

Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 23 October 2024** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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



Head of Law and Governance

PLANNING COMMITTEE - 23 OCTOBER 2024

Chairman - Councillor B McKeown

Vice-Chairman - Councillor A Nixon

AGENDA

- 1 **Minutes**
- 2 **Apologies**
- 3 **Declaration of Member's Interests/Lobbying**
- 4 **Delegated Applications**

Details of Delegated applications will be circulated separately to Members.

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6	Planning Appeals	76 - 93
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	

ITEM NO 5

ITEM NO 5

 PLANNING COMMITTEE - 23 OCTOBER 2024

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
22/36231/OUT	Stonefield Works, Oulton Road, Stone	4 - 44
	The application was called in by Councillor P A Leason.	
	Officer Contact - Richard Wood, Development Lead Telephone 01785 619324	
21/34683/FUL	Land West of Redgrave Drive, Castlefields Stafford	45 - 75
	The application is referred back to the Planning Committee with regard only to the wording of condition 1 of 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:	22/36231/OUT
Case Officer:	Gillian Morrell
Date Registered:	2 September 2022
Target Decision Date:	2 December 2022
Extended To:	14 August 2024
Address:	Stonefield Works, Oulton Road, Stone, ST15 ORS
Ward:	St. Michaels and Stonefield
Parish:	Stone Town
Proposal:	Outline application for the demolition of existing buildings and redevelopment of the site for residential development of up to 114 dwellings, public open space and associated works (all matters reserved except for access).
Applicant:	Hitachi Energy UK Limited
Recommendation:	Approve, subject to conditions and the satisfactory completion of a 106 Agreement.

REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to Planning Committee by Councillor Philip Leason (ward member for St. Michaels and Stonefield) for the following reasons:

- *"The former Lotus Building on Longton Road is regarded as a non-designated heritage asset of Stone and should be retained.*
- *No acceptable drainage in place.*
- *No provision to retain green corridor between development and houses on Oulton Road.*
- *Increased traffic."*

CONTEXT

1.0 Background

- 1.1 Stonefield Works is a former Lotus Ltd shoe factory located on the outskirts of Stone town centre, situated between the A520 Stone Road and Oulton Road. The shoe factory operated until the 1970's when it was acquired by ABB. In the mid-1990s ABB employed a considerable number of staff in industrial, administrative and research and development roles at the Stonefield Works site, since that time the operations and activities have changed vastly, and the number of staff based at Stonefield Works has reduced accordingly. In 2020 Hitachi and ABBs Power Grids' business came together to create Hitachi Energy UK limited. Hitachi Energy is a global company which operates in a variety of sectors including utility, industry and infrastructure sectors.
- 1.2 In 2005 outline planning permission was sought for the redevelopment of the site for residential purposes (reference 05/04787/OUT). Outline consent was granted on 5 November 2007 subject to a Section 106 Agreement. Subsequent applications seeking approval of the reserved matters were not submitted and the outline permission lapsed.
- 1.3 A further application was submitted in 2010 seeking to renew the 2007 outline consent. This application was refused on 10th March 2011 for the following reason:

"The submitted Flood Risk Assessment does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development and consequently fails to comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25: Development and Flood Risk."

The application site

The application site comprises approximately 4hectares of land situated between the A520 Stone Road and Oulton Road in Stone, bounded by residential properties. The site is currently in industrial use producing electrical and energy transmission equipment. There are a number of buildings on the site comprising:

- The existing production facility and offices.
- A maintenance centre.
- A social club.
- Hard standing comprising yards, circulation space, and car parking.

Many trees along the boundaries of the site are safeguarded by Tree Preservation Order No.349 of 2005.

The site is served by four vehicular access points, two from Stone Road and two from Oulton Road. The main entrance/exit is located immediately to the north of 41H Oulton Road with a second egress situated at the northern end of the Oulton Road frontage.

The site slopes gradually from its north eastern boundary with Harding Grove to its south western boundary with Oulton Mews/Cross Street. The site is bounded by several forms of boundary treatment, fencing, walls, hedges and mature trees. The trees along the north-west, north-east and eastern boundaries of the site are well-established, providing a screen to the rear of existing properties.

Proposal

The supporting documents advise that the type, layout, and condition of some of the existing buildings on site, with many in disrepair, has impacted on the way that Hitachi has been able to operate from the site. It is stated that the current buildings are not capable of being brought up to modern standards for an operational and energy efficient perspective, because the cost of doing so is prohibitive. This has limited the operations that Hitachi can undertake on the site and has led to it seeking new premises elsewhere.

The application as submitted sought outline planning permission for the demolition of existing buildings on site and the construction of up to 130 dwellings.

The application has been subsequently amended and the proposal to be considered seeks the construction of up to 114 dwellings on the site with the provision of public open space and associated works.

Approval is sought only for the means of access to the site. All other matters relating to layout, scale, appearance and landscaping for the proposed development are reserved for subsequent approval.

An illustrative Masterplan forms part of the application, providing an indicative layout of the provision of 114 dwellings on the site. This also includes:

- The provision of a play area located centrally within the site.
- Areas of open space, landscaping and native scrub vegetation to the Stone Road frontage, retention of most trees safeguarded by a Tree Preservation Order, and street planting within the site.
- A pedestrian link between Stone Road and Oulton Road.

The scheme will deliver 40% of dwellings as affordable residential units.

Vehicular access is proposed from two points on Oulton Road, utilising the existing site accesses, with a new single access formed centrally within the site onto Stone Road.

The application is supported by the following documents:

- Illustrative Masterplan.
- Planning Statement.
- Design and Access Statement.
- Ecological Appraisal.

- Phase I Environmental Report.
- Flood Risk Assessment and Outline Drainage Strategy.
- Arboricultural Assessment.
- Transport Assessment.
- Travel Plan.
- Noise Impact Assessment.
- Marketing and Industrial Viability Report.
- Options Analysis and Retention Strategy.
- Heritage Assessment (Summary).

OFFICER ASSESSMENT – KEY CONSIDERATIONS

2.0 Principle of Development.

- 2.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of this application comprises of The Plan for Stafford Borough 2011- 2031, The Plan for Stafford Borough Part 2 2011-2031, and the Stone Neighbourhood Plan.
- 2.2 The National Planning Policy Framework (Framework), December 2023, sets out the Government's planning policies for England and how they should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means the planning system has three overarching objectives; an economic objective, a social objective, and an environmental objective, which are interdependent and should be pursued in mutually supportive ways.
- 2.3 Spatial Principle (SP) 2 of The Plan for Stafford Borough identifies that Stafford Borough will provide for new growth and investment, including the development of 500 dwellings per year over the plan period. Policy SP3 sets out the settlement hierarchy for the Borough and directs most of the future development towards the towns of Stafford, Stone and the defined Key Service Villages. SP 4 then apportions 10% of the annual housing target for Stone.
- 2.4 Spatial Principle SP7 establishes settlement boundaries for the Sustainable Settlement Hierarchy defined in Spatial Principle SP3. The policy states that development of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the settlement boundaries.

- 2.5 Policy Stone 1-Stone Town seeks to enhance the role of the settlement by increasing both its range and quality of services and facilities, acknowledging the sustainability of the town and its role in serving the surrounding rural hinterland. The Policy also advises that development must not result in the loss of employment land to non-employment generating uses unless the development proposals satisfy the listed exceptions.
- 2.6 Stone Neighbourhood Plan was adopted on 20 July 2021.
- 2.7 The Framework, at paragraph 47, confirms planning law requires that applications for planning permission are to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 2.8 The 5 year housing land supply for Stafford Borough shows that at March 2024 the Borough Council could demonstrate a 8year supply of housing land against the Local Housing Needs as calculated within the adopted Local Plan Strategy, and as a result the Local Plan Strategy policies are considered up to date. Given that the Council can demonstrate a 5year housing land supply, it falls for this scheme to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.9 The site is located within the settlement boundary of Stone, in a sustainable location with access to services and facilities and is therefore an appropriate location for new housing development. However, the site is in industrial use, the loss of this employment land is a material consideration in the planning balance. This, along with all other material factors, are assessed in the sections below.

Policies and Guidance:

National Planning Policy Framework:

Paragraphs: 11,47,48

The Plan for Stafford Borough:

SP1 Presumption in Favour of Sustainable Development

SP2 Stafford Borough Housing & Employment Requirements

SP3 Stafford Borough Sustainable Settlement Hierarchy

SP4 Stafford Borough Housing Growth Distribution

SP7 Supporting the Location of New Development

Stone 1 Stone Town

Stone Neighbourhood Plan:

H1 Housing Tenures and Types

3.0 Loss of Employment Land

- 3.1 Reflecting its role as the second key settlement of the Sustainable Settlement Hierarchy, Policy Stone 1 seeks to enhance its role by increasing both its range and quality of services and facilities. The Policy states development must not result in the loss of employment land to non-employment generating uses unless either:
- “1) There is overriding evidence to demonstrate that the current use is presently causing and has consistently caused significant nuisance or environmental problems that could not have been mitigated; or*
 - 2) The loss of jobs would not result in a reduction in the range and diversity of jobs available within Stafford Borough; and*
 - 3) Applicants will need to provide substantial evidence to show the premises or site has been marketed both for its present use and for potential modernisation or regeneration for alternative employment-generating uses; and*
 - 4) The development outweighs the retention of the sites in its existing use.*
- iii. Where it is established that existing employment sites have no realistic prospect of development under current market conditions within the plan period, careful consideration should be given in priority order to:*
- 1st. What remedial action / infrastructure works will be required to ensure the retention of the site.*
 - 2nd. Identification / re-allocation of the site for mixed uses; and*
 - 3rd. Identification / re-allocation of the site for an alternative use.”*
- 3.2 In considering the requirements of the Policy, the agent acknowledges criterion (1) does not apply, stating that the applicant has always sought to be a good neighbour and careful to ensure the way it manages and operates from the site does not cause a nuisance to neighbours.
- 3.3 In respect of criterion (2) it is advised that the applicant is committed to relocating within Stafford and has been in discussion with the Council’s Economic Development team regarding the future acquisition of land to construct bespoke premises in the Borough. The local planning authority has no evidence contrary to this and as such it can reasonably be concluded that the loss of jobs from the redevelopment of the site for residential purposes would not result in a reduction in the range and diversity of jobs available within Stafford Borough.
- 3.4 In response to the requirement of criterion (3) as part of the application a Marketing and Industrial Viability Report has been submitted. This advises that the following marketing initiatives were employed:

- 1 no. two-sided marketing signboard located on the A520 Stone Road was erected on 19 January 2022 and remained in situ beyond the date the report was produced in June 2022.
- 1 no. advert was placed in the Estates Gazette national commercial property news publication.
- 2 no. HTML emailing campaigns outlining the availability and bid process for the property were carried out throughout the marketing period.
- a 2-page digital PDF brochure was produced by Avison Young. There were distributed to all enquiring parties and were made available on the online listings for downloading.
- the property was listed on the Avison Young property search website and external third-party websites.

- 3.5 During the property marketing period a total of 50 parties enquired for further details on the property. These interests varied in intended uses including investment, owner occupier, residential redevelopment and commercial redevelopment. A total of two informal offers were made. Neither party made a formal offer through the tender process, although they were offered to do so. The two informal offers received were also considered below the market value.
- 3.6 The Report concludes that the property has been effectively marketed for an appropriate period to capture any demand for the site's existing industrial use within the market. This has included the potential for reuse of the existing accommodation or the site's potential redevelopment for continued industrial use or other employment uses. The Report considers the marketing exercise demonstrates that there is no demand for the use or redevelopment of the site for employment use.
- 3.7 Policy Stone 1 does not provide a timescale over which marketing of the site should be undertaken or specify the nature and extent of marketing to be carried out, the Policy only requires substantial evidence the site has been marketed. Given that the site was marketed for a period of 4.5 months along with a reasonable schedule of advertising undertaken it is considered that sufficient evidence has been provided to demonstrate the site has been marketed for both its present use and alternative employment generating use, complying with the requirements of criterion (3).
- 3.8 The fourth criterion of Policy Stone 1 states that where employment sites have no realistic prospect of development, careful consideration should be given to: (i) What remedial action / infrastructure works will be required to ensure the retention of the site; (ii) Identification / re-allocation of the site for mixed uses; and (iii) Identification / re-allocation of the site for an alternative use.

- 3.9 The Marketing and Industrial Viability Report states that it is apparent from the marketing undertaken that the site has been developed with a bespoke configuration which does not meet the needs of current manufacturing or warehousing businesses, due to the building configuration being suited to that of laboratory space, the split-level industrial stores/production space offering no direct loading access with low working heights of approximately 3 metres and a large office content.
- 3.10 Whilst it is acknowledged that the site could be redeveloped and new industrial buildings constructed, given the proximity of the site to residential properties there would be constraints in terms of the overall height and scale of buildings that could be constructed. Moreover, it is not considered that the location of the site is entirely compatible with modern logistic operations due to the fact the site is accessed via residential roads, and the additional factors of unacceptable levels of noise and disturbance generated by high volumes of commercial vehicles entering and leaving the site.
- 3.11 It is concluded that the loss of the site as employment land has been demonstrated and in this regard the proposal accords with Policy Stone 1.

Policies and Guidance:

The Plan for Stafford Borough:

Policy Stone 1.

Stone Neighbourhood Plan:

No relevant policies.

4.0 Heritage Assets

- 4.1 Policy N9: 'Historic Environment' requires development proposals to sustain and enhance the significance of heritage assets, including their setting, and that any potential harm to the significance of a heritage asset will require clear justification.
- 4.2 Paragraph 209 of the Framework states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Further advising, that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 4.3 Stonefield Works is an unlisted former Lotus Ltd shoe factory, built in the 'bypass modern' style. The factory building represents the last vestige of Stone's long involvement in shoe making and is an attractive example of a modernist factory of the post WWII years.

- 4.4 In 2022 an application for the listing of the building was submitted to Historic England by a member of the public. Historic England carried out a desk-based assessment followed by a site visit to Stonefield Works. Whilst Historic England acknowledged that the former Lotus shoe factory had some architectural distinctiveness and is of interest for its place in the historic development of a local area, it was considered a relatively late example of its type being stylistically of the inter-war period, and it has seen a degree of alteration which lessens its interest overall. Historic England therefore concluded that the criteria for listing was not met as the building does not have special interest in the national context. Historic England did, however, state that the factory possesses local interest as a clear link to Stone's history of shoe-manufacturing and as a large employer in the town during the mid to late 20th century and its links to the Bostock family of Stafford who first established a shoe manufacturing business in 1814, although this was not sufficient to merit listing.
- 4.5 The factory has a clear association of history at a local level and on this basis can reasonably be considered a non-designated heritage asset.
- 4.6 The Conservation Officer advised there was no document submitted with the application to indicate whether a scheme had been explored to retain and adapt the existing factory for re-use as residential or retain the frontage of the factory including the boundary walls. In addition, no viability data or cost analysis has been submitted to demonstrate whether it would be cost effective for a scheme for re-use of the existing building.
- 4.7 In response to the concerns raised a Heritage Assessment Summary (Statement of Significance) and Options Analysis and Retention Strategy were submitted.
- 4.8 The Heritage Assessment Summary considers the potential heritage significance of Stonefield Works against best practice guidance. This was undertaken using historic maps, regression, on-site visual survey, archival research and a review of existing published material and sources. The Summary concludes that Stonefield Works holds limited architectural or historic interest because:
- Externally Stonefield Works is an example of a bypass modern daylight factory but of comparatively late date. It does not display any innovative methods of working that would set it apart from earlier daylight factories.
 - The external appearance has a rather confused architectural form with competing Classical and Art Deco details.
 - Stonefield Works has been subject to alteration and extension in the late twentieth century which has resulted in demolition and subsumed the rear elevation of the original factory. The principal elevation has been diminished by incremental changes such as removal of original doors, alteration of windows and replacement of the roof.
- 4.9 The Options Analysis and Retention Strategy considers five options for the site, these are:
- 1) Whole Factory Retention.

- 2) Main (original) Factory Retention.
- 3) Main Factory Frontage Retained (including office building).
- 4) Main Building Retained.
- 5) No Building Retained.

- 4.10 Considering these options and the justifications put forward, it is agreed that it is likely to be unviable to pursue option (1), moreover, the loss of the later 20th century extensions would be an enhancement. In respect of option (2), it is appreciated that the factory building rear of the office and main frontage is a very deep and wide space and there would be practical difficulties in subdivision of this for residential development, the issues with conversion are also acknowledged. Option (3) considers the retention of the main factory frontage which is the principal elevation that fronts Stone Road. The Options Analysis and Retention Strategy acknowledges that the two-storey office building could potentially be converted to apartments for residential use but discounts this option on the grounds that the elevational treatment is not suitable for conversion, the building is not of sufficient height for two storeys nor is there demand for small apartments in Stone, such that any scheme is likely to be unviable. Equally, option (4) accepts that the main building could be converted to residential use, but the small number of units created would make such a scheme unviable. The Options Analysis and Retention Strategy concludes option (5) where no buildings are retained is the more viable option allowing for a more efficient layout and commercially viable mix of properties. It is also advised that there is the potential to reference the former factory building in several ways as part of any redevelopment scheme; through the re-use of the existing low wall and railings to Stone Road frontage, recording of the factory buildings and the provision of an interpretation board in a central space.
- 4.11 In weighing applications that directly or indirectly affect non-designated heritage assets, paragraph 209 of the Framework advises a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 4.12 It is clear from representations received that Stonefield Works are valued by residents and there would be preference to retaining the main factory building facing Stone Road. The removal of all building on site would result in the loss of the non-designated heritage asset, however, it is not considered that the asset is significant in terms of its heritage value. Moreover, this loss must be balanced against the social and economic benefits the redevelopment of the site for residential purposes would generate to the local environment. The applicant has indicated that there is the potential to reference the former factory building through re-use of the existing low wall and railings to Stone Road along with the provision of an interpretation board within the site. These are considered positive benefits which could be appropriately conditioned.

- 4.13 It is therefore concluded that the public benefits that would arise from the redevelopment of the site for a viable housing development would create significant social benefits through the provision of an appropriate housing mix and affordable housing, and substantial economic benefit through the construction phase and the contribution to the local economy from the spend by future residents. These factors collectively outweigh the loss of the non-designated heritage asset.

Policies and Guidance: -

National Planning Policy Framework:

Paragraphs 205-210

The Plan for Stafford Borough.

Policy N9 Historic environment.

Stone Neighbourhood Plan:

No relevant policies.

