



Civic Centre, Riverside, Stafford

Contact Jim Dean  
Direct Dial 01785 619209

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

Dear Members

### **Planning Committee**

A meeting of the Planning Committee will be held on **Wednesday, 9 August 2023** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

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

Head of Law and Governance

## PLANNING COMMITTEE - 9 AUGUST 2023

**Chairman - Councillor B McKeown**

**Vice-Chairman - Councillor A Nixon**

### AGENDA

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

Details of Delegated applications will be circulated separately to Members.

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5 <b>Planning Applications</b>	3 - 79
6 <b>Planning Appeals</b>	80 - 87

### MEMBERSHIP

**Chairman - Councillor B McKeown**

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

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 PLANNING COMMITTEE - 9 AUGUST 2023
 

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**Ward Interest - Nil**

### Planning Applications

#### *Report of Head of Economic Development and Planning*

#### Purpose of Report

To consider the following planning applications, the reports for which are set out in the attached **APPENDIX**:-

		<b>Page Nos</b>
<b>20/31757/FUL</b>	<b>Land at Silkmore Lane Stafford</b>	5 - 32
<p>The application was called in by Councillors R Cooke, A Edgeller, B Cross and M Phillips</p> <p><b>Officer Contact</b> - (Lead Officer John Holmes) Telephone 01785 619302</p>		
<b>21/35329/FUL</b>	<b>Land Adjacent to 35 Trenchard Avenue</b>	33 - 42
<p>The application was called in by Councillor L Nixon</p> <p><b>Officer Contact</b> - (Lead Officer Sian Wright) Telephone 01785 619528</p>		
<b>21/35138/REM</b>	<b>Former Eagle Inn Car Park, Newport Road</b>	43 - 53
<p>The application was called in by Councillor P W Jones</p> <p><b>Officer Contact</b> - (Lead Officer Richard Wood) Telephone 01785 619324</p>		
<b>22/35886/FUL</b>	<b>Land Adjacent to 1 Brazenhill Lane, Haughton</b>	54 - 71
<p>The application was called in by Councillor E Carter</p> <p><b>Officer Contact</b> - (Lead Officer Sian Wright) Telephone 01785 619528</p>		

**23/37211/HOU 45 Ridgeway, Hixon**

72 - 79

The application was called in by  
Councillor B McKeown

**Officer Contact** - (Lead Officer Sian Wright)  
Telephone 01785 619528

### **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.

<b>Application:</b>	20/31757/FUL
<b>Case Officer:</b>	Henrietta Ansah
<b>Date Registered:</b>	13 January 2020
<b>Target Decision Date:</b>	9 August 2023
<b>Extended To:</b>	none
<b>Address:</b>	Land At , Silkmore Lane, Stafford, ST17 4JD
<b>Ward:</b>	Penkside
<b>Parish:</b>	None
<b>Proposal:</b>	75 bed care home
<b>Applicant:</b>	Cinnamon Care Collection Limited and Muller Senior Living
<b>Recommendation:</b>	Approve, subject to conditions

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## **REASON FOR REFERRAL TO COMMITTEE**

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

"To give the committee the opportunity to discuss flooding issues in relation to this site"

This application has also been called in by Councillors (Committee members) Ann Edgeller, Bryan Cross and Marnie Phillips on the following grounds:

"To take into account NPPF 155 157D 158 on this application. The flooding has become quite serious over the last few years".

## **Context**

### **The site**

The application is located on the western side of Silkmore Lane, approximately 1.2 miles to the south of Stafford Town centre. The site encompasses an area of circa 0.56ha of undeveloped scrubland and a small area of hardstanding previously used for car parking. The majority of the site is flat and the western boundary is demarcated by mature hedgerows and trees.

The site is bordered by Silkmore Lane to the east, a Co-op convenience shop to the south, primary school playing fields to the west. North of the site are two small commercial units beyond which is Meadow Way housing development.

The character of the surrounding area is a mixture of residential and commercial.

Of note planning permission has already been granted for a 76-bedroom care home with ensuite facilities for care for the elderly and others with disabilities.

### **The proposal**

This application seeks full planning permission for a 75 bedroom care home (C2 use class-residential institution).

Vehicular access will be taken from the existing shared access adjoining Silkmore Lane serving the care home and the co-op convenience shop. Access to the site car park would be served from a 6.0m wide access adjoining the northern side of the private access road.

The proposed building would be 2.5/3 storeys and would have a maximum height of 11 metres. The building would have a depth of 14-25 metres and a width of 80 metres.

The building would provide 75 en-suite bedrooms for residents together with the following:

- Lounge/dining area
- Lounge
- Hair and beauty
- Café
- Private dining room
- Staff facilities (managers office, admin office, chef office, cleaning room, changing room)
- Reception
- Kitchen

33 parking spaces are proposed together with 12 cycle parking spaces accommodated within six Sheffield cycle stands.

