



Civic Centre, Riverside, Stafford

Contact Jackie Allen
Direct Dial 01785 619552

Email jackieallen@staffordbc.gov.uk

Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 25 September 2024** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

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

Head of Law and Governance

PLANNING COMMITTEE - 25 SEPTEMBER 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.

	Page Nos
5 Planning Applications	3 - 65
6 Planning Appeals	66 - 70
7 Enforcement Matters	-

MEMBERSHIP

Chairman - Councillor B McKeown

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

PLANNING COMMITTEE - 25 SEPTEMBER 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
22/35582/FUL	47 and 48 Rowley Bank, Rising Brook	4 - 33
	The application was called in by Councillor D Rouxel	
	Officer Contact - Richard Wood, Development Lead Telephone 01785 619324	
23/38456/OUT	Land off The Rise, Walton on the Hill	34 - 49
	The application was called in by Councillor P C Edgeller	
23/38459/FUL	Shropshire Inn, Newport Road, Haughton	50 - 65
	The application was called in by Councillor E Carter	

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: 22/35582/FUL

Case Officer: Vanessa Blake

Date Registered: 4 April 2022

Target Decision Date: 4 July 2022

Extended To: 4 October 2024

Address: 47 and 48 Rowley Bank, Rising Brook, Stafford, Staffordshire, ST17 9BA

Ward: Rowley

Parish: -

Proposal: Demolition of the two vacant care homes and redevelopment of the site to provide a new care home (Use Class C2) together with associated access, car and cycle parking, structural landscaping and amenity space provision.

Applicant: Avery Healthcare Group / Xanadu Stafford Ltd

Recommendation: Approve, subject to conditions and the signing of a legal agreement to secure a travel plan monitoring fee and traffic regulation order contribution

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor D Rouxel (Ward Member for Rowley) for the following reasons:

“Over-intensification of the site. This represents an increase in density for the site and is within an already dense area of development, even within the amendments which have been made.

No exploration of remodelling and reuse of the existing buildings in order to retain them as non-designated heritage assets and to decrease environmental impact of demolishing and rebuilding.”

This application was originally called in by Councillor C Trowbridge (previous Ward Member for Rowley) for the following reasons:-

“Over-intensification of the site, I appreciate the developers have listened and reduced the size and massing but I would like the committee to decide if it is enough.”

CONTEXT

1.0 Site and surroundings

- 1.1 This application relates to a 0.44ha site to the west of Rowley Bank in Stafford. The site comprises two large detached Victorian villas which have been extended and altered to form care homes but which have been vacant for a number of years.
- 1.2 The site also contains a number of trees along the eastern boundary, some of which are subject to Tree Preservation Order (TPO) 93 of 1981. A number of trees within the site have been removed with TPO consent.
- 1.3 The site is predominantly surrounded by residential properties, and there is another care home immediately to the south (Beechcroft House). The site and properties to the east of Rowley Bank are on land higher than the road. Immediately to the rear of the site is a residential service/access road.
- 1.4 The site is within Flood Zone 1 and 8km of the Cannock Chase Special Area of Conservation (SAC).

2.0 The proposal

- 2.1 This application seeks permission for the demolition of the existing properties and the erection of a care home (Use Class C2). The care home would be predominantly two storey with 62 bedrooms and offer facilities including a café, library and cinema. The site would be landscaped to provide garden areas for the residents.
- 2.2 The existing accesses would be utilised to provide an entrance and egress. There would be car parking to the front (east) and northern side of the building, providing 40 parking spaces, which includes 2 disabled spaces, 3 electric vehicle charging spaces and 1 ambulance bay. Cycle storage would also be provided to the front of the building.
- 2.3 The care home would serve elderly residents and provide a full range of residential, nursing and dementia care needs, including end of life and palliative services.
- 2.4 The application is supported by the following documents:
 - Design and Access Statement
 - Planning Policy Statement
 - Phase 2 Ground Investigation,
 - Arboricultural Impact Assessment, Method Statement and Survey
 - Crime Prevention Statement
 - Energy and Sustainability Report
 - Archaeology Heritage Statement

- Heritage Statement
- Noise Assessments
- Preliminary Ecological Appraisal
- Statement of Community Involvement
- Waste Management Statement
- Operator Supporting Statement
- Transport Statement and Framework Travel Plan
- Flood Risk and Drainage Strategy

OFFICER ASSESSMENT - KEY CONSIDERATIONS

3.0 Planning policy framework

- 3.1 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.
- 3.2 The development plan for the purposes of this application comprises The Plan for Stafford Borough 2011-2031 Parts 1 and 2.

4.0 Principle of development

- 4.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development which is echoed in Spatial Principle 1 of The Plan for Stafford Borough (TPSB). Paragraph 12 of the NPPF states that:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making...”

- 4.2 However, NPPF paragraph 188 advises:

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

- 4.3 In this case the site falls within the catchment of the Cannock Chase Special Area of Conservation (SAC), therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the SAC will not be adversely affected, having regard to avoidance or mitigation measures. This issue is addressed later in this report.

- 4.4 Spatial Policy (SP) 3 sets out the sustainable settlement hierarchy for the Borough with Stafford being the most sustainable. Policy SB1 establishes the settlement boundaries for the Borough and the site is located within the designated settlement boundary of Stafford.
- 4.5 Policy Stafford 1 seeks to increase the range and type of housing within the settlement including a greater number of specialist houses and extra care provision for the elderly. Policy Stafford 1 also seeks to create employment growth. The development plan states that there is an identified need for 954 net extra care bed units in the Borough during the plan period.
- 4.6 Policy C3 also states that to meet the anticipated need for additional extra care bed units in Stafford Borough new development will be encouraged in accordance with SP7 in sustainable locations close to services, facilities and public transport. New development should however provide sufficient off-street car parking to serve the development.
- 4.7 The site is located within a sustainable location within Stafford and is on a bus route. The site is surrounded by residential properties and is in walking distance to shops and services. As such, the site's location is considered to be suitable for the development of a care home. The development would provide an additional 62 beds which would assist in addressing the required need.
- 4.8 The development would also provide jobs during the construction phase and once operational would provide approximately 80 jobs (full and part time). The development would subsequently support the local economy.
- 4.9 The development of a care home in this location is therefore considered to be acceptable in principle.

Policies and Guidance:

National Planning Policy Framework, December 2023 (NPPF)

Section 5, Paragraphs 8, 11, 12, 188

The Plan for Stafford Borough (TPSB) 2011-2031

Policies SP1 (Presumption in Favour of Sustainable Development), SP3 (Stafford Borough Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development), Stafford 1 (Stafford Town), E1 (Local Economy), C3 (Specialist Housing),

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

SP3 (Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development), SB1 (Settlement Boundaries)

5.0 Layout, design and appearance

- 5.1 TPSB Policy N1 sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and have high design standards. Policy N8 states that new development should respect the character of the landscape setting, through design, layout and materials.
- 5.2 The neighbours' concerns regarding design are noted. During the consideration of the application the proposal has been significantly reduced in size with regards to footprint and overall height. Whilst the proposed building would have a footprint significantly larger than the existing buildings, this is not considered to be inappropriate given the size of the plot. The Council's Design Advisor has raised concerns regarding the extent of the footprint but has advised that a landscaping scheme may reduce the developments impact upon the street scene. The proposed layout of the scheme ensures that the established tree belt along the frontage is retained which would largely screen the development from the street scene.
- 5.3 The design of the building has been amended during the consideration of the application. The resultant scheme, whilst large, is considered to sit comfortably within the street scene. The varied roof heights and staggered frontage break up the visual impact of the building. The design of the building is influenced by surrounding properties with features such as timber clad gables. As discussed above, the existing and proposed landscaping would also soften the appearance of the scheme from the street scene. The massing and overall design of the proposal is therefore considered to be acceptable.
- 5.4 The building would be finished in bricks in red, cream and Staffordshire blue, with feature red hanging tiles and grey composite boarding and red and grey tiles. These materials would be in keeping with the surrounding street scene. However, the Design Advisor has raised concerns with regards to the use of the cream material within the central section of the building as this would not appear recessive. The Design Advisor has requested amendments to the distribution of the materials and as such a condition should be attached to resolve this prior to the commencement of development. A condition should also be attached to secure details of roof mounted solar panels to ensure that they integrate well.
- 5.5 The scheme includes the provision of a refuse storage area and a cycle store to the front of the building. The refuse storage area would be a fully enclosed timber clad building with corrugated metal roof, which is not considered to detract from the appearance of the development. The cycle store would be a lightweight glazed open shelter which would not be visual dominant within the scheme. These structures are considered to be acceptable. The proposed layout also shows a gazebo, garden sheds and stores within the site although no elevations are provided. Whilst these are likely to be acceptable within the site a condition should be attached to secure details of these structures.
- 5.6 The Police Crime Prevention Design Advisor has provided various safety recommendations for the scheme. An informative should be attached to ensure that the applicant and or developer is aware of these.

- 5.7 Overall, the development, subject to conditions, is considered to be acceptable with regards to layout, design and appearance and adheres with the Development Plan and NPPF in this regard.

Policies and Guidance:

National Planning Policy Framework, December 2023 (NPPF)

Section 12

The Plan for Stafford Borough (TPSB) 2011-2031

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

Supplementary Planning Document (SPD) – Design

6.0 Impact upon heritage assets

- 6.1 Policy N9 states that development which affects the significance of a heritage asset will not be accepted, and that development is expected to sustain the significance and setting of a heritage asset.
- 6.2 The application is supported by an Archaeological Heritage Assessment and Rapid Building Appraisal (AHARBA). The proposal would not impact upon any listed buildings or conservation areas. The proposal includes the demolition of two Victorian villas which are considered to be non-designated heritage assets, due to their local historic and architectural interest. The Council's Conservation Officer and the County Archaeologist concur with this.
- 6.3 The Council's Conservation Officer has objected to the demolition of these historic buildings and suggests that the buildings be retained and remodelled.
- 6.4 Paragraph 209 of the NPPF advises that:
- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. 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.”*
- 6.5 It is regrettable that the proposal would result in the loss of these villas. In order to mitigate the loss of the building and as recommended within the AHARBA a historic building recording should be secured via condition. The loss of the non-designated heritage assets and subsequent conflict with Policy N9 are considered within the overall planning balance.
- 6.6 The submitted AHARBA concludes that the site has a low potential for archaeological remains. The County Archaeologist has advised that the building recording should include archaeological monitoring which can be secured via a condition.

- 6.7 The development, subject to conditions, is considered to be acceptable with regards to archaeology and adheres with the Development Plan and NPPF in this regard. However, the loss of the non-designated heritage assets conflicts with Policies N1(h) and N9. In accordance with the NPPF this will be afforded weight within the planning balance.

Policies and Guidance:

National Design Guide (NDG)

National Planning Policy Framework, December 2023 (NPPF)

Section 16

The Plan for Stafford Borough (TPSB) 2011-2031

Policies N1 (Design), Policy N9 (Historic Environment)

7.0 Amenity

- 7.1 Policy N1 requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas. The Supplementary Planning Document (SPD) on Design also provides guidance on amenity standards including separation distances.

Outlook and privacy

- 7.2 The site is surrounded by residential properties and as such the neighbours' concerns regarding the impact upon amenity are noted. The proposed building would be more than 21m from the rear elevations of dwellings to the west and as such is not considered to result in overlooking or loss of outlook.
- 7.3 A separation distance of 13m would also be achieved between the northern elevation of the building and the neighbouring property (50 Rowley Bank). There are no side windows within 50 Rowley Bank and as such there is no direct overlooking between the proposal and the existing dwelling. Amendments were also sought to the proposal to ensure that there would be no direct overlooking to the garden of 50 Rowley Bank which has been achieved through window placement and treatment and the retention of the existing boundary wall.
- 7.4 The southern elevation would face a blank side wall of the neighbouring care home and as such there would be no direct overlooking. Whilst the proposed building would be in close proximity to residential properties the development is not considered to result in unacceptable levels of overlooking. The development is also not considered to result in a loss of light to neighbouring dwellings or gardens.

- 7.5 With regards to the amenity of future residents, the development would provide sufficient outlook from each bedroom and there would be sufficient shared garden space for the residents. It is noted that the bedroom windows within the southern elevation would be approximately 10m from the blank side wall of the neighbouring care home. The proposed scheme would provide additional landscaping along the southern boundary which would provide visual interest and soften the appearance of the blank neighbouring wall. It is also noted that the future occupants of these rooms would be aware of this outlook prior to occupying them. In this instance, this separation distance and the subsequent outlook from the affected bedrooms are considered to be acceptable.

Noise

- 7.6 During the consideration of the application further information was sought regarding noise impacts. The submitted assessments conclude that the proposed plant, with recommended mitigation measures, would not give rise to significant adverse off-site noise impacts and that due to the road noise some rooms will require windows to be non-opening to prevent excessive noise levels. The Environmental Health Team have subsequently accepted the conclusions and recommendations of the submitted noise assessments. A condition should be attached to ensure that the development is carried out in accordance with the recommended mitigation measures detailed within the assessments in order to ensure suitable noise levels within the development.

Construction activities

- 7.7 The Environmental Health Team have also recommended a number of conditions to cover construction activities. The conditions relate to the restriction of delivery and construction hours, noise screening and a demolition statement are considered to be reasonable and necessary and should be attached. The recommended conditions regarding materials disposal and on-site burning are covered by other legislation and should not be attached. A condition should also be attached to secure the details of any external lighting prior to its installation to ensure that it does not impact upon residential amenity.
- 7.8 The submission includes a contaminated land report to which the Environmental Health Team have raised no objections and recommend that it should be adhered to. A suitably worded condition should be attached.
- 7.9 The proposal, subject to conditions, is considered to provide sufficient amenity for both surrounding and future residents and accords with the Development Plan and NPPF with regards to residential amenity.