5.0 Visual Impact

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

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

Policy N4 of The Plan for Stafford Borough states the Borough's green infrastructure network will be protected, enhanced and expanded to create networks of open spaces for formal and informal recreation, natural corridors, access routes and watercourses. The Policy also requires all new development to be set within a well designed and maintained attractive green setting and provide a variety of spaces to meet the needs of people and nature. This is reflected in Policy CAF2 of the Stone Neighbourhood Plan which requires development proposals to protect, conserve and enhance Stone's natural setting, environment and green infrastructure.

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

- "a) The elements of the landscape that contribute to the local distinctiveness of the area (including heritage assets, cultural character and biodiversity);*
- b) Historic elements of the present-day landscape that contribute significantly to landscape character.*
- c) The setting and views of or from heritage assets*

d) *The locally distinctive pattern of landscape elements such as woodland, streams, hedgerows, trees, and field boundaries.”*

- 5.4 The Framework advises, in paragraph 131, the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the design process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.5 A Design and Access Statement submitted as part of the application states:
- “The proposed development would offer major improvements on the exiting site, which in its current state does not offer accessibility or amenity functions...The proposals will provide greater, multi-functional open space for meaningful habitats within the site and for recreation. Pedestrian connectivity will be improved by creating a footpath between Stone and Oulton Road.”*
- 5.6 The application seeks outline planning permission with all matters, other than access, reserved for subsequent approval. An illustrative Masterplan has been submitted to demonstrate how the site could be developed.
- 5.7 However, the illustrative Masterplan initially submitted showed the construction of 114 houses on the site, whereas the description of the development referred to ‘up to 130 dwellings.’ Whilst the Masterplan is illustrative, it nonetheless forms part of the supportive documents submitted as part of the application. Moreover, the local planning authority must be satisfied that the site can accommodate the quantum of development for which planning permission is being sought.
- 5.8 A revised illustrative Masterplan was subsequently submitted showing the provision of 130 dwellings along with the area of open space relocated centrally within the site. Whilst the revised siting of the open space was welcomed, concerns were raised at this layout. These included the lack of outlook and amenity space afforded to several units, the proximity of habitable room windows to parking areas or highways. In addition, a substantial number of dwellings were served by parking spaces to the front of properties, creating a harsh urban environment dominated by hard surfacing and car parking.
- 5.9 Extensive discussions were held with the applicant’s agent and an amended illustrative Masterplan was submitted providing 114 dwellings on the site, in addition, a further plan was provided showing the extent of natural green space and amenity open space provided as part of the illustrative scheme. The description of the application was amended to reflect the reduction in the quantum of development and neighbours and the town council were reconsulted.
- 5.10 Whilst illustrative, the revised layout provides a mix of house types and sizes, ensures adequate spacing between dwellings, and creates appropriate areas of open space and landscaping. It has therefore been demonstrated that the site can facilitate the quantum of development proposed and safeguard the character and appearance of the area.

- 5.11 Part of the site, to the north-east, is a Green Infrastructure designation. This part of the site is currently occupied by industrial buildings and hard surfacing. It is acknowledged that the illustrative Masterplan indicates that this area will be occupied by housing, however, as only 'access' is considered as part of this outline application the layout of the site is not a material factor to be determined. Moreover, the part of the site designated as green infrastructure is currently occupied by industrial buildings and hard surfacing and any subsequent application seeking approval of reserved matters will be required to provide areas of open space and landscaping planting as shown on the illustrative layout. Such provision will provide the opportunity to create multifunctional areas of open space, landscaping and ecological enhancements benefitting the well-being of existing and new communities that the development will serve.
- 5.12 It has been demonstrated that the quantum of development proposed can be provided on the site, with the capacity to achieve a well-designed place that positively enhances the character and appearance of the area, in accordance with Policies N1, N4 and N8 of The Plan for Stafford Borough.

Policies and Guidance: -

National Planning Policy Framework:

Section 12

The Plan for Stafford Borough:

Policy N1 Design

Policy N4 Green Infrastructure

Policy N8 Landscape Character

Supplementary Planning Document (SPD): Design

Stone Neighbourhood Plan:

Policy CAF2: Green Infrastructure

Policy CAF5: Local Green Infrastructure

6.0 Amenity

- 6.1 The effect of the proposal on the level of amenity afforded to surrounding properties and the level of amenity afforded to future occupants.
- 6.2 The Framework advises, at paragraph 135(f), planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 6.3 Policy N1 requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas.

- 6.4 A Noise Impact Assessment has been submitted as part of the application. This states noise monitoring was undertaken at 3 Monitoring Locations considered to be representative of proposed and existing Sensitive Receptors.
- 6.5 The Assessment states that during the construction phase, any works carried at the proposed development has the potential to generate noise that may propagate beyond the site boundary. To reduce the potential impact of noise and vibration generated by the construction phase of the development, mitigation measures would be required. These would be implemented through a Construction Environmental Management Plan (CEMP) which would be conditioned as part of any planning permission granted. The Assessment further advises that outdoor living areas in the eastern and western part of the site, closest to Stone Road and Oulton Road require mitigation in the form of 1.8 metre high close boarded fencing along the boundary between the garden and road, or the provision of a separation distance of 15 metres between the road and gardens. In addition, those properties to the east, closest to Stone Road would require enhanced acoustic glazing. Such measures can be addressed with appropriately worded conditions.
- 6.6 Substantial representation has been received from neighbouring residents, raising concerns at the impact of the development on existing levels of amenity. Whilst the revised Masterplan showing the provision of 114 dwellings is provided for illustrative purposes only, as part of this submission additional plans were submitted demonstrating the garden areas for the residential units meet the requirements of the Design Supplementary Planning Guidance and the back-to-back distances and side to back distances between existing and proposed dwellings accord with the recommended separation distances.
- 6.7 Notwithstanding that the detailed layout, scale, size, design of dwellings are reserved for subsequent approval, the illustrative Masterplan and supplementary plans submitted have demonstrated that 114 dwellings are capable of being provided in a manner that would not adversely affect neighbouring dwellings and provide appropriate levels of amenity for future occupants. In this regard the proposal accords with Policy N1 of The Plan for Stafford Borough.

Policies and Guidance: -

National Planning Policy Framework:

Section 12

The Plan for Stafford Borough:

Policy N1 Design

Supplementary Planning Document: Design

Stone Neighbourhood Plan:

Policy H2 Housing Design

7.0 Access and Parking

- 7.1 The effect of the proposal on highway and pedestrian safety.
- 7.2 Policy T1 of The Plan for Stafford Borough seeks to achieve a sustainable transport system.
- Policy T2 seeks to ensure that adequate parking facilities are provided for new development which must, amongst other things, have safe and adequate means of access, egress and internal circulation that does not materially impact highway safety or traffic movement and not detract or conflict with the transport function of the road. This is consistent with paragraph 114 of the Framework which requires that safe and suitable access is available for all users.
- 7.3 Paragraph 116 of the Framework requires applications for development to create places that are safe, secure and attractive which minimise the scope of conflict between pedestrians, cyclists and vehicles.
- 7.4 The site is located on the northeast side of Stone town centre and is bound by residential properties to the northeast and southwest, Oulton Road to the northwest and the A520 Stone Road to the south /southeast. There are currently four vehicular accesses to the site, two from Oulton Road and two from the A520 Stone Road. Both Stone Road and Oulton Road are lit roads subject to a 30mph speed limit.
- 7.5 The amended Oulton Road accesses would be provided in their existing locations, with the southwestern access located at the southwest corner of the Oulton Road site frontage and the north-eastern access located at the northeast corner of the Oulton Road site frontage. Both these amended accesses would be simple priority junction arrangements, with 5.5 metre wide carriageways, 6 metre radii and 2 metre-wide footways both sides. The A520 Stone Road access would be provided by a new access located approximately 80 metres southwest of the north-eastern Stone Road site boundary. The existing accesses from the A520 Stone Road would then be permanently closed and removed. This access will be a simple priority junction arrangement, with a 6metre-wide carriageway, 6metre radii and 2 metre wide footways to both sides.
- 7.6 The applicant has also produced an Interim Travel Plan as part of the application submission. This document is to provide a framework of measures on which a full Travel Plan will be prepared as the dwellings within the development become occupied. This document therefore identifies a package of measures and initiatives tailored to the requirements of the site with the aim of promoting sustainable travel modes.

7.7 A Transport Assessment (TA) has been submitted as part of the proposal which assesses all aspects of traffic movement and growth at offsite junctions of traffic for the development and compared it against that of the exiting permitted employment use. The TA looked at the impact on highway junctions. As the current use of the site is office and industrial, the peak traffic flows associated with this proposed development although reduced in number would be in reverse of those experienced with the existing employment use. In the morning peak most movements would be vehicles leaving the site with the proposed housing development, whereas with the extant employment use most movements would entering the site. The TA compared the existing employment use and the observed traffic flow at various junctions:

7.8 Oulton Road / Old Road / Stonefield Square:

At this junction the TA demonstrates that, during the morning peak, a 15 vehicle increase on the southbound Oulton Road approach as a result of the proposed residential development would be offset by a 50-vehicle reduction on the northbound Oulton Road approach. During the weekday evening peak a 16 vehicle increase on the northbound Oulton Road approach would be offset by a 39-vehicle reduction on the southbound Oulton Road approach.

A520 Stone Road / Oulton Road / A520 Radford Street / Granville Terrace:

During the morning peak, a 15 vehicle increase on the Oulton Road approach and an 18 vehicle increase on the A520 Stone Road approach as a result of the proposed residential development would be offset by a 50-vehicle reduction on the A520 Radford Street approach. During the weekday evening peak, the TA suggests that a 32 vehicle increase on A520 Radford Street approach would be offset by a 39-vehicle reduction on the Oulton Road approach.

Christchurch Way / B5027 Lichfield Street / Stafford Road / High Street:

The TA shows that, during the morning peak, a 22 vehicle increase on the Christchurch Road approach as a result of the proposed residential development would be partially offset by a 7-vehicle reduction on the B5027 Lichfield Street approach. During the weekday evening peak, a 4 vehicle increase on B5027 Lichfield Street approach would be more than offset by a 23-vehicle reduction on the Christchurch Way approach.

A34 The Fillybrooks / Stafford Road / B5026 Eccleshall Road:

At this junction the TA shows that, during the morning peak, a 19 vehicle increase on the Stafford Road approach as a result of the proposed residential development would be offset by an 18-vehicle reduction on the A34 The Fillybrooks (S) approach and a 6 vehicle reduction on the B5026 Eccleshall Road approach. During the weekday evening peak, a 15 vehicles increase on the A34 The Fillybrooks (S) approach and a 2 vehicle increase on the B5026 Eccleshall Road approach would be offset by a 17-vehicle reduction on the Stafford Road approach.

- 7.9 The TA also considered the operational assessments at all the off-site junctions within the study area. Operational assessments have also been carried out for the proposed site accesses. The highway authority advises these operational assessments demonstrate that the proposed development would have a negligible impact on operating conditions, with forecast increases in ratios of flow to capacity / degree of saturations and queue lengths being minimal. Because of the assessments and modelling undertaken the highway authority consider the operation of the identified junctions would not be substantially affected by the proposed development and has no objection to the application subject to recommended conditions.
- 7.10 The proposal therefore accords with Policy T1 of The Plan for Stafford Borough which seeks to ensure traffic flows from new development do not have a negative impact on nearby communities, along with advice in paragraph 116 of the Framework, which requires applications for development to create places that are safe, secure, and attractive which minimise the scope for conflict between pedestrians, cyclists, and vehicles.

Policies and Guidance: -

National Planning Policy Framework:

Section 9

The Plan for Stafford Borough:

Policy T1 Transport

Policy T2 Parking and Manoeuvring Facilities

Stone Neighbourhood Plan:

No relevant policies.

8.0 Biodiversity

Ecology

- 8.1 Policy N5 of The Plan for Stafford Borough requires development to protect nature conservation sites and mitigate against any impacts on protected sites.
- 8.2 The Framework advises, in paragraph 180(d), planning policies and decisions should contribute to and enhance the natural and local environment by '*minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*'
- 8.3 An Extended Phase 1 Habitat Survey was undertaken on 13 September 2021. This advises the sites habitats comprise buildings set within hardstanding, woodland, trees and amenity grassland surrounded by hedgerow and small areas of introduced shrub.

- 8.4 The Phase 1 Habitat Survey considers most affected habitats on site are species-poor and of negligible ecological value. It further considers the woodland, trees and hedges have intrinsic conservation value and should be retained where possible.
- 8.5 The Council's Ecologist concurs with the conclusion of the Survey and advises the recommendations of the Survey should be undertaken. Biodiversity Net Gain should be achieved through ecological enhancements and a landscape management plan is required. Such measures may be attached as appropriately worded conditions to any planning permission granted. For clarification, this application is however exempt from the Biodiversity Net Gain regulations as the application was submitted before the regulations came into force in February 2024.

Arboricultural

- 8.6 Policy N4 of The Plan for Stafford Borough states that the natural environment will be protected and that new development where damage to the natural environment is unavoidable must provide appropriate mitigation. Policy N1 requires development to retain significant biodiversity and landscaping features and create new biodiversity areas. To comply with the guidance contained within the Framework and the Council's biodiversity duty new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 8.7 Paragraph 136 of the Framework advises that trees make an important contribution to the character and quality of the environment and can also help mitigate and adapt to climate change.
- 8.8 An Arboricultural Assessment (AA) was carried out in June 2022, as part of this Assessment, a Tree Retention Plan has been provided. The Assessment states that to facilitate the proposed development, based on the illustrative Masterplan, limited tree loss will be required. The area where built development is proposed is mainly devoid of tree cover, and the existing trees on site, situated around the boundaries are to be retained. Additional new tree planting is proposed within areas of public open space which will increase tree cover.
- 8.9 The AA states the largest tree loss would be to groups G15 and G16, two large buffer groups consisting of Lawson cypress. These were graded as category 'C' as they are reaching the end of their useful lifespan. The main access road would directly impact upon T9, a category 'B' specimen of silver birch. T9 is a protected tree and would be replaced with a replacement tree to mitigate its loss. G8, G14 and H2 would be directly impacted by the proposal and would require removal.
- 8.10 The AA concludes that the proposal retains a high proportion of existing tree cover and new tree planting is proposed to mitigate the impact of those trees to be felled. T9 is the only protected tree that would require removal, and this will be replaced. Trees will require protection during demolition and construction work. A site-specific Arboricultural Method Statement is required to include location of fencing, specialist construction techniques or watching briefs that would be necessary to ensure retained trees are protected during the proposed works.
- 8.11 The Council's Arboricultural Officer concurs with the conclusions of the AA and has no objections subject to recommended pre-commencement conditions.

Policies and Guidance: -

National Planning Policy Framework:

Paragraphs 136,180

The Plan for Stafford Borough:

Policy N1 Design

Policy N4 The Natural Environment & Green Infrastructure

Policy N5 Sites of European, National & Local Nature Conservation Importance

Stone Neighbourhood Plan:

Policy CAF2: Green Infrastructure

Policy CAF5: Local Green Infrastructure

9.0 Flooding and Drainage

- 9.1 Policy N2 of The Plan for Stafford Borough states all development should incorporate sustainable design features and proposals must take account of the need to ensure protection from, and not worsen the potential for flooding.
- 9.2 A Flood Risk Assessment and Outline Drainage Strategy were submitted as part of the planning application. The Local Lead Flood Authority (LLFA) advised there was insufficient detail to fully demonstrate that an acceptable drainage strategy is proposed. The LLFA were unable to assess the suitability of soakaways in addition the correspondence provided from Severn Trent Water did not demonstrate that the point of connection for the site is acceptable to them. The LLFA therefore recommended that planning permission was not granted until this is resolved.
- 9.3 Extensive correspondence has taken place between the applicants' agent and the LLFA to address the outstanding concerns, these included details of connections to watercourses, sewers, public surface water sewers and highway drains. In addition, the LLFA required the agent to demonstrate that access is feasible for maintenance of proposed drainage systems, and in terms of above ground SuDS to avoid the need for multiple tanks, it was suggested adding an additional offline pond in the open space area in the south of the site and increasing the size of the pond in the east of the site.
- 9.4 Following the receipt of further amended plans and additional information the LLFA removed their objection to the proposal and advised there is no objection to the development subject to several recommended conditions.
- 9.5 Sufficient information has been provided to demonstrate that the residential development of the site would be satisfactorily drained without increasing the risk of flooding elsewhere. The proposal therefore accords with Policy N2 of The Plan for Stafford Borough.

Policies and Guidance:

National Planning Policy Framework:

Paragraphs 165-175

The Plan for Stafford Borough:

Policy N2 Climate Change.

Stone Neighbourhood Plan:

No relevant policies.

10.0 Land Contamination

- 10.1 A Phase 1 Environmental Report forms part of the application submission. This concludes localised areas of contamination are likely to be present, most likely because of oil/fuel storage. There is also potential for Made Ground and reworked natural materials to be present across the site from past activities. A ground investigation will be required to establish the ground conditions, determine the presence of any contamination, the depth to groundwater and establish the ground gas regime across the site. Following the completion of the ground investigation works the Report advises a Quantitative Risk Assessment should be completed. Should areas of soil and groundwater contamination be identified, a Remediation Options Appraisal and Remediation Strategy should be developed to inform the decontamination of the site. The Report further concludes asbestos containing materials are present within the fabric of the buildings and prior to any demolition works, it will be necessary to carry out an intrusive Pre-Demolition Asbestos Survey. During demolition works measures must be put in place to contain asbestos stripped from the building and disposed by a suitably licenced facility by a licensed contractor.
- 10.2 The Environmental Health Officer acknowledges the industrial use of the site and advises a Stage 1 Desktop Contamination Land Risk Report is required. This along with those recommended in the Phase 1 Environmental Report can be appropriately conditioned to any planning permission granted.

Policies and Guidance:

National Planning Policy Framework:

Section 12

The Plan for Stafford Borough

Policy N1 Design

Stone Neighbourhood Plan:

No relevant policies.

11.0 Planning Obligations

- 11.1 Policy I1 of The Plan for Stafford Borough advises appropriate levels of contribution for infrastructure will be secured by Section 106 Agreement or legal agreements to ensure new development contribute to new and/or improved infrastructure and services (including community needs).
- 11.2 Policy C7 seeks to ensure that open space, sport and recreational facilities are provided as part of new development.
- 11.3 Policy C2 states that development of 12 or more dwellings within Stone must deliver 40% affordable housing.
- 11.4 Under the terms of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, planning obligations must only be sought where they meet all 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.