70 Full Time members of staff will be employed with 20 maximum staff members on site at any one time.

### **Amendments to original submission**

- Revised plans increased the number of car parking spaces from 27 to 33
- Additional external levels drawings
- Updated elevations showing amended levels
- Updated ground floor plan showing a door in place of window on the east elevation
- Updated site plan to reflect the above
- Updated landscape plan to reflect the above
- Updated ecology report
- Updated Flood Risk Assessment including Drainage Strategy

Difference between previously approved scheme (15/23463/FUL) and current application

The proposals are broadly the same in terms of building footprint, alignment of the building and point of access. However, the following changes are proposed:

- Elevation treatment and roof profiles differ
- Reduction in the footprint of the proposed building by approximately 15 sqm
- Reduction in the amount of external hard landscaping by circa 600 sqm
- Raised finished floor level to 74.5mAOD

### **Applicant's justification**

The application is supported by various documents including the following:

- Site plans (elevations, floor plans, levels)
- Transport Statement
- Travel Plan
- Design and Access Statement
- Flood Risk Assessment
- Ecology Report
- Site Investigation Report

The applicant has advised, with reference to appeal decision that the now extant planning approval means the current proposals can be constructed; however, the current application would afford the proposed development a greater degree of protection from flooding through the reduction in footprint, change in levels.

### **Planning history**

This scheme is a resubmission to the approved (now extant) care home scheme application reference 15/23463/FUL, this will be referred to within this report as the 'approved extant scheme'. The planning history between the approved scheme and consideration of the current scheme is complex and as such below is a timeline to explain the history in a succinct manner:

#### *Timeline/summary of the events*

The owner of the Site (Harixon Ltd) submitted a planning application for a 76-bed care home to Stafford Borough Council, which was validated on 8th January 2016 (15/23463/FUL) for a residential care home - use class C2.

- This permission was subsequently granted on 25th May 2016.
- Planning permission ref. 15/23463/FUL was subject to 17 planning conditions including Condition 11 (19/30484/DCON) which dealt with surface drainage matters recommended by the LLFA and Condition 13 requested by the Environment Agency which related to flood risk matters compliance.
- All of the pre-commencement conditions, except Condition 11 which related to drainage, were discharged.
- The discharge of Condition 11 was refused by SBC on the 10 December 2021.

- Following the grant of the above planning permission, the new applicant (The Muller Property Group) acquired an interest in the Site in late 2019. The applicant subsequently submitted a new planning application for a 75-bed care home (20/31757/FUL), which was validated on 3 February 2020 (the subject of this committee report).
- The current undetermined application (20/31757/FUL) was submitted after the 2016 permission had expired.
- An appeal (ref. APP/Y3425//22/3300824) was lodged (by the owner Harixon Ltd) against the decision of the Council not to discharge Condition 11.
- The appeal was subsequently allowed on the 13th January 2023.

### **Planning policy framework**

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

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

### **Officer Assessment – Key Considerations**

#### **1. Principle of development**

The site is within the settlement boundary of Stafford.

The NPPF sets out a presumption in favour of sustainable development, this is reiterated in Spatial Principle 1 of The Plan for Stafford Borough (TPSB). Paragraph 12 of the NPPF states: “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making...”

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. The site being located within the designated settlement boundary of Stafford, is identified as the most sustainable settlement within the Borough.

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 units in the Borough during the plan period. Policy C3 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 provide sufficient off-street car parking to serve the development.



Policy C1 of The Plan for Stafford Borough states that new housing development must provide an appropriate mix of dwelling types, tenures, and sizes, including a proportion of affordable housing and, where possible, specialist provision to respond to the identified needs of the community. To secure this, the Council will seek that:

1. All new housing development must be compatible with the character and distinctiveness of the area, in accordance with Policy N1; and
2. Housing developments will be required to provide a mix of dwelling types on site. However, the final mix will be determined in line with local needs.

Concerning the above criteria, the proposed development would be compatible with the character and distinctiveness of the area as discussed in the design, appearance and residential amenity section of this report. This specialist type of residential unit is required as stipulated in Policy C3, discussed below.

The explanatory chapter of Policy C3 (Specialist Housing) sets out an identified need for 954 (net) Extra Care Units in Stafford Borough up until 2030, as evidenced in the Staffordshire Flexi-care Housing Strategy.

Policy C3 sets out the need to provide additional extra care bed units in Stafford through:

- a. Resisting development that would lead to a reduction in the number of extra care premises unless it can be demonstrated that a replacement facility was being built or that such a use was unviable;
- b. Ensuring that any new developments are located in accordance with Spatial Principle SP7 at a settlement within the settlement hierarchy, in a sustainable location close to services and facilities, are self-contained, and are accessible by both public and private transport. New development should make adequate provision for off-street car parking within any development scheme; and
- c. Allowing for the extension of existing residential / nursing homes and conversion of existing sheltered accommodation

With regards to criteria a. the development would result in the reduction of 1 bedroom unit when compared to the extant scheme, however the facility would be enhanced and more in keeping with the site constraints through the reduction in the overall bulk and mass. It should be observed that the site was previously a vacant undeveloped site.

With regards to criteria b. the site is within the settlement boundary, in a sustainable location and would provide off street parking for staff and visitors. The units are self-contained in terms of providing en-suite facilities, however due to the nature of the facility and intended occupants, food will be served to the occupants by staff from a central kitchen area. This would not impair the quality of accommodation provided.

With regards to criteria c. this is not relevant to the current proposal.

