for renewable energy development unless the consequences of doing so conflict with facets a-d of the policy.
 10. Policy N3 does not appear in the Council's Statement of Case, was not discussed by Members at the Planning Committee meeting and does not form part of the reason for refusal. The Appellant considers that this demonstrates that the Council erred in its consideration of the relevant planning policies and the subsequent planning balance. If the application is not in conflict with Policy N3, which the Appeal Statement and Decision Notice suggest it is not, then it should have been approved without delay.
 11. The Appellant contends that the Council has sought to defend this point in the Statement of Common Ground (SoCG) by inferring conflict with Policy N3 in Paragraph 2.6.4, which plainly should have formed the starting point for assessing the application. The SoCG identifies the support that Policy N3 gives to renewable energy schemes is provided subject to a number of other considerations being addressed. These include, for example, harm to the landscape (at N3 bullet point (a)) and identifies that the Council would not agree that there is no conflict.
 12. Policy N3 refers to landscape but it does not say that there cannot be any harm, moreover it refers specifically to surrounding landscape character, which the Council has already set out is not a matter of disagreement (SoCG Para 2.2.2 in regards to Policy N8 Landscape Character). Furthermore, the Appellant considers that the Council's Statement of Case confirms at Para 6.5 "the planning authority case relates specifically to matters concerning the visual impact of the scheme,

- rather than landscape impact.” The Appellant considers that If there is no conflict with Policy N3, then the application is supported by the Development Plan.
13. The Appellant also considers that the consideration of the planning balance, set out in the Council’s Statement of Case, fails to include vital benefits which should be attributed significant positive weight, namely the contribution to addressing climate change and meeting net zero targets, energy security, and the substantial biodiversity net gain of 79%. The Appellant contends that the Council’s case seeks to apply an inversely tilted balance in which it is asserted that the benefits must be given the lesser weight and that the greater weight needs to be given to the identified harm. Deliberately skewing a negative weighting to seek to justify the Council’s contrived refusal reason is a fundamental flaw and is not consistent with planning policy.
 14. The Appellant considers that none of these points were considered at the Planning Committee Meeting. As such, had the Council correctly balanced both the benefits and harms, it is clear that the planning merits of the case would have been fully considered and that the application would not have been refused. Consequently, unnecessary development costs and delay would have been avoided.
 15. Finally, the Appellant contends that the Council accepted that the submitted landscape documents and viewpoints were acceptable at the time the application was determined by Planning Committee and cites paragraph 4.31 of the Officer’s Report which identifies that the viewpoints chosen within the Landscape and Visual Impact Assessment (LVIA) are considered to form a fair representation of the location and extent of views of the site. Despite Committee Members not walking a single footpath (a core element of the Council’s case is impact on users of the Public Rights of Way) and not visiting public vantage points during their site visit, in the Appeal Statement and Landscape Appeal Statement the Council now put forward multiple (twenty two) additional viewpoints which it identifies as being necessary to be considered. The Appellant considers that these additional viewpoints could have been dealt with during the application stage.
 16. The Appellant concludes that the Council failed in its duty to consider the Development Plan as a whole, failed to undertake a robust planning balance exercise, and chose to retrospectively cherry pick policies. Furthermore, it is considered that the Council’s response to the application for an award of costs, dated 8 January 2025, does not change the position. The Appellant reaffirms that, had the Council’s Planning Committee considered at any point its own Local Plan Policy N3 as a starting point, alongside the National Planning Policy Framework (the Framework) and National Policy Statements and other identified benefits, then the application may not have been refused.

The response by Stafford Borough Council

17. The Council’s response was made in writing prior to the opening of the hearing. No further additional points were made orally at the Hearing.
18. The Council contends that the reason for refusal and the case in defending the appeal relates to the impact of the proposed development on the appearance of the rural landscape and upon the visual amenities of the local community. No other matters beyond those detailed in the refusal reason are disputed in defending this appeal.