Policies and Guidance:

National Design Guide (NDG)

National Planning Policy Framework, December 2023 (NPPF)

Paragraph 135

The Plan for Stafford Borough (TPSB) 2011-2031

Policy N1 (Design)

Supplementary Planning Document (SPD) - Design

8.0 Access, Parking and Highway Safety

- 8.1 Policy T2 states that all new development must have a safe and adequate means of access and internal circulation; not have unacceptable highway safety impacts and provide sufficient parking provision. Appendix B of TPSB sets different parking standards, with nursing homes requiring:

“1 space per resident staff, plus 1 space per non-resident staff present at peak working times, plus 1 space per 3 bed spaces for visitors”.

The standards also recommend that an ambulance space should be provided in a position which would not impede site access but is located as close as possible to the main entrance of the establishment.

- 8.2 The neighbours' comments regarding on-site parking provision and impact upon highway safety are noted. Amendments were sought during the consideration of the application to address the Highway Authority's initial objections.

Vehicular access

- 8.3 With regards to access, the development would utilise the existing accesses to provide an entrance and egress which would be improved to provide sufficient width. The Highway Authority are satisfied that a refuse collection vehicle could successfully enter and exit the site. The Highway Authority raise no objections to the vehicle accesses but advise that the proposed footpath does not connect directly to the public footpath which is a highway safety concern. It is therefore considered necessary to attach a condition to secure an updated access plan to resolve this. Conditions should be attached to ensure the vehicle accesses and associated visibility splays are provided prior to the first use of the development. A condition should also be attached to ensure that the accesses are suitably signed to ensure a one-way system.

Pedestrian access

- 8.4 Amendments were sought during the consideration of the application to relocate the proposed pedestrian path. This originally ran through the tree belt at the front of the site which, due to its siting and the existing land levels, would have impacted upon the trees. As such, the path was relocated along the vehicle accesses. The Highway Authority now have no objection to the revised location of the path.

- 8.5 The Highway Authority have however advised that the path would be too narrow to allow two wheelchairs to pass each other at 0.9m wide. The Highway Authority have advised that the narrow path would cause potential vehicular conflict which is a road safety concern. The Highway Authority have previously requested a minimum width of 1.8m. As stated by the Highway Authority the footpath is within the development site and not within the public highway and as such it is considered unreasonable to require the path to be widened.
- 8.6 The concerns of the Highway Authority are noted, however in this instance, given the nature of the proposal and intended occupants, it is considered unlikely that these paths would be heavily trafficked and such conflicts would be limited. This would not warrant a refusal on highway safety grounds.

Car parking

- 8.7 With regards to parking provision, the scheme would require 40 parking spaces (0 for resident staff, 20 for non-resident staff and 20 for visitors) and an ambulance bay to comply with the standards as set out in Appendix B of TPSB.
- 8.8 The scheme proposes a total of 40 parking spaces including 1 ambulance bay, 3 electric vehicle charging spaces and 2 disabled spaces. The parking layout also includes 3 staff car share spaces and 6 tandem parking spaces. Additionally, the scheme provides 20 cycle storage spaces.
- 8.9 The proposal is supported by a framework Travel Plan which seeks to encourage the reduction in car travel, including promoting the use of public transport and a car share scheme. A detailed travel plan should be secured via condition.
- 8.10 The Highway Authority have accepted the level of parking provision due to the site's connectivity and proposed travel plan. However, the Highway Authority have advised that they do not support tandem parking within commercial settings.
- 8.11 Regard is however made to the recent appeal decision for a proposed care home at Crossfields, Cannock Road, Stafford (21/34912/FUL, appeal ref: APP/Y3425/W/23/3326519). This appeal scheme included the provision of 4 tandem parking spaces to which the Highways Authority objected. The Inspector concluded:

“21. I accept that tandem parking spaces is not always a suitable solution to vehicular parking. However, in this instance, given that a travel plan and car park management plan can be secured by means of condition, and the modest number of spaces involved, I am confident that any potential issues could be avoided through proactive management by the appellant.”

Given the above, a car parking management plan should be secured via a condition in order to ensure that the tandem parking spaces are utilised by staff only. The scheme's parking provision is therefore considered to be acceptable and should be secured via condition. A condition should also be attached to secure the details of the electric vehicle charging points equipment and to ensure their provision.

Other

- 8.12 The Highway Authority have recommended that a travel plan monitoring fee (£10,000) and a contribution to a Traffic Regulation Order (TRO) (£12,000) are secured via a legal agreement. The contribution would be utilised by the County Council to explore the possibility of implementing parking restrictions along Rowley Bank through the TRO. These are considered to be necessary to the acceptability of the scheme and therefore should be secured. The applicant is agreeable to these and has agreed to enter into a legal agreement. This should be resolved prior to the issuing of any approval.
- 8.13 The Highway Authority have recommended that a Construction Environmental Management Plan (CEMP) is secured, to include details of construction and delivery hours, contractor compound, contractor access and dust and mud control. Given the site's location in close proximity to residential properties this is considered to be reasonable and necessary and should be secured via condition. As the scheme includes the demolition of buildings the Environmental Management Plan should cover both demolition and construction phases.
- 8.14 The development, subject to conditions, is considered to be adhere with the development plan and NPPF in this regard and is acceptable with regards to parking, access and highway safety.

Policies and Guidance:

National Design Guide (NDG)

National Planning Policy Framework, December 2023 (NPPF)

Section 9

The Plan for Stafford Borough (TPSB) 2011-2031

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

9.0 Flooding and Drainage

- 9.1 Policy N1 states that development should not be located in areas of flooding or contribute to flooding elsewhere. Policy N2 also requires developments to provide sustainable drainage systems. Policy Stafford 1 reiterates this and also states that development should not harm but enhance watercourses in the town.
- 9.2 The site is located within flood Zone 1 and as such is at the lowest risk of flooding. During the consideration of the application additional information was provided to address the Lead Local Flood Authority's (LLFA) comments. The LLFA advise that the submitted Flood Risk and Drainage Strategy demonstrates that a surface water outfall and drainage design is achievable in principle. The proposed drainage scheme will utilise ground infiltration and an infiltration tank. The LLFA now have no objections subject to a condition to secure the final detailed surface water drainage design. This is considered to be reasonable and necessary and should be attached.

- 9.3 Subject to adhering to conditions the proposal is considered to be acceptable with regards to flooding and drainage and adheres to the development plan and NPPF in this regard.

Policies and Guidance:

National Planning Policy Framework, December 2023 (NPPF)

Section 14

The Plan for Stafford Borough

Policies Stafford 1 (Stafford Town), N1 (Design), N2 (Climate Change), N4 (The Natural Environment and Green Infrastructure)

10.0 Arboriculture and Landscaping

- 10.1 Policy N5 requires development to retain and integrate healthy, mature trees and replace any trees that need to be removed. Policy N1 requires development to retain significant landscaping features and create new biodiversity areas. Policy N4 requires all new developments to be set within a well-designed attractive green setting and that the natural environment be protected and new development where damage to the natural environment is unavoidable provides appropriate mitigation.
- 10.2 The site contains a significant tree belt along the eastern boundary adjacent to Rowley Bank, and a number of these trees are subject to a Tree Preservation Order (TPO). During the consideration of the application amendments were sought to reduce the impact upon the trees, especially the tree belt which is visually important.
- 10.3 The Tree Officer now has no objections to the scheme and considers "*the site layout is as acceptable as possible, given the applicants aspirations, the trees and existing site layout*". The Tree Officer has requested that a detailed Arboricultural Method Statement and Tree Protection Plan is secured via condition to ensure that the retained trees are suitably protected. This is considered to be reasonable and should be attached.
- 10.4 With regards to landscaping, the scheme proposes planting along the boundaries and to enhance the tree belt along the frontage. A number of trees were previously removed on site, some with TPO consent and as such there is a requirement for replacement planting. The Tree Officer has raised concerns regarding the proposed landscaping, particularly the species selection and replacement tree planting. It is considered that the proposed landscaping is acceptable in principle but requires further amendments which can be secured via a condition. A condition should also be attached to ensure the retention of the landscaping.
- 10.5 Subject to adhering to conditions the proposal is considered to be acceptable with regards to arboriculture and landscaping and adheres to the development plan and NPPF in this regard.

Policies and Guidance:

National Planning Policy Framework, December 2023 (NPPF)

Section 15

The Plan for Stafford Borough

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

11.0 Ecology

- 11.1 Policy N4 states that the natural environment will be protected and that new development where damage to the natural environment is unavoidable must provide appropriate mitigation. Policy N1 requires development to retain significant biodiversity and landscaping features and create new biodiversity areas. To comply with the guidance contained within the NPPF and the Council's biodiversity duty new development must therefore demonstrate that it will not result in the loss of any biodiversity value of the site.
- 11.2 The submission includes a Preliminary Ecological Appraisal (PEA) and a Bat Report. The PEA concludes that the development is unlikely to negatively impact upon badgers, birds, mammals or reptiles. The PEA recommends that bird boxes are provided within the scheme and that the landscaping provides additional habitats. The Bat Report concludes that the buildings provide day roosts for Common Pipistrelle bats and as such the report provides recommended methods of working and mitigation measures, including the provision of bat boxes within the site.
- 11.3 The Council's Biodiversity Officer concurs with the findings of these reports and requests that the methods of working are adhered to. A suitably worded condition would secure this. A condition should also be attached to ensure that the landscaping provides biodiversity enhancements including the provision of bat and bird boxes.
- 11.4 The application was submitted before the introduction of new Biodiversity Net Gain (BNG) legislation and is therefore exempt. However, the proposed landscaping of the site would provide habitat creation opportunities.
- 11.5 Subject to adhering to conditions the proposal is considered to be acceptable with regards to ecology and adheres to the development plan and NPPF in this regard.

Policies and Guidance:

National Planning Policy Framework, December 2023 (NPPF)

Section 15

The Plan for Stafford Borough

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

12.0 Cannock Chase SAC

- 12.1 Policy N6 states that development which has a direct or indirect adverse impact upon the integrity of the Cannock Chase SAC, and the effects cannot be mitigated, will not be supported.
- 12.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017 the Local Planning Authority (LPA), as the competent authority, must have further consideration to the impact of this development due to the relative proximity of the Cannock Chase SAC. The LPA have completed a Habitats Regulation Assessment which concludes that given the nature of the proposal and its intended occupants, the development is not considered have an adverse effect upon the integrity of the Cannock Chase SAC. On this basis, it is concluded that the LPA have met its requirements, as the competent authority, as required by the Regulations and therefore the proposal complies with the requirements of the Development Plan and the NPPF in this regard.

Policies and Guidance:

National Planning Policy Framework, December 2023 (NPPF)

Paragraphs 185-188

The Plan for Stafford Borough (TPSB) 2011-2031

N6 (Cannock Chase Special Area of Conservation (SAC))

13.0 Planning Balance and Conclusion

- 13.1 The development would provide additional specialist care accommodation within the Borough and would provide general economic and social benefits. The scheme, subject to compliance with conditions, would not adversely impact upon residential amenity, ecology, arboriculture, the Cannock Chase SAC, nor highway safety.
- 13.2 The development would result in the loss of non-designated heritage assets, contrary to Policies N1(h) and N9. However, the overall benefits of the scheme are considered to outweigh this loss and conflict with the development plan. During the determination of this application, consideration has also been had to a recent appeal decision for the development of a care home which resulted in the loss of a non-designated heritage asset (21/34912/FUL, appeal ref: APP/Y3425/W/23/3326519).
- 13.3 The application is therefore recommended for approval subject to conditions and the completion of a legal agreement to secure a travel plan monitoring fee and Traffic Regulation Order contribution.

CONSULTATIONS

SBC Tree Officer:

18 July 2024:

No objection, subject to conditions to secure a detailed arboricultural method statement and landscaping scheme.

The site layout is considered as acceptable as possible given the applicants aspirations, the trees and the existing site layout. There is more detail needed for the Arboricultural information (Arboricultural Method Statement and Tree Protection Plans).

10 May 2024:

Objection, significant impact on protected trees on this site and the inability of the proposals to allow for the required replacement tree planting. Various issues with Arboricultural Impact Assessment, Arboricultural Method Statements, Tree Protection Plan and Landscaping Plan. Whilst previously it was felt that this application could be implemented subject to suitable Arboricultural Methods, the latest amendments, including Landscape and Arboricultural information are of greater impact and unsuitable for this site. It is likely that the proposals will result in the loss of many of the protected trees on this site.

1 February 2024:

Recommend conditions to secure an arboricultural method statement and tree protection plan, and to ensure a five year retention for landscaping. The two additional car parking spaces need to be relocated to avoid excessive impact on retained trees. Additional information required within the Arboricultural Impact Assessment, Arboricultural Method Statements and Tree Protection Plan.

23 November 2023:

Recommend conditions to secure an arboricultural method statement and tree protection plan, and to ensure a five year retention for landscaping. The three additional car parking spaces need to be relocated to avoid excessive impact on retained trees. Additional information required within the Arboricultural Impact Assessment, Arboricultural Method Statements and Tree Protection Plan.

10 April 2023:

Recommend conditions to secure an arboricultural method statement and tree protection plan, and to ensure a five year retention for landscaping. Additional information required within the Arboricultural Impact Assessment, Arboricultural Method Statements and Tree Protection Plan.

17 December 2022:

Objection. The submitted Arboricultural Impact Assessment and Arboricultural Method Statements submitted are not considered acceptable and further information is required.

SBC Design Advisor:

19 April 2023:

Concern of relationship between proposal and rear garden of 50 Rowley Bank, overlooking to Beechcroft residential care home. Bin store now in a prominent position, as such the means of enclosure need considering.

16 November 2023:

The reduction to two-storey is positive however the footprint has increased. A suitable landscaping scheme is required which provides year-round visual screening. Recommend amendments to first floor materials. Concern regarding overlooking of neighbouring properties.

15 November 2022:

Objection. Further design context work is required, the proposed design is inappropriate (significantly dominate and overbearing), loss of Victorian Villas is unfortunate. Recommend a two-storey design. Accept the proposed materials. Require information regarding roof-top plant.

SBC Environmental Health Team:

6 August 2024:

Accept the findings within the submitted plant noise assessment and road traffic assessment, recommend that the noise mitigation measures detailed within the reports are secured via condition.