These tests are also set out in paragraph 57 of the National Planning Policy Framework, December 2023 with footnote 24 referring back to Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Affordable Housing:

- 11.5 The Council's Housing Officer advises that 40% affordable housing is required with the tenure mix 25% First Homes and 75% social rent. A mix of 1-4 bedroomed properties is required and all affordable housing should meet the national prescribed space standards. In addition, affordable housing should be spread across the development in clusters of approximately 8 units and should be indistinguishable from open market housing.

Education:

- 11.6 Staffordshire County Council advise an education contribution of £109,035.50 is sought to mitigate the impact on education from the development. This contribution is calculated in line with Staffordshire's Education Infrastructure Contribution Policy (SEICP) and would make the development acceptable from an education perspective subject to a s106 Agreement which meets this requirement.
- 11.7 Based on the location of the proposed development and current demographics the impact on school places at the following school(s)/planning areas has been considered:

Christ Church CE (VC) First School, Stone

Stone Town planning area

Christ Church Academy

Stone Middle planning area

Alleyne's Academy, Stone

Stone High planning area

11.8 To understand the impact of this development on education infrastructure analysis has been undertaken using:

- Pupil Number on Roll.
- Net capacity/funding agreement of the schools.
- Pupil projections which include committed developments

11.9 In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 114 dwellings would require 14 first school places, 14 middle school places and 10 high school places. These are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. Using 5-year groups for first school, 4 for middle school and 3 for high school places.

11.10 There are projected to be an insufficient number of school places in the local area to mitigate the impact of the development at the high school phase of education.

11.11 The high school education contribution has been calculated as follows:

£1,308,426 (cost of additional High school places) / 120 additional school places = £10,903.55 per pupil place.

£10,903.55 per pupil place x 10 places required to mitigate the impact of this development = £109,035.50.

Highways:

11.12 The highway authority advises a Travel Plan and Travel Monitoring fee of £10,000 is required to support the developer's Travel Plan Coordinator and audit annual monitoring reports to ensure the Travel Plan outcomes are being achieved. In addition, a contribution of £7,500 is required towards the Traffic Management Scheme of Works for Stone Road in the area of the development to help regulate indiscriminate parking.

NHS Staffordshire and Stoke-on-Trent Integrated Care Board (ICB).

11.13 The Framework advises, at paragraph 96, planning policies should aim to achieve healthy and inclusive places. Further stating, at paragraph 97, to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (b) take into account and support the delivery of strategies to improve the health, social and cultural well-being for all sections of the community.

- 11.14 The ICB has advised that the development would result in an additional 312 patients and have requested a contribution of £84,499 to support the further development of primary care services in the relevant PCN via future adaption, expansion, replacement of practices. The ICB advise the contributions would be towards the Stone and Eccleshall Primary Care Networks (PCN) Cumberland House Surgery and Mansion House Surgery would serve the patients. It is advised these practices have an existing shortfall in respect of the available gross internal area to serve the current patient population as such investment in the PCN is required to mitigate the development.
- 11.15 The ICB advise the outputs in the tables provided are derived from the Department for Health guidance 'Health Building Note 11-01: Facilities for Primary and Community Care Services', which provides best practice guidance on the delivery of new healthcare buildings and adaptation and extension of existing facilities. It is applicable to a range of building types including GP premises, Health centres, Primary care centres and Urgent care centres.
- 11.16 It is not clear how patient yield and floorspace requirements resulting from the development have been derived. Moreover, reference is made to supporting the further development of primary care in the relevant PCN via future adaptation, expansion and replacement of practices, it does not specify where the funds will be directed, nor has a project been identified or any build costs provided based on tenders. In a recent appeal decision, the Inspector found the contribution to be unlawful due to the obligation referencing only towards the improvement/expansion within the general area of the primary care network (Appeal Ref: APP/T3725/W/23/3319752 Land at Warwickshire Police Headquarters, Wooton). It is therefore not considered that the financial contribution requested satisfies the requirements of the Infrastructure Levy Regulations 2010 (as amended).
- 11.17 Representations received raise concern at the increase in demand on existing services resulting from the proposed residential development and the ability for existing facilities to absorb this capacity. However, for a financial contribution to be sought it must satisfy the requirements of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended), and it is not considered that the tests have been met.

Open Space

- 11.18 Sports pitch provision and built associated facilities within the area fall short of national standards as identified within Stafford Borough Council Playing Pitch Strategy Assessment Report carried out by Knight, Kavanagh and Page in 2019.
- 11.19 The Framework advises at paragraph 97(a), planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as sports venues and open space) to enhance the sustainability of communities and residential environments.
- 11.20 A public open space contribution of 30.81sqm per person is required, combining this with the number of properties proposed (114) using the Council's formula, the open space requirement, to be provided on site, is 8,183.75 sqm.

11.21 This open space requirement per person comprises:

- 0.45 sqm under 12s
- 15 sqm Accessible Natural Green Space (ANGST)
- 0.3 sqm MUGA
- 0.16 sqm tennis
- 0.3 sqm teenage facilities
- 14.6 sqm grass pitches

The illustrative proposals provide 8,602 sqm of open space, meeting the on-site requirement of 8,183.75 sqm.

A LEAP sum of £119,024.56 has also been requested, which the applicant accepts, subject to review given this is based on the initial number of 130 dwellings. This figure will be reassessed as part of any s106 Legal Agreement.

11.22 The Council's Open Space, Sport and Recreation Assessment update identifies that there will be a need for an additional 6 ATP pitches required due to an increase in the population of the borough and demand.

11.23 Sport England and the Open Space, Sport and Recreation Assessment identifies there is currently a shortfall of 300 sqm of pool space and that Stafford Leisure Centre is currently operating at capacity along with Alleyne's. Any future developments will further increase the deficiency in swimming capacity. The Leisure Policy and Implementation Officer advises the Sport England Facilities calculator has been applied to the proposed development as there will be an impact upon facilities in the local area as residents join local sporting clubs either as adults or through schools and increased usage of swimming pools. The calculator is based upon the population of the new development and how many visits the development will generate at peak times to sport facilities. This equates to the following financial contributions:

- Pool: £54,038
- Sports Courts/Halls: £49,302
- Artificial Turf Pitches (3G): £7,455.

11.24 The agent has requested confirmation of the schemes towards which the offsite sports and leisure contributions will be directed in accordance with Regulation 122.

11.25 In response the Leisure Policy and Implementation Officer advised the Playing Pitch and the Indoor Facility Strategy completed by Knight, Kavangh and Page highlighted the current need for additional pool space, 3G pitch and sports hall within the Borough. The Strategy also forecast what extra leisure provision would be required through the expected increase in population, the Borough Council is

therefore working towards fulfilling that need. It is further advised developer contributions for large-scale leisure projects need to be collected over a period of time before it is possible to provide definitive details about the location, nature and implementation of provision to communities. Moreover, 106 Agreements include the caveat concerning the length of time to work on a project being 10 years in most cases.

11.26 In response, the agent has stated that if the Borough Council is working to fulfil the requirements for new facilities there is an expectation that these schemes should have been identified and costed or have a strategy in place that identifies the facilities and infrastructure that any contribution sought from the development would be spent on. If it is not possible to do so, then it would not be appropriate to seek a contribution from the development as it cannot be established whether it is necessary to make the development acceptable in planning terms or whether the contribution sought is directly related to the development. There must be some direct link between the impact caused by the development and the provision of facilities to mitigate that impact.

11.27 Paragraph 57 of the Framework is clear, that planning obligations must only be sought where they meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. These are:

- Necessary to make the development acceptable in planning terms,
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

11.28 It is clear, from recent appeal decisions, that to request financial contributions for development a local planning authority must be able to provide detailed evidence on how that contribution has been derived and its relevance to the development concerned. In appeal reference APP/K3415/W/22/3305895, Land northeast of Deanslade Farm, Claypit Lane, Lichfield, in considering a contribution towards primary school places the Inspector stated:

“No detailed assessment of primary school places in the catchment area, including forecasts of proposed take up places at the new primary school has been provided...no detailed evidence has been provided in terms of a breakdown of the funding strategy for provision of the new school, including details of the money previously secured against the actual build costs...”

In a further appeal decision, the local planning authority accepted at the Inquiry that there was no evidence to justify the contribution sought, with the Inspector stating:

“The Council confirmed that it is not able to demonstrate that a community centre contribution would be necessary to make the development acceptable in planning terms. I have no reason to disagree with this position.”
(APP/E2734/W/19/3236153 land at Harrogate Road, Wetherby).

11.29 In the absence of identified schemes for the provision of swimming pool, sports court/hall or artificial turf pitch that are to be provided in the locality of the

development site, it has not been demonstrated that the request for financial contributions for the requested offsite sports provision meets the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Policies and Guidance:

National Planning Policy Framework:

Paragraphs 34,55,57,96,97

The Plan for Stafford Borough:

Policy I1 Infrastructure Delivery

Policy C2 Affordable Housing

Policy C7 Open space, Sport and Recreational Facilities

Stone Neighbourhood Plan:

CAF1 Local Play, Sports and Recreational Facilities.

12.0 Other Matters

- 12.1 Representations received from Stone Town Council, Twentieth Century Society and Save Britain Heritage in relation to the loss of the Lotus factory are acknowledged, but this matter has been considered in detail in the report above.
- 12.2 Concerns by residents at increased congestion and flooded have been considered in the report above.
- 12.3 Matters of concern in respect of the design and size of the dwellings are matters to be addressed as part of any application seeking approval of reserved matters.

13.0 Planning balance and Conclusion

- 13.1 The proposal would provide housing in a sustainable location, being in a suitable location close to shops, services and facilities as well as a range of public transport options. There will be economic benefit brought by the construction phase and social benefit through the provision of new residential development, to which moderate weight is attached.

The site has low ecological value, with the proposal not having adverse effects in terms of flooding, drainage, contamination and highway safety. The loss of habitat, including tree cover, would not be significant and there are mitigation and biodiversity gains brought through the proposed development.

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

Consultations

Stone Town Council: 6 October 2022:

Raises the following points in respect of the development proposal:

- The Borough Council is asked to carefully consider whether or not advertisement of the site has been proved to meet planning requirements and is satisfied that the developer has done enough marketing to justify a change of use from business to housing land.
- The existing flood risk on Oulton Road is high and a housing development of this size will put further strain on drainage in the area.
- Although not listed, the buildings have special architectural and historic value. The Town Council would like to see the site developed sympathetically with retention of the character buildings, incorporating them into a mix of property types rather than demolition in favour of new build homes that are the same as others in the town.
- Despite the planning application being outline in nature, a large number of residents have expressed concerns about the negative impacts of the proposal. The loss of employment, damage to residential amenity, impact on character and appearance of the area, impact on highways and traffic and increased flood risk have all been cited. These reserved matters should be noted by the Borough Council for future consideration.
- Concern was expressed that a further significant number of additional houses now under consideration had been included in the local plan for the Borough, as Stone cannot be expected to continue accepting windfall sites of 130 homes (now 114) and similar, with no provision for appropriate infrastructure.

Stone Town Council: 17 January 2024:

Re-consultation on revised number of dwellings and indicative layout. The Town Council wishes to repeat its observations made in response to the original plans (dated 6 October 2022).

Cadent: 13 September 2022:

No objection subject to a recommended informative.

Environmental Health Land Contamination: 05 October 2022:

The recommendations within the contamination report are agreed and should be conditions of any planning permission.

Environmental Health Officer: 20 September 2022:

Advise the noise report does not consider piling techniques, clarification is required. A desk top contamination land risk report is required given the sites former industrial use.

SCC Education: 20 September 2022:

Advise a financial contribution of £130,842.60 is required towards educational provision.

Arboricultural Officer: 30 September 2022:

No objection subject to recommended conditions.

Biodiversity Officer: 3 October 2022:

No objection subject to recommended conditions.

Police Designing Out Crime Officer: 3 October 2022:

No objection, security measures are recommended.

Housing Officer: 4 October 2022:

40% affordable housing is required with a tenure mix of 25% first homes and 75% social rent.

LLFA: 4 October 2022:

There is insufficient detail to fully demonstrate that an acceptable outline drainage strategy is proposed. It is therefore recommended that planning permission is not granted until this is resolved.

LLFA: 6 March 2023:

There is insufficient detail to fully demonstrate that an acceptable outline drainage strategy is proposed. It is therefore recommended that planning permission is not granted until this is resolved.

LLFA: 22 February 2024:

There is insufficient detail to fully demonstrate that an acceptable outline drainage strategy is proposed. It is therefore recommended that planning permission is not granted until this is resolved.

LLFA: 27 February 2024:

No objection subject to recommended conditions.

Highway Authority: 14 October 2022:

No objection subject to recommended conditions.

Historic England: 28 November 2022:

Not recommended for listing.

Severn Trent Water: 21 February 2023:

No objection subject to a recommended condition.

Integrated Care Board (Health): 27 October 2022:

A developer contribution of £84,499 is required to support the further development of primary care services in the relevant PCN via future adaptation/expansion/replacement of the practices.

Conservation Officer: 13 December 2022:

Objects to the principle of the wholesale demolition of the factory complex. No objection to the site being reused for residential purposes, a scheme that would see the existing factory complex retained.

Conservation Officer: 7 March 2023:

The submitted Options Analysis and Retention Strategy does not appear to be based on any sound evidence. There remains a strong conservation objection to the principle of the wholesale demolition of the factory complex.

Design Advisor: 7 November 2022:

Advise the application seeks outline permission for 130 dwellings, however, the illustrative layout shows 114 dwellings with layout reserved. Recommend that a revised layout illustrating the actual quantum of development is provided. A number of further comments on the illustrative layout are made.

Leisure Policy and Implementation Officer: 22 January 2024:

In accordance with the financial contributions guide for new development provision of Open Space and commuted sums, the contribution required for this development should be: £104,375.38 capital with £13,572.84 towards maintenance.

Sports Provision:

Pool: £54,038

Sports Courts/Halls: £49,302

Artificial Turf Pitches (3G): £7,455

Neighbour Representation: (212 consulted):

118 representations received: 117 letters of objection and 1 letter of support:

Objections: the main planning issues referred to are:

- Increased traffic on already congested roads. Oulton Road is unsuitable for HGV's and should be avoided during demolition and construction.

- Stone has seen a lot of housing developments, infrastructure is suffering, doctors, dentists, care workers, jobs.
- Site should provide facilities- school, healthcare, large supermarket.
- Design in rural location.
- Building should be converted, e.g. Apartments and front façade should be retained.
- Effect on residential amenity- loss of light, noise and loss of privacy.
- Loss of Stone's heritage.
- Roads are already busy with high traffic speeds.
- The second access on Oulton Road has not been used for a long time.
- Proposed layout is generic. Future application should include larger, prestige houses along Oulton Road.
- Loss of tree including TPOs. Additional tree planting should be provided, mature trees should be retained.
- Who is responsible for the ongoing management and maintenance of the tree screening.
- Proposal creates a rat run between Stone Road and Oulton Road.
- Factory should be used as an artisan workshop for startup businesses or a shopping centre or a combination.
- Too much housing in Stone.
- Infrastructure impact- sewers, roads, schools.
- Additional cars will increase pollution levels.
- The site could be used to provide a community healthcare centre with doctors and dentist.
- Building should be listed and preserved and conserved.
- All construction access should be via Longton Road.
- Flooding and drainage issues.
- Loss of existing vegetation and habitat.
- Houses should be a suitable scale for Stonefield's character.
- Boundary hedgerow and trees should be retained.

- Loss of employment site.
- Adverse impact upon character and appearance of the area.
- Clarification is required regarding plans, open areas, screening.
- Development should provide rear access to 43-59 Oulton Road to alleviate some of the congestion issues.
- Increase in air and noise pollution.
- Disturbance during construction, HGV's, power tools.
- Open space and play area moved to area fronting Oulton Road, provide a buffer from existing houses.
- Concern at subsidence to surrounding buildings.
- Location of public open space could encourage anti-social behaviour.
- Correct removal of asbestos.
- Demolition and construction could cause damage to local properties.
- Substantial and unjustified harm to the industrial character of this area of Stone.
- Demolition would have a high negative carbon cost.

Support: the main planning issues referred to are:

- Not opposed to a well-thought-out development.
- Agree with the land being used for housing.

Re-consultation of neighbours on revised number of dwellings and indicative layout: 10 January 2024:

57 letters of representation received: 52 letters of objection and 5 letters of support.

Objections: the main planning issues referred to are:

- This former Lotus factory represents Stone's history of shoemaking. Every effort should be made to retain and redevelop the building which lends itself to apartments.
- The proposal will impact on the already inadequate infrastructure of roads and drainage in the area which is likely to be exacerbated.
- At least the frontage of the building should be retained.
- Flooding in Cross Street.
- Position of Plots does not accord with the separation distances in the Design Guide.

- Impact of overlooking onto existing houses.
- A major construction project such as will cause major difficulties to the existing residents over the duration of the construction.
- Insufficient parking provided for the residents.
- Too many houses proposed on the site.
- TPOs have been made for specific trees but the extensive screen of conifers on the North and Western boundaries are not protected. Removal of these trees should not be permitted not only to maintain privacy but to protect natural habitats.
- Concern at access and traffic on Oulton Road.
- How can the infrastructure cope with this number of houses and people in a small area.
- Concern at pressure on local services, schools and doctors are at capacity and there are no dentists available.
- The development will have a negative visual impact on the area.
- Concern the houses will not be in keeping with those in the local vicinity and will be a generic housing estate.
- Will there be affordable houses.
- The land would be better put to use for retail purposes.

Support: the main planning issues referred to are:

- The surrounding area is residential, and the proposed layout is sympathetic to the local streets.
- Better than the site not being developed as being left as an empty industrial premises.
- Housing is in short supply in Stone and affordable housing more so.
- This is an opportunity to transfer the site to a new opportunity for residents.
- Its better than industrial next to residential.

Site Notice: expiry date 5 October 2022

Newsletter Advert: expiry date 12 October 2022

Relevant Site History

05/04787/OUT: Residential Development (Outline). Approved 5 July 2007.

10/14605/EXT: Extension of time to 05/04787/OUT-Residential Development (Outline)

Refused 10 March 2011.

Recommendation

Approve subject to the following conditions and the applicant entering into a Section 106 Agreement to secure financial contributions towards the provision of open space, education, highways and affordable housing.