The proposal meets the above requirements therefore the principle of development is acceptable. It should be observed that the extant consent is a material consideration which establishes the principle of development and is considered a legitimate fall back position.

In addition, the development would provide jobs during the construction and once operational would provide 70 full time jobs comprising nursing, administrative and care staff. The development would subsequently support the local economy.

The development is considered to comply with local and national policies in this regard and is acceptable in principle.

Policies and Guidance:-

National Planning Policy Framework  
Paragraphs: 7, 8, 10, 11, 60, 92, 129 and 130.

The Plan for Stafford Borough

Policies: SP1 Presumption in favour of sustainable development; SP2 Stafford Borough housing and employment requirements; SP3 Stafford Borough sustainable settlement hierarchy; SP4 Stafford Borough housing growth distribution; Supporting the location of new development; C3 Specialist housing.

The Plan for Stafford Borough: Part 2 Policies: SB1 Settlement boundaries

## **2. Design, appearance, residential amenity**

National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development.

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.

The scale and layout has been considered to be acceptable as part of the determination of the approved extant scheme. The current proposal differs in elevation treatment providing a modern aesthetic and contemporary material palette.

The building would be 2.5/3 storeys high with a mixture of flat roof and pitched roof profiles. The height would be in keeping with the surrounding area. The fenestration is extensive and provides features on many of the facades creating focal points and providing a balanced brick to glazing ratio.

It is considered that the roof profiles which vary in size and profile, break up the overall mass, and the projecting bays provide articulation and varied interest within the elevations. The building would be finished in light and medium buff brick, cedar cladding, an artificial slate grey roof which would provide interest and would be in keeping with the local vernacular.

### *Residential amenity*

Each room would provide circa 16-20m<sup>2</sup> of floor space. Typically the rooms would accommodate a double bed, tv, storage, a chair adjacent to the bed and a large w.c/shower room. Ground floor rooms have access to the raised patio. All rooms have a window, some also have a door with direct access on a raised patio.

Indoor amenity comprises a lounge, private dining area, hairdressers, café and on the ground floor. Outdoor amenity space comprises raised decking areas and a communal garden.

Bedrooms are located east of the central core, each with views out onto gardens. Ground floor bedrooms and a selection of first and second floor bedrooms are provided with an accessible external space either as garden or terraced area.

Adequate amenity, space, daylight, sunlight and ventilation is provided by each unit.

Overall, it is considered that the proposed design of scheme meets the criteria for Policy N1 providing a good-quality design of design, creating a sense of place whilst respecting the surrounding scale, form and appearances of the locality and sensitivities of the site.

Policies and Guidance:-

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

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

### **3. Residential amenity**

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

Within the site the proposed layout would comply with the Council's Design Supplementary Planning Document (SPD) regarding spacing around dwellings to provide appropriate levels of amenity and privacy.

There are existing residential properties to the far north of the site beyond existing commercial units, therefore given the extensive separation distances between the buildings and relative habitable rooms it is not considered that the proposal would have any undue impact on the amenity of the properties. Directly north of the site are two commercial units and to the south is the co-op supermarket. The proposed use and existing operations would not be unduly impacted upon by noise and disturbance.

The care home will operate like a residential property in terms of the hours of use, which would not be dissimilar to the nearby residential properties.

The Council's Environmental Health Officer raises no objection to the proposed development.

It is considered that the proposed development would provide an acceptable standard of residential amenity for future occupiers and would not impact on the amenities of the adjoining occupiers in accordance with Policy N1 of the Plan for Stafford.

Policies and Guidance:-

National Planning Policy Framework  
Paragraphs: 130

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

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

Policy T1 seeks to achieve a sustainable transport system by various methods, including reducing the need to travel by private car in urban areas. 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 “1no space per resident staff, plus 1no space per non-resident staff present at peak working times, plus 1no space per 3no bed spaces for visitors”.

The development would be accessed via the existing access on Silkmore Lane. The applicants transport assessment suggests that the overall site would generate 159 daily 2-way vehicle movements of which 10 would occur during the network’s AM peak traffic hour, and 14 would occur in the network’s PM peak traffic hour. The number of additional daily vehicle trips resulting from the proposed development would have a negligible impact upon local road network in terms of highway capacity and safety.

The site access can comfortably accommodate access by fire tenders (the largest emergency vehicle). Refuse collection and deliveries to the site would be undertaken within the site car park.

The current scheme proposed 33 parking spaces. In addition, 12 cycle parking spaces are proposed.

The Highway Authority previously objected to the planning application on the grounds of lack of parking. Accordingly, an amended site plan was submitted that increased the number of parking spaces from 27 to 33 which is considered acceptable.

It should be observed that the approved extant scheme provided 38 parking spaces in excess of the requirement for 31 car parking spaces. This scheme results in the reduction in 1 bed space, therefore the provision of 31 car parking spaces would be adequate. Furthermore, the extant scheme involved the removal of 18 parking spaces on site associated within the adjacent co-op development; however, without the additional 18 spaces, the co-op would still meet the car parking standards. In addition, 12 cycle spaces are proposed compared to 11 cycle parking spaces within the approved extant scheme.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Therefore, there are no grounds to formally object to the scheme.