9 May 2024:

The request for an additional noise report still stands. The report should assess the impact of the development upon existing residents, with regards to plant/machinery. The layout plans have been amended as such an updated noise survey is required taking into account any adverse impacts on existing residential properties in close proximity to the development from the inclusion of a cinema; and noise sensitive areas/rooms within the development adjoining or near to the cinema and any areas housing plant/machinery e.g., kitchen, laundry rooms.

21 April 2022:

A further noise assessment is required prior to determination.

No objection, recommend conditions relating to: construction and delivery hours, on-site burning, material disposal, dust control, road sweeping, external equipment, noise screening, external lighting, drainage, external plant, demolition statement,

The recommendations and conclusions of the submitted Noise Assessment and Contaminated Land Risk Report should be adhered to.

SBC Conservation Officer:

9 October 2023:

Objection, the primary conservation objections to the proposed development remain and many points have been left unaddressed, or where they are addressed, it is by means of sweeping statements and not backed by any evidence. The conservation comments dated 16 January and 29 March 2023 remain wholly relevant, and the conservation objection to the proposed development is maintained.

29 March 2023:

Objection, the amended plans do not address previous concerns. Additionally, two large purpose built care homes in walking distance are closing. Demolition of existing heritage assets when there are vacant, viable modern buildings available is wholly unacceptable and unjustified.

16 January 2023:

Objection. The proposals would result in substantial harm resulting in the complete loss of two non-designated heritage assets, without sufficient evidence to demonstrate that the public benefits of the proposals would outweigh the harm caused by the loss of the heritage asset and the potential climate impacts of their demolition and replacement with a substantial new building.

SBC Biodiversity Officer:

29 March 2023:

The submitted bat surveys concludes the presence of small day roosts. The recommended mitigation measures should be adhered to (bat boxes, working method statement, ecologist supervision, external lighting).

18 October 2022:

The recommendations of the submitted Preliminary Ecology Appraisal and Roost Assessment should be adhered to. Bat surveys are required prior to determination.

SCC Highway Authority:

5 September 2024:

No objection, subject to conditions to ensure provision of access, parking, servicing and turning areas, and to secure a travel plan and construction management plan. Request a travel plan monitoring fee of £10,000 and a contribution towards TRO of £12,000.

No objections to location of the footway, however note the width of the footpath will cause additional conflict between pedestrians and vehicles. An updated access drawing is required to ensure that the proposed footpath connects directly to the public footpath.

Although it does not affect the overall parking arrangements, it must be noted that Highways do not support tandem parking within a commercial setting as it reduces the effective parking provision.

23 July 2024:

Objection, the proposed development would exacerbate the risk of pedestrian/vehicle conflict by reason of the proposed revised footpath between the home and Rowley Bank is not of sufficient width to allow 2 wheelchairs or residents being escorted to safely pass each other, causing pedestrians to walk on the roadway leading to an increase in the likelihood of danger to highway users.

Highways do not support tandem parking within a commercial setting, this revision will reduce the effective parking provision of the development. No objections to the location of the proposed footpath. Footpath needs to be a minimum width of 1.8m.

16 May 2024:

No objection, subject to conditions to ensure provision of access, parking, servicing and turning areas, visibility splays, and to secure a travel plan and construction management plan. Request a travel plan monitoring fee of £10,000 and a contribution towards TRO of £12,000.

The scheme would provide 40 parking spaces. Whilst this is an under-provision consideration is given to the sites connectivity and the proposed travel plan. Recommend a contribution is secured towards a Traffic Regulation Order (TRO) to implement parking restrictions along Rowley Bank. The proposed access points are suitable, these should be signed to ensure the one way system is implemented.

1 November 2023:

Objection.

29 March 2023:

The submitted Technical Note is insufficient to address concerns.

31 January 2023:

The submitted Technical Note is insufficient to address concerns.

18 October 2022:

Objection. The proposal fails to provide sufficient off-highway parking to serve the proposed development and therefore increases the likelihood of highway danger and safety due to the potential increase of vehicles being parking on the surrounding public highway including nearby highway grass verge and footways.

SCC Lead Local Flood Authority:

13 June 2024:

No objection, subject to a condition to secure the final detailed surface water drainage design. The submitted Flood Risk and Drainage Strategy demonstrates that a surface water outfall and drainage design is achievable in principle. The scheme will utilise ground infiltration, an infiltration tank and a connection to STW network.

9 April 2024:

Objection. Insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed. Require various updates regarding infiltration rates.

3 January 2024:

Objection. Insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed. Require the technical note to be amended (along with the drainage design and appropriate calculations) to demonstrate infiltration rates that have been calculated in accordance with BRE 365 Infiltration Testing requirements and to demonstrate an appropriate factor of safety in line with the Ciria Suds Manual.

4 December 2023:

Objection. Insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed.

17 October 2022:

Objection. Insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed.

SCC Archaeology:

12 April 2023:

Concur with the conclusions of the submitted Archaeological Heritage Assessment and Rapid Building Appraisal with regards to the low potential for archaeological remains across the site. Agree with views of the Conservation Officer. If the application is approved recommend a condition to secure a programme of historic building.

Cadent:

11 April 2022:

No objection, provide an informative to be included on decision notice.

Police Designing Out Crime Officer:

18 October 2022:

No objections, provide security recommendations including boundary treatments, landscaping, lighting, external storage, cycle store, CCTV.

National Amenity Societies:

Consultation expired 09 May 2024 – no response received.

Neighbours:

(23 originally consulted): 53 responses received from 28 addresses.

51 objections and a petition with 110 signatures, material planning considerations summarised below:

- Highway safety
- Increase traffic volumes on an already congested road
- Lack of parking on site, resulting in on street parking
- Poor access visibility
- Residential amenity
- Loss of light
- Noise
- Odour from kitchens
- Demolition and construction disturbance – noise, dust, security
- Loss of privacy, overlooking
- Impact upon views
- Light pollution
- In close proximity to dwellings
- Design
- Inappropriate development in area
- Incongruous, out of character, detrimental impact upon streetscene
- Amendments are an improvement but still less than adequate, welcome reduction to two storeys

- The proposed building is too large and out of proportion, would have a detrimental impact upon the streetscene
- Scale, mass and design incongruous
- Overdevelopment
- Over dominant within streetscene
- Incongruous in streetscene
- Loss of historic buildings
- The historic buildings should be preserved
- The buildings should be retained and reused
- Concur with Conservation Officers comments
- The buildings have already been stripped internally
- Implications of infill development
- Environmental impact
- Removal of and impact upon mature trees
- Trees were cut down prior to development
- Additional trees should be planted around site boundary for screening
- Impact upon wildlife, loss of habitat
- Carbon emissions from demolition and construction
- Rear boundary wall needs to be rebuilt once buildings are demolished and made secure
- Lane to rear of site should not be used during construction
- There is already a modern vacant care home on Rowley Park, no reason to demolish these buildings to build more
- No need for another care home, as others nearby have closed and more are proposed
- Impact upon local GP and NHS services
- Existing staff shortages within the care sector
- Intensification of use of site
- Contrary to Local Plan

1 support, material planning considerations summarised below:

- Vacant buildings are attracting anti-social behaviour, proposal would remedy this
- Improve the look of the area
- Support trade for local businesses

1 neutral.

PUBLICITY

Site Notice expiry date: 27 June 2022

Newsletter Advert expiry date: 05 July 2023

RELEVANT PLANNING HISTORY

Various history relating to care home use of buildings

Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed below, except insofar as may be otherwise required by other conditions to which this permission is subject;

AL(9)900	Site Location Plan,
AL(1)901	Existing Site Plan,
AL(1)902 Rev P	Proposed Site Plan,
AL(9)903 Rev G	Proposed Site Plan Boundary Treatment,
AL(9)904 Rev D	Proposed Cycle Store Plan,
AL(9)905 Rev B	Proposed Refuse Store Plan,
AL(9)906 Rev B	Existing and Proposed Site Sections,
AL(1)100 Rev L	Proposed Ground Floor Plan,
AL(1)101 Rev L	Proposed First Floor Plan,
AL(1)102 Rev M	Roof Space Plan,

AL(1)103 Rev M Proposed Roof Plan,
 AL(1)140 Rev N Proposed Elevations,
 AL(1)141 Rev N Proposed Elevations,
 RBS L1 rev N (Landscape proposals).

3. Before the development hereby approved is commenced (including demolition), a revised access plan shall be submitted to and approved in writing by the Local Planning Authority. The access plan shall be a revision of drawing F2180/02 Rev E and show the pedestrian path in the correct location, including its connection to the adopted public footpath. The internal pedestrian access path shall thereafter be provided before the development is first brought into use.
4. Before the development is first brought into use, the vehicle accesses, parking, bin storage, cycle storage, turning areas and visibility splays shall be provided in accordance with the approved plans and thereafter retained as such for the life of the development. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
5.
 - A) Before the development hereby approved is commenced (including demolition), a written scheme of archaeological building recording ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site including post-fieldwork reporting and appropriate publication.
 - B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological building recording approved under provision A of this condition
 - C) The site investigation and post excavation assessment shall be completed in accordance with the approved written scheme of archaeological investigation approved under provision A of this condition and provision made for analysis, publication and dissemination of the results.
6. Before the development hereby approved is commenced (including demolition), a Demolition and Construction Management Plan (DCMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCMP shall include, but not limited to, details relating to:
 - a) method of demolition,
 - b) construction access,
 - c) hours of construction (not exceeding 08:00-18:00 Monday to Friday; 08:00-14:00 Saturdays and not at all on Sundays or bank holidays),

- d) delivery times (not exceeding 08:00-18:00 Monday to Friday; 08:00-14:00 Saturdays and not at all on Sundays or bank holidays),
- e) routing of HGV's,
- f) the location of the contractors' compounds, cabins, material storage areas and contractors parking,
- g) a scheme for the management and suppression of dust and mud, including the provision of a vehicle wheel wash and road sweeping,
- h) noise mitigation screening.

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

7. Before the development hereby approved is commenced (including demolition), details of ecological mitigation and enhancements, including a timetable of delivery, shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall be informed by the recommendations within section 4.3 of the Bat Presence / Absence Survey (ref: UES03876/01, dated 4 November 2022, produced by United Environmental Services Ltd), and section 5.4 of Preliminary Ecological Appraisal (ref: 2021-05(07), dated 25 January 2022, produced by Ecolocation). The ecological mitigation and enhancements shall thereafter be provided in accordance with the approved details and associated timetable of delivery and shall thereafter be retained for the life of the development.
8. Before the development hereby approved is commenced (including demolition, site clearance works or any equipment, machinery or materials are brought onto site), an Arboricultural Method Statement and corresponding Tree Protection Plan, covering all aspects of development that are within the root protection areas of retained trees, or that have the potential to result in damage to retained trees, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan until the completion of all construction related activity.
9. Before the development hereby approved is commenced (excluding demolition), a final detailed surface water drainage design shall be submitted to and approved in writing by the Local Planning Authority. The final design shall conform to the design detail summarised in the Flood Risk and Drainage Strategy Document (project Number 22048, Revision P1, 28 May 2024) and as shown upon drainage drawing 22048-ARC-XX-XX-DR-D-5001-T14.

The design shall further demonstrate:

- Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements.

- Performance calculations shall demonstrate the performance of the designed system and attenuation storage for a range of return periods and critical storm durations (15 minutes up to 48 hours), to include as a minimum the 1:2 year, 1:30 year and the 1:100-year plus climate change return periods.
- Finished floor levels are to be set 150mm higher than ground levels to mitigate the risk from exceedance flows (i.e., blocked gullies etc). Where level access is required for emergency/ disabled access, the surrounding ground level shall slope away from the finished floor level of the property. The design shall also include infrastructure to intercept surface water flows to mitigate against the risk of surface water inundation.
- Provision of an acceptable management and maintenance plan to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development. To include the name and contact details of the body(-ies) responsible.
- Provision of an acceptable Surface Water Management Plan (SWMP) to demonstrate the temporary measures to be undertaken to intercept, store and discharge of surface water generated by the site during any demolition and construction phases.

The development shall thereafter be implemented in accordance with the approved details before the development is first brought into use and thereafter retained as such for the life of the development.

10. Notwithstanding the details submitted, before the development hereby approved is commenced (excluding demolition), a detailed soft landscaping scheme, expanding upon drawing RBS L1 rev N (Landscape proposals), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to:
- details and location of proposed planting including a maintenance schedule to ensure the trees establish;
 - details demonstrating how the planted trees shall have enough ground suitable for unrestricted root growth for the planted trees to their approximate maximum perceived crown spread and to a depth of 600mm - 1000mm.

The approved landscape and planting scheme shall thereafter be implemented within eight months of the development being brought into use. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.

11. Notwithstanding any description/details of external materials in the application documents, before the care home building is constructed above slab level, details of all external materials to be used in the construction of the building, together with a plan showing their distribution, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in

accordance with the approved details and retained as such for the life of the development.

12. Before the development hereby approved is first brought into use, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be occupied/operated in accordance with the approved details.
13. Before the development hereby approved is first brought into use, a Travel Plan, expanding upon the Framework Travel Plan (Revision A, dated September 2023, produced by Bancroft Consulting) shall be submitted to and approved in writing by the Local Planning Authority. Upon first use of the development the approved Travel Plan shall be implemented and monitored in accordance with the targets and timescales contained therein.
14. Before the development hereby approved is first brought into use, details of the electric vehicle parking charging points shall first be submitted to and approved in writing by the Local Planning Authority. The electric vehicle parking charging points shall thereafter be installed in accordance with the approved details before the first use of the development and retained as such for the life of the development.
15. Before the development hereby approved is first brought into use, details of the design and materials for the gazebo, potting shed and store shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained as such for the life of the development.
16. Before the development hereby approved is first brought into use, glazing, ventilation and acoustic mitigation measures shall be provided in accordance with the specifications in Sections 6 of the submitted 'Noise Assessment' (dated 26 January 2022), 'Road Traffic Noise Assessment' (dated 2 July 2024) and Plant Noise Assessment (dated 17 July 2024), (all produced by Auracle Acoustics). The glazing, ventilation and acoustic mitigation measures shall thereafter be retained as such for the life of the development.
17. Before the development hereby approved is first brought into use, the one way system signage shall be installed in accordance with the details shown on the approved access plan pursuant to condition 3 of this permission. The one way system signage shall thereafter be retained as such for the life of the development.
18. No external plant shall be installed within the site, unless and until details of the location, design, materials and noise output of the plant have first been submitted to and approved in writing by the Local Planning Authority. The approved external plant shall thereafter be installed and maintained in accordance with the approved details and retained as such for the life of the development.
19. Before the installation of the roof solar panels, full details of the solar panels shall be submitted to and approved in writing by the Local Planning Authority. The approved solar panels shall thereafter be provided in accordance with the approved details and retained as such for the life of the development.