Conditions:

1. Application for the approval of the reserved matter shall be made to the local planning authority no later than the expiry of three years beginning with the date of this permission.
2. No development shall take place without the prior written approval of the local planning authority of all details of the following reserved matters:
 - a) Appearance.
 - b) Landscaping.
 - c) Layout.
 - d) Scale.

Thereafter the development shall be carried out in strict accordance with the approved details.

3. The development hereby permitted shall be begun before the expiration of two years from the date of the final approval of the last reserved matters to be approved.
4. The development hereby approved shall be carried out in accordance with the following approved plans, except insofar as may otherwise be required by other conditions to which this permission is subject:

Site Location Plan: Drawing No: 10397-FRCR-XX-XX-DR-L-0001 PO1 8 December 2021

Access and Visibility Splays: Drawing No: CBO-0710-001

Access and Visibility Splays: Drawing No: CBO-0710-002 Rev. A

Surface Water and Foul Water Drainage Layout: Drawing No: 01c100990.01 Sheet 1 of 1 (Rev.C) Avison Young 15 December 2023.

5. The details submitted pursuant to condition 02 of this planning permission shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels. Thereafter the development shall be constructed in strict accordance with approved details.

6. The existing railings, low stone wall and columns along the Stone Road frontage shall be retained.
7. No dwelling shall be occupied until an interpretation board of the sites' history is provided, details of the size, design and location of which shall be submitted for the prior written approval of the local planning authority. Thereafter, the interpretation board shall be erected in strict accordance with the approved details and retained for the lifetime of the development.
8. No development shall commence until a scheme to manage surface water in accordance with guidance contained in Staffordshire County Council's SuDS Handbook has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme shall contain the following mitigation measures:
 - a) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 years, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40%* climate change return periods.
 - b) Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
 - c) Limiting the surface water run-off generated by the 100yr + 40%* climate change critical storm so that it will not exceed 10.3l/s split by the following and as demonstrated on plan 01C100990, 01 Surface Water & Foul Water Drainage Layout Sheet 1 of 1 (Rev C), Avison Young, 15 December 2023
 - 6l/s at manhole 2307 in Oulton Road
 - 3.2l/s into the 225mm network in Cross Street and a second connection into the eastern part at 1l/s
 - d) All surface water shall be contained within the surface water network in all events up to and including the 100yr + 40%* climate change event plus a 10% allowance for urban creep.
 - e) All storage provided shall be above ground multi-benefit SuDS in line with the Guidance on Flood Risk and Coastal Change (GOV.UK, August 2022) or subsequent updated guidance.
 - f) All SuDS features shall be lined to prevent contamination leaching into to water.
 - g) Provision of supporting information to demonstrate that sufficient water quality measures have been incorporated into the design. This should be in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
 - h) All road runoff shall have two levels of water treatment.

- i) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system demonstrating:
 - o Finished floor levels shall be a minimum of 150mm above surrounding ground level.
 - o All ground levels shall be profiled away from building entrances.
 - o Any exceedance flows shall be contained within green spaces.
 - o How surface water ponding due to site profiling is to be rationalised through ground profiling of the development.
- j) All non-adoptable hard paving areas shall utilise permeable or porous surfacing.
- k) Rainwater harvesting systems shall be used on all plots.
- l) Provision of a finalised management and maintenance plan to ensure continued performance of the system for the lifetime of the development. Details of the maintenance arrangements should be provided, to include a schedule of activities with frequencies, together with the name and contact details of the party or parties responsible for ongoing maintenance.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 9. Satisfactory arrangements for the control of surface water shall be made and carried out as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased, and water quality is managed prior to the completion of the approved drainage strategy.
- 10. The development hereby permitted shall not commence until a scheme for the disposal of foul and surface drainage have been submitted to and approved by the local planning authority. The scheme shall thereafter be implemented in accordance with the approved details before the development is first brought into use.
- 11. The development hereby permitted shall not be brought into use until the access points have been constructed in accordance with the details shown on drawing number CBO-0710-001 and drawing number CBO-0710-002 Rev A. The site access arrangements shall thereafter be retained for the lifetime of the development.
- 12. The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. CBO-0710-001 and CBO-0710-002 Rev A have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

13. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed in accordance with the approved drawing.
14. The development hereby permitted shall not be brought into use 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 hereby permitted is permanently closed and the access crossing reinstated as verge/footway.
15. No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out measures (including a timetable) to promote travel by sustainable modes. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary, for a period of five years from first occupation of the development permitted by this consent.
16. No dwelling shall be occupied until car parking and turning areas and cycle and bin storage for that dwelling have been provided in accordance with details that shall have had the prior written approval of the local planning authority. The car parking and turning areas and cycle and bin storage shall thereafter be retained for duration of occupancy.
17. No dwelling shall be occupied until a scheme for external lighting has been submitted to and approved in writing by the local planning authority. The lighting scheme shall thereafter be implemented as approved and retained for the lifetime of the development.
18. No development shall commence, including demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period and shall provide details of:
 - i) the method to be used and undertaken to control the emission of dust, noise, vibration from works
 - ii) a scheme for dust deposition monitoring
 - iii) measures (including wheel wash facilities) to control the deposit of mud and similar debris on adjacent public roads
 - iv) site management arrangements, including on-site storage of materials, plant and machinery, temporary offices, contractor's compounds and other facilities, on-site parking and turning provision for site operatives, staff, visitors and construction vehicles and provision for the loading/unloading of plant and materials within the site.
 - v) site fencing and security

- vi) details of the use of generators
 - vii) a program of works (including measures of traffic management)
 - viii) routes for construction traffic and proposed temporary traffic restrictions
 - ix) delivery and construction working hours.
19. No development, including demolition or site works, shall begin until full details of protective fencing and/or other protective measures to safeguard existing trees and hedges on the site shall be submitted to and approved in writing by the local planning authority. The agreed tree and hedge protection measures shall thereafter be provided in accordance with the approved details and retained for the duration of construction (including site clearance works). 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.
 20. No development shall commence, including demolition works, ground works, construction activities and deliveries to the site of any materials or equipment, unless and until an Arboricultural Method Statement covering all aspects of development that are within the root protection areas of retained trees, or that have the potential to result in damage to retained trees, has been submitted to and approved in writing by the local planning authority. The measures within the approved Arboricultural Method Statement shall be implemented and maintained until the completion of all construction related activity, unless alternative details are otherwise first submitted to and approved in writing by the local planning authority.
 21. Works to hedgerows and trees shall not be undertaken in the bird nesting season (March to August) unless it can be demonstrated that breeding birds will not be affected, through the submission, approval in writing by the local planning authority and subsequent implementation in accordance with the approved details of a method statement for the protection/avoidance of nesting birds. This may include timing of work, pre-work checks, avoiding nesting areas.
 22. A comprehensive schedule of works for tree pruning and removal shall be approved in writing by the local planning authority prior to the commencement of any demolition works, ground works and construction activity in each phase, including the delivery to site of any materials or equipment. Thereafter no tree removals or pruning of any kind shall be carried out except as prescribed in the approved schedule of works, unless agreed in writing with the local planning authority.
 23. If within a period of 5 years from the completion of any phase of development any of the trees, plants or shrubs that are to be retained or planted in accordance with an approved landscaping scheme are felled, uprooted, removed, destroyed, or in the opinion of the local planning authority die, become seriously damaged or defective, another tree, plant or shrub of the same species and size shall be planted at the same location in the next available planting season.

24. Prior to the submission of reserved matters, an Ecological Mitigation and Enhancement Scheme shall have been submitted to and approved in writing by the local planning authority, in accordance with the recommendations set out in the Ecological Appraisal June 2022 (FPCR Environment and Design Ltd) detailing in full the future habitat creation works and sustained goof management thereof. The Ecological Mitigation and Enhancement Scheme shall include biodiversity net gain and seek to retain existing mature trees and hedgerows with any losses compensated with native tree planting. Bird and bat boxes should be provided within the site and landscaping should consider the passage of hedgehog across the site. The development shall thereafter be implemented in accordance with the approved Ecological Mitigation and Enhancement Scheme.
25. No development shall commence until a detailed scheme for the investigating and recording of any contamination has been submitted to and approved in writing by the local planning authority. The contamination scheme shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation shall thereafter be carried out and a validation report submitted to and approved in writing by the local planning authority within one month of the approved remediation being completed.

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 92 of The Town and Country Planning Act 1990 (as amended).
2. To comply with the requirements of Section 92 of The Town and Country Planning Act 1990 (as amended).
3. To comply with the requirements of Section 92 of The Town and Country Planning Act 1990 (as amended).
4. To define the planning permission.
5. To safeguard the character and appearance of the area and in the interests of residential amenity (Policy N1 of The Plan for Stafford Borough).
6. In the interest of visual amenity and to safeguard the character and appearance of the area (Policy N1 of The Plan for Stafford Borough).
7. To acknowledge the history of the Stonefield Works sit and loss of the non-designated heritage asset, the former Lotus Ltd shoe factory (Policy N9 of The Plan for Stafford Borough).
8. To ensure the site is appropriately drained and to minimise the risk of flooding (Policy N2 of The Plan for Stafford Borough).
9. To ensure the site is appropriately drained and to minimise the risk of flooding (Policy N2 of The Plan for Stafford Borough).

10. To ensure an appropriate method of disposing foul water from the development which will not pose a risk to the water environment (Policy N2 of The Plan for Stafford Borough).
11. To ensure a safe access is provided to serve the development in the interests of the safety and convenience of users of the highway (Policy T2 of The Plan for Stafford Borough).
12. To ensure a safe access is provided to serve the development in the interests of the safety and convenience of users of the highway (Policy T2 of The Plan for Stafford Borough).
13. To ensure a safe access is provided to serve the development in the interests of the safety and convenience of users of the highway (Policy T2 of The Plan for Stafford Borough).
14. To ensure a safe access is provided to serve the development in the interests of the safety and convenience of users of the highway (Policy T2 of The Plan for Stafford Borough).
15. To promote sustainable modes of transport (T1 and T2 of The Plan for Stafford Borough).
16. To ensure adequate parking and turning facilities are provided to serve the development and to encourage sustainable modes of transport (Policies T1 and T2 of The Plan for Stafford Borough).
17. In the interests of visual and residential amenity and to safeguard the character and appearance of the area (Policy N1 of The Plan for Stafford Borough).
18. In the interests of highway safety, residential and visual amenity and to ensure the provision of a safe environment during and following construction works (Policies T1, T2 and N1 of The Plan for Stafford Borough).
19. To protect trees to be retained in the interests of visual amenity and to safeguard the character and appearance of the area (Policies N1 and N5 of The Plan for Stafford Borough).
20. To protect trees to be retained in the interests of visual amenity and to safeguard the character and appearance of the area (Policies N1 and N5 of The Plan for Stafford Borough).
21. To safeguard existing habitats and biodiversity (Policies N1, N4 and N5 of The Plan for Stafford Borough).
22. In the interests of visual amenity and to safeguard the character and appearance of the area (Policies N1 and N5 of The Plan for Stafford Borough).
23. To ensure that any initial plant losses are overcome in the interests of visual amenity and to safeguard the character and appearance of the area and enhance biodiversity (Policies N1 and N4 of The Plan for Stafford Borough).

24. To safeguard and enhance existing habitats and biodiversity, and in the interest of visual amenity and the character and appearance of the area (Policies N1, N4 and N5 of The Plan for Stafford Borough).
25. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors. (Policies N1, N2 and N4 of The Plan for Stafford Borough).

Informatives

- 1 The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack and an application form for the agreement. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (Or email to nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx

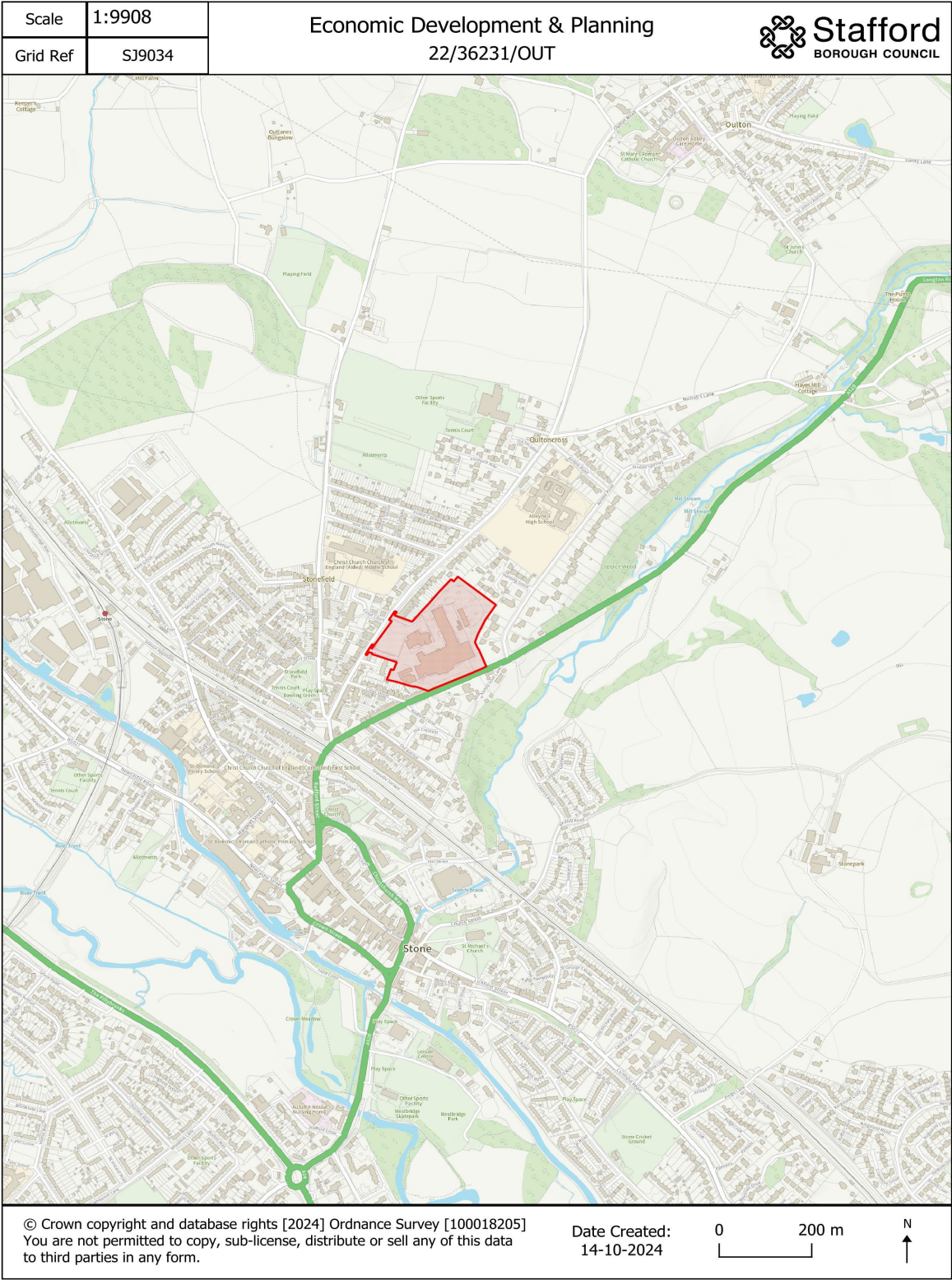
The development will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

22/36231/OUT

Stonefield Works

Oulton Road

Stone



Application:	21/34683/FUL
Case Officer:	Ed Handley
Date Registered:	24 November 2021
Target Decision Date:	23 February 2021
Extended To:	-
Address:	Land West of Redgrave Drive, Stafford
Ward:	Rowley
Parish:	-
Proposal:	Variation of conditions 49 (plans) and 50 (levels) of permission 20/32034/FUL (plots 1-442)
Applicant:	Taylor Wimpey West Midlands
Recommendation:	Approve, subject to conditions and the applicant entering into a Deed of Variation to the Section 106 Agreement

REASON FOR REFERRAL TO COMMITTEE

- 1.1 The application is referred back to the Planning Committee with regard only to the wording of condition 1 of the Officer's recommendation.
- 1.2 This application was determined by the Planning Committee on 17 August 2022 with the resolution that the application be approved as recommended. This was subject to conditions listed and the applicant entering into a Deed of Variation to the Section 106 Agreement.
- 1.3 The Deed of Variation has recently been completed, however prior to a decision being issued a drafting error has been noted within condition 1.
- 1.4 Application 21/34683/FUL was submitted under s73A of The Town and Country Planning Act 1990 which provides for a local planning authority to grant planning permission for development carried out before the date of the application without complying with some conditions subject to which that planning permission was granted.
- 1.5 Such planning permission must not, however, be granted under this section to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which either development must be started or applications for approval of reserved matters must be made.
- 1.6 Condition 1, as recommended to the Planning Committee on 17 August 2022 states:

“Applications for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission”

- 1.7 This condition was carried over from permission 20/32034/FUL, however, if a decision was issued now this would have the effect of extending the time period of the original permission (17/27731/FUL) by more than five years.
- 1.8 It is acknowledged that permission 20/32034/FUL is subject to the same condition, however that condition is considered to be ultra vires and could not lawfully have been attached to permission 20/32034/FUL under the provisions of s73 and s73A.
- 1.9 It is therefore recommended that condition 1 is amended to refer back to the original time limit imposed by condition of permission 17/27731/FUL, to read:

“Applications for the approval of reserved matters shall be made to the local planning authority before 22 May 2029”.

- 1.10 It is acknowledged that, immediately following the issue of any approval, the developer would be in breach of conditions with regard to the commencement of phase 1. However, it is considered that this situation can be regularised through the determination of application 19/30733/DCON for the discharge of the following conditions:
 - 25 (Surface water drainage)
 - 26 (Drainage)
 - 39 (Soil resource and management plan)
 - 43 (Welcome pack)
 - 45 (Castle Street and Railway Street improvements)
 - 55 (Plot boundaries)
 - 56 (Site boundaries)

REPORT TO COMMITTEE 17 AUGUST 2022

REASON FOR REFERRAL TO COMMITTEE

The planning application is a large scale major development and as such is excluded from the Council's scheme of delegation and therefore requires determination by the Planning Committee.

Context

This is a retrospective application seeking to vary conditions 49 and 50 of planning permission 20/32034/FUL. The conditions relate to the detailed submission for phase 1 of the residential-led mixed-use development of this strategic development location (SDL).