The submitted transport assessment demonstrates that the proposal would result in a negligible level of traffic generation; safe means of access can be provided; and sufficient car parking is proposed.

The proposed development therefore accords with policies T1 and T2 Parking of the Plan for Stafford.

Policies and Guidance:-

National Planning Policy Framework  
Paragraphs: 107 and 108

The Plan for Stafford Borough

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

## **5. Ecology and biodiversity**

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

The proposed site of the care home will result in the loss of approximately 0.45ha of ephemeral/ruderal and other neutral grassland. The habitat is considered to be in poor condition and has a low conservation value due to a lack of species diversity/ vegetation structure and the presence of uncommon/rare plant species.

An updated ecological report was submitted which demonstrates the development is unlikely to have any significant adverse effect on nearby statutory sites and a minimal impact on the site itself.

No objections were raised by the biodiversity officer and the following is proposed by the applicant following comments to result in a biodiversity net gain:

- Placement of a wooden hedgehog nest box into the corner of the site beneath some cut brushings as cover (south-west corner); and
- Installation of a range of three bat boxes and three bird nest boxes, fixed to some of the hornbeam trees in the north-west corner of the site.

### *Trees and landscaping*

Policy N1 requires development to retain significant landscaping features. Policy N2 seeks to ensure that the landscape value of development sites is protected and enhanced. Policy N4 requires new development to be set in well designed and maintained attractive green space. Policy N5 states that new development is required to provide appropriate tree planting, to retain and integrate health mature tree and hedgerows, and replace any trees that are to be removed

It is proposed to retain the eight hornbeam trees in the north-western corner of the site.

The landscaping around the site proposed comprises:

- Raised bed/garden activities area
- Central seating and flower garden
- Native shrubs to attract fauna
- Pergola and seating
- Communal terrace around south-eastern corner of the building with a canopy

The landscaping would provide a tranquil environment for the residents within a series manicured spaces and seating.

It is considered that landscaping strategy will also provide necessary screening for visual and amenity purposes. Subject to the recommended conditions, the application proposal is considered to accord with Policy N1, N2 and N5 of the Stafford Plan.

Policies and Guidance:-

National Planning Policy Framework  
Paragraphs: 8, 174, 179, 180 and 182

The Plan for Stafford Borough  
Policies; N4 The natural environment and green infrastructure;

## 6. Flooding

Policy N1 states that development should not be located in areas of flooding or contribute to flooding elsewhere. Policy N2 requires developments to provide sustainable drainage systems. Policy Stafford 1 reiterates this and also states that development should not harm but enhance watercourses in the town.

The application site is situated in Flood Zone 3b (functional floodplain).

### *Approved extant scheme*

During the determination of the extant scheme, a large proportion of the site was identified as Flood zone 3. The Environment Agency did not object to the approved extant scheme subject to conditions. However, the site was not considered to be within Flood Zone 3b by the LLFA or the EA in 2015 when they provided their consultation response and planning approval was granted.

When the extant scheme was approved, a sequential approach was taken and measures were implemented via condition to ensure correct levels would be used. The building would be flood proofed during construction and a flood warning and evacuation plan would be put in place following first occupation.

### *Current scheme*

During the course of this current application the flooding and drainage of this site has been discussed at length with the Environment Agency.

Within their initial response the Environment Agency objected to the scheme on the basis that the original application comments in relation to the approved extant scheme were based on flood modelling of the Silkmore Drain/Rising Brook and it had since changed its

position. It is now considered that the downstream River Penk had a more significant influence on flooding in this area than the Silkmore Drain.

Within their second response the Environment Agency stated “*We have received confirmation from Stafford Borough Council that Planning Permission 15/23463/FUL is no longer extant. As a result, we maintain an in principle objection...*”.

However, following the further review of the application, the subsequent appeal decision and a Kings Counsel legal opinion provided by the applicant, it is now the LPA’s opinion that planning permission 15/23463/FUL is extant and the Environment Agency were accordingly updated on the current situation.

The Environment Agency’s final and most recent position dated 17 July 2023 states: “*Further to our review we have no objection to the proposed development and make the following comments and recommendations (including conditions)*”.

Of note the Environment Agency consider that the original permission is extant and establishes the principle of development at this location. A number of conditions are recommended as follows:

- Finished floor levels shall be set no lower than 74.5m above Ordnance Datum (AOD) with flood resilience measures used up to a minimum level of 74.95m AOD
- Flood storage compensation, shall be carried out, in accordance with the details submitted
- Prior to the first occupation of the development, a Flood Warning and Evacuation Plan

The above conditions have been duly recommended and imposed.

Further to updated flood risk assessment and modelling the applicant has now proposed a Finished Floor Level of 74.5mAOD, with levels to the south side of the proposed being raised to provide level access from resident’s bedrooms. Levels to the north side are generally as existing, with some reduction to the north-west. Raised decks/balconies are proposed to this elevation to give residents level access from bedrooms, as well as access to the garden. The applicant asserts this change will mitigate for the potential future flood risk resulting from the most up-to date climate change allowances their recent hydraulic assessment.

#### *Surface water drainage*

The applicant has shown in their Flood Risk Assessment that there is no deterioration in the impact on the public sewer network as a result of the current proposed scheme compared to the consented one.