20. Before the installation of any external lighting, full details of any external illumination of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- The location of all units of external illumination,
 - The design and height of all units of external illumination together with any mitigation features such as cowls,
 - Levels of illumination and light spread.

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

21. The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working, which are detailed within section 4.3 of Bat Presence / Absence Survey (ref: UES03876/01, dated 4 November 2022, produced by United Environmental Services Ltd), and section 5.3 of Preliminary Ecological Appraisal (ref: 2021-05(07), dated 25 January 2022, produced by Ecolocation).
22. The development hereby approved shall be carried out in strict accordance with the recommendations detailed within the submitted Phase 2 Ground Investigation (produced by Geotechnical and Environmental Consultants, ref: 12008OR01/March 2022).

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. In order to ensure that the adequate access arrangements are provided in the interests of the convenience and safety of users of the highway. (Policy T2 of The Plan for Stafford Borough).
4. In order to ensure that the access arrangements and off-street facilities are provided in the interests of the convenience and safety of users of the highway. (Policy T2 of The Plan for Stafford Borough).
5. In order to afford proper archaeological investigation recording and protection. (Policy N9 of The Plan for Stafford Borough).
6. To safeguard the amenity of existing residents and in the interests of the convenience and safety of users of the highway. (Policies N1e and T2 of The Plan for Stafford Borough).
7. To safeguard existing habitats and biodiversity and to encourage enhancements in biodiversity and habitat. (Policies N1 and N4 of The Plan for Stafford Borough).

8. To protect the trees and vegetation to be retained. (Policies N1 and N4 of The Plan for Stafford Borough).
9. To ensure the provision of adequate drainage facilities and to reduce the risk of surface water flooding. (Policies N1 and N2 of The Plan for Stafford Borough).
10. To ensure the satisfactory appearance of the development, to encourage enhancements in biodiversity and habitat, and to ensure that any initial plant losses are overcome in order to secure enhancements in biodiversity and habitat. (Policies N1 and N4 of The Plan for Stafford Borough).
11. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
12. To ensure the management of the parking spaces in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
13. To promote sustainable travel and in the interests of highway safety. (Policy T1 of The Plan for Stafford Borough).
14. To ensure the satisfactory appearance of the development and to promote sustainable travel. (Policies N1 and T1 of The Plan for Stafford Borough).
15. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
16. To safeguard the amenity of existing residents and future occupants of the development. (Policy N1e of The Plan for Stafford Borough).
17. In order to ensure that the adequate access arrangements in the interests of the convenience and safety of users of the highway. (Policy T2 of The Plan for Stafford Borough).
18. To ensure the satisfactory appearance of the development and to safeguard the amenity of existing residents and future occupants of the development. (Policies N1 e, g and h of The Plan for Stafford Borough).
19. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
20. To safeguard the amenity of existing residents and future occupants of the development. (Policy N1e of The Plan for Stafford Borough).
21. To safeguard existing habitats and biodiversity and to encourage enhancements in biodiversity and habitat. (Policies N1 and N4 of The Plan for Stafford Borough).
22. To ensure that all contaminated land issues on the site have been adequately addressed. (Paragraph 189 of the National Planning Policy Framework).

Informatives

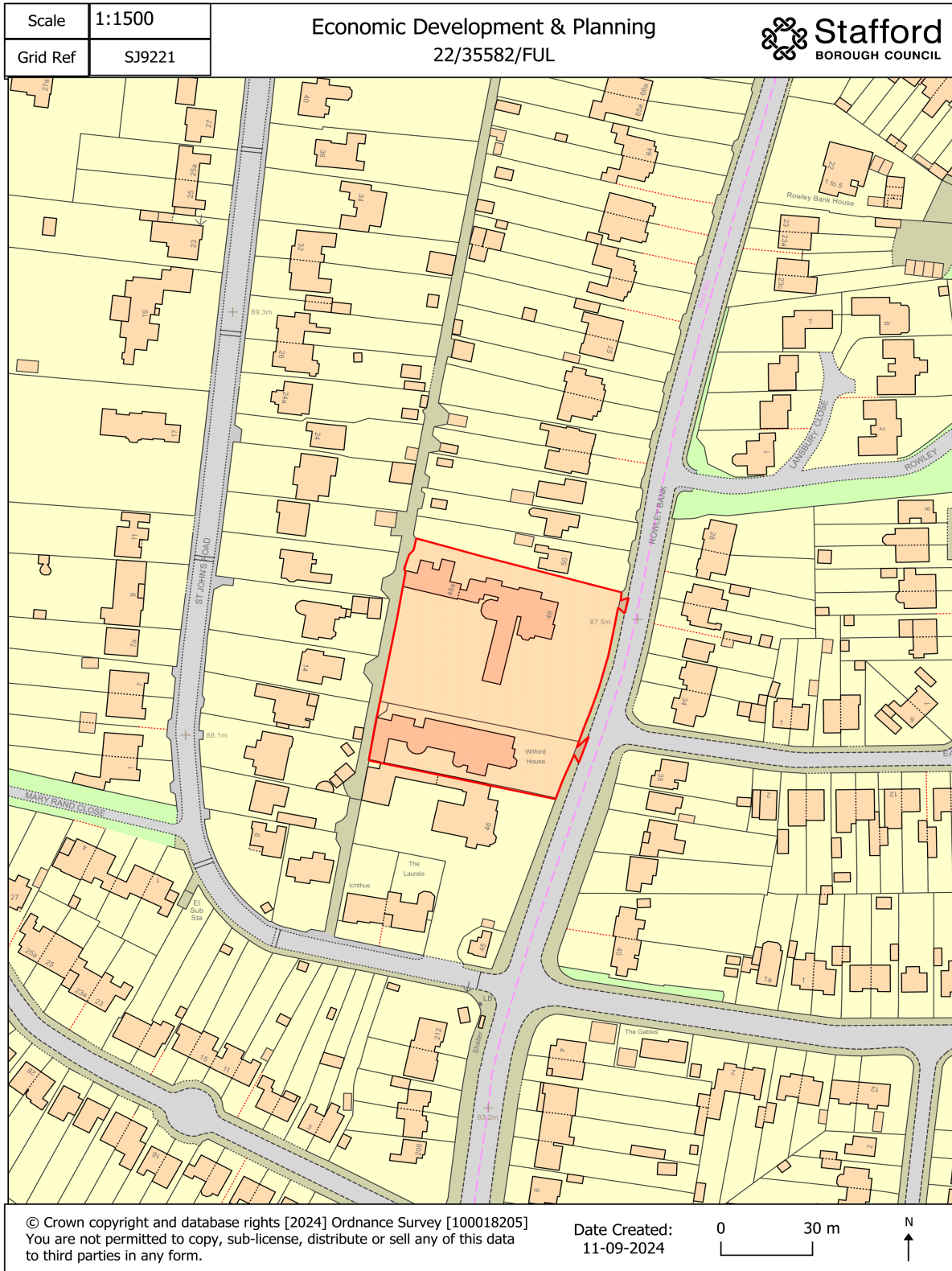
1. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
2. This permission does not grant or imply consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or subsequent legislation.
3. The applicant is advised to note and act upon as necessary the comments of the Police (Designing Out Crime Officer) dated 18 October 2022.
4. Any 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
5. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant/developer must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant/developer should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions .

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

You are advised to read the full comments of Cadent dated 11 April 2022. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

6. The Applicant/Developer is advised to take note of the legal agreement signed in relation to this planning permission.

22/35582/FUL
47 and 48 Rowley Bank
Rising Brook



Application:	23/38456/OUT
Case Officer:	Vanessa Blake
Date Registered:	25 January 2024
Target Decision Date:	21 March 2024
Extended To:	-
Address:	Land off The Rise, Walton on the Hill, Stafford ST17 0LH
Ward:	Milford
Parish:	Berkswich
Proposal:	Outline Application - Residential development of 5no. dwellings (access only)
Applicant:	Staffordshire County Council
Recommendation:	Approval, subject to conditions and the signing of a Unilateral Undertaking with regards to the Cannock Chase SAC

REASON FOR REFERRAL TO COMMITTEE

This application has been Called-in by Councillor P C Edgeller (Ward Member for Milford) for the following reasons:

"Last applied for in 2009 - But this area is now an unsuitable area for more housing

- 1. It is in a high density area next to a school*
- 2. Walton is much developed since 2009 - the Rise is major access road*
- 3. Risk to children's life due to entrance location".*

CONTEXT

1.0 Site and surroundings

- 1.1 The application site is located to the south of The Rise, close to the junction with the A513. The site is currently grassed and is used as an informal footpath linking The Rise with Selworthy Drive. There is a Yew tree within the western portion of the site protected under Tree Preservation Order 387 of 2006.
- 1.2 The site is predominantly surrounded by residential properties. There is a car garage on the opposite side of The Rise to the north and immediately to the east is a church with the access to Walton High School to the southeast. The land levels rise to the west and south.
- 1.3 The site is located within the designated settlement boundary of Stafford and is within Flood Zone 1 and 8km of the Cannock Chase Special Area of Conservation (SAC).

2.0 Background

- 2.1 Planning permission was granted in 2009 for the erection of five dwellings on this site under 09/11806/FUL. This permission was not implemented and has now lapsed.

3.0 Proposal

- 3.1 This application seeks outline permission for the erection of five dwellings with access for consideration at this stage. All other matters are reserved. A new vehicle access would be created from The Rise to serve the development.
- 3.2 An indicative layout has been submitted which shows how the site could be developed. The indicative layout shows an informal footpath linking The Rise to Selworthy Drive.
- 3.3 The proposal was amended during the consideration of the application with the omission of one dwelling. The original proposal was for six dwellings.

OFFICER ASSESSMENT - KEY CONSIDERATIONS

4.0 Planning policy framework

- 4.1 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.
- 4.2 The development plan for the purposes of this application comprises of The Plan for Stafford Borough 2011-2031 Part 1 and 2.

5.0 Principle of Development

- 5.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development which is echoed in Spatial Principle 1 of The Plan for Stafford Borough (TPSB). Paragraph 12 of the NPPF states that:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making...”

- 5.2 However, NPPF paragraph 188 states:

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

- 5.3 In this case the site falls within the catchment of the Cannock Chase Special Area of Conservation (SAC), therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the SAC will not be adversely affected, having regard to avoidance or mitigation measures. This issue is addressed later under section 11 of this report.

- 5.4 The site is located within the Stafford settlement boundary and is within close proximity to services, facilities and public transport routes. TPSB Spatial Policies and policy Stafford 1 support the provision of additional housing within the settlement of Stafford.
- 5.5 The Highway Authority have advised that the site was previously identified as within a possible route of the Stafford's Eastern Bypass. However, that scheme has now been abandoned and the land is surplus to the County Council's requirements. The land is not allocated within TPSB for highway improvements nor as open space.
- 5.6 Policy C1 seeks to provide an appropriate housing mix, the explanatory text states that there is a general need for smaller dwellings. The application is in outline form and the size of the dwellings would be considered at reserved matters stage.
- 5.7 The proposal will provide additional dwellings within a sustainable location and as such the principle of development is considered to accord with the Development Plan and NPPF.

Polices and Guidance:-

National Planning Policy Framework (NPPF)
Paragraphs 8, 11, 188

The Plan for Stafford Borough

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

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

SP3 (Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development), SB1 (Settlement Boundaries)

6.0 Access, Parking and Highway Safety

- 6.1 Policy T2 states that all new development must have a safe and adequate means of access and internal circulation; not have unacceptable highway safety impacts and provide sufficient parking provision.
- 6.2 Appendix B of TPSB sets different parking standards with dwellings of up to 3 bedrooms requiring the provision of 2 spaces and dwellings with 4 or more bedrooms having 3 spaces.
- 6.3 The development would be served by a singular vehicular access from The Rise which would be wide enough to serve two vehicles at one time.
- 6.4 The neighbours' and Parish Council's concerns regarding highway safety are noted although the Highway Authority have raised no objections to the proposed access and advise that sufficient visibility splays can be provided.
- 6.5 The Highway Authority further consider that the proposed access would not cause major highway safety issues nor impact upon road users or pedestrians. Whilst the access point is acceptable, a condition should be attached to any approval to secure the full details of the access, including width, radii and surface material. The

Highway Authority have recommended conditions to ensure the access and visibility splays are provided prior to first occupation. This is considered to be reasonable and necessary and should be attached. Whilst the Highway Authority have also requested a condition to ensure an access width of 4.2m the proposed access width exceeds this and on this basis such a condition is not considered to be necessary.

- 6.6 The Highway Authority have also requested conditions to secure details of the parking and turning areas and surfacing material, although these would be considered under future reserved matters applications should outline permission be granted.
- 6.7 The indicative layout shows the provision of a footpath through the site linking The Rise and Selworthy Drive. Whilst the existing informal footpath is not a designated public right of way the inclusion of a footpath within the scheme is welcomed. The Highway Authority have recommended a condition to secure the footpath within the scheme which is considered reasonable and should be attached.
- 6.8 With regards to parking provision, as this application is in outline form the parking layout and requirements would be assessed at reserved matters stage. However, it is considered that the site would be able to provide sufficient parking provision for 5 dwellings.
- 6.9 The Highway Authority have requested that a Construction Management Plan is secured via a condition and this includes a restriction on delivery times to avoid school start and finish times. As the site is located within a residential area in close proximity to the school access a Construction Management Plan is considered to be necessary and should be secured via a condition.
- 6.10 The Staffordshire Fire and Rescue Service have provided advice on a vehicle access requirements and an informative should be included to ensure that the applicant / developer is made aware of this.
- 6.11 The development, subject to conditions, is considered to be adhere with the development plan and NPPF and is considered to be acceptable with regards to parking, access and highway safety.