Prior to the commencement of development the application site comprised an undulating greenfield site of several agricultural fields delineated by hedgerows. The application site contains numerous mature trees, some of which are covered by Tree Preservation Orders and a number of ponds

A network of public rights of way, including the Way for the Millennium, straddle the site and there are records of various protected species. Part of the site (north) is within the buffer of a landfill site. There are a number of records on the Staffordshire Historic Environment Record relating to the site. The site is also within 15km of the Cannock Chase Special Area of Conservation (SAC) and the northeast section is hydrologically and ecologically linked to the Doxey and Tillington Marshes Site of Special Scientific Interest (SSSI).

The conditions to which this application relates are the plans condition (49) and condition 50 which requires:

“The development shall be implemented in accordance with the details in drawing 21245_02_P1_010_04 (C) showing ground level contour remodelling and resultant ground level changes, together with the finished floor levels of the buildings, unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority”.

The applicant seeks the variation of condition 49 to substitute drawings 002_B and 21245_02_P1_010_04 (C) with drawings 002_C and 21245_02_P1_010_04 (D) and the variation of condition 50 to substitute to drawing 21245_02_P1_010_04 (C) for 21245_02_P1_010_04 (D).

The amendments relate to ground levels and finished floor levels (FFLs) whilst the broad extent of areas of cut and fill remain generally as approved. The FFLs are amended across the site as built.

Officer Assessment – Key Considerations

1. Principle of development

The National Planning Policy Framework (NPPF), at paragraph 11, requires decision-taking to be made without delay where proposals accord with an up-to-date development plan. Paragraph 119 also recognises that planning decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding the environment and ensuring safe and healthy living conditions. The Plan for Stafford Borough is considered to be up-to-date.

Spatial principle (SP) 2 of The Plan for Stafford Borough sets out a requirement for the delivery of 500 houses per year over the plan period between 2014 and 2031 which equates to 10,000 dwellings. In turn, SP3 seeks to deliver the majority of future development through the sustainable settlement hierarchy, at the top of which sits Stafford where 70% of the annual target (7,000 houses) are to be targeted under SP4.

To provide the majority of the housing supply for Stafford, policy Stafford 1 'Stafford town' identifies strategic development locations (SDLs) at the north, west, and east of Stafford. Policy Stafford 3 particularly refers to the west of the Stafford SDL and requires, amongst other things, the provision of up to 2,200 new homes.

Since the approval of the original hybrid planning permission, reference 17/27731/FUL, and which was amended under permission 20/32034/FUL planning policy, including the NPPF and development plan policies, have not materially changed to result in the principle of this scheme being acceptable in policy terms, subject to other material considerations being satisfied.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 7, 8, 10, 11, 119

The Plan for Stafford Borough

Policies: SP1 Presumption in favour of sustainable development; SP2 Stafford Borough housing and employment requirements; SP3 Stafford Borough sustainable settlement hierarchy; SP4 Stafford Borough housing growth distribution; Stafford 1 Stafford town; Stafford 3 West of Stafford

The Plan for Stafford Borough: Part 2

Policies: SB1 Settlement boundaries

2. Environmental Impact Assessment

Stafford Borough Council provided a Scoping Opinion with regard to the hybrid application reference 17/27731/FUL in December 2017. Consequently, that application was supported by an appropriate Environmental Statement and the Officer's report stated that the development would have major residual impacts but that the environmental effects were likely to be designed out through the layout and design of the scheme.

Due to the nature of the changes now proposed it is considered that the development falls within the scope of the Scoping Opinion provided for the initial application. Consequently, it is not considered that the proposed amendments now sought would result in any greater environmental impacts than the hybrid consent.

It is not considered that the proposed development is EIA development on the basis that, in itself, it is not of a scale or magnitude so significant as to constitute EIA development and is a component of the overall scheme previously assessed under the EIA regulations. Consequently, it is not considered that the application needs to be supported by an Environmental Statement.

Policies and Guidance:-

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

3. Character and appearance

The FFLs of the dwellings as built across phase 1 are not in accordance with the approved drawings. There are instances of both reduction and increase of levels, however the gradients across the site are broadly shallower than originally approved and it is not considered that there are any instances whereby more significant changes in levels would result in any harm with regard to the overall character and appearance of the development.

The Council's Design Advisor has focussed advice on the element of the scheme adjacent to existing dwellings at Mayock Crescent and Lara Close and raises no objection to the proposed variation of conditions 49 or 50. In raising no objection it is noted that the Design Advisor indicates that the impact of the changes is generally marginal and low and that where the impact is more notable the resultant impact is not so substantive as to make the spatial relationship between properties unacceptable.

With regard to the relationship between the site and the Castlefields estate to the east, it is not considered that the level changes would result in any harm in terms of visual impact.

Whilst the Design Advisor's initial comments refer to the change in levels between units 142 and 143 it is noted that both units have been raised and the relative difference is now 300mm (unit 142 being higher). Re-grading of the land between the two units is not considered to result in any harm to the character and appearance of the development and it is considered that the finer detailing would form part of the landscaping requirements of the development which are secured by condition. It is noted that the Design Advisor recommends the use of low retaining walls constructed in facing brickwork to match the plots would be an appropriate solution to the varying ground levels within the street scene whilst concrete gravel boards set between concrete posts would be appropriate in rear gardens. It is considered that such detailing should form part of the DCON submission with regard to the wider landscaping of the site (as previously to be secured under condition 56 of permission 20/32034/FUL relating to means of enclosure).

The changes to levels are considered to be negligible with regard to the relationship with Stafford Castle and it is not considered necessary to seek advice from the Council's Conservation Officer in this regard. Furthermore, it is noted that in consideration of application 21/35230/REM the Council's Conservation Officer advised that the impacts of the development, as a whole were assessed during the consideration of application 17/27731/FUL and that the public benefits of the scheme significantly outweigh the harm to the designated heritage asset.

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

4. Residential amenity

Within phase 1 it is considered that the relationship between properties within phase 1 is improved beyond the scheme which was initially approved as the more extreme differences in FFLs is generally reduced across the site. Consequently, there would be less conflict between facing properties.

With regard to the relationship between phase 1 and existing development on Lineker Close, Lara Close, and Mayock Crescent it is not considered that the development, as built, has resulted in any undue harm. It is noted that some of the FFLs of new properties adjacent to the existing development are higher than initially approved, however the separation distances remain acceptable with regard to the guidelines set out in the Council's Design SPD and the various increases in height resulting from the increased FFLs are not considered to result in a level of overbearing which is unacceptable. Plots 111, 112, 124, 125, 141, and 142 are situated adjacent to existing dwellings on Linker Close, Lara Close, and Mayock Crescent. The difference in FFLs, with regard to these units, are detailed in the following table.

Plot number	Approved FFL	FFL as built	Change in FFL
111	80.925	80.750	-0.175m
112	80.925	81.650	+0.725m
124	84.450	84.750	+0.300m
125	86.100	87.100	+1.000m
141	89.850	89.700	-0.150m
142	90.000	90.800	+0.800m

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 130

The Plan for Stafford Borough

Policies: N1 Design

Supplementary Planning Document (SPD) - Design

5. Other

Given the nature of this retrospective application it is not considered that any implications are raised beyond those of character and appearance and residential amenity.

The site is within 15km of the Cannock Chase Special Area of Conservation; however, due to the nature of the proposal it is not considered that the development would result in any impact on the reasons for the designation of the SAC beyond those taken into account in consideration of applications 17/27731/FUL and 20/32034/FUL. Mitigation of the impacts upon the Cannock Chase SAC are secured via contributions to the SAMMMs through a Section 106 Agreement associated with permission 20/32034/FUL which was amended by a Deed of Variation in December 2021.

Consequently, a further Deed of Variation to the Section 106 Agreement would ensure that appropriate mitigation measures are secured and no further appropriate assessment is required with regard to this application relating to amendments to levels within the approved development.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 8, 100, 107, 108, 120, 153, 154, [159, 161, 163, 164, 167, 168, 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; T1 Transport; T2 Parking and manoeuvring facilities; Appendix B – Car parking standards

6. Concluding comments and planning balance

It is considered that, subject to conditions, the amended levels across phase one of the SDL and the consequent amended finished floor levels resulting in varying building heights is acceptable and that the application should be approved subject to the applicant entering into a Section 106 Deed of Variation.

The amended levels are not considered to result in any undue harm to the character and appearance of the development or result in any undue harm to the wider landscape or the setting of any heritage asset.

Furthermore, it is not considered that the amended levels result in any undue harm to the amenity of occupiers of existing properties adjacent to the application site on the basis that the separation distances between the relevant properties remain as initially approved and in accordance with the Council's Design SPD. Relatively minor increases in FFL (and consequently height) result in no undue harm in this instance.

Consultations

Design Advisor:

(Comments dated July 2022):

No objection.

- The preferred recommendation should be that for any change in level (of over 300mm) between properties to be resolved with a low brickwork retaining wall between them (to at least the frontages) in order to provide a more permanent and appropriate aesthetic to the overall design of the frontages and the street scene.
- An alternative approach could be considered, however its inherent robustness, impact on functionality, of the frontage areas and side accesses, and its contribution to the underlying design character and quality of the street scene would need to be considered.
- Where the change in levels extends along the entire boundary between units it may be more economical to deal with the matter (within the rear gardens only) through the use of concrete gravel board set between concrete posts.

(Comments dated November 2021):

No objection.

- The approved layout of this development would inherently urbanise the locality.
- The 300mm increase in FFL of unit 124 would tangibly increase its visual presence from 17 Lara Close, however 124 would remain set lower than 17 Lara Close and with the respective overall heights of the two properties being similar the level of increased impact would be relatively low.
- The 150mm increase in FFL of unit 141 is considered to be so small as to be almost inconsequential to its spatial relationship with 22 Mayock Crescent and any impact would be marginal at worst.
- Whilst the 800mm increase to the FFL at unit 142 appears quite substantial, in the context of the relatively large offset distance between it at 39 Mayock Crescent, the actual level of impacts (though definitely notable) is expected to be moderate at worst, and certainly not substantive enough to make the spatial relationship between the two properties unacceptable.

- If the FFL of 142 is increasing but the FFL of unit 143 remains the same, how would the increase in the difference of levels between the two units be resolved to the street scene and in relation to this clarification should be provided.

Doxey Parish Council (adjacent parish):

No objection.

Neighbours:

(54 consulted): One representation received in objection to the proposed amendment, raising the following concern(s):

- The elevation of the development and increased height results in additional loss of light to the surrounding properties.

Site notice expiry date: 4 February 2022

Newsletter advert expiry date: 31 December 2021

Relevant Planning History

17/27731/FUL – Phased hybrid planning application for residential-led, mixed use development comprising: Outline for the development of up to 1500 dwellings; new accesses; neighbourhood centre comprising retail, community building and primary care; two form entry primary school; pumping stations; substations; surface water attenuation ponds; noise attenuation bund; associated infrastructure; open space; landscaping and earthworks. Including full details for the development of Phase 1 of 442 dwellings; new access from Martin Drive; internal roads; garages; driveways; parking spaces; pathways; pumping station; flood attenuation ponds; open space; associated infrastructure, landscaping and earthworks – Approved 22 May 2019.

20/32034/FUL – Variation of condition 49 on planning permission 17/27731/FUL (plans) for a replan and substitution of house types on plots 108 to 117 – Approved 5 March 2021.

21/34682/FUL – Infrastructure works comprising of the main Primary Spine Road and Secondary Loop Road, drainage, the principal areas of public open space, including associated engineering works, pursuant to the S73 planning permission (reference 20/32034/FUL) – Pending consideration.

21/35225/REM – Reserved Matters - Approval of layout, scale, appearance and landscape for the residential parcels within Phase 2B only, for up to 110 units pursuant to the S73 Application planning permission 20/32034/FUL – Pending consideration.

21/35230/REM - Reserved matters application for the approval of layout, scale, appearance, and landscape for the residential parcels within phase 2A only for up to 122 units pursuant to the s73 application planning permission reference 20/32034/FUL – Approved 15 July 2022.

Conditions:

1. Applications for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission.
2. The development hereby permitted shall begin either before the expiration of 2 years from the date of this permission or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, which ever is the later.
3. Approval of the details of the layout of the development, the scale of the buildings, the appearance of the buildings, access to and within the site and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the relevant phase of the development is commenced, other than Phase 1 and site clearance works approved as part of this outline permission. The development shall be carried out in accordance with the approved details.
4. This outline permission relates to the submitted details and the following drawings, except where indicated otherwise by a condition attached to this consent in which case the condition shall take precedence:-

391115 - BMUD - 23G Hybrid and Phase 1 Boundary Plan

391115 - BMUD - 24D Hybrid Application Boundary Plan
5. The submission of reserved matters applications pursuant to condition 3 of this outline permission shall be in substantial compliance with the amended Design and Access Statement together with following parameter plans to fix the development principles:-

391115 - BMUD - 29D - Application Master Plan

Drawing 391115 - BMUD - 19L - Land Use parameters plan

Drawing 391115 - BMUD - 20K - Access and Movement parameters plan

Drawing 391115 - BMUD - 21K - Building Heights parameters plan

Figure 41 - Indicative landform cut and fill strategy
6. The phasing of the development shall be in substantial accordance with the scheme of phasing shown in Figure 67 in the amended Design and Access Statement, unless an alternative scheme of phasing is otherwise first submitted to and approved in writing by the Local Planning Authority.
7. No phase of development shall be commenced, except for Phase 1, unless and until details of existing and proposed ground levels for that phase and including the relationship of ground levels to any adjoining phase of the development, together with finished floor levels of the proposed buildings for that phase, have been submitted to and approved in writing by the Local Planning Authority. The

development shall thereafter be implemented in accordance with the approved details, unless the Local Planning Authority agrees to any variation for which alternative details shall first be submitted for approval in writing to the Local Planning Authority.

8. The development shall be implemented in accordance with the ground contamination remediation strategy details approved under discharge of condition application 19/30733/DCON on 6 May 2020.
9. Notwithstanding the details required pursuant to condition 8 of this outline permission, where peat is encountered in the construction of the foundations of any dwellings in any phase of the development, the dwelling(s) shall not be occupied until a report verifying the removal of the peat together with the suitability of replacement inert fill has been submitted to and approved in writing by the Local Planning Authority.
10. Notwithstanding any details approved pursuant to condition 7 of this outline permission, no phase of the development shall be commenced, other than Phase 1 together with site clearance works approved as part of this outline permission, until details of the location, alignment, topographical contouring and the landscaping of the acoustic bund, together with any associated acoustic fencing, have been submitted to and approved in writing by the Local Planning Authority. The acoustic bund and any associated acoustic fencing shall thereafter be constructed in accordance with the approved details together with a timetable for implementation to be first submitted to and approved in writing by the Local Planning Authority, unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.
11. No excavated materials shall be removed from the site without the prior written consent of the Local Planning Authority.
12. No development shall commence unless and until details of a scheme for the stock piling of excavated material in relation to the progressive phasing of the development and including associated haul roads have been submitted to and approved in writing by the Local Planning Authority. The scheme for the stock piling of excavated material shall also include any necessary mitigation measures in relation to:

Dust suppression to surrounding residential properties and the M6 Motorway; water/material runoff to the M6 Motorway and the safeguarding of water quality to the Doxey Marshes SSSI.

The development shall thereafter be implemented in accordance with the approved scheme, unless an alternative scheme is otherwise first approved in writing by the Local Planning Authority.

13. The development shall be implemented in accordance with the Noise Management Plan details approved under discharge of condition application 19/30733/DCON on 6 May 2020.

14. 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 include but not be confined to the following measures:-

Details relating to construction access; routing of HGV's; the location of the contractors compounds, cabins, material storage areas, visitors and contractors parking; site waste management plan; sales office and a scheme for the management and suppression of mud from construction activities including the provision of vehicle wheel wash facilities. Details of escalation and communication procedures (e.g. site meetings, toolbox talks) between agents, office/site office staff and sub contracting staff regarding details of condition discharge and condition restrictions within any planning approval on the site.

The approved CEMP measures shall thereafter be carried out and maintained throughout the construction period of all phases of development.

15. Notwithstanding any details approved pursuant to condition 13 of this outline permission and before each phase of development is commenced other than site clearance works approved as part of this outline permission, details of the method of any piling / drilling works together with a timetable for the carryout of such works shall be submitted to and approved in writing by the Local Planning Authority. Each phase of development shall thereafter be implemented in accordance with the approved details.
16. The development shall be implemented in accordance with the Dust Management Plan details approved under discharge of condition application 19/30733/DCON on 6 May 2020.
17. No site works, including associated deliveries, on any phase of development shall be undertaken outside the hours of 8:00 am to 18:00 pm Monday to Friday, 8:00 am to 14:00 pm on Saturdays and not at all on Sundays, Bank and other public holidays. Any equipment which must be left running outside of the approved working hours shall be inaudible at the boundary of occupied residential properties.
18. Prior to the commencement of a development phase, a comprehensive scheme for protecting residential dwellings from noise from the M6 Motorway shall be submitted to, and approved in writing by, the local planning authority. Such a scheme shall:
- Accord with the requirements of BS8233: 2014 'Guidance on sound insulation and noise reduction for buildings' for the internal areas of all dwellings and to the written satisfaction of the local planning authority; and
 - Meet the WHO Guidelines for Community Noise 1999 for external residential amenity areas of the development site and to the written satisfaction of the local planning authority.

The approved noise protection measures shall be fully implemented before the occupation of any affected dwelling(s) within that phase of development.

19. Before the occupation of any dwellings in each phase of the development, except phase 1, mapping details showing external sound levels from the M6 Motorway in relation to the layout of dwellings shall be submitted to and approved in writing by the Local Planning Authority. Such details shall also include the relevant noise mitigation measures set out in section 8.5 of the Noise Assessment dated November 2017. The approved noise mitigation measures shall thereafter be fully implemented before the occupation of any dwelling in each phase and shall thereafter be retained.
20. The development shall be implemented in accordance with the Construction Lighting details approved under discharge of condition application 19/30733/DCON on 6 May 2020.
21. The reserved matters application submitted as part of the relevant phase of development approved pursuant to condition 3 of this outline permission shall include details and timings on the completion of the 'link road' from Martin Drive through to Doxey Road.
22. Notwithstanding any description / details within the application documents, details of any repair / alteration works to the existing bridge over the Millennium Way, together with details of the gradient, design and materials of any associated ramped accesses shall accompany the relevant reserved matters application(s) for that phase of development submitted pursuant to condition 3 of this outline permission.
23. Notwithstanding any description / details within the application documents, the vehicle crossing over the Millennium Way shall be at grade for which details of the vehicle crossing construction to safeguard users of the Millennium Way shall accompany the relevant reserved matters application(s) for that phase of development submitted pursuant to condition 3 this outline permission.
24. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) May 2018, Report Ref: 21245/11-17/4989 Rev C, prepared by Mewies Engineering Consultants Ltd and the following mitigation measures detailed within the FRA:
 - All development must be located within Flood Zone 1 or outside of the 1 in 100year plus 30% climate change extent as shown within the Flood Risk Assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.
25. No phase of development shall begin until a detailed surface water drainage design for that phase has been submitted to and approved in writing by the Local Planning Authority.