19. It is clearly set out both in the decision notice reason for refusal and in the Council's appeal case, with reference to paragraphs 135 and 180 of the December 2023 Framework and Policy N1 in the Plan for Stafford Borough 2011 – 2031 (the Local Plan), that the impact of the proposed development on the appearance of the rural landscape and upon the visual amenities of the local community are the policy areas in dispute.
20. The Council considers that the Statement of Case refers only to the proposals conflicting with the policies cited in the decision notice i.e. to paragraphs 135 and 180 of the Framework as dated December 2023 and to Policy N1 of the Local Plan and that there are no additional policies which the appeal proposals are identified as being in conflict with. As such there is absolutely no basis to suggest there has been unreasonable behaviour in the form of "later written evidence, introducing new policy aspects" that could have "directly caused another party to incur unnecessary or wasted expense in the appeal process"
21. The Council contends that the response to the application by Design Midlands, dated August 2023, provides a technical review by a suitably qualified landscape professional of the submitted LVIA and an assessment of the landscape and visual effects of the proposals. It identifies specific landscape and visual concerns in respect of the application which would only partly be addressed by the later amendments made to the proposals.
22. In defending the appeal, as the Council has no in-house landscape officer, the Council has therefore sought the advice of a qualified landscape consultant who has provided a detailed appeal statement on landscape and visual issues. This considers the potential impact of the proposals in terms of the character of the area and the effect on receptors. This forms part of the Council's case.
23. It is considered that significant evidence supporting the Council's position has been provided. As such, the Appellant's contention that there has been a "failure to produce evidence to substantiate the reason for refusal and promote vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by any objective analysis" is therefore contested. There is no basis to suggest there has been unreasonable behaviour in this regard that could have "directly caused another party to incur unnecessary or wasted expense in the appeal process".
24. The planning application was considered by the Council's Planning Committee on 31 July 2024. Members reviewed the case for the proposals and the material planning considerations applying. Members of the Planning Committee are not bound to follow officer recommendations. During the Committee discussion, Members identified concerns in respect of the landscape and visual impacts of the proposed development. Issues were raised in the meeting in relation to the nature of the countryside setting, the position directly adjacent to the village, the scale of the development and the visual appearance of the solar panels.
25. Whilst Planning Practice Guidance (paragraph 033 Reference ID: 16-033-20140306) does state that "behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded", having assessed all the material considerations, the Planning Committee Members were entitled to refuse the application. Therefore, there is no basis to conclude there has been unreasonable behaviour in this regard

- that could have “directly caused another party to incur unnecessary or wasted expense in the appeal process”.
26. The Appellant suggests that the Council has sought in its Appeal Statement to intentionally omit key aspects of its expert’s advice and failed to consider the Development Plan as the starting point, choosing rather to cherry pick extracts of policy and consultee responses. The Council cites Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states: “for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”. The Development Plan is therefore the starting point for the determination of planning applications.
 27. The Council contend that planning law does not, however, define the scope of material considerations but they are to be found primarily (but not exclusively) in the national planning policy, development plan policies and court decisions. The Planning Practice Guidance (PPG) acknowledges that the scope of what can constitute a material consideration is very wide (Paragraph: 008 Reference ID: 21b-008-20140306) and case law establishes that “in principle...any consideration which relates to the use and development of land is capable of being a planning consideration” (further to *Stringer v MHLG* 1971).
 28. The Officer’s Report sets out a series of material planning considerations in respect of the determination of the application and the Council’s Statement of Case (paragraph 6.3) clearly states “The Council’s position on all other relevant matters, such as the principle of development impact on heritage assets, highways access, and ecology for example, are set out in the Officer’s Report to committee and are not repeated here”. The Officer’s Report provides details of the site and surroundings; the proposal; the consultee responses an assessment against national and local planning policy; assessment of a series of detailed matters including the impact on the surroundings; impact on heritage assets; highways matters; ecology, and flood risk.
 29. Whilst Officers recommended approval, when balancing the material planning issues, the committee members were ultimately entitled to reach an alternative conclusion and they did so having reviewed the proposals and the material planning considerations applying. In defending the appeal, the Council’s case necessarily focusses on the matters in dispute. As such, the Council reject the suggestion that it has sought to ignore key aspects of its experts’ advice or failed to consider the Development Plan as the starting point.
 30. The Council agrees that, in order to determine whether the proposals should be supported, an assessment of the planning balance should be made. The decision to refuse permission and to defend the appeal flows from such an exercise to assess both the benefits and the harm that would arise from the proposed development and consideration of the weight that should attach to each.
 31. The Council highlight paragraph: 007 reference ID: 5-007-20140306 of the PPG under the heading “What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?”. This states “it is important to be clear that: the need for renewable or low carbon energy does not automatically override environmental protections”.