Policies and Guidance:-

National Planning Policy Framework (NPPF)
Section 9

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

7.0 Layout and Design

- 7.1 TPSB Policy N1 sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and to have high design standards. Policy N8 also states that new development should respect the character of the landscape setting, through design, layout and materials.

- 7.2 Whilst 'layout' is a reserved matter the submission includes an indicative layout. The neighbours' and Parish Council's concerns regarding design and layout are noted.
- 7.3 The Council's Design Advisor has advised that the site lies within a transitional area between three residential character areas. The area to the west is characterised by large detached individually designed dwellings whilst the area to the east is characterised by large semi-detached dwellings. Additionally, the area to the south is characterised by finer grained semi or link detached dwellings. The Design Advisor has raised concerns that the proposed layout would not be in keeping with any of these character areas and would introduce an additional character, which would be detrimental to the character of the area. The Design Advisor has recommended that the western character area be reflected in this scheme.
- 7.4 The comments of the Design Advisor are noted and it is agreed that the site is within a transitional area, however it is not considered necessary to impose a specific character on this scheme. This site is within a sustainable location and as such the delivery of smaller dwellings is welcomed as opposed to the recommendation of the Design Advisor to secure fewer larger dwellings. The proposed 5 dwellings are considered to be an appropriate level of development and an efficient use of the land given the size and shape of the site. The layout would however be assessed in full detail at reserved matters stage.
- 7.5 The design of the dwellings would also be assessed at reserved matter stage given that the area contains a variety of age and style of built form where it is considered that a suitable complementary dwelling design could be achieved.
- 7.6 Overall, it is considered that the quantum of development is acceptable and that a suitable layout and design could be achieved at reserved matters stage.

Policies and Guidance:-

National Planning Policy Framework (NPPF)
Section 12

The Plan for Stafford Borough (TPSB) 2011-2031
Policies N1 (Design), N8 (Landscape Character)

Supplementary Planning Document (SPD) - Design

8.0 Amenity

- 8.1 Policy N1 requires the design and layout of development to take account of noise and light implications and the amenity of adjacent residential areas. The Supplementary Planning Document (SPD) on Design also provides guidance on amenity standards including separation distances.
- 8.2 The neighbours' concerns regarding the impact upon residential amenity are noted. The indicative layout shows that each dwelling would have a garden size in excess of the standards set out within the Design SPD. The indicative layout also demonstrates that there would be sufficient space around each dwelling to provide sufficient amenity for future occupants.

- 8.3 It is noted that 100 Weeping Cross has a number of side windows which face the site which would be taken into consideration at reserved matters stage when assessing the layout and design of the proposed dwellings.
- 8.4 The Environmental Health Team have raised no objections to the scheme subject to a number of conditions. The conditions relating to the restriction of construction and delivery hours and the provision of noise screening are considered to be reasonable and necessary and should be attached. The recommended conditions relating to on-site burning and materials disposal are covered by other legislation. Details of lighting, drainage and bin storage and collection points would be secured at either reserved matters stage or by other recommended conditions.
- 8.5 The Environmental Health Team have also advised that the site is within a radon affected area and as such have requested that a radon survey is secured. This is considered to be reasonable and necessary and should be attached.
- 8.6 The proposal, at this stage, is considered to be acceptable with regards to amenity. A further detailed assessment would be carried out at reserved matters stage once the layout and design of the dwellings is known.

Policies and Guidance:-

National Planning Policy Framework (NPPF)
Paragraph 135

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

Supplementary Planning Document (SPD) - Design

9.0 Flooding and Drainage

- 9.1 TPSB Policy N1 states that development should not be located in areas of flooding or contribute to flooding elsewhere. Policy N2 also requires developments to provide sustainable drainage systems. Policy Stafford 1 reiterates this and also states that development should not harm but enhance watercourses in the town.
- 9.2 The neighbours' and Parish Council's concerns regarding drainage and flooding are noted. The site lies within Flood Zone 1 which is at the lowest risk of flooding. At this stage details of the proposed drainage are unknown and would be assessed at reserved matters stage when the layout is submitted for approval.
- 9.3 The Lead Local Flood Authority, whilst not a statutory consultee on this application, have recommended a condition to ensure that suitable drainage is provided. Severn Trent Water have also offered no objection to the scheme and recommend a condition to secure drainage plans prior to commencement. These conditions are considered to be reasonable and necessary and should be attached. Severn Trent Water have also recommended a note to the applicant, which should be included as an informative on any grant of outline permission.
- 9.4 Subject to adhering to conditions the proposal is considered to be acceptable with regards to flooding and drainage and adheres to the development plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework Sections 14

The Plan for Stafford Borough
Policies Stafford 1 (Stafford Town), N1 (Design), N2 (Climate Change), N4 (The Natural Environment and Green Infrastructure)

10.0 Ecology and Arboriculture

- 10.1 TPSB Policy N4 states that the natural environment will be protected and that new development where damage to the natural environment is unavoidable must provide appropriate mitigation. Policy N1 requires development to retain significant biodiversity and landscaping features and create new biodiversity areas. To comply with the guidance contained within the NPPF 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.
- 10.2 With regards to ecology, the submission includes a Preliminary Ecological Appraisal (PEA), which concludes that the development is unlikely to negatively impact upon protected species and/or habitats. The PEA includes recommended working methods and habitat enhancements.
- 10.3 The Council's Biodiversity Officer has raised no objections to the conclusions of the PEA but has advised that insufficient information has been provided with regards to how a net gain to biodiversity would be achieved. The Biodiversity Officer advises that landscaping should provide replacement trees and demonstrate a net gain to biodiversity. As this application is in outline form details of landscaping and habitat creation would be secured at reserved matters stage. It is also noted that this scheme is not subject to the mandatory biodiversity net gain requirements, as it was submitted prior to the legislation coming into force.
- 10.4 Conditions should be attached to ensure compliance with the working methods stated within the PEA. A condition should also be attached to secure the bat and bird boxes recommended by the Biodiversity Officer. An informative should also be included to ensure that any future landscaping has regard to the recommendations within the PEA.
- 10.5 With regards to arboriculture, the site contains a protected Yew tree within the western portion of the site (TPO 387 of 2006), which is a category 'A' tree. There are also a number of off-site and boundary trees. During the consideration of the application the Council's Tree Officer raised concerns regarding the impact upon the trees and as such one house was omitted from the scheme and further information submitted.
- 10.6 The Tree Officer now has no objections to the scheme subject to a detailed Arboricultural Method Statement being secured via condition. This would be informed by the final layout of the scheme. The Tree Officer has advised that the indicative layout shows that the protected tree would be unlikely to be impacted and that there would be some encroachment into the root protection areas of some of the off-site trees, however this could be mitigated through no-dig construction methods. As such, the submission demonstrates that 5 dwellings could be

accommodated on the site without negatively impacting upon on and off-site trees. Further assessment would be carried out at reserved matters stage once the layout and design of the dwellings are known. A condition should be attached to ensure that the layout has regard to the submitted tree constraints plan.

- 10.7 Subject to adhering to conditions the proposal is considered to be acceptable with regards to ecology and landscaping and adheres to the development plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework
Section 15

The Plan for Stafford Borough
Policies N1 (Design), N4 (The Natural Environment and Green Infrastructure),

11.0 Cannock Chase SAC

- 11.1 Policy N6 states that development which has a direct or indirect adverse impact upon the integrity of the Cannock Chase SAC, and the effects cannot be mitigated, will not be supported.
- 11.2 Policy N6 also sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured. The Council has adopted guidance acknowledging a 15 km Zone of Influence and seeks financial contributions for the required mitigation from residential developments within the 0-15km zone. The proposal lies within the 15km buffer of the Cannock Chase SAC and as such a financial contribution is required.
- 11.3 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority, as the competent authority, must have further consideration beyond the above planning policy matters to the impact of this development on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Council's Appropriate Assessment (AA) concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC. The applicant has agreed to a planning obligation to secure the financial contribution which needs to be signed prior to any approval being issued.
- 11.4 Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been duly consulted. Natural England concur with the conclusions of the LPA's AA and therefore offer no objections to the proposal.
- 11.5 On this basis, it is concluded that the LPA have met its requirements, as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs 185-188

The Plan for Stafford Borough (TPSB) 2011-2031
N6 (Cannock Chase Special Area of Conservation (SAC))

12.0 Conclusion and planning balance

- 12.1 The proposal would provide additional dwellings within a sustainable location. The development, subject to conditions, is not considered to have adverse impacts upon highway safety, ecology or arboriculture. Whilst layout would be secured at reserved matters stage, it is considered that the site is large enough to accommodate the proposed quantum of development whilst providing suitable amenity for both surrounding residents and future occupiers.

CONSULTATIONS

SBC Tree Officer:

16/8/24:

No objection, recommend a condition to secure a detailed Arboricultural Method Statement. Updated/correct information has been received. The most valuable tree, T2, is not really affected subject to suitable protection measures being provided. T1 would require a no-dig ground solution as there is some encroachment into the RPA. T4 and T5 may cause some shading. G1 has some encroachment into the RPA.

20/2/24:

Objection, impact on trees on and off site. Tree Constraints Plan includes inaccuracy of scale, crown spread and root protection areas. An Arboricultural Impact Assessment has not been submitted. The proposed layout appears to impact upon trees and the dwellings would be heavily shaded.

SBC Environmental Health Team:

2/2/24:

No objection, recommend conditions relating to: radon survey required, restriction of delivery and construction hours, prevent burning, materials disposal, dust control, external equipment, noise screening, site lighting, drainage, bin storage and collection.

SBC Biodiversity Officer:

20/2/24:

Insufficient information regarding biodiversity net gain.
The submitted survey concludes that no significant species were identified.
Recommend condition regarding nesting birds, excavations, bat and bird boxes.
Landscaping must indicate how BNG will be achieved. Trees should be retained where possible and any losses compensated with new planting.

SBC Design Advisor:

12/4/24:

Indicative layout not in keeping, would be detrimental to the character and quality of the area. Recommend replicating the western typology which would bring greater cohesion and unity to the localities sense of place and identity. Note that there are tree constraints on site.

Suggest a layout similar to previously approved scheme (09/11806/FUL) which is considered as a more sensitive response to the defining characteristics of the locality.

SCC Highway Authority:

30/5/24:

No objections, subject conditions relating to the footway link, visibility splays, access, parking and turning areas, drainage, surfacing materials and a construction management plan.

The site was previously identified as within a possible route of Stafford's eastern bypass, however that scheme has been abandoned, the land is surplus to the County Council's requirements. The proposed access is acceptable and can provide sufficient visibility. The site can provide sufficient parking provision. The scheme includes the provision of a footway across the site.

SCC Lead Local Flood Authority:

13/2/24:

Non-statutory consultee, recommend a condition to ensure suitable surface water drainage.

Natural England:

9/5/24:

No objection subject to securing appropriate mitigation. Concur with conclusions of Appropriate Assessment with regards to the Cannock Chase SAC.

Severn Trent Water:

19/2/24:

No objections subject to a condition to secure drainage plans.

Staffordshire Fire and Rescue Service:

7/2/24:

Provides advice regarding vehicle access and sprinklers.

National Grid Electricity Transmission:

17/7/24:

There may be NGED assets in the vicinity of the development, suggest that the developer contacts NGED prior to any works commencing. Provides advice.

11/6/24:

No National Grid Electricity Transmission assets affected.

Cadent:

Consultation expired 20/2/24 – No response received

Parish Council:

8/2/24: Objection:

- Highway safety concerns due to proposed access location. Existing junction already busy.
- Design and layout incongruous, cause harm to existing surrounding development.
- Additional surface water run-off will exacerbate existing flooding issues on The Rise.

No objection in principle to residential use on this site.

Reconsideration required regarding access, design, surface water drainage.

Neighbours:

(24 consulted): 6 objections received. Material planning considerations summarised below:

- Traffic - Road is already congested
- Highway safety
- Existing dangerous, busy junction especially during school pick up/drop off
- Proposed access is in awkward location
- Pedestrian safety concerns
- School children use this as a pedestrian route
- The site is effectively a public right of way
- Lack of public transport will mean occupants would use cars to access town centre
- Over development
- Design in rural location
- Loss of green space used as pedestrian link
- Not in keeping with existing detached properties and character of the area
- Adverse impact on appearance of area
- Plot six will be dominating and overbearing
- Detrimental impact upon residential amenity
- Noise
- Loss of light
- Impact upon view
- Impact upon church
- Overlooking, loss of privacy
- Exacerbate existing flooding and drainage issues
- Implications of infill development

Publicity

Site Notice expiry date: 17.05.2024

Relevant Planning History

09/11806/FUL - Construct 5 no. detached houses with private drive – Approved
16.07.2009

04/01971/OUT - Residential development (Outline) – Refused 26.07.2004, Appeal allowed
20.04.2005

Western portion of site:

06/06575/OUT - Form 2 and a half storey house and detached garage in the rear gardens
of 98 and 100 Weeping Cross – Refused 28.07.2006, Appeal allowed 11.04.2007

Recommendation

Approve subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. This is an outline planning permission and before the development is commenced details of the layout of the site (including the disposition of roads, buildings, parking and open spaces), the scale of the buildings, the appearance of the buildings (including materials to be used on all external surfaces), and the landscaping of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
4. The development shall be carried out in complete accordance with the approved plan (Location plan, ref 7297) and specification, except insofar as may be otherwise required by other conditions to which this permission is subject.
5. No development shall commence unless and until, details of the vehicle access, (including width, radii, surfacing material, drainage, visibility splays of 2.4m by 43m, have been submitted to and approved in writing by the Local Planning Authority. The access and associated visibility splays shall thereafter be provided in accordance with the approved details prior to first occupation of the dwellings and be retained as such for the life of development. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
6.
 - A) No development shall be commenced unless and until the site has been subjected to a radon survey and a report submitted to and approved in writing by the Local Planning Authority. The report shall identify any radon on the site, any necessary remediation works and the methodology used.
 - B) The remediation scheme shall thereafter be implemented in full in accordance with the details approved under provision A of this condition.
 - C) Prior to the occupation of any part of the development, a verification report demonstrating the full implementation of any remediation scheme approved under provision B of this condition shall be submitted to and approved in writing by the Local Planning Authority.
7. Before the development hereby approved is commenced (including any ground works, construction activities and deliveries to the site of any materials or equipment), an Arboricultural Method Statement, covering all aspects of development that are within the root protection areas of retained trees, or that have the potential to result in damage to retained trees, shall be submitted to and approved in writing by the Local Planning Authority. The measures within the approved Arboricultural Method Statement shall be implemented and maintained until the completion of all construction related activity.