The design shall be in accordance with the overall strategy and key design parameters set out in the Flood Risk Assessment (Report Ref: 21245/11-17/4989, Rev C, May 2018) and Technical Note (Ref: 21245/08-18/6171, August 2018).

The design shall demonstrate:

- Surface water drainage system(s) designed in accordance with national and local standards, including the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
- Details of the replacement offsite culvert to connect the NE catchment to the IDB network.
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 40% climate change critical rain storm to no more than the rates specified in FRA Table 3.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance.

Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

26. Before the commencement of each phase of development drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority. The phase of development shall thereafter be implemented in accordance with the approved details before that phase is first brought into use.
27. Prior to the commencement of any phase of development, a Historic Environment Management Plan (HEMP) shall be submitted to and approved in written by the Local Planning Authority. The HEMP shall provide details of the programme of archaeological works to be carried out across each phase of the scheme, including palaenvironmental/geoarchaeological sampling, post-excavation reporting, site interpretation and appropriate publication. The HEMP shall thereafter be implemented in accordance with the approved details.

28. Reserved matters application(s) submitted pursuant to condition 3 this outline permission for the relevant phase of the development shall include details of heritage interpretation boards which shall include the location, design, materials and colour finish of the heritage interpretation boards.
29. Notwithstanding any description / details in the application documents, a Design Brief for the Neighbourhood Centre and Primary School shall be submitted to and approved in writing by the Local Planning Authority. The detailed design principles within the Design Brief shall include:
- Constraints
 - Topography
 - Land use
 - Architectural language - contemporary / traditional etc
 - Massing and scale parameters (heights/widths)
 - Access and circulation
 - Parking
 - Public realm - materials, lighting, street furniture etc
 - Layout
 - Appearance - materials
 - Phasing
 - Architectural, landscape and sustainable construction guidelines
 - Electrical charging points
 - Public recycling area

Reserved matters application(s) submitted pursuant to condition 3 this outline permission for the relevant phase of the development shall demonstrate compliance with the approved Design Brief.

30. Within 6 months of the date of the commencement of development a Landscape Strategy for the planting and retention of trees, hedgerows, shrubs and boundary treatments for the whole development site, together with a comprehensive landscaping treatment along the adjoining Stafford Castle golf course extension, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping for each subsequent phase of the development shall be informed by the approved Landscape Strategy.
31. Within 6 months of the commencement of the development an overarching long term Landscape Management and Maintenance Plan for the whole development

site shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management and Maintenance Plan shall include:

- Aims and Objectives
- A description of hard and soft landscape features, habitats and species
- An outline of the proposed key management and maintenance operations
- Information on the Quality Standards to be used

The Landscape Management and Maintenance Plan shall demonstrate full integration of landscape, ecological, arboricultural and woodland management considerations.

32. Each phase of development shall not be commenced, including demolition works, ground works, construction activities and deliveries to the site of any materials or equipment, unless and until a Tree Protection Plan including all trees, shrubs and hedges which are to be retained in that phase and which is compliant with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' has been submitted to and approved in writing by the Local Planning Authority. The measures within the approved Tree Protection Plan for each phase of the development shall be implemented and maintained until the completion of all construction related activity for that phase, unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.
33. Each phase of development shall not be commenced, including demolition works, ground works, construction activities and deliveries to the site of any materials or equipment, unless and until an Arboricultural Method Statement covering all aspects of development that are within the root protection areas of retained trees, or that have the potential to result in damage to retained trees in that phase, has been submitted to and approved in writing by the Local Planning Authority. The measures within the approved Arboricultural Method Statement for each phase of the development shall be implemented and maintained until the completion of all construction related activity for that phase, unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.
34. Each phase of development shall not be commenced, including demolition works, ground works, construction activities and deliveries to the site of any materials or equipment, unless and until a schedule of works for all tree pruning and removals has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no tree removals or pruning shall be carried out in any phase except as prescribed in the approved schedule of works for that phase, unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.
35. If within a period of 5 years from the completion of any phase of development any of the trees, plants or shrubs that are to be retained or planted in accordance with an approved landscaping scheme are felled, uprooted, removed, destroyed, or in the opinion of the local planning authority die, become seriously damaged or

defective, another tree, plant or shrub of the same species and size shall be planted at the same location in the next available planting season, unless the local planning authority agrees in writing to dispense with or vary this requirement.

36. Details of the layout, associated play equipment and the landscaping of the open spaces including the trim trail within the development, but excluding any open spaces and trim trail within Phase 1, shall accompany the relevant reserved matters application for that phase within which the open spaces and trim trail are located. The open spaces and trim trail, but excluding the open spaces and trim trail within phase 1, shall thereafter be provided in accordance with a programme of implementation, together with a Management Plan for their management and maintenance regimes which shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase(s) within which the open space(s) and trim trail are located.
37. Details of the layout, landscaping and any associated hardstanding for the community allotment and orchard within the development shall accompany the relevant reserved matters application(s) for the phase(s) within which the allotment and orchard are located. The community allotment and orchard shall thereafter be laid out in accordance with a programme of implementation, together with a Management Plan for their management and maintenance regimes which shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase(s) within which the allotment and orchard are located.
38. No development shall be commenced, except for Phase 1, unless and until details of an external lighting strategy for the whole development site has been submitted to and approved in writing by the Local Planning Authority. The external lighting strategy shall include details of lighting to areas of public open space and including the bat corridors and trim trail. Reserved matters applications submitted pursuant condition 3 of this outline consent shall demonstrate compliance with the approved external lighting strategy together with a programme of implementation.
39. Within 3 months of the commencement of development a Soil Resources and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Soil Resources and Management Plan shall describe the existing soil resources on the application site together with measures to:-
 - Re-use as much of the soil displaced during the construction period on-site in the detailed design of the development and particularly in the areas of green infrastructure;
 - Dispose of any surplus soils in a sustainable manner and in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction sites.

The development shall thereafter be implemented in accordance with the approved measures.

40. The development shall be implemented in accordance with the Construction Environmental Management Plan details approved under discharge of condition application 19/30733/DCON on 6 May 2020.
41. Before the commencement of each phase of development a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP's shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.
- The approved detailed LEMP(s) shall thereafter be implemented in accordance with the approved measures unless alternative details are otherwise first approved in writing by the local planning authority.
42. The development shall be implemented in accordance with the Surface Water Drainage Scheme to protect the Doxey and Tillington Marshes Site of Special Scientific Interest approved under discharge of condition application 19/30733/DCON on 6 May 2020.
43. Prior to the occupation of any dwelling within each phase of the development details of a 'Welcome pack' for that phase providing information on the locality shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include educational and awareness raising information addressing relevant ecological issues; e.g. (i) the location and sensitivities of nearby national and local designated sites; (ii) steps that residents can take to enjoy and conserve these local resources; (iii) minimising disturbance to wild birds - key 'do's and don'ts' - such as the value of fitting pet cats with bells on their collars to minimise wild bird predation and keeping dogs on leads in order to help minimise disturbance to wildlife at sensitive times of year and (iv) details of how car journeys could be minimised giving details of cycle and walking routes and alternative transport methods (e.g. bus routes nearby). The 'Welcome pack' for the relevant phase shall be given to occupiers on first occupation of each dwelling within that phase on the site.
44. No dwellings shall be constructed to the south of Public Footpath 61 unless and until a Conservation Management Plan for Stafford Castle has been submitted to and approved in writing by the Local Planning Authority.

45. No above ground construction works shall commence unless and until a detailed scheme for off-site highway improvements to Castle Street and Railway Street, the improvement areas identified in drawing 13.2 in the Transport Assessment dated May 2018, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be fully implemented prior to the occupation of the 50th dwelling.
46. No more than 1,500 dwellings shall be constructed on the site edged red as shown on drawing BMUD-391115-24 revision D.
47. Prior to the construction of any dwellings, a strategy to facilitate high speed broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
48. The development to which this permission relates must be begun not later than the expiration of two years from 22 May 2019 this being the date on which planning permission 17/27731/FUL was granted.
49. This full 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:-

21245_02_020_02.1 (A) Proposed A 1 of Access from Martin Drive

A-B Plan Access from Martin Drive

21245_02_P1_010_04 (C) Phase 1 Existing Ground Levels and Finished Floor Levels

001 - E revision E Planning layout 1:1000

001_W revision W Planning layout 1:500

Spacing Standards Layout A (1:1000)

DWG 002 (B) JLB Design Services Phase 1 Proposed Cross Sections

00202 (2 of 4 revision 1) Section G

00203 (3 of 4 revision 1) Section H

00204 (4 of 4 revision 1) Section complete

Location plan 1:2500

001_Y	Planning layout 1:500		
001-F	Planning layout 1:1000		
Prototype replan	Layout 1:500		
Prototype replan	Materials		
Prototype replan	Boundary layout		
22A31+22A32/PL2	revision C		
22A21alt+22A24/PL2	revision C		
22T31/PL2	revision C		
22B31+22B32/PL2	revision C		
22A41/PL2	revision C		
22A36a+22A36b/PL2	revision C		
391115-BMUD-PL56A	APARTMENT	207-218	Floor Plans
391115-BMUD-PL57B	APARTMENT	207-218	Elevations
391115-BMUD-PL22	ALDENHAM PD32-S		
391115-BMUD-PL23	ALDENHAM PD32-C1		
391115-BMUD-PL83	ALDENHAM PD32-SE		
391115-BMUD-PL01	BECKFORD PA24-S		
391115-BMUD-PL03	BECKFORD PA24-C1		
391115-BMUD-PL04	CANFORD PA25-S		
391115-BMUD-PL05	CANFORD PA25-C1		
391115-BMUD-PL91	COLTHAM ND40-S		
391115-BMUD-PL92	COLTHAM ND40-S1		
391115-BMUD-PL93	COLTHAM ND40-S2		
391115-BMUD-PL94	COLTHAM ND40-SE		
391115-BMUD-PL95	COLTHAM ND40-C1		
391115-BMUD-PL47	CROFTON PB33-S1		
391115-BMUD-PL48	CROFTON PB33-S2		

391115-BMUD-PL49	CROFTON	PB33-C1	
391115-BMUD-PL50	CROFTON	PB33-C2	
391115-BMUD-PL76	CROFTON	PB33-S1E	
391115-BMUD-PL77	CROFTON	PB33-S2E	
391115-BMUD-PL96	CROFTON	PB33-C2	with attached garage
391115-BMUD-PL06	DADFORD	PA30-S	
391115-BMUD-PL07	DADFORD	PA30-S1	
391115-BMUD-PL08	DADFORD	PA30-S2	
391115-BMUD-PL09	DADFORD	PA30-C1	
391115-BMUD-PL33	EASEDALE	PT36-S	
391115-BMUD-PL34	EASEDALE	PT36-S1	
391115-BMUD-PL35	EASEDALE	PT36-S2	
391115-BMUD-PL36	EASEDALE	PT36-S3	
391115-BMUD-PL73	EASEDALE	PT36-SE	
391115-BMUD-PL74	EASEDALE	PT36-S1E	
391115-BMUD-PL40	ESKDALE	PT41-S	
391115-BMUD-PL71	ESKDALE	PT41-S1	
391115-BMUD-PL72	ESKDALE	PT41-S2	
391115-BMUD-PL10	FLATFORD	PA33-S	
391115-BMUD-PL12	FLATFORD	PA33-S2	
391115-BMUD-PL13	FLATFORD	PA33-C1	
391115-BMUD-PL14	GOSFORD	PA34-S	
391115-BMUD-PL15	GOSFORD	PA34-S1	
391115-BMUD-PL16	GOSFORD	PA34-C1	
391115-BMUD-PL17	GOSFORD	PA34-C2	
391115-BMUD-PL85	GOSFORD	PA34-SE	
391115-BMUD-PL65	HEYDON	Heydon S	

391115-BMUD-PL66	HEYDON	Heydon S1
391115-BMUD-PL67	HEYDON	Heydon S2
391115-BMUD-PL58A	KENTDALE	PT42-S
391115-BMUD-PL59A	KENTDALE	PT42-S1
391115-BMUD-PL60A	KENTDALE	PT42-S2
391115-BMUD-PL81A	KENTDALE	PT42-S1E
391115-BMUD-PL82A	KENTDALE	PT42-S2E
391115-BMUD-PL44	LYDFORD	PA42-S
391115-BMUD-PL45	LYDFORD	PA42-C1
391115-BMUD-PL75	LYDFORD	PA42-SE
391115-BMUD-PL51	MILDALE	PT310-S
391115-BMUD-PL52	MILDALE	PT310-S1
391115-BMUD-PL86	MILDALE	PT310-SE
391115-BMUD-PL18	SHLEFORD	PA48-S
391115-BMUD-PL19	SHLEFORD	PA48-S1
391115-BMUD-PL20	SHLEFORD	PA48-S2
391115-BMUD-PL21	SHLEFORD	PA48-C1
391115-BMUD-PL62	SHLEFORD	PA48-S3
391115-BMUD-PL88	SHLEFORD	PA48-SE
391115-BMUD-PL90	SHLEFORD	PA48-S2E
391115-BMUD-PL41	TEASEDALE	PT45-S
391115-BMUD-PL42	TEASEDALE	PT45-S1
391115-BMUD-PL43	TEASEDALE	PT45-C1
391115-BMUD-PL87	TEASEDALE	PT45-SE
391115-BMUD-PL31	TILDALE	PT32-S1
391115-BMUD-PL32	TILDALE	PT32-C1
391115-BMUD-PL78	TILDALE	PT32-SE

391115-BMUD-PL79	TILDALE PT32-S1E
391115-BMUD-PL69A	WAYSDALE NT42-S1
391115-BMUD-PL70A	WAYSDALE NT42-S2
391115-BMUD-PL38	YEWDAL E PT37-S
391115-BMUD-PL39	YEWDAL E PT37-S1
391115-BMUD-PL63	Hipped roof double garage
391115-BMUD-PL64	Oversized Hipped roof single garage
30268 DGSD	Double garage
30268 SPG	Single garage

50. The development shall be implemented in accordance with the details in drawing 21245_02_P1_010_04 (C) showing ground level contour remodelling and resultant ground level changes, together with the finished floor levels of the buildings, unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.
51. The external materials to be used in the construction of the external wall(s) and roof(s) of the building(s) shall be in accordance with drawing 21858-ML-01 Revision K as approved under discharge of conditions application 19/30733/DCON on 17 May 2022 unless an alternative materials schedule is first submitted to, and approved in writing by, the Local Planning Authority.
52. No dwelling in any phase shall be occupied unless and until the vehicular access onto Martin Drive has been fully constructed in accordance with drawing 001 - E revision E - Planning Layout.
53. Prior to the occupation of the 301st dwelling the emergency vehicle link to Redgrave Drive shall be fully constructed and made available for use for which details showing how the access arrangement shall only provide an emergency vehicle link shall first be submitted to and approved in writing by the Local Planning.
54. The car parking spaces shown on drawing 001_W revision W, and for plots 108 to 117 drawing 'Prototype replan - Layout' shall be provided before the associated dwelling is first occupied and shall be surfaced in a bound material and sustainably drained in accordance with details to have first been submitted to and approved in writing by the Local Planning Authority. The driveways shall thereafter be retained.
55. No dwelling shall be occupied until details of the height, type and position of all plot boundary walls, retaining walls, fences and other means of enclosure to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. The approved plot boundary walls, retaining walls, fences and other means of enclosure shall thereafter be erected within two months of each dwelling being occupied and shall thereafter be retained.

56. Before the occupation of any dwelling on the site, details of the height, design, materials and position of all site boundary walls, retaining walls, fences and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved site boundary walls, retaining walls, fences and other means of enclosure shall thereafter be erected within two months of the occupation of the 442nd dwelling and shall thereafter be retained.
57. Before the occupation of any affected dwellings the noise mitigation measures set out in section 8.6 of the Noise Assessment dated November 2017 shall be fully implemented and thereafter retained.
58. Notwithstanding any details approved pursuant to condition 11 of this full permission and before the occupation of any dwelling on the site, details of the enhanced landscaping zones, as shown in Figure 60 of the amended Design and Access Statement, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:-
- Hard surface materials.
 - Street furniture and/or structures, including; seating, bins, lighting, signage, service junctions/boxes.
 - Planting plans, including; written specifications of cultivation and other operations associated with plant and grass establishment, schedules of plants, species, sizes and proposed numbers/density.
 - Implementation schedule.
 - Maintenance and management plan.

The development shall thereafter be implemented in accordance with the approved enhanced landscaping zone details.

59. Notwithstanding any description /details in the application documents, details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, species, age and density of planting. The landscaping and planting scheme shall thereafter be provided within eight months of the development first being brought into use, or an alternative timescale to first be submitted to and approved in writing by the Local Planning Authority.
60. If within a period of 5 years from the completion of the development any of the trees, plants or shrubs that are to be retained or planted in accordance with the approved landscaping scheme are felled, uprooted, removed, destroyed, or in the opinion of the local planning authority die, become seriously damaged or defective, another tree, plant or shrub of the same species and size shall be planted at the same location in the next available planting season, unless the local planning authority agrees in writing to dispense with or vary this requirement.
61. Details of the public open space play provision including the trim trail within the development shall be submitted to and approved in writing by the Local Planning Authority. The open spaces and trim trail shall thereafter be laid out in accordance

with the approved details before the occupation of the 110th dwelling for which a Management Plan for the management and maintenance regimes of the open spaces and trim trail shall have previously been submitted to and approved in writing by the Local Planning Authority.