32. The appellant's concerns centre around a suggestion that the Council has failed in the overall requirement to undertake a robust assessment of the development proposals as that would lead inevitably to a decision to support it. The Council's position follows an assessment of the material planning considerations and an exercise to balance harms against benefits. While the Appellant may disagree with the outcome of the Council's assessment, it is evident that there are harms associated with the proposed development and the Council's position in this regard is supported by evidence that forms part of the appeal documents. The Appellant has therefore not demonstrated that there was unreasonable behaviour that has resulted in unnecessary or wasted expense.

Reasons

33. The PPG advises that all parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs irrespective of the outcome of the appeal.
34. Local planning authorities are at risk of an award of costs if they behave unreasonably with relation to preventing or delaying development which should clearly be permitted, having regard to its accordance with the Development Plan, national policy and any other material considerations or making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
35. While the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
36. To some extent, the consideration of the visual impact of the proposal is a subjective judgement. In this case, members of the Planning Committee made a site visit and, although the evidence suggests that not all of the viewpoints were visited, they were able to obtain a degree of appreciation of the visual effect of the proposed development. In this regard, members were entitled to make their own assessment of the impact of the scheme on the character and appearance of the area. In exercising their planning judgement, members concluded that such impact would be of an extent that would cause conflict with relevant policy in the Local Plan.
37. The Officer Report clearly identified that Policy N3 was a relevant consideration. Whilst I accept that this policy was not specifically identified in the Conclusion and Planning Balance section of the Report, the benefits of the scheme were identified. Furthermore, whilst the Council's Statement of Case may not refer to Policy N3, it does state in paragraph 6.3 that no other matters beyond those detailed in the reason for refusal are disputed in defending the appeal. Paragraph 6.4 further states that the Council's case relates specifically to matters concerning the visual impact of the scheme, rather than its landscape impact.
38. In setting out the reasons for the refusal of planning permission, there is no need for the Council to identify the policies of the Local Plan that the development may comply with. In this case, the concerns of the Council related solely to the adverse

- impact of the proposed development on the character of the rural area and the visual amenities of the local community when viewed from public vantage points.
39. Having viewed the site, it was not unreasonable for the members of Planning Committee to come to a judgement that the visual effect of the proposal outweighed the benefits. In doing so, their concerns were specifically limited to visual impact. In my view, the Planning Committee was entitled to make such judgement based on the subjective consideration of the visual effects of the proposal. As such, I do not consider that the Council made vague, generalised or inaccurate assertions about the proposal's impact.
40. The reason for the refusal of planning permission was relevant to the application and clearly states the policy (N1) of the Local Plan that the proposed development would be in conflict with. The evidence provided in this appeal and expressed in the Hearing demonstrates that members were aware of the benefits of solar energy development but considered that these would not outweigh the adverse impact on the character and appearance and visual amenity of the area. Consequently, conflict with the provisions of Policy N1 of the Local Plan was identified.
41. Accordingly, I do not find that the Council failed to properly evaluate the application or failed to properly consider the merits of the scheme. The reason for the refusal of planning permission was adequately stated by reference to the appropriate policy contained in the Local Plan that the proposal was in conflict with. I have found that the Council had reasonable concerns about the harm to the character and appearance of the local area which justified its decision. As such, I do not find that the Council failed to properly consider the merits of the scheme and therefore the appeal could not have been avoided.
42. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and having regard to all other matters raised, an award of costs is not warranted.

Stephen Normington

INSPECTOR



Appeal Decision

Site visit made on 11 February 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th March 2025

Appeal Ref: APP/Y3425/W/24/3349952

Land East of Brookside, Gregory Lane, Loynton, Stafford, ST20 0QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Waterfall against the decision of Stafford Borough Council.
 - The application Ref is 24/38748/FUL.
 - The development proposed is agricultural storage building to store agricultural machinery, agricultural implements and tools and general hay and feed store. The building is required in connection with the agricultural activities on the surrounding land. The applicant already owns all of the tractors, implements, tools etc that will be stored in the agricultural building. The applicant previously stored all of his equipment on a tenanted farm.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether sufficient evidence has been submitted to demonstrate that the proposal would be of a scale required for the essential operational needs of the smallholding;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposed access is appropriately annotated and would be acceptable with regards to highway safety.