The IDB Sow and Penk Internal Drainage Board do not raise any objections to the principle of the surface water disposal, however, should the water be discharged. into an ordinary water course then consent would be required in addition to planning permission.

The Local Lead Flood Authority sought further details of the surface water strategy from the applicant, which has been provided within the updated Flood Risk Assessment and Drainage Strategy. It should be observed that an appeal was allowed in relation to the previously imposed condition 11 which relates to surface water drainage on the site. Although this was refused by SBC on the basis of insufficient information, the Inspector allowed the appeal and discharged condition 11. Therefore, a surface water drainage scheme for the site has been approved and the applicant asserts that the proposed surface water drainage scheme would not be dissimilar. This has been secured by condition to ensure details are submitted and approved as such.

#### *Appeal Decision*

Of relevance is an appeal decision reference APP/Y3425//22/3300824) dated 13th January 2023 in relation to the discharge of condition 11 (19/30484/DCON) which relates to surface water drainage on the same site for the approved scheme.

The Inspector determined that the appeal decision has established that a material start has been made on site (although this was before condition 11 had been discharged) therefore the consent is *extant* (and has not lapsed) and applicant has a legitimate fall back which should be a material consideration; and the principle of development on the site and details were fixed on the 2016 permission.

Overall, the flood risk assessment confirms that development on the site can take place in a way which would not materially affect other properties or cause flood issues elsewhere. The design and the slight reduction of the footprint and hardstanding, creates an overall benefit in floodplain terms when compared to the current scheme.

To be clear, the principle of a use class C2 development of a similar scale and mass on this site has been established, and the Environment Agency have confirmed that no objection is raised in this regard.

Subject to adhering to conditions the proposal is considered to be acceptable with regards to flooding and drainage.

National Planning Policy Framework

Paragraphs: 8, 120, 153, 154, 159, 161, 163, 164, 167 and 168.

The Plan for Stafford Borough

Policies: N2 Climate change

## **7. Planning obligations**

Contributions should be CIL compliant and meet the provisions of National Planning Policy. In accordance with Paragraph 57 of the NPPF, Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.



Within the extant scheme, the parks and open space development office did not require a contribution for open space and recreation. It is considered unnecessary to seek a contribution for a smaller scheme.

No other S106 contributions were sought in the previously approved scheme, and the current scheme would not warrant the need to secure any planning obligations.

Policies and Guidance:-

National Planning Policy Framework  
Paragraphs: 54, 55, 56, 57

The Plan for Stafford Borough  
Policies: Open space, sport, and recreation; I1 Infrastructure delivery policy

## **8. Planning balance and concluding comments**

The principle of development has been established by virtue of the extant planning consent for a 76-bedroom unit care home which is a material consideration. The proposed use and quantum of development has, therefore been secured.

The site is within the settlement boundary and the proposed development is considered to constitute sustainable development and would meet an identified specialist housing need. The care home provision would also provide good quality contribution to the housing supply. This has significant weight in the planning balance.

Whilst the development is located within flood zone 3b, the principle of a residential care home has already been accepted and the approved extant scheme is legitimate fall-back position which is supported by the Environment Agency.

The design, layout and scale of the scheme would be acceptable. Given the separation distances afforded, no undue harm will be posed to adjoining occupiers as a result of the development.

The impact of the increased movements on the local road network has been assessed and the proposed trips will not have a significant impact on the highway. The parking is considered on balance to be acceptable.

## **Consultations**

### **Biodiversity Officer:**

Policies that affect this proposed development:

NPPF (Section 15)

Government Circular 06/05: Biodiversity and Geological Conservation –Statutory Obligations and their impact within the Planning System.

Stafford Borough Council Biodiversity Strategy

Protected Species

James Johnston Ecology undertook an Ecological Appraisal during January

2020. The report did not find evidence of protected species but makes recommendations for biodiversity net-gain.

#### Nesting birds

The site should be kept mown to prevent suitable nesting habitat from developing. (This will also deter other animals from the site.)

#### Habitats

It is recommended that trees on the northwest boundary are retained and protected during development. Hedgerow and tree planting should be included in landscape plans for the boundaries.

3x bat tubes should be installed in appropriate locations in the new building in appropriate locations. 3x Schwegler 1B bird boxes should be installed on mature trees on site as directed.

#### **Highway Authority:**

The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway.

The developer is providing 27 car parking spaces, however the Borough Council parking standards recommend 45, of which 20 are for staff and 25 for visitors. This leaves a short fall of 18 spaces. The previous application that was approved for a 76 bedroom Care Home at this location was to provide 38 parking spaces.

#### **Environment Agency**

Responses received dated April 2020 (x2), October 2020, January 2021, March 2021, July 2021 and July 2023. The 2020 and 2021 responses recommend refusal, the July 2023 response supersedes the previous responses and raises no objection and recommends conditions:

#### **(July 2023)**

I refer to the further information which was received on 3 July 2023.

Key flood risk information we have reviewed includes the Flood Risk Assessment (ref Lees Roxburgh 6505/R1) and the Betts Hydro Flood Risk Technical Note HYD531, dated 9 February 2023.