62. Within 6 months of the commencement of development, details of the layout, landscaping and any associated hardstanding for the community orchard shall be submitted to and approved in writing by the Local Planning Authority. The community orchard shall thereafter be laid out in accordance with the approved details before the occupation of the 221st dwelling for which a Management Plan for the management and maintenance regimes for the orchard shall have previously been submitted to and approved in writing by the Local Planning Authority.
63. Before any dwelling is first occupied details of the location, height and illumination intensity of all street lighting columns along the south west boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The street lighting columns shall thereafter be provided in accordance with the approved details.
64. Before any dwelling is first occupied, details of all external lighting to the areas of public open space and including bat corridors / trim trail shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, design, materials, colour finish and luminance levels of the external lighting. The development shall thereafter be implemented in accordance with the approved details.
65. The development shall be implemented in accordance with the details approved under discharge of condition application 19/30733/DCON on 6 May 2020.
66. All construction traffic and associated deliveries to the site for phase 1 shall only be via Kingsway / Martin Drive.
67. Notwithstanding the requirements of condition 51 the external materials to be used in the construction of the external wall(s) and) roof(s) of the building(s) on plots 108 to 117 shall be those specified in drawing Prototype replan - Materials.
68. Notwithstanding the requirements of condition 56, the height, design, materials and position of all site boundary walls, retaining walls, fences and other means of enclosure for plots 108 to 117 shall be those specified in drawing Prototype replan - Boundary layout.
1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The application has been made for outline permission only.
4. To define the permission.

5. To define the permission.
6. For the avoidance of doubt and to define the permission.
7. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
8. To prevent pollution. (Paragraphs 183 and 184 of the National Planning Policy Framework).
9. To safeguard potential occupiers from ground gas. (Paragraph 178 of the National Planning Policy Framework).
10. To ensure the satisfactory appearance of the development and to safeguard occupiers of the development from undue noise from the M6 Motorway. (Policy N1 of the Plan for Stafford Borough).
11. To ensure that the development can be adequately monitored and controlled. Policy N1 of the Plan for Stafford Borough).
12. To safeguard the occupiers of adjacent residential properties from nuisance, the safe operation of the M6 Motorway and the water quality to the Doxey Marshes SSSI. (Policies N1, T1 and N5 of the Plan for Stafford Borough).
13. To safeguard the occupiers of adjacent residential properties from undue noise and disturbance. (Policy N1 of the Plan for Stafford Borough).
14. To safeguard the amenities of the area. (Policy N1 of the Plan for Stafford Borough).
15. To safeguard neighbouring residential properties from undue noise and vibration. (Policy N1 of the Plan for Stafford Borough).
16. To safeguard the occupiers of nearby residential properties from undue nuisance caused by dust. (Policy N1 of the Plan for Stafford Borough).
17. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1 of the Plan for Stafford Borough).
18. In the interests of the amenity of the occupiers of the development. (Policy N1 of the Plan for Stafford Borough).
19. In the interests of the amenity of the occupiers of the development. (Policy N1 of the Plan for Stafford Borough).
20. To safeguard the occupiers of adjacent residential properties from nuisance caused by light spill / pollution. (Policy N1 of the Plan for Stafford Borough).
21. To ensure that the road and footway proposals are satisfactory to serve the development and to ensure the safety of all road users. (Policies T1c and N1m of the Plan for Stafford Borough).

22. To ensure that the road and footway proposals are satisfactory to serve the development together with the safety of all road users. (Policies T1c and N1m of the Plan for Stafford Borough).
23. To ensure that the road and footway proposals are satisfactory to serve the development together with the safety of all road users. (Policies T1c and N1m of the Plan for Stafford Borough).
24. To reduce the risk of flooding to the proposed development and future occupants. (Policy N2 of the Plan for Stafford Borough).
25. To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development. (Policy N2 of the Plan for Stafford Borough).
26. To ensure that the development is provided with a satisfactory means of drainage to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. (Policy N2 of the Plan for Stafford Borough).
27. In order to afford proper archaeological investigation recording and protection. (Policy N9 of the Plan for Stafford Borough).
28. To enhance the significance of heritage assets and their settings. (Policy N9 of the Plan for Stafford Borough).
29. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
30. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
31. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
32. To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development. (Policy N4 of the Plan for Stafford Borough).
33. To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development. (Policy N4 of the Plan for Stafford Borough).
34. To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development.
35. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
36. To ensure an adequate level of amenity provision for future occupiers of the development. Policy C7 of the Plan for Stafford Borough).

37. To ensure an adequate level of amenity provision for future occupiers of the development. (Policy C7 of the Plan for Stafford Borough).
38. To safeguard the biodiversity interests of the site together with protected species and their habitats. (Policy N4 of the Plan for Stafford Borough).
39. In the interests of biodiversity. (Policy N4 of the Plan for Stafford Borough).
40. To safeguard the biodiversity interests of the site together with protected species and their habitats during development. (Policy N4 of the Plan for Stafford Borough).
41. To ensure that the biodiversity interests of the site and ecological mitigation measures are adequately monitored and controlled. (Policy N4 of the Plan for Stafford Borough).
42. To safeguard the Doxey and Tillington Marshes Site of Special Scientific Interest from pollution and flooding. (Policy N5 of the Plan for Stafford Borough).
43. To safeguard the character and appearance of the area in accordance with Policies N2 and N4 of the Plan for Stafford Borough.
44. To safeguard the setting of the grade II listed and scheduled monument of Stafford Castle. (Policy N9 of the Plan for Stafford Borough).
45. To ensure that the road and footway proposals are satisfactory to serve the development together with the safety of all road users. (Policies T1c and N1m of the Plan for Stafford Borough).
46. To define the permission and for the avoidance of doubt.
47. To facilitate the enablement of high speed broadband for future occupiers of the development. (Policy Stafford 3 of the Plan for Stafford Borough).
48. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
49. To define the permission.
50. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
51. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
52. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
53. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

54. 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).
55. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
56. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
57. In the interests of the amenity of the occupiers of the development. (Policy N1 of the Plan for Stafford Borough).
58. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
59. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
60. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
61. To ensure an adequate level of amenity provision for future occupiers of the development. (Policy C7 of the Plan for Stafford Borough).
62. To create recreational opportunities for new and existing communities. (Policy N4 of the Plan for Stafford Borough).
63. To ensure the satisfactory appearance of the development. (Policies N1 and N9 of the Plan for Stafford Borough).
64. To safeguard the amenities of the area to avoid harm to legally protected species. (Paragraphs 118 and 125 of the National Planning Policy Framework and Policy N1 of the Plan for Stafford Borough).
65. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
66. To safeguard the amenities of the occupiers of adjacent residential properties. (Policy N1 of the Plan for Stafford Borough).
67. To ensure the satisfactory appearance of the development. (Policy N1 of the Plan for Stafford Borough).
68. To ensure the satisfactory appearance of the development. (Policy N1 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 2019, the Council has

worked in a positive and proactive way in determining the application and has granted planning permission.

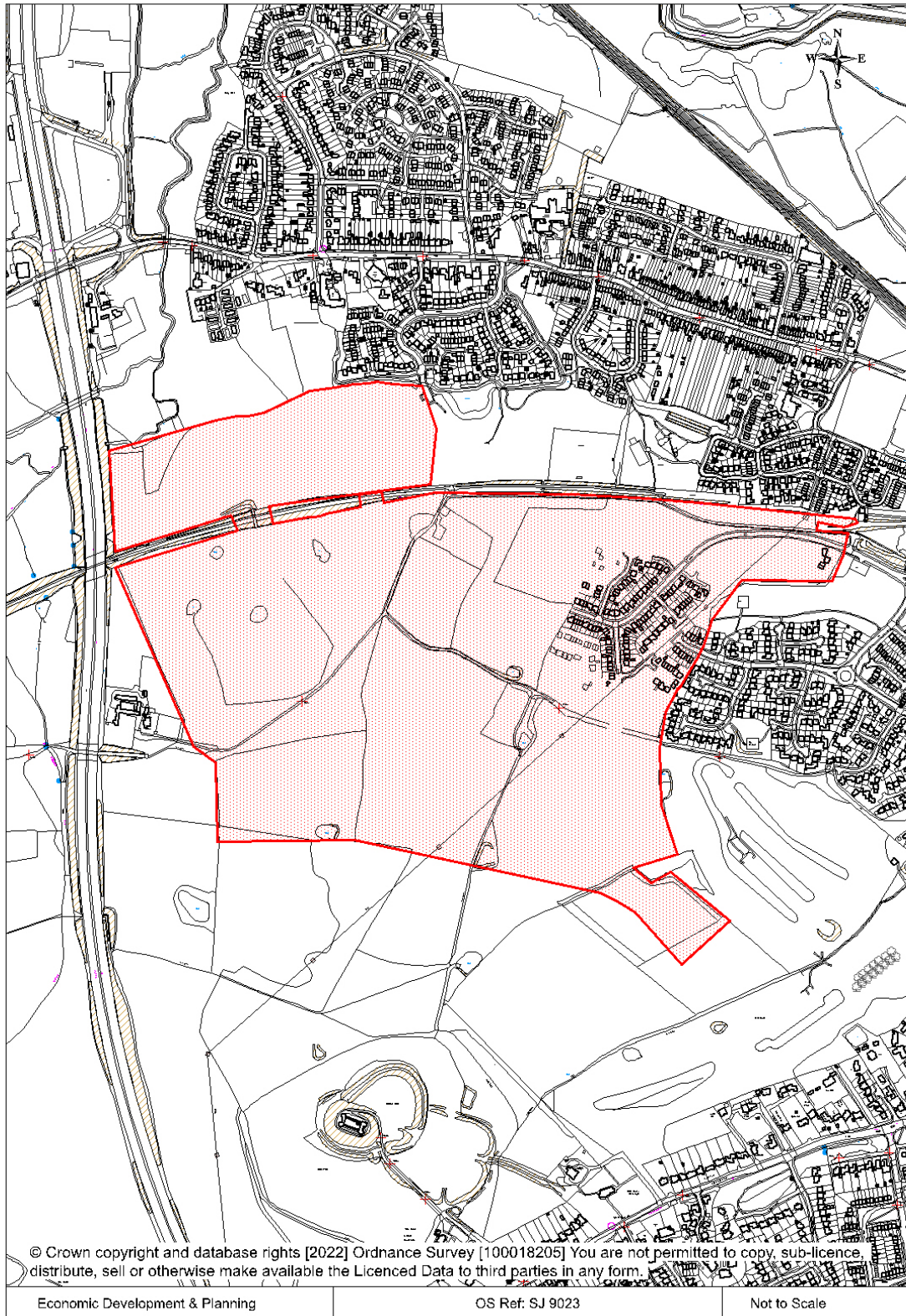
- 2 The applicants' attention is drawn to the comments of Staffordshire County Council's Archaeologist, dated 21 February 2018, with regard to application 17/27731/FUL in relation to the information to be included in the Historic Environmental Management Plan. All representations can be viewed on the planning public access pages on the Council's website at www.staffordbc.gov.uk.
- 3 The applicants' attention is drawn to the comments of the local highway authority with regard to application 17/27731/FUL in relation to approval under Section 7 of the Staffordshire Act 1983 and Section 38 of the Highways Act 1980. Staffordshire County Council should be contacted to ensure that any necessary approvals and agreements are secured before commencement of works.

The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to ensure that this agreement is secured. The link below is to the Highway Works Information Pack and an application form for the agreement which should be sent to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire, ST16 2DH. (or emailed to nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any preferred timescales.

www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx

- 4 The applicants' attention is drawn to the comments of Cadent with regard to application 17/27731/FUL in relation to operational gas apparatus within the application site boundary. All representations can viewed on the planning public access pages on the Council's website at www.staffordbc.gov.uk.
- 5 The applicants' attention is drawn to the comments of the Council's Tree Officer with regard to application 17/27731/FUL in relation to the need for a third party consultant arboriculturist to carry out weekly checks on site and to remain in contact with the Local Planning Authority to provide regular updates to the Council's Tree Officer. The contact details of such a person should be provided to the Council's Tree Officer before any activity commences on site.
- 6 The applicants' attention is drawn to the comments of Sow and Penk Independent Drainage Board, with regard to application 17/27731/FUL. All representations can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).

21/34683/FUL
Land West Of Redgrave Drive
Castlefields
Stafford



 PLANNING COMMITTEE - 23 OCTOBER 2024

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
24/38748/FUL Delegated Refusal	Land East Of Brookside Gregory Lane Loynton	Agricultural storage building to store agricultural machinery, agricultural implements and tools and general hay and feed store.
23/37756/LDCPP Advised not PD	Darlaston Wood Farm Jervis Lane Meaford	The change of use of the agricultural building in question (the Barn) to a single dwelling house and for the establishment works that are necessary for the conversion of the existing barn into a dwelling

Decided Appeals

Application Reference	Location	Proposal
23/38551/HOU Appeal Dismissed	The Green Church Lane Aston By Stone	Extensions to front, rear and sides of dwelling, with side extension to detached garage and games room above.
23/37534/FUL Appeal Dismissed	Land North West Of Model Farm Chase Lane Tittensor	To build a residential property with integral double garage.

Application Reference	Location	Proposal
23/37560/PAR Appeal Allowed and Costs Awarded	Burston Cottage Farm Lichfield Road Burston	Change of use of agricultural building to a single dwellinghouse (Class C3).
23/37689/LDCPP Planning permission required	Downside Garshall Green Stafford	Increase from 1 mobile home to 3 mobile homes.

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 3 September 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2024

Appeal Ref: APP/Y3425/D/24/3345517

The Green, Church Lane, Aston by Stone, Stone, Staffordshire, ST15 0BJ

- 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 Stephen Mitchell against the decision of Stafford Borough Council.
 - The application Ref is 23/38551/HOU.
 - The development proposed is extensions to front, rear and sides of dwelling, with side extension to detached garage and games room above.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a detached dormer bungalow of brick and tile construction, surrounded by a large garden. There is a large detached garage/outbuilding separated from the house by its driveway.
 4. The appeal dwelling is set back from Church Lane, behind a hedge and front garden and is well-separated from its nearest neighbour, with garden areas and trees between the two dwellings.
 5. The appeal property is situated within the open countryside. Whilst there are a very small number of buildings, including the visually attractive St Saviour's Church, scattered around, the area is notably rural in character.
 6. The appeal property is located along a narrow country lane and the area is surrounded by farmland. The presence of trees, hedgerows and fields, along with the relatively flat nature of the surroundings, provides for a notable sense of greenery, openness and spaciousness.
 7. The appeal dwelling is wide and whilst a dormer bungalow, with rooms across the majority of its first floor, it appears relatively tall. Combined, the house and large garage appear as two substantial buildings within rural surroundings.
-

8. The Plan for Stafford Borough Policy C5 limits the scale of alterations to dwellings in the countryside to additions of no more than 70% of the dwelling as originally built. This is intended to protect the character of individual properties and their surroundings.
9. The proposed development would result in substantial alterations to the appeal property. The appellant and the Council agree that the changes would exceed the 70% limit referred to above.
10. The proposed re-modelling of the dwelling would result in extensive changes, including the creation of a large and prominent full-height gable front extension, providing a main entrance to the dwelling and a prominent full-height gable-fronted side extension.
11. Together, these two elements would serve to transform what already appears as a wide and substantial dwelling into what would appear as an even wider and much bulkier dwelling. Further, I find that these considerable changes, due to their scale and form, would appear as incongruous features that would overwhelm and dominate the original appearance of the dwelling.
12. The harm arising from this would be exacerbated by the use of large areas of glazing and the addition of a single storey flat roof extension to the main entrance at the front of the house. These features would add to the visual prominence of the proposed development and the overall impact would be the creation of what would appear as a large and bulky dwelling that would draw undue attention to itself, to the detriment of the area's green, open and spacious attributes.
13. Further to the above, I agree with the Council's consideration that the increase in the visual bulk of the dwelling that would arise from the proposal and which would be unsympathetic to the rural character of the area, would be compounded by the proposed extension of the large detached garage.
14. Taking all of this into account, I find that the proposal would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to Plan for Stafford Borough (2014) Policies N1 and C5; and to the Council's Design Supplementary Planning Document (2018), which together amongst other things, seek to protect local character.

Other Matters

15. In support of his case, the appellant refers to other developments within the wider vicinity. However, none of these comprise developments and circumstances so similar to the proposal before me as to provide for direct comparison and in any case, I have found that the proposal would result in significant harm and this is not something that is mitigated by the presence of other developments elsewhere.

Conclusion

16. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

Appeal Decision

Site visit made on 10 September 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2024

Appeal Ref: APP/Y3425/W/24/3338712

**Model Farm, Chase Lane, Tittensor, Stoke on Trent, Staffordshire
ST12 9HH**

- 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 Darren Robinson against the decision of Stafford Borough Council.
 - The application Ref is 23/37534/FUL.
 - The development proposed is to build a residential property with double garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the proposal differed on the application form, appeal form and decision notice. I have taken the address of the property from the application form. I have taken the description of the proposal from the decision notice, as it is more concise.
3. On 30 July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. On the same date, the Secretary of State made a written ministerial statement (WMS) entitled 'Building the homes we need'. Both parties have had the opportunity to comment on any implications for the appeal. I have also had appropriate regard to these documents as material considerations in determining this appeal.
4. The Council's fourth reason for refusal referenced the impact of the proposal on an area covered by a Tree Preservation Order (TPO). However, the Council have advised that as the TPO has not been confirmed and cannot be enforced, they no longer wish to contest this reason for refusal. I therefore do not address this matter in the reasoning below.

Main Issues

5. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt;
- whether the proposal would provide a suitable location for housing having regard to the sustainable settlement hierarchy;
- whether the proposal is in a sustainable and safe location with regard to accessibility by a range of transport modes;
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

6. The appeal site lies within the North Staffordshire Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Paragraph 154 of the Framework sets out that the construction of new buildings should be regarded as inappropriate, other than in a few exceptions, including limited infilling in villages. Neither 'village' nor 'limited infilling' are defined in the Framework.
8. The appeal site lies outside of the settlement limit of Tittensor, as defined by the adopted local plan, The Plan for Stafford Borough 2011-2031 (2014) (LP). Nevertheless, the courts have found that the question of whether a settlement is or is not a village is inevitably a matter of planning judgement.¹
9. Tittensor has a distinct identity and a consistent form of development along with a range of services and facilities, and therefore it comprises a village for the purposes of the Framework. However, the appeal site is situated some distance from the village along the A34. Development outside of the village is looser in grain, featuring buildings which are interspersed with large, undeveloped gaps of open land.
10. The area where the appeal site is located has a rural character. Whilst the appeal site would be close to a small cluster of properties along Chase Lane, these are physically detached from Tittensor village by intervening fields and lie a considerable distance from the central part of Tittensor. The area surrounding the appeal site has limited local services or facilities, and does not have the characteristics of a village.