Reasons

Essential operational needs

3. The appeal site comprises an agricultural field which is part of an agricultural holding of approximately 2.55 hectares (6.33 acres). The proposed building would measure 22.86m x 12.19m, giving an overall gross floor space area of 279m².
4. The proposal would be located within the agricultural field, owned by the appellant. It is described as an agricultural storage building to store agricultural machinery, agricultural implements and tools and general hay and feed store.
5. However, whilst the appellant indicates that the building is required to store hay, tools, and other agricultural implements and machinery, it is not clear that all of these purposes are only in connection with agriculture within the unit. The appellant was previously a tenant dairy farmer, but having lost his tenancy wishes to remain in farming. The appellant's Appeal Statement indicates that given the

loss of his dairy herd, the appellant has 'decided to turn to agricultural contracting, as he has retained a significant proportion of his agricultural equipment and machinery'. Moreover, the Statement highlights that the equipment is clearly over and above the requirements for 6 acres alone and would not warrant retaining it 'unless it were to be utilised for contracting purposes too'. I consider that this indicates that the proposed building is of a larger scale than would be necessary for the needs of the 2.25ha smallholding.

6. Furthermore, the definition of agriculture under Section 336 (1) of the Town and Country Planning Act 1990 (the Act) includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly.
7. While an agricultural contractor will often carry out work on agricultural land, work as an agricultural contractor is not an agricultural activity which falls within the definition of agriculture as defined in section 336 of the Act.
8. My attention has been drawn to an approved application within the borough for an agricultural storage building of a similar size to that proposed¹. Whilst I do not have all the details of this case before me I note that the farm holding was larger than that in this appeal. The circumstances applicable to the Far Enson scheme are not exactly the same as those presented in this case, which I have determined on its own merits.
9. I acknowledge that it is highly likely that there is a need for some agricultural storage in association with the appellant's smallholding, and that there is a need for machinery to be kept indoors, safe from potential theft and inclement weather. Keeping the fodder undercover would also maintain its quality. However, given that the evidence before me indicates that the appellant has decided to turn to agricultural contracting at some level, I have insufficient evidence to be certain that the proposed building is of an appropriate scale that would be required for the essential operational needs of the smallholding.
10. I conclude that insufficient evidence has been submitted to demonstrate that the proposal is of a scale required for the essential operational needs of the smallholding. The proposed development would therefore conflict with Policies SP6 (i) SP7 (ii) and E2 (ii) of the Plan for Stafford Borough (2017) (PSB) which seek to promote a sustainable rural economy and support development outside settlements that provides for the essential operational needs for agriculture, forestry and rural business. It would also conflict with the National Planning Policy Framework, which seeks to achieve sustainable development and protect the natural environment.

Character and appearance

11. A building for agricultural storage at the appeal site would be set back from the highway and would largely be screened by an established hedgerow. The proposed development would have the typical appearance of an agricultural

¹ 23/38319/FUL

building that would not be uncommon on a farm holding. The materials proposed would be agricultural in appearance, and the proposal would not look incongruous in its rural setting.

12. However, in the absence of sufficient justification for the proposed development, it would represent an unnecessary intrusion into the open countryside which would harm the character and appearance of the rural locality. It would conflict with PSB Policy E2 which seeks to ensure developments respect and protect the natural landscape, and the Framework, which seeks to protect the natural environment.