8. Before the development hereby approved is commenced, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details relating to:
- (a) construction access,
 - (b) hours of construction (not exceeding 08:00 and 18:00 Monday to Friday; 08:00 to 14:00 Saturdays and not at all on Sundays or bank holidays),
 - (c) delivery times (avoiding school start and finish times, and not exceeding 08:00 and 18:00 Monday to Friday; 08:00 to 14:00 Saturdays and not at all on Sundays or bank holidays),
 - (d) routing of HGV's,
 - (e) the location of the contractors' compounds, cabins, material storage areas and contractors parking,
 - (f) a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash,
 - (g) construction noise mitigation screening.

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

9. Before the development hereby approved is commenced, full details of the proposed surface and foul water drainage system for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first occupation of the dwellings and retained as such for the life of the development.
10. This permission shall relate to the erection of no more than 5 dwellings.
11. The layout of the site shall include a 2m wide footway link between The Rise and Selworthy Drive and shall be informed by the Tree Constraints plan (dated 04/07/2024, document number: EEARB0062)
12. The development hereby approved shall be carried out in strict accordance with the methods of working, detailed within section 5 of the Preliminary Ecological Appraisal, produced by Elite Ecology, dated March 2023.
13. The landscaping of the site shall be informed by the site enhancement and biodiversity net gain recommendations detailed within section 5 of the Preliminary Ecological Appraisal, produced by Elite Ecology, dated March 2023.
14. This permission shall not be construed as granting or implying approval of the details shown on the approved plans, which are intended for illustrative purposes only.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The application has been made for outline permission (including access) only.
4. To define the permission.
5. In order to ensure that the access arrangements are satisfactory to serve the development and to ensure the safety of all road users thereafter (Policy T1 of the Plan for Stafford Borough).
6. To ensure that all contaminated land issues on the site have been adequately addressed. (Paragraph 189 of the National Planning Policy Framework).
7. To protect the trees and vegetation to be retained. (Policies N1 f and N4 of The Plan for Stafford Borough).
8. In the interests of the safety and convenience of users of the highway and to safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policies T1c and N1e of The Plan for Stafford Borough).
9. To ensure the provision of adequate drainage facilities and to reduce the risk of surface water flooding for the lifetime of the development (Policies N1 n and N2 of The Plan for Stafford Borough).
10. To define the permission and to ensure an acceptable level of development. (Policy N1g of The Plan for Stafford Borough).
11. To ensure a satisfactory form of development, to protect the trees and vegetation to be retained and to ensure the retention of pedestrian access through the site. (Policies N1, N4 and T1d of The Plan for Stafford Borough).
12. In the interests of ecology and biodiversity. (Policy N4 of the Plan for Stafford Borough).
13. To ensure the satisfactory appearance of the development and to encourage enhancements in biodiversity and habitat. (Policies N1 and N4 of The Plan for Stafford Borough).
14. The application has been made for outline permission only and any details submitted are for illustrative purposes only.

Informative(s)

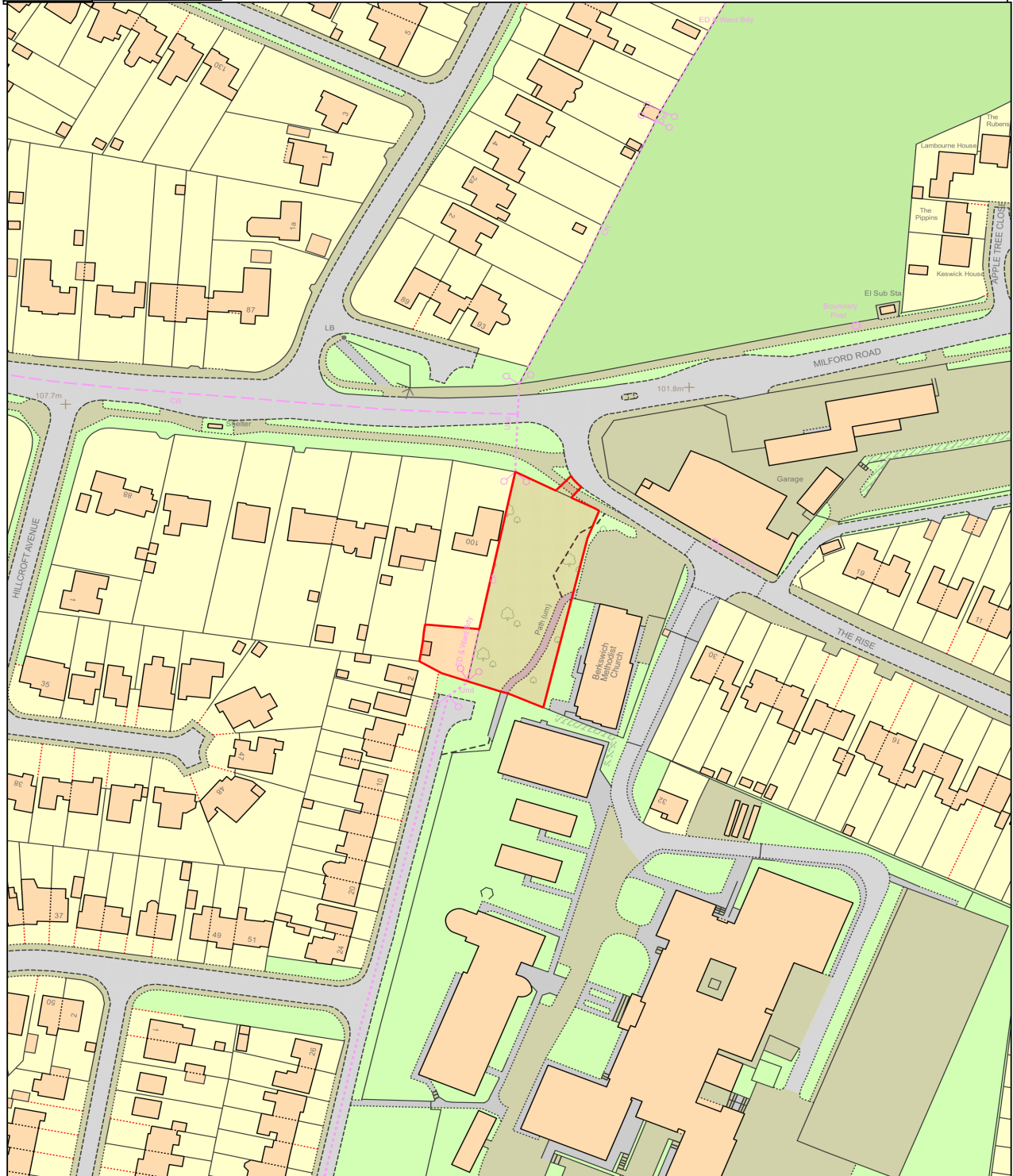
- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 The applicant/developer is advised to note and act upon as necessary the comments of the National Grid Electricity Distribution dated 17/7/24.
- 3 The construction of the vehicular access 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 applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. Further information can be found online at the following address:

www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx
- 4 Severn Trent Water advise that there may be a public sewer located within the application site. The applicant/developer is advised to note and act upon as necessary the comments of Severn Trent Water dated 19/2/24.
- 5 The applicants attention is drawn to the comments of the Staffordshire Fire and Rescue Service.
- 6 The applicants attention is drawn to the comments of the Lead Local Flood Authority in respect of condition 9 of this permission

23/38456/OUT Land Off The Rise Walton On The Hill

Scale	1:1500
Grid Ref	SJ9521

Economic Development & Planning
23/38456/OUT



© Crown copyright and database rights [2024] Ordnance Survey [100018205]
 You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

Date Created: 11-09-2024

0 30 m

N ↑

Application:	23/38459/FUL
Case Officer:	Hannah Cross
Date Registered:	19 March 2024
Target Decision Date:	14 May 2024
Extended To:	-
Address:	Shropshire Inn, Newport Road, Haughton, Stafford, Staffordshire ST18 9JH
Ward:	Seighford and Church Eaton
Parish:	Haughton
Proposal:	Demolition of existing pub and associated outbuildings and the erection of two new bungalows and one detached double garage
Applicant:	Mr and Mrs S Blackley
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO PLANNING COMMITTEE

This application has been called-in for referral to the planning committee by Ward Councillor E Carter of the Seighford and Church Eaton Ward for the following reasons:

- Loss of a local amenity NPPF section 6 clause 84, section 8 clause 93

1.0 CONTEXT

The Application Site

The site comprises a two storey public house building 'Shropshire Inn' which fronts Newport Road, and a large car parking area to the rear. The site spans the Haughton settlement boundary, with the public house building falling within the settlement of Haughton, and most of the car parking area located outside of the settlement.

Proposed Development

The proposal is for the demolition of the existing public house and its replacement with the erection of 2 x 3 bed bungalows (the bungalows have been split into Plot 1 and Plot 2 on the submitted plans), and the erection of a single storey double garage to serve Plot 1.

Since original submission a revised site and location plan has been submitted to show the visibility splays from the proposed access and to include these and the proposed footpath fronting the site in the red edge of the application site. It is noted the red edge has also been reduced to the south of the site to align with the limits of the existing public house

car park. A further bat survey has also been submitted upon request of the Council's Ecology Officer.

Planning policy framework

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

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

OFFICER ASSESSMENT - KEY CONSIDERATIONS

2.0 PRINCIPLE OF DEVELOPMENT

- 2.1 The majority of the application site is located within the Haughton settlement boundary which is listed as one of the settlements in the Sustainable Settlement Hierarchy under Spatial Principle 3 of TPSB and its defined settlement boundary under Policy SB1 as shown on the associated Inset map for Haughton. Both of the proposed dwellings would be located wholly within the settlement of Haughton however the site spans the settlement boundary with the proposed southern garden area to Plot 1 and part (approx. 3.2m projection) of the detached garage proposed to be located outside of the settlement boundary, on land which is currently occupied by the public house car park.
- 2.2 Policy C5 of TPSB resists residential development outside of any recognised settlement, however as above the dwellings themselves would be located wholly within the settlement boundary. The site area outside of the settlement boundary forms part of the public house car park as existing, and it is considered that the garden area proposed would result in a softer landscaping feature than the existing tarmac, resulting in a visual enhancement. It is also considered that if the garage were to be positioned further north wholly outside of the development boundary, this would impede the manoeuvring space available for vehicles parking at the site. Furthermore it is considered the proposed garden area to Plot 1, and the projection of the proposed garage outside the settlement boundary is acceptable in this instance taking account of the existing site context. Nonetheless it is recommended a condition be attached to remove permitted development rights for extensions and outbuildings in the area south of the dwelling and garage at Plot 1 in order to control any future development in this location outside of the settlement boundary.
- 2.3 Paragraph 97 of the NPPF states that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Furthermore Policy SB2 of TPSB seeks to ensure that social and community uses which meet on-going local community needs are protected and that the change/removal of such uses will be resisted unless it can demonstrated that the site has been actively marketed for a community use for over twelve months, or the community needs can be served in an alternative location within the same settlement.

- 2.4 The proposed development would result in the loss of a public house. Whilst considered an asset for the community, it is acknowledged from the planning statement submitted that the services provided by the public house to the community are currently limited.
- 2.5 The planning statement submitted states that the applicant has made several attempts to sell the property as a public house without success, and that the building is currently open limited hours but running at a loss financially. It is also noted that there is an alternative public house in the village 'The Bell' which is in close proximity to the application site, and within the same settlement (Haughton). The loss of the public house, whilst unfortunate, is considered justified in this instance based on the information submitted.
- 2.6 The principle of development is therefore considered to be acceptable subject to all other material considerations being satisfied, including:-
- Character and appearance
 - Residential amenity;
 - Car parking provision.
 - Ecology and trees
 - Impact upon Cannock Chase SAC

Polices and Guidance:-

National Planning Policy Framework 2023 (NPPF)
 Paragraphs 8, 11, 12, 97
 The Plan for Stafford Borough 2011-2031 (TPSB)

Part 1 - Spatial Principle 1 (Presumption in Favour of Sustainable Development, Spatial Principle 3 (Sustainable Settlement Hierarchy), Spatial Principle 7 (Supporting the Location of New Development), Policy C5 Residential Proposals outside the Settlement Hierarchy

Part 2 - SB1 (Settlement Boundaries), SB2 Protected Social and Community Facilities

3.0 CHARACTER AND APPEARANCE

- 3.1 Policy N1 of the TPSB sets out design criteria including the requirement for design and layout to take account of local context and to have high design standards which preserve and enhance the character of the area.
- 3.2 The surrounding area to the north and east of the site is characterised by residential development forming the settlement of Haughton. Residential dwellings in the area take various forms, sizes and external finishes. The land to the immediate south and west of the site is comprised of open fields/ countryside.
- 3.3 The proposed dwellings are single storey in height and are considered appropriate in terms of their scale in relation to their relative plot sizes and surrounding residential development. Their pitched roof form and the external materials (brick and tile) proposed are not considered out of keeping with the surrounding area, although it is recommended that the full details of external finishes be secured via condition.