¹ R (Tate) v Northumberland County Council [2018] EWCA Civ 1519

11. Consequently, the appeal site is experienced on the ground as a discrete rural land parcel that does not form part of a wider village envelope. Therefore, it is not located within a village for the purposes of the Framework.
12. As the terms 'limited' and 'infilling' are not defined in the Framework, they are essentially a matter of fact and planning judgment for the decision-maker, having regard to the nature and size of the proposal itself, and its relationship to existing development. Whilst it lies adjacent to residential properties to the south, the site is bordered to the west and north by woodlands and to the east by undeveloped fields. The proposal would therefore not fill in a gap between existing developments.
13. The proposed development is not limited infilling in a village and, consequently, the exception listed in paragraph 154(e) of the Framework does not apply. Furthermore, the proposal would be for a market dwelling and would not therefore meet the exception listed in paragraph 154(f) which relates to limited affordable housing for local community needs under policies set out in the development plan. The appeal scheme would therefore be inappropriate development in the Green Belt.
14. Paragraph 152 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with paragraph 153 of the Framework, substantial weight is given to any harm to the Green Belt.

Openness

15. The Framework identifies that a fundamental aim of Green Belt policy is to keep land permanently open, and that the essential characteristics of Green Belts are their openness and permanence.
16. The concept of Green Belt openness has both a spatial and visual dimension. As there is an absence of built form where the proposed new dwelling would be located, the introduction of a new building would have an appreciably greater impact on the spatial aspect of openness.
17. The proposal would represent a loss of openness in visual terms leading to a fundamental and permanent change to the Green Belt, introducing a built form of development. There are open fields and woodlands adjacent to the appeal site, and the proposal would lead to an encroachment into the countryside.
18. To the north and west of the appeal site are a number of tall, mature trees, which would provide an element of screening of the proposal. However despite this screening, the proposal would be visible from surrounding vantage points, obscuring some views to the landscape beyond. This would be exacerbated by its slightly elevated position in relation to the access road.
19. Compared to the existing situation openness would therefore, both spatially and visually, be reduced. While the loss would be relatively localised, it would, nonetheless, have a moderate impact on the openness of the Green Belt.

Location

20. LP Policy S3 sets out where the majority of future development within the borough will be delivered in terms of a sustainable settlement hierarchy. This directs the majority of development to the main towns and key service villages within the borough, to cater for a medium level of dispersed growth.
21. Although Tittensor is designated as a key service village in LP Policy S3, the proposed dwelling would not be located within the settlement boundary of the village. It would thus be located outside of a defined settlement within the hierarchy and within the open countryside, or 'rest of the borough'.
22. Dwellings may be provided outside of the settlement hierarchy, and indeed the LP required 800 dwellings to be located in the rest of the borough. Whilst the Council's monitoring indicates that over 800 dwellings outside of the settlement hierarchy have been completed or are committed, figures required for housing are not a minimum and therefore new housing in the rest of the borough would not automatically be considered unacceptable. However, LP Policy C5 is clear that such proposals for residential dwellings require a local housing need assessment to indicate how the proposal would meet defined needs, and proposals must demonstrate that the provision cannot be accommodated within the settlement hierarchy.
23. I have not been presented with substantive evidence as to why the proposal is required at its specific location, nor any evidence relating to housing need. As such, the proposed residential development would undermine the spatial development strategy of the LP, which seeks to direct the majority of housing development to the key towns and service villages within the borough, taking into account the level of infrastructure, services and facilities available, the scope for future provision, and accessibility to existing and future facilities.
24. As such, I conclude that the proposal would not be in an appropriate location with regards to the sustainable settlement hierarchy and would be contrary to LP Policies SP3, SP7 and C5 which seek to ensure that development is delivered through the sustainable settlement hierarchy and is consistent with national Green Belt policies for the control of development.

Accessibility

25. The site is located in an area of open countryside some distance from facilities and services. Walking into Tittensor to access services and the local school would involve walking along the A34, a busy highway. The appeal site is accessed by a relatively narrow private road with no footways, which connects to Chase Lane, which is partially unlit with no footway provision and has a speed limit of 60mph.
26. As such, when combined with the distances involved, occupiers of the proposed dwelling would be unlikely to undertake journeys to nearby larger settlements regularly on foot, by bicycle or using public transport, particularly at night or in poor weather.
27. I note that there have not been any personal injury collisions on Chase Lane within 215m either side of the property accesses for the previous five years. I also recognise that there is generally a greater reliance on the private car in more rural areas and that there are already residential properties close to the

appeal site which use the current narrow access road seemingly without incident. Furthermore, the development would be of a modest scale. However, the general lack of lighting and separated footways along the highway, combined with the relatively limited public transport options, makes it likely that occupiers of the dwelling would inevitably have to use the private car as their main form of transport for many of their journeys and to meet their day to day needs. Additional vehicular movements as a result of the development would exacerbate the risk of conflict between pedestrians and motor vehicles.

28. I conclude that the proposal would be located where the possibility of walking to nearby services would not be reasonably safe or practical for residents, and where there would be a limited choice of sustainable modes of transport. The proposal would not be in accordance with paragraph 109 of the Framework which supports development in locations which offer a genuine choice of transport modes. Moreover, the proposal would conflict with paragraph 116 of the Framework which seeks to ensure that developments minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other considerations

29. The proposed development would provide a property for the appellant and his wife. The provision of an additional dwelling to the local housing market would be an undoubted social benefit of the proposed development. The local economy would have the potential to have some limited benefit during the construction period. The proposal would also support the Government's objective of significantly boosting the supply of homes. I have given these matters moderate weight.

Other Matters

30. There are no concerns regarding the design of the proposed development, or the effect on residential amenity for neighbouring occupiers or future occupiers of the proposed dwelling. However, these are requirements of planning policy and they carry neutral weight.
31. I note that the appellant is aggrieved with the Council's communication throughout the planning application process. However, this is a matter between the parties that does not fall within the remit of this appeal. I have therefore given it no weight in my determination.
32. The appeal site is within the zone of influence of the Cannock Chase Special Area of Conservation (the SAC). I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the SAC. However, given my findings in respect of the effect of the proposal on the Green Belt, the settlement hierarchy and sustainable transport, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.
33. Third parties have raised a number of other matters. However, as I am dismissing the appeal for other reasons, I have taken no further action on these matters.

Green Belt Balance and Conclusion

34. The Framework requires that substantial weight is given to any harm to the Green Belt and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
35. I have found harm to the Green Belt by reason of the proposed development's inappropriateness, harm to the openness of the Green Belt and that the proposal would not be in a suitable location for housing having regard to the sustainable settlement hierarchy and sustainable transport choices.
36. Weighed against that are the other considerations set out above. However, for the reasons given I afford moderate weight to the contribution that a new dwelling would make to the housing land supply.
37. Consequently, those other considerations would not, in their totality, clearly outweigh the harm that I have identified. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework.
38. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
39. Consequently, the appeal should be dismissed.

L C Hughes

INSPECTOR

Appeal Decision

Site visit made on 10 September 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

Appeal Ref: APP/Y3425/W/24/3338559

**Barn 5, Burston Cottage Farm, Lichfield Road, Burston, Stafford,
Staffordshire ST18 0DP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Harrowby Estates against Stafford Borough Council.
 - The application Ref is 23/37560/PAR.
 - The development proposed is Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion at Barn 5, Burston Cottage Farm, Lichfield Road, Burston, Stafford, Staffordshire ST18 0DP in accordance with the application 23/37560/PAR and the details submitted with it including plans no: Site Location Plan and Existing Site Plan YBD09240-P-501 Rev A; Proposed Site Plan YBD09240-P-502 Rev A; Proposed Floor and Roof Plans YBD09240-P-510 Rev B; and Proposed Elevations YBD09240-P-511 Rev A.

Applications for costs

2. An application of costs was made by Harrowby Estates against Stafford Borough Council. That application is the subject of a separate decision.

Preliminary Matters

3. The Town and Country Planning (General Permitted Development) England (Amendment) Order 2024 (2024 Amendment) came into force on 21 May 2024. Due to the transitional arrangements, I have proceeded to determine the appeal in accordance with the GPDO provisions that were in force at the time that the original application was submitted. All references to the GPDO in this decision therefore relate to the version that was in force at that time. The

2024 Amendment does not alter the statutory period for the determination of the application.

4. Whether or not the proposed development would be permitted by the GPDO under the limitations of Class Q is a matter in dispute between the main parties. However, the Council's failure to refuse the application within the specified time period means that I cannot address any questions of lawfulness.

Main Issue

5. The main issue is whether, having regard to the relevant requirements of Part 3, Class Q of the GPDO, prior approval is deemed to be granted.

Reasons

6. Subject to various conditions and limitations, Schedule 2, Part 3, Class Q of the GPDO permits the change of use of a building from use as an agricultural building to use as a dwelling, together with building operations reasonably necessary to convert the building to a dwelling. Paragraph Q.2 requires that before beginning the development, the developer must apply to the Local Planning Authority (the LPA) for a determination as to whether the prior approval of the authority will be required.
7. Under paragraph W.(11)(c) of Part 3 of Schedule 2, development that is permitted by Class Q, may begin after the expiry of 56 days following the date on which an application was made for prior approval, if the LPA has not notified the applicant as to whether prior approval is given or refused.
8. Article 7 of the GPDO requires the LPA to make a decision on the prior approval application within a period specified in the relevant provision of Schedule 2, or within any longer period agreed by the applicant and LPA in writing.
9. The evidence before me indicates that the application was confirmed to be valid on 23 May 2023. The 56-day period from that date ended on 18 July 2023. On 14 June 2023 the appellant requested an extension of time until 21 July 2023, in order to submit a Transport Statement. The LPA agreed to the extension of time in an email dated 22 June 2023.
10. An additional extension of the period to 10 August 2023 was subsequently agreed between the appellant and the LPA on 20 July 2023. However, the LPA did not determine the application by 10 August 2023.
11. The evidence before me therefore indicates that the LPA did not come to a decision within the time period which was agreed by the applicant and the LPA in writing. Therefore, on the expiry of that time period, prior approval was deemed to be granted.
12. As stated above, whether or not the proposed development would be permitted by the GPDO under the limitations of Class Q is a matter in dispute between the main parties. However, the Council's failure to refuse the application within the specified time period means that I cannot address any questions of lawfulness.

13. Consequently, I have not reached any conclusion as to whether the proposed change of use falls within the limitations of Schedule 2, Part 3, Class Q of the GPDO and whether or not it would be lawful if it were to be carried out. The deemed grant of prior approval does not in itself render the proposal permitted development, such that it would benefit from the provisions of Class Q of the GPDO.
14. The appellant should also note that planning permission is granted by Article 3(1) of the GPDO for the classes of development described as permitted development in Schedule 2 subject to the provisions of the Order and Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (as amended) relating to general development orders.
15. Regulation 75 provides that it is a condition of any planning permission granted by a general development order made on or after 30 November 2017 that development which (a) is likely to have a significant effect on a European site, alone or in combination with other plans or projects, and (b) is not directly connected with or necessary to the management of the site must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77. This is a matter between the appellant and the Council in the first instance and it is therefore not necessary for me to consider the implications of the proposal for the integrity of the Cannock Chase Special Area of Conservation.

Conditions

16. Paragraph W.(12) of the GPDO sets out standard conditions requiring that when Paragraph W.(11)(c) applies development must be carried out in accordance with the details provided in the application unless the local planning authority and the developer agree otherwise in writing. I have listed the relevant plans which were submitted with the application, for certainty.

Conclusion

17. For the reasons given above the appeal should be allowed and prior approval is deemed to be granted.

L C Hughes

INSPECTOR



Costs Decision

Site visit made on 10 September 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

**Costs application in relation to Appeal Ref: APP/Y3425/W/24/3338559
Barn 5, Burston Cottage Farm, Lichfield Road, Burston, Stafford,
Staffordshire ST18 0DP**

- 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 Harrowby Estates for a full award of costs against Stafford Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph W.(11)(c) of the Town and Country Planning (General Permitted Development Order) (GPDO) affords the Council 56 days from when an application is made for prior approval for development proposed under Class Q, to notify the applicant as to whether prior approval is given or refused. Article 7 of the GPDO allows for the decision to be made within a longer period agreed by the applicant and the Council in writing.
4. The applicant's case is that Stafford Borough Council acted unreasonably as the application was not determined within the specific time period with agreed extensions of time in compliance with the regulations.
5. It was agreed in writing to extend the 56 day period in order for the applicant to submit a Transport Statement. A further extension of time to consider the application was agreed in writing. This extended the time period to 10 August 2023. However, no decision was formally reached by this date and no decision notice was issued.
6. Whilst delays may in part have been due to additional information being submitted by the applicant, agreements to extend the time period were agreed in writing between the Council and the applicant. This is reasonable. However, not determining the application within the agreed time period is unreasonable and contrary to the provisions of the GPDO.

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7. The Council have suggested that the proposal cannot be commenced as the approved access has not yet been constructed, and that the boundary lines of the application has changed. However, these issues do not relate to the costs application in relation to the applicant incurring unnecessary expense as a result of the appeal.
 8. As indicated within the appeal decision, it is outside the remit of this appeal to consider the submitted evidence in respect of whether the development complies with other applicable limitations and conditions imposed on the planning permission granted via Article 3 and Class Q of the GPDO.
 9. As a result of the non-determination of the application, the applicant has sought specialist advice, and instructed consultants to make the appeal on their behalf. In doing so, the applicant incurred unnecessary expenses.
 10. For the reasons given above, unreasonable behaviour resulting in unnecessary expense during the appeal process has occurred and a full award of costs is therefore warranted.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Stafford Borough Council shall pay to Harrowby Estates the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Stafford Borough Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L C Hughes

INSPECTOR

Appeal Decision

Site visit made on 10 September 2024

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 18 September 2024

APP/Y3425/X/23/3330907

Downside, Garshall Green Road, Garshall Green, Stafford ST18 0EP

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against the decision of Stafford Borough Council to refuse to grant a certificate of lawful use or development.
- The appeal was made by Mr John Beard.
- The application, reference 23/37689LDCPP, registered on 19 June 2023, was refused on 2 August 2023.
- The application was made under section 192(1)(a) of the Act of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of development is sought is for the increase from 1 mobile home to 3 mobile homes.

Summary of Decision: A certificate of lawfulness is not issued.

Appeal site

1. The approximately 50m x 50m appeal site is an area of rough and unkempt grassland on the eastern side of Garshall Green Road in the small scattered settlement of Garshall Green. I saw the derelict remains of what I understand was a residential caravan on the land, its roof now at ground level, the only recognisable remains of a caravan or mobile home.
2. The Council granted a Certificate of Lawful Development on 31 August 2018, ref: 18/28838/LDCP. It stated that on 4 July 2018 the application site had been used for the siting of a residential caravan for a period in excess of 40 years and the replacement of the existing caravan with a twin unit caravan would not amount to development. It would therefore be lawful.

Appellant's proposal

3. The Appellant, Mr John Beard, wishes to add a further 2 caravans for residential use on the site. If I find that project to be lawful, 3 residential caravans could be sited on Mr Beard's land.

Considerations

4. The Council's reason for refusing to issue a certificate of lawfulness said Mr Beard's proposal would result in a material change of use of the land. The addition of 2 more caravans used for residential purposes would constitute development under the terms set out in s.55(1) of the Town and Country Planning Act 1990, (the Act).

5. Section 55 of the Act headed Meaning of “development” and “new development” at (1) says: *‘Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building,, or the making of any material change in the use of any buildings or other land.’.*
6. A proposal simply to increase the scale at which a use operates is unlikely by itself to amount to a material change of use. Rather, what needs to be considered is whether the proposed increase in scale would change the character of the land and its use sufficiently for it to be concluded there is a material difference between the existing use and the proposed use. That is here, whether a material change of use would be caused by adding another 2 residential caravans to the one which could lawfully replace the ruin unit on the site.
7. In the case of *R (oao Childs) v FSS & Test Valley BC [2005] EWHC 2368* (Admin); [2006] JPL 1326, (Childs), it was held that a simple increase in the number of caravans may involve a material change of use. In Childs, Goudie J said: *‘In considering whether there was a material change in that use, I do not consider that it can be said that a change in the number, however great, is incapable of amounting to a material change of use, whatever the position might have been if the 2003 certificate had been silent as to number.’.* In present instance, the 18/28838/LDCP certificate of lawful use, (para. 2 above), states that the application site had been used for the siting of a residential caravan for a period in excess of 40 years and replacement of the existing caravan with a twin unit caravan would not comprise development and would be lawful. The 18/28838/LDCP certificate does not confer a lawful use of the land as a residential caravan site for more than one unit.
8. In its current neglected state, the appeal site with the remains of what was said to have been a mobile home, does not look like land used for residential purposes. The introduction of 3 residential caravans and all associated domestic accoutrements to the land would produce a dramatic change in its character and appearance; clearly, in my view, amounting to a material change of its use. As the Council said, the application proposal would change the 0.1ha site from unkempt land with the almost unrecognisable remains of a mobile home yet capable of lawfully accommodating a single household to a fully utilised site containing 3 mobile homes and used by their associated 3 households.
9. One mobile home could fit reasonably well into this predominantly rural location, not unduly out of character with the few houses and their curtilages that comprise Garshall Green. However, use of the small site at Downside for the stationing of 2 more residential caravans would, in my view, also amount to a material change in the character of the use of the land. Three residential caravans and their associated amenity and parking spaces would fully occupy the land. Mr Beard’s land would look more akin to a mobile homes’ site than a single household detached home and garden. Three mobile homes would dominate and cover much more of the otherwise mostly open nature of the site. A probable threefold increase in noise and site activity would arise, as would the volume of vehicular traffic to and

from the site. Such an increase in intensity of use and perceived development of the application land would be materially different in character to that arising from its lawful use. The site's substantially more intense use by 3 mobile homes and their occupants would result in loss of much of its rural character, replaced by one of a rather more urban nature.

10. I consider that the Council were right to conclude that the application scheme would amount to a material change of use of the land that would constitute development under s.55(1) of the 1990 Act.

FORMAL DECISION

11. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawfulness for the increase from 1 mobile home to 3 mobile homes on land at Downside, Garshall Green Road, Garshall Green, Stafford ST18 0EP was well-founded and that the appeal should not succeed. I exercise the powers transferred to me under s.195(2) of the 1990 Act as amended.

John Whalley

INSPECTOR