Further to our review we have no objection to the proposed development and make the following comments and recommendations (including conditions).

Further to the receipt of the latest information, including outcome of the appeal (ref. APP/Y3425//22/3300824), it is understood that the original planning permission (15/23463/FUL) is extant.

Our comments on that original application were based on flood modelling of the Silkmore Drain/Rising Brook and it has since become clear that the downstream River Penk has a far more significant influence on flooding in this area than the Silkmore Drain. Significant flooding occurred in this area in 2019 and that resulted in widespread flooding across the development site.

Current application, 20/31757/FUL

We originally objected to this latest application on the basis that there was indication that parts of the site would be in flood zone 3b (functional floodplain) if the Penk levels were considered. This was also on the understanding that the original permission had lapsed. However, we note the recent information which confirms that the original permission is extant and establishes the principle of development at this location.

The latest FRA is assessed on the basis that the building is raised above the 1 in 100 year plus climate change level and remaining site is partially lowered. See drawing 2747-HIA-ZZ-XX-DR-A-0105-Proposed external levels-S3-P1.

Finished floor levels (FFL)

The latest Betts Hydro Flood Risk Assessment (FRA) report took the existing 2011 River Penk estimated levels and estimated a level which takes the effects of Climate Change into account by adding 50% to peak river flows. The current minimum climate change allowance for peak river flows, for the 'central 2080's', in this catchment is 29% (see Climate change allowances for peak river flow in England (data.gov.uk) - higher central is 39%), so the FRA is precautionary in this regard.

The results of the FRA calculations suggest a design 100 year plus 50% climate change flood level of 74.355m AOD adjacent to the building. The FRA suggests that Finished Floor Levels (FFL) should be set at 74.5m AOD, so only 145-153mm above local flood levels. But recommends Flood resilience measures should be incorporated in the building construction up to 0.45m above the proposed floor level.

We normally recommend FFL be set at least 600mm above the design flood level. However, we note that the current FFL is much elevated compared to the FFL of 73.48m AOD secured in the original planning permission. We are also mindful that the FRA utilises precautionary climate change allowances and when balanced against the current planning situation we have no objection to the proposals.

**CONDITION:**

Finished floor levels shall be set no lower than 74.5m above Ordnance Datum (AOD) with flood resilience measures used up to a minimum level of 74.95m AOD. REASON: To ensure safe development and protect the development from flood risk.

Flood Storage Compensation

The Betts Hydro Flood Risk Technical Note HYD531 (FRA), 9 February 2023, outlines a scenario whereby the building is raised and compensatory flood storage is provided – see 'third scenario' ground level adjustment as described on page 3 of the Betts Hydro report. This compensates for lost storage volume, with a partial lowering of ground, but causes no increase in flooding to any adjacent buildings etc. We would recommend that this mitigation is fully implemented prior to occupation and be retained and maintained thereafter.

**CONDITION:**

Flood storage compensation, shall be carried out, in accordance with the details submitted, including the Betts Hydro Flood Risk Technical Note HYD531, 9 February

2023, and drawing no. 2747-HIA-ZZ-XX-DR-A-0105-Proposed external levels-S3-P1, unless otherwise agreed in writing by the LPA.

REASON: To minimise flood risk and enhance the flood regime of the local area.

#### Safe Access

Paragraph 054 of the NPPG advises on how a development might be made safe from flood risk. Paragraph 039 provides detail on access and egress. Given our role and responsibilities we would not make comment on the safety of the access or object on this basis. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the National Planning Practice Guidance (NPPG). The following comments are to assist your decision making.

The FRA (ref Lees Roxburgh 6505/R1FRA), section 7.2 states that 'Safe access and egress is achievable from the primary access to the site and an evacuation plan will be written into the management procedures. Although there is minor flooding on the access road in the 1%AEP climate change event the flood hazard is acceptable given that the length of time to inundation would provide adequate notice'. The FRA also says the site will be set up on our (EA) flood warning service.

Based on the topographical plan submitted within the Betts Hydro Flood Risk Technical Note HYD531, the depth of flooding would be relatively shallow and of low velocity (low hazard rating).

#### Flood Warning and Evacuation Plan

The NPPG advises that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development.

We do not normally comment on or approve the adequacy of flood emergency response and flood evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users if they sign up to the Flood Warnings Service.

The NPPG places responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. We would advise that you take account of the guidance within NPPG Paragraphs 043 - 048.

We would advise that any Flood Warning and Evacuation Plan should identify a flood level that will initiate evacuation of people and vehicles, and any subsequent closure of the building/car park. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what is an acceptable level of flood risk to occupants.

The following condition is included for consideration by you in conjunction with your Emergency Planning officer/Emergency Services:

Condition: Prior to the first occupation of the development, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include

full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area.

Informative (note) to above: The Applicant /future occupiers should contact 08708 506506 to be set up on our flood warning system. In preparing the evacuation plan the applicant should have note to the FRA. Contact with the Environment Agency would enable the provision of the most up to date, best available, flood information.

Flood Risk information Note -

The Environment Agency is currently carrying out further revised modelling of the Rivers Sow and Penk in Stafford. This information is not finalised/currently available. The applicant may wish to contact us to obtain these results to inform their development including any flood management measures.