- 3.4 The Parish Council request that any permission restricts the height and design of the dwellings to single storey bungalows, with dormers being specifically prohibited. Any permission granted will be defined by the plans submitted as part of this application, which in this case show single storey bungalows. This would not however remove the applicant's right to submit a future application for an alternative design, which, if received, would be assessed on its own merits. It is not considered the removal of permitted development rights for roof alterations could be justified in this instance.
- 3.5 Plans appear to indicate boundaries separating the two plots and the paddock land at the rear, with hedgerows retained to the east and west boundaries of the site. It is recommended a condition be attached to secure details of boundary treatments to ensure their satisfactory appearance.
- 3.6 Plans show areas of hard landscaping for the access, driveway and patio areas however external finishes of the hard surfaces have not been confirmed. It is recommended this matter be dealt with via a planning condition.
- 3.7 In all subject to conditions it is considered the proposal will have an acceptable impact upon the character and appearance of the area.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)
 Section 12 - Achieving well-designed places
 The Plan for Stafford Borough 2011-2031 (TPSB)
 N1 (Design)
 Supplementary Planning Document - Design (SPD)

4.0 RESIDENTIAL AMENITY

- 4.1 Criteria (e) of Policy N1 of the TPSB and the SPD require design and layout to take account of adjacent residential areas and existing activities.
- 4.2 Given the orientation and single storey nature of the proposed dwellings the development is not considered to result in harm to the amenities of neighbouring residential occupiers with regard to privacy, light or outlook.
- 4.3 Regulatory Services raise no objections to the application, subject to a number of conditions (see Consultations section of this report). Conditions 1 and 2 requested are considered reasonable given the proximity of neighbouring residential dwellings. The other conditions requested would not meet the tests of a planning condition, or otherwise are better dealt with via separate legislation (such as building regulations) and therefore these have not been included.
- 4.4 In terms of occupier amenity, each habitable room would benefit from at least one outlook and the garden areas proposed are considered adequate to comply with the guidance set out in the Council's SPD for 3 bed dwellings, which suggests an area of 65sqm per dwelling. Provision is made for bin storage as shown on plans, which is considered acceptable.

- 4.5 In all the proposal subject to conditions is considered acceptable in terms of neighbour and occupier amenity.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)
Paragraph 135
The Plan for Stafford Borough 2011-2031 (TPSB)
N1 (Design)
Supplementary Planning Document – Design (SPD)

5.0 HIGHWAYS AND PARKING

- 5.1 Appendix B of the TPSB requires 2 car parking spaces to be provided within the site's curtilage for a dwelling with up to 3 bedrooms for residents and visitors. This parking provision has been indicated on proposed plans.
- 5.2 The Highway Authority (HA) originally raised no objections to the parking layout however recommended refusal based on insufficient information in terms of visibility from the proposed access. Visibility splays have since been indicated on revised plans and included within the red edge of development which were found acceptable for the speed of the road by the H/A, subject to a condition that these visibility splays are provided and kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
- 5.3 Plans indicate the addition of a tarmac footway forward of the dwelling at Plot 2 and immediately adjacent to the A518 highway. The H/A advise that these works will require a separate works agreement with Staffordshire County Council. The applicant's attention should be drawn to the comments of the H/A via an informative.
- 5.4 The proposal subject to conditions is considered acceptable in terms of parking and highway safety.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)
Paragraphs 115 and 116
The Plan for Stafford Borough 2011-2031 (TPSB)
Policies T1 (Transport), T2 (Parking and Manoeuvring Facilities), Appendix B - Car Parking Standards

6.0 ECOLOGY AND TREES

- 6.1 The site falls within a red impact zone for great crested newts however the District Newt Officer advises the proposal is unlikely to have an impact on crested newts and/or their habitats. An informative has however been requested to draw the applicant's attention to the relevant legislation surrounding newts.
- 6.2 The Council's Ecology Officer advises that nesting birds are protected under Section 1 of the Wildlife and Countryside Act 1981 and this means works should be undertaken in the nesting season (March to August). The Ecology Officer has suggested a method statement for protection/avoidance of nesting birds as a

condition however given this is covered by separate legislation (above), it is considered an informative will suffice. It was requested that 2 x integrated nesting bricks be installed under the eaves of the buildings, one per new building. This can be secured by condition.

- 6.3 A bat survey was submitted which stated that bats were not found to be roosting in the building to be demolished. The Council's Ecology Officer has advised that recommendations made in the report should be followed as stated and that 2 bat boxes shall be installed at the site (one on each dwelling) post development. This can be secured by condition.
- 6.4 The Ecology Officer recommends habitat enhancement through planting along the boundaries of the properties. This can be covered by a landscaping condition to include a planting scheme/ specifications.
- 6.5 An arboricultural report has been submitted alongside the application The Council's Tree Officer raises no objections subject to a condition to ensure protection of the retained hedges.

7.0 CANNOCK CHASE SAC

- 7.1 Policies N1 and N6 of TPSB state that development which had a direct or indirect adverse impact upon the integrity of the Cannock Chase SAC, and the effects cannot be mitigated, will not be supported.
- 7.2 Policy N6 of TPSB sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured. The Council has adopted guidance acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from residential developments of 1 or more net units within the 0-15km zone. The proposal lies within the 15km zone of the Cannock Chase SAC and proposes 2 net dwellings, as such a financial contribution is required.
- 7.3 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Council's Appropriate Assessment (AA) concludes that the mitigation measures identified within the Council's Development Plan will address any harm arising from this development to the SAC.
- 7.4 Natural England have no objections to the proposal subject to securing the financial contribution. Subject to a financial contribution being secured via a legal agreement it is considered sufficient mitigation has been provided in terms of the Cannock Chase SAC.

Policies and Guidance:-

The Plan for Stafford Borough (TPSB) 2011-2031 N6 (Cannock Chase Special Area of Conservation (SAC))

8.0 OTHER CONSULTATION RESPONSES

- 8.1 A neighbouring occupier initially raised that the hazel hedge (Ref G003-C1) is shown to be located within the boundary of the application site and that this should be shown as located within the land area of Timbers. An amended plan has been received to relocate the centre of this hedge within the boundary of Timbers.
- 8.2 Another neighbour comment raises concerns that the proposal could set a precedent for further residential development in future. Each application is to be determined on its own individual merits, and this application would not prejudice the determination of any future application.
- 8.3 The Staffordshire Fire and Rescue have provided a number of general advisories surrounding fire safety. The applicant's attention can be drawn to these comments via an informative.
- 8.4 The Parish Council's concerns surrounding development outside of the Haughton settlement and the design of the dwellings are addressed in the relevant sections of the report above. The Parish Council also raise concern that access could be made available to undeveloped land to the south of the application site. This area as existing is fenced off from the application site with post and rail fencing and based on the proposed site plan, fencing is proposed to the southern boundary of Plot 1 which would prohibit access to the paddock land to the rear. As above boundary treatments can be secured via a condition to be attached on any planning permission granted.

CONCLUSION AND PLANNING BALANCE

The loss of the public house is considered acceptable based on the information submitted, and it is not considered the proposal will result in harm to the appearance of the surrounding area or give rise to any significant residential amenity, ecology or highway safety concerns. It is recommended planning permission be granted subject to conditions and the financial contribution to Cannock Chase SAC being secured.

CONSULTATIONS (comments summarised)

Parish Council:

Objection on the basis the current plans would result in development being made in land outside the development area of the village. Specifically, the siting of a double garage would extend beyond the limits of the existing car park, which is also the development boundary for Haughton village. The Parish Council requires the double garage to be repositioned so that it does not cross the development boundary.

The Council expressed concern that development of the site could result in access being taken from A518 Newport Road to undeveloped land to the rear of properties on the south side of the road. The Council would like some form of condition or control to prohibit such an access being taken across the development site in the future.

Additionally, the Parish Council recommends that any consent for this site restricts the height and design of dwellings to single-storey bungalows, with dormers being specifically prohibited.

The Parish Council also recommends that permitted development rights be removed from the development site as a condition of any planning consent. This would ensure that future development of the site is subject to scrutiny and control.

Neighbours:

(13 consulted): Two representations received raising the following considerations :

- No problem with 2 x dwellings, concern that approval will lead to more development
- Hazel hedge (Ref G003-C1) should be located within the land area and ownership of the neighbouring property known as Timbers
- Noting half the proposed double garage for Plot 2 lies outside the Haughton Development Boundary

Highway Authority:

Latest comments dated 3 September 2024 accepting amended plans showing visibility splays within the red edge of development

Comments dated 9 July 2024:

I have no objection subject to the following being secured via conditions

Conditions

- (1) The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. no 2301/27/PL/03 Rev D 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.
- (2) The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.
- (3) The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway and the footway in front of property 2 as shown on drawing No 2301/27/PL/03 Rev D has been completed.

Informative

Condition 3 requiring off-site highway works shall require a Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Works (Information Pack and an application form for the Works 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. (email to nmu@staffordshire.gov.uk)
www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx

Original comments dated 23 April 2024 (comments summarised)

Recommendations:

This application should be refused for the following reasons: -

Reason

- 1) The proposed development failed to supply vehicular visibility splays for the access onto the A518 and could result in an increase in the likelihood of highway danger to road users

Tree Officer :

From an Arboricultural point of view I recommend that this application is Approved subject to the following condition.

– Hedge Protection measures

Prior to commencement details of the location and type of protective fencing around the retained hedges shall be submitted and agreed in writing with the local planning authority for the development prior to the commencement of any ground works and construction activity, including the delivery to site of any materials or equipment. The protective fencing shall be maintained throughout development until completion of all construction related, unless agreed otherwise in writing with the local planning authority.

Biodiversity Officer:

Original comments indexed 3 May 2024

Protected Species

Arbtech undertook a Preliminary Ecological Appraisal during March 2024. Recommendations made in the report should be followed as stated.

Nesting birds

All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981. This means that works should not be undertaken in the nesting season (March to August), unless it can be demonstrated by the developer that breeding birds will not be affected. This can be done by requesting a method statement for protection / avoidance of nesting birds as a condition - this may include timing of work, pre-work checks, avoiding nesting areas etc,

Bats

The report states,

“One bat emergence or re-entry survey is required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely-absence of a bat roost in B1 and B5. Infra-red cameras should be used as an aid. Four surveyors are required to provide full coverage of these buildings. If the absence of a bat roost cannot be determined during the first visit, then further surveys will be required. If bat roosts are confirmed in the buildings two additional surveys may be required to characterise any

roost and to inform an EPSL application to Natural England. Surveys should be a minimum of three weeks apart.”

There is currently insufficient information to determine the application until the bat survey(s) are completed and the report submitted along with any required mitigation.

Habitat enhancement

Hedgerows and trees should be retained where possible. Any losses should be compensated for with new planting. This can be achieved along the boundaries of the new properties.

External lighting should be designed to avoid light spill onto boundary hedgerows.

2x integrated swift nesting bricks should be installed under the eaves – one per new building.

1x integrated bat brick/tube should be installed in the southern building under a gable or eave, away from any window.

Further comments dated 07/06/2024:

Protected Species

Arbtech undertook Bat Emergence and Re-entry Surveys during June 2024. Bats were not found roosting in the building and no further surveys are required. Recommendations made in the report should be followed as stated.

Bats

The installation of two bat boxes at the site will provide additional roosting habitat for bats. The bat boxes will be installed on both the proposed dwellings post development. Bat box should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flightpath to and from the entrance, away from artificial light. The bat box will be a specification suitable for crevice species such as: Improved Crevice Bat Box, Eco bat box, or a similar alternative brand.

Any external lighting must avoid light spill on the bat boxes and surrounding trees.

Natural England: No objection subject to appropriate mitigation being secured for Cannock Chase SAC

Regulatory Services: No objections subject to the following conditions :

1. All works, including demolition, site works, and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
2. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.

3. There shall be no burning on site during development.
4. All demolition materials shall be removed from site and properly disposed of.
5. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
6. Road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.
7. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
8. Screening shall be provided to the site to protect residential dwellings from exposure to excessive noise. Details of such work shall be agreed with the local authority and carried out before other works begin.
9. High intensity site lighting during works should be directed away from nearby residences.
10. Ensure that there is adequate surface water drainage to the site and that this does not adversely affect any existing systems.
11. Foul drainage shall be to the main public sewer for the proposed dwellings; unless it can be shown to the satisfaction of the Local Planning Authority that connection to a public sewer is not feasible, taking into account cost and/or practicability.

If the connection to the main public sewer is not feasible, foul drainage shall be to a filtered package sewage treatment plant, unless otherwise agreed in writing by the Local Planning Authority. Full details of the proposed sewage treatment plant, including Environment Agency Registration or Permit Number, site of unit, design and projected loading of unit, together with final discharge point, shall be submitted to the Local Planning Authority. Only a scheme approved in writing by the Local Planning Authority shall be implemented at the site and shall be fully operational before the development is occupied.

12. Ensure that there are sufficient refuse and recycling bin storage facilities and that these are easily accessible by the Collection Services.
13. Lighting to areas such as car parks, pathways, land, and buildings should be of a design and positioned not to cause a light nuisance to any neighbouring properties. Glare from any lighting must be kept to a minimum.

Staffordshire Fire and Rescue Service: General advisories surrounding vehicle access, automatic water suppression systems, domestic sprinklers

District Newt Officer:

The proposed development is unlikely to have an impact on crested newts and/or their habitats. It presents no loss or impact on ponds, habitat or connectivity and the chance or direct impact to individual newts must also be very low due to the development taking place on existing hardstanding and amenity grassland next to a busy road. However, as

the development is within the red Impact Risk Zone, as modelled by district licence mapping, I recommend that the following informative should be attached to planning consent:

“The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.”