Access

13. The Council consider that the position of the access was not correctly annotated on the submitted plans. However, there is only one vehicular access point from the road to the appeal site, and had I been minded to allow the appeal, it would have been possible to attach a condition stipulating that vehicular access on to the site was to be from the existing access point.
14. The appeal site is accessed from a narrow lane, and it is likely that agricultural vehicles entering the site would block the road, leading to any other vehicles using the road having to wait for manoeuvres to be completed. The Highways Officer therefore recommended that the access gates should be repositioned further from the carriageway edge, and the construction of the access be upgraded to prevent loose material from being dragged onto the public highway.
15. My attention has been drawn to a number of other decisions within the borough², which have required similar measures to those proposed by the Highways Officer in this case. I do not have all the details before me regarding each case, the site-specific circumstances, or the reasons whereby decisions were made. Whilst consistency is important in the planning process, each case must be determined on its own merits.
16. In this instance, the highway is very quiet and lightly trafficked, with good visibility in and out of the appeal site. Whilst I do not have substantive evidence before me relating to the potential number of vehicular movements that would occur as a result of the proposal, due to the lightly trafficked nature of the highway, I do not consider it likely that access on and off the site would be of a scale to prejudice highway safety.
17. The proposal would therefore accord with Policy T2 of the PSB, referenced in the Council's appeal questionnaire, which seeks to ensure that developments have safe and adequate means of access and do not materially impair highway safety. It would also accord with the Framework which requires that developments are served by safe and suitable access.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
19. For the reasons given above the appeal should be dismissed.

L C Hughes INSPECTOR

² 23/37760/FUL Land South Of Millenium Green; 23/38285/FUL - Site At Oulton Heath Farm; 23/38319/FUL - Far Enson Holding.



Appeal Decision

Site visit made on 26 February 2025

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 FEBRUARY 2025

Appeal Ref: APP/Y3425/X/24/3344450

64 Ford Drive, Yarnfield, Stone, Staffordshire, ST15 0RP

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Peter Atkinson against the decision of Stafford Borough Council.
 - The application ref PP-12956607, dated 4 April 2024, was refused by notice dated 13 May 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is a proposed 2-metre-high fence to the front of the property adjacent to the highway.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of proposed development from the Council's refusal notice as this more precisely describes the proposed development when compared to the description of development appearing on the applicant's application form.
3. Section 192(2) of the Act states that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.
4. An LDC is not a planning permission. Its purpose is to enable owners and others to ascertain whether specific operations or activities would be lawful. Therefore, for the avoidance of doubt, I make clear that the planning merits of the proposed fence are not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.

Main Issue

5. The main issue is whether the Council's decision to refuse to grant an LDC was well founded with particular regard as to whether it has been demonstrated that the proposed fence would be permitted development under Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order).

Reasons

6. It is proposed to replace a hedge to the front of the property, which is understood to be dying and measures about three metres in height, with a new fence measuring two metres in height.
7. The appellant considers that as there are other fences of a similar height in the locality and the hedge is higher than the proposed fence, then it should not require planning permission. Whether the fence requires planning permission or not is dictated by the limitations and restrictions imposed in Class A of Part 2 of Schedule 2 of the Order. This states that the erection of a fence is not permitted development if the height of such a fence erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed 1 metre above ground level.
8. At two metres in height, the proposed fence would exceed 1 metre in height above ground level. Moreover, it would be adjacent to a highway used by vehicular traffic. The appellant's comments made as part of this appeal are pertinent to the consideration of the planning merits of the proposed development as distinct from whether the fence needs planning permission or not.
9. For the above reason, I find that the proposed fence is not permitted development and therefore planning permission is required for it.

Conclusion

10. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development in respect of a proposed 2-metre-high fence to the front of the property and adjacent to the highway was well founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

D Hartley

INSPECTOR



Appeal Decision

Site visit made on 17 December 2024 by T Morris BA (Hons) MSc

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/Y3425/D/24/3348989

Stone Cottage, Doley Road, Bishops Offley, Stafford, Staffordshire ST21 6ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Richard & Rowan Green & Joachim against the decision of Stafford Borough Council.
 - The application Ref is 23/38534/HOU.
 - The development proposed is part demolition / 2 storey extension and alterations.
-

Decision

1. The appeal is allowed, and planning permission is granted for part demolition / 2 storey extension and alterations at Stone Cottage, Doley Road, Bishops Offley, Stafford, Staffordshire ST21 6ET, in accordance with the terms of the application, Ref 23/38534/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 03 (Proposed Floor Plans), 04 (Proposed Elevations - with the exception of the details of the materials shown under the materials key) and 05 Rev A (Block Plan and Site Location Plan).
 - 3) Notwithstanding the details of the materials shown under the materials key on drawing no 4 (Proposed Elevations), no development above ground level shall take place until the details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.
 - 4) No site clearance, preparatory work or development shall take place until the tree protection measures identified in the submitted Arboricultural Impact Assessment and Method Statement (including the BS5837:2012 Assessment) have been implemented in full on site. The tree protection measures shall not be altered or removed until the completion of the development.