### **Extracts of original response (April 2020)**

The Environment Agency objects to the proposed development and recommends refusal of planning permission on the following grounds:

#### **FLOOD RISK**

The site lies within Flood Zone 3 according to our Flood Map for Planning (Rivers and Sea). We have reviewed the Flood Risk Assessment (FRA) by UNDA, ref. 86041-Harixon- SilkmoreLn), dated October 2015, submitted in support of this application.

In the absence of an acceptable Flood Risk Assessment (FRA), we object to this application and recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific Flood Risk Assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the PPG. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Take into account flood risk associated with the River Penk (please see Product 4 attached with this response)
- Consider the most up to date historic flooding information
- Take into account the correct climate change allowances (please see advice below)
- Consider requirements for floodplain compensation
- Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

#### **Overcoming our objection**

The Rising Brook does have flood risk associated with this site, however, it is also impacted by the River Penk. Both models (Stafford Tributaries Model 2014 and the Sow and Penk 2011) need to be considered when assessing flood risk to the site. We have provided an up to date Product 4 which can aid in your assessment, however, to assess the correct climate change allowances flood model re-runs may be necessary.

Although we are aware there is an extant planning permission on this site, our understanding of the interaction between the River Penk and the Rising Brook has improved. This area was subject to considerable recent flooding in October 2019, where

properties in this area (c.40) were cut off for 4 days. Some were internally flooded and people had to be rescued by the emergency services (i.e. Meadow Way to the north of the site).

We have surveyed flood levels from this event which demonstrate the site would have been impacted in this event whereby flood levels have been established at 73.947m AOD (ground level 73.017m AOD) at the property adjacent to this site. This information will need to be included in the FRA and help inform any mitigation measures proposed.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection.

#### GROUNDWATER and CONTAMINATION

We have the following comments to make on this Planning Application (20/3175/FUL) which relate solely to the protection of 'Controlled Waters', matters relating to Human Health should be directed to the relevant department of the Local Authority.

Reference to the 1:50,000 scale geological map indicates that the site is located on the bedrock of the Mercia Mudstone Formation, which is designated a 'Secondary B Aquifer' by the Environment Agency. Superficial Alluvium deposits (sands, silts and gravels), designated as a Secondary A Aquifer, are present at the site. These deposits are likely to be associated with the nearby Rising Brook. The location is therefore considered to be moderately sensitive with regards to controlled waters receptors.

We have reviewed the Geo-Environmental Assessment by Georisk Management, dated September 2019 submitted in support of this application. The report details a site investigation scheme that has been conducted, including sampling and analysis of soil concentrations of contaminants, against an appropriate contamination suite. Groundwater sampling and analysis was also carried out, at limited locations.

Significant contamination was not identified with soil or groundwater samples analysed. Hazardous TPH contamination was predominantly identified below laboratory limits of detection.

Based on the information provided to us, we consider that the re-development of this site does not appear to represent a significant risk to controlled waters receptors. However, it should be noted that the Environment Agency has not had any influence or control over the selection of site investigation locations or any aspect of the sampling and analysis undertaken. Therefore, the Environment Agency must assume that the information submitted to it, is both genuine and representative of site conditions and treat it in good faith.

Additionally, in accordance with the NPPF (paragraph 178), '*where a site is affected by contamination or land stability issues, and responsibility for securing a safe development rests with the developer and/or landowner*'. Therefore, should any significant contamination, not assessed by virtue of this report/project, subsequently become apparent responsibility remains with these parties.

Further to our comments above we recommend that the unsuspected contamination

condition is included on any planning permission granted for the site. This is required in order to ensure that if any contamination is identified during development this is dealt with appropriately to protect sensitive controlled waters receptors. The presence of contamination may be suspected due to the previous use of the site and the potential for associated contamination to have been missed during the current investigation, which is limited in its assessment of risk to controlled waters.

#### CONDITION

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

#### REASON

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

#### **Subsequent position (March 2021)**

We have reviewed the information submitted and maintain our objection to the proposed development and recommend refusal of planning permission.

We have reviewed the additional information submitted including the letter by Betts Hydro (ref. HYD531/SilkmoreLn/RDN/NL/11/02), dated 26 February 2021. It should be noted that our comments made in our previous response (letter ref. UT/2020/118529/07-L01, dated 27 January 2021) remain valid and should continue to be referred to, in addition to those below.

This development site is not shown as being located in Flood Zone 3b within the 2019 Southern Staffordshire Level 1 SFRA interactive mapping as detailed modelling of the Rising Brook has been used to establish the extents of Flood Zone 3a and 3b for this area as this is the watercourse closest to the development site.

However, as stated previously, the significant flood event in October 2019, which postdates the SFRA final report dated August 2019, has confirmed that flooding affecting the site is primarily from the River Penk. Therefore, detailed modelled flood extents of the River Penk should be used to establish the extents of Flood Zone 3a and 3b for the development site.

When comparing the extents from the 2011 River Sow and Penk hydraulic model with the proposed site location plan, it can be seen that the development is location within Flood Zone 3b, classified as the functional floodplain. This is also the case when comparing the site location with the baseline model received in support of this application. As a result, we maintain our objection to this application on the basis that the site is located within the functional floodplain.