Site Notice Expiry: 25.04.2024

Relevant Planning History

None

Recommendations

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-
 - Drawing No 2301/27/PL/01 Revision A
 - Drawing No 2301/27/PL/02 Revision A
 - Drawing No 2301/27/PL/03 Revision E
 - Drawing No 2301/27/PL/05
3. Prior to the construction of any above ground works full details of the facing materials to the external walls and roofs of the dwellings and garage outbuilding shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details.
4. Prior to the commencement of any ground works and construction activity, including the delivery to site of any materials or equipment, details of the location and type of protective fencing around the retained hedges shall be submitted and agreed in writing with the local planning authority. The protective fencing shall be maintained throughout development until completion of all construction related activity.
5. A minimum of two bat boxes shall be installed at the site (at least one per dwelling) prior to the occupation of the dwellings. Bat boxes should be positioned 3-5m

above ground level facing in a south or south-westerly direction with a clear flightpath to and from the entrance, away from artificial light. The bat box will be a specification suitable for crevice species such as: Improved Crevice Bat Box, Eco bat box, or a similar alternative brand. Any external lighting must avoid light spill on the bat boxes and surrounding trees.

6. The recommendations set out within Bat Emergence and Re-Entry Survey by arbtch dated 4th June 2024 shall be carried out in full.
7. 2x integrated swift nesting bricks should be installed under the eaves (one per new dwelling) and 1x integrated bat brick/tube should be installed to the dwelling at Plot 1 under a gable or eave and away from any window.
8. The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. no 2301/27/PL/03 Rev E 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.
9. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.
10. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway and the footway in front of Plot 2 as shown on drawing No 2301/27/PL/03 Rev E has been completed.
11. All works, including demolition, site works, and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
12. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.
13. Notwithstanding any detail/description within the application documents, a detailed landscaping scheme shall be submitted to and approved by the Local Planning Authority to include hard and soft landscaping (including surfacing materials, a planting scheme to include planting specifications, boundary treatments and means of enclosure). The landscaping of the site shall be completed in accordance with the approved details within three months of the development first being brought into use.
14. Pursuant of the above condition, any plants, hedges or trees that are removed, die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

15. Notwithstanding the provisions of the General Permitted Development Order 2015 (as amended) or any subsequent equivalent Order, no extensions, enlargements or additional outbuildings shall be constructed to the south of the dwelling and garage approved at Plot 1 as shown on Drawing No 2301/27/PL/03 Revision E without the prior consent of the Local Planning Authority through an application for planning permission.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policy N1 of The Plan for Stafford Borough).
4. To ensure protection of retained hedgerows (Policy N4 of The Plan for Stafford Borough).
5. In the interests of biodiversity (Policy N4 of The Plan for Stafford Borough).
6. In the interests of biodiversity (Policy N4 of The Plan for Stafford Borough).
7. To enhance biodiversity provision at the site (Policy N4 of The Plan for Stafford Borough).
8. In the interests of highways safety (Policy T2 of The Plan for Stafford Borough).
9. In the interests of highways safety (Policy T2 of The Plan for Stafford Borough).
10. In the interests of highways safety (Policy T2 of The Plan for Stafford Borough).
11. To safeguard the amenities of neighbouring occupiers in the construction phase of development (Policy N1 of The Plan for Stafford Borough).
12. To safeguard the amenities of neighbouring occupiers in the construction phase of development (Policy N1 of The Plan for Stafford Borough).
13. To ensure the satisfactory appearance of the development (Policy N1 of The Plan for Stafford Borough).
14. To ensure the satisfactory appearance of the development (Policy N1 of The Plan for Stafford Borough).
15. To prevent the proliferation of unwarranted development outside of the sustainable settlement hierarchy (Policy C5 of The Plan for Stafford Borough).

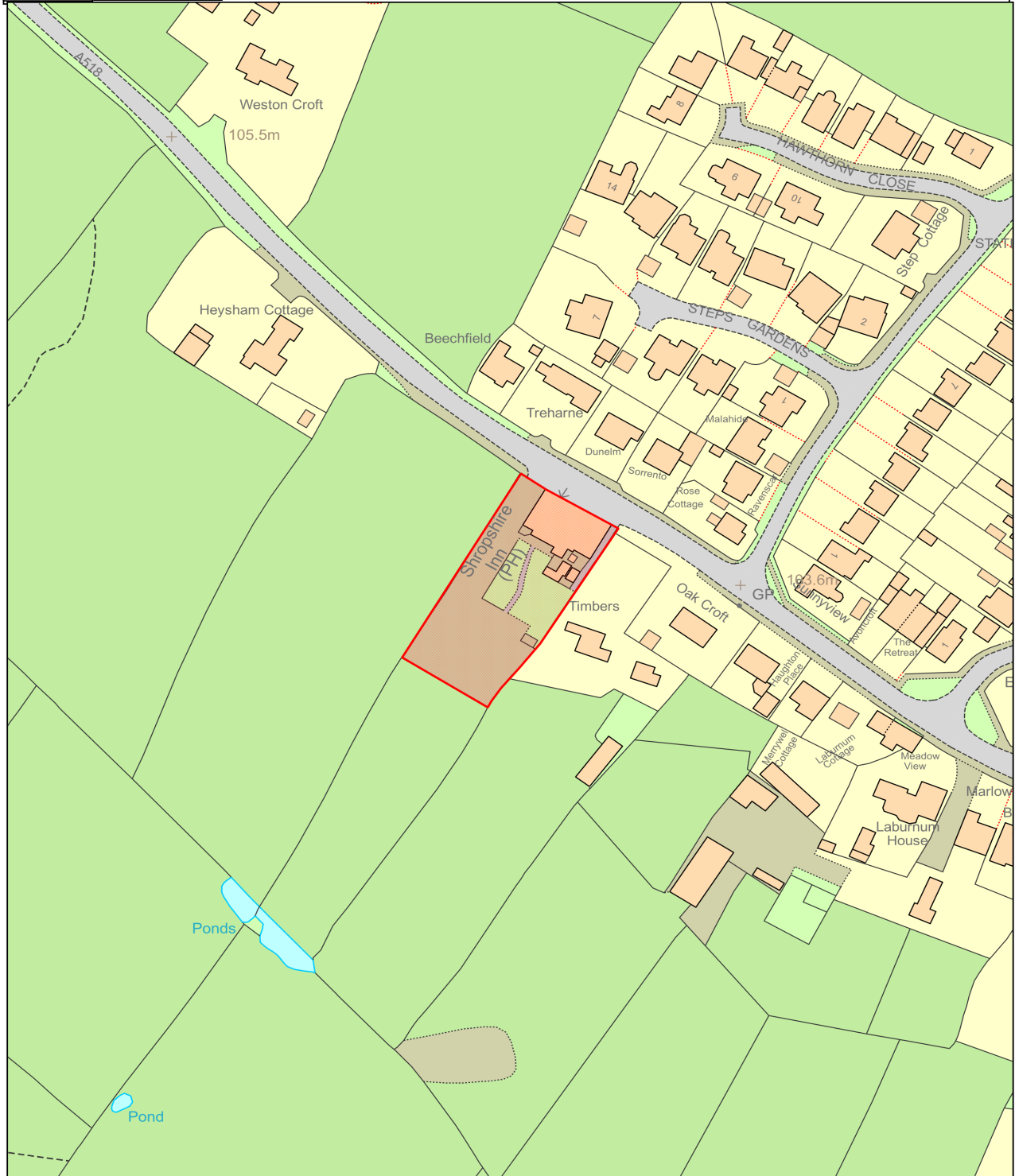
Informative(s)

- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.
- 3 The applicant's attention is drawn to the comments of the Staffordshire County Council Highways Department, and in particular the requirement for a Works Agreement, full comments are available to view on the following link: <https://www.staffordbc.gov.uk/planning-public-access>
- 4 All nesting birds are afforded protection under Part 1 section 1 of the Wildlife and Countryside Act 1981 (as amended 2016), making it an offence to: disturb, injure or kill a nesting bird; disturb, take or destroy their nest; or damage, take or destroy their eggs. As such any site clearance works should occur outside of bird nesting season (March-September inclusive). If, site clearance outside of bird nesting season cannot be achieved then the site must be checked to be free of nesting birds, by a suitably experienced ecologist, immediately prior to commencement of any site clearance works.
- 5 The applicant's attention is drawn to the comments of the Staffordshire Fire and Rescue Service, full comments are available to view on the following link: <https://www.staffordbc.gov.uk/planning-public-access>

23/38459/FUL Shropshire Inn Newport Road

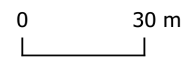
Scale	1:1500
Grid Ref	SJ8620

Economic Development & Planning
23/38459/FUL



© Crown copyright and database rights [2024] Ordnance Survey [100018205]
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

Date Created:
11-09-2024



 PLANNING COMMITTEE - 25 SEPTEMBER 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
21/34508/COU Delegated Refusal	Bishton Farm Pools Bishton Farm Lane Wolseley Bridge	Change of use from land siting two touring caravans to siting of one touring and one static caravan in connection with fishing business
23/38534/HOU Delegated Refusal	Stone Cottage Doley Road Bishops Offley	Part demolition / 2 storey side extensions and alterations
24/38978/LDCPP Advised works are not PD	64 Ford Drive Yarnfield Stone	Proposed 2m heigh fence to front of property, adjacent to the highway
23/38287/FUL Delegated Refusal	100 Newcastle Road Stone	Removal of condition 3 (power tools or machinery) ,5 (plant and machinery) ,6 (opening hours) and 7 (car wash and valeting) on 13/18949/FUL

Decided Appeals

Application Reference	Location	Proposal
23/37104/OUT Delegated Refusal Appeal Dismissed	Cattery Pasturefields Farm London Road	Outline Application for Access - New dwelling to replace a redundant building previously used for a cattery business.

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 9 July 2024

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/Y3425/W/24/3340363

Pasturefields Farm Pasturefields, Great Haywood, Stafford, Staffordshire, ST18 0RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Shannon McDarby against the decision of Stafford Borough Council.
 - The application Ref is 23/37104/OUT.
 - The development proposed is described as "The proposal for this application is a new dwelling. The new dwelling will replace a redundant building previously used for a cattery business."
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal accordingly. A plan has been submitted as part of the appeal which indicates how a dwelling could be accommodated on the site. I have taken this plan into account for indicative purposes only.

Main Issues

3. The main issues are:
 - whether the appeal site would be a suitable location for the proposed development, with particular regard to sustainability.
 - the effect of the development upon highway safety.

Reasons

Location

4. The appeal site is currently part of Pasturefields Farm (the Farm) which contains a mix of residential buildings as well as buildings pertaining to a cattery business. The Farm is located off the A51 in a small hamlet with limited local services, limited pedestrian access and an existing gated access.
 5. As the site sits outside any defined settlement boundary, it falls to be considered under Policy SP7 of the Plan for Stafford Borough 2011-2031 (PSB). This allows for housing in the countryside where certain criteria are met. This includes meeting the relevant requirements of Policy C5.
-

6. There is no evidence before me to suggest the proposal could not be accommodated within the settlement hierarchy, as set out in Policy SP3. Neither is there a parish based local housing need assessment which demonstrates a need for the development. While I see no reason why the development could not be of a high standard of design or harmful to the form and character of the locality, this would not alter the failure to meet two of the three necessary criteria to satisfy Policy C5A.
7. There are limited local services in close proximity to the appeal site and limited access to pedestrian footpaths. This would result in the future occupiers relying upon a car to access nearby services in larger settlements. I acknowledge the appellant's argument that the addition of a new dwelling would be for their family who are already accommodated within the Farm site and therefore the reliance upon a car would not increase. However, I give only limited weight in favour of the appeal scheme because although there may be no increase of vehicles related to the appeal site at this time, the reliance upon a car to access local services is still relevant and consequently would still result in a new dwelling in what is an unsustainable location. Therefore, the proposed development remains contrary to Policies SP1 and SP7 of the PSB. These policies seek to ensure sustainable locations for new development.
8. In conclusion, the appeal site has not been demonstrated to be a suitable location for the proposed development, having regard to local and national policy. Therefore, it is contrary to Policies SP1, SP3, SP7 and C5 of the Plan for Stafford Borough 2011-2031 which seek to ensure that developments are in accordance with its spatial strategy as well as providing the right mix and tenure of housing for identified local housing need in suitable locations. The development does not accord with the principles set out in Chapter 9 'Promoting Sustainable Transport' of the National Planning Policy Framework.

Highway Safety

9. The development would utilise an existing access. This already serves two dwellings. Upon my site visit the cattery business was still operating. It is reasonable to assume that this use generates additional trips over and above the existing residential use. There is no evidence before me to suggest the use of the access has been the cause of any accidents. The intention is for the property to be used by family members who already reside on the site. There would be no immediate increase in trips if this were the case. However, this clearly cannot be controlled in perpetuity and so the dwelling would likely be used by other families in future. Nevertheless, the increase in trips from the site from an additional dwelling are unlikely to be significant in any event.
10. There are some constraints to visibility from the access, vehicles may need to edge out onto the pavement or road to see clearly in both directions. The passing road is quite busy and fast moving and there is a limited pedestrian pavement in front of the access to the appeal site. Nevertheless, given the existing use of the access, the intensification in its use would be unlikely to unacceptably exacerbate any existing risks or create new ones. Therefore, I do not consider the addition of a single dwelling would result in unacceptable harm to the safety of road users. The development would therefore comply with Policy T2 of the Plan for Stafford Borough 2011-2031 which seeks to ensure that developments do not have a detrimental effect upon the safety of roads and streets.

Other Matters

11. It is the personal preference of the appellant and their family to build a new dwelling to provide living accommodation for members of their family including children. These personal circumstances do not outweigh the harm I have identified above and there has been limited substantive evidence to demonstrate an absolute need for the development in this location. I acknowledge there are positive elements to the appeal scheme such as: an additional property to the existing housing stock, utilities are already present on the site, the height of the proposed development could mirror that of the existing buildings and there is sufficient space to ensure any development need not result in the overlooking of neighbouring properties. However, I give these matters only limited weight.
12. 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, as I am dismissing the appeal for the reasons given above, I do not need to conduct any further assessment in relation to the SAC.

Final Balance

13. The proposal would result in development in an unsustainable location in conflict with the development plan. As described above, the benefits associated with a single dwelling in this location would be limited. Whilst I do not consider the proposed development to result in harm to highway safety, the benefits would not outweigh the conflict with the development plan that would still exist.

Conclusion

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

B Astley-Serougi

INSPECTOR