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 Issue

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

Reasons for the Recommendation

4. Stone Cottage is a detached dwelling situated within a rural area. The site is surrounded by open countryside as well as other buildings along Doley Road towards Offleybrook Lane, some of which are of a substantial size. The dwelling sits close to Doley Road and is within a generous plot with a large rear garden. The main part of Stone Cottage is two-storey in scale and features stone elevations, a gable roof with inset dormer windows and an orderly window layout. These features give the cottage a pleasing rustic appearance which makes a positive contribution to the street scene along Doley Road. However, when viewed from the rear garden, the cottage has a more fragmented appearance due to its side and rear extensions which feature mono-pitched and flat roof forms as well as red brick elevations.
5. The site is located outside of a settlement as identified in the Council's spatial principle 3 (SP3) of The Plan for Stafford Borough (2014) (TPSB). Policy C5 of the TPSB sets out that in areas outside settlements, 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. Whilst there is disagreement between the main parties regarding the actual percentage increase, it is common ground that whichever figure is used it would be above the 70% threshold. Accordingly, the proposal would conflict with Policy C5 unless it meets one of the exceptions set out in the policy.
6. In that regard, the Council consider that whilst the extension would be large, it would still be proportionate and would read as a subordinate addition to the dwellinghouse. Quite simply, I agree with that assessment as the scale of the extension is such that, even with the existing extensions, the dwelling would still be of an appropriate size in this context given its generous plot much of which would remain undeveloped. I am also conscious of the considerable size of some of the buildings in the surrounding area.
7. Turning to the detail of the extension, it would incorporate modern style glazing and different fenestration to the rear aspect. However, this would appear as a limited deviation from the overall traditional character of Stone Cottage. Furthermore, given that the modern style alterations would be contained to the rear of the dwelling, it would not interfere with the more traditional front elevation of the building which is the main element that would be viewed by passersby either from the public highway or from users of the public right of way. Therefore, whilst the modern style additions would be different, given their relatively limited scope and their restricted position to the rear of the dwelling, they would not unacceptably detract from the traditional character of Stone Cottage or key views across the countryside.
8. In respect of the proposed materials, I share the Council's concerns regarding the use of facing brickwork. This is particularly the case in respect of the front elevation to ensure that when viewed from the Doley Road the extension would maintain the rustic appearance of the dwelling. It is also important that on other elevations the proposal successfully integrates with the original building as a whole. The Appellant

has confirmed that they would be willing to use stone to match the main part of the dwelling and I am therefore satisfied that this could be secured by planning condition.

9. In summary, the proposal would not harm the character and appearance of the host dwelling or the surrounding area and would accord with Policies C5 and N1 of the TSPB which, amongst other matters, seek to ensure that extensions are proportionate to the type and character of the existing dwelling and the surrounding area and are of a high design standard which takes account of local character and context including the use of locally distinctive materials. It would also accord with the overarching design aims of the National Planning Policy Framework and the Stafford Borough Council Design Supplementary Planning Document (2018), which advises that all extensions and alterations, particularly those incorporating modern design approaches, should be considered holistically with the original/main building to avoid an awkward jarring of materials and form.

Conditions

10. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. As detailed above, a condition relating to external materials is also necessary in the interests of the character and appearance of the area.
11. The council have also suggested a condition relating to the submission and provision of tree protection details. The submitted plans with the construction exclusion zone (CEZ) for these trees is not to scale, the identified radii for such exclusion zones for the most important trees (T22, T24 and T25) are set out in the BS5837:2012 Assessment. In respect of tree group 1/tree T23, the width of this group and CEZ corresponds on the currently submitted plan. Whilst a condition to ensure the protection of the retained trees is necessary in the interests of the character and appearance of the area, I have therefore amended the requirements of the councils suggested condition accordingly.

Conclusion and Recommendation

12. For the reasons given above, I recommend that the appeal should be allowed since it would comply with the development plan.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is allowed.

Chris Forrett

INSPECTOR