Finally, as stated previously, the 2011 River Sow and Penk hydraulic model is currently undergoing improvements, however we do not have any outputs at this stage. The modelling is anticipated to be completed by late Spring 2021 and once complete will be available to request.

### **Staffordshire County Council Flood Risk Management position**

(March 2020)

We have reviewed the submitted information and there is insufficient detail to fully demonstrate that an acceptable drainage strategy is proposed. We would therefore recommend that the pre-commencement conditions are not discharged until this has been resolved. The outstanding issues are as follows:

1. Discharge agreement. Please provide confirmation of an agreed point of discharge – a Severn Trent developer enquiry response for connection to public sewer, or written agreement for any other arrangements.
2. Network calculations. Please provide detailed design calculations (e.g. MicroDrainage or similar) to demonstrate the performance of the surface water drainage system for a range of return periods and storm durations inclusive of the 1 in 30 year, 1 in 100 year, and 1 in 100 year plus climate change return periods. There should be an accompanying layout plan with pipe and manhole references that correspond to the calculations.
3. Exceedance plans. Plans illustrating flooded areas and flow paths in the event of exceedance or blockage of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance.

### **IDB Sow and Penk Internal Drainage Board**

(April 2020)

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

SHOULD Consent be required from the IDB as described above then we would advise that this should be made a **CONDITION** of any Planning **DECISION**



**Leisure Officer:**

Due to the size of this development the Council is reasonably entitled to request a quantitative provision of 30.81m<sup>2</sup> per person of open space provision under its current policy. However, with the development being a care home for the elderly that have a high level of social care within their homes, it is considered that a contribution towards open space would not be required.

**Environmental Health Officer:**

The report contains sufficient information for our purposes, the findings, recommendations and remediation proposals are satisfactory. I note the presence of amosite and crocidolite asbestos fibres in the near surface in part of the site, I expect specific controls to be addressed in a CDM proposal which will prevent the release of airborne fibres

**Staffordshire Police Crime Prevention Design Advisor:**

Detailed comments advising how the development can prevent crime and disorder occurrences.

**Neighbours**

(51 consulted): 5 representations received in objection, raising the following points:

- Site located where flood water needs temporarily to be accommodated
- Site regularly floods which will increase due to climate change
- Site located in flood plain
- Adversely affects neighbouring properties and gardens
- Delays in access for emergency vehicles
- Increased traffic

Site notice expiry date: 06.03.2020

Newsletter advert expiry date: 11.03.2020

Neighbour 14 day re-consultation expired 24.07.23

**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 approved plans are drawing nos:  
 Proposed Site Layout 2747-HIA-ZZ-XX-DR-A-0102-D0-P8  
 Proposed Ground Floor Plan 2747-HIA-01-00-DR-A-0201-D0-P7  
 Proposed First Floor Plan 2747-HIA-01-01-DR-A-0211-D0-P6  
 Proposed Second Floor Plan 2747-HIA-01-02-DR-A-0221-D0-P6  
 Proposed Roof Plan 2747\_HIA-01-03-DR-A-2701-D0-P1  
 Proposed Elevations 2747-HIA-01-XX-DR-A-0301-P6

The development shall be carried out in accordance with the approved plans except as required by other conditions of this consent.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended or as it may be amended, and those of the Town and Country Planning (General Permitted Development)(England) Order 2015 or as it may be amended, the premises once built shall only be used as a residential car home. They shall not be used for any other purposes including any other uses within Use Class C2 except for ancillary uses to a residential care home.
4. No development shall be carried out until samples or photographic illustrations of the external materials to be used on the walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved materials shall be used unless alternatives have been agreed in writing with the Local Planning Authority.
5. The development hereby permitted shall not be brought into use until the access, parking including cycle parking, servicing and turning areas have been provided in accordance with the approved plans and thereafter they shall be retained.
6. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved within 8 months of the first use of the building. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage and sewers, power and communication cables, pipelines etc. indicating lines, manholes supports etc.); retained historic landscaping features and proposals for restoration, where relevant.] Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation program]. Any plants or trees that are removed or 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.
7. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work. (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall

be planted at such time, as may be specified in writing by the local planning authority.

8. All trees, shrubs, hedges and bushes which are to be retained in accordance with the approved plans and particulars shall be protected in accordance with BS 5837: 2012. This shall include establishing a Root Protection Area (RPA) around each tree, shrub, hedgerow or bush. All RPAs must be enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing with the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. No works or alterations to existing ground levels or surfaces shall be undertaken within the RPAs without the prior written approval of the local planning authority. No materials, equipment or vehicles are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained. All tree protection measures shall be agreed in writing with the local planning authority and their installation undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
9. The development hereby permitted shall not be brought into use until the existing site access, off Silkmore Lane which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development, hereby permitted is permanently closed and the access crossing reinstated as verge/footway. The Tactile Paving on the footpath on Silkmore Lane, adjacent to the development, shall be re-positioned to accommodate the closed access.
10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: i) a site compound with associated temporary buildings;ii) the routing of construction vehicles to and from the site;iii) the removal of demolition materials from site;iv) the parking of vehicles of site operatives and visitors;v) the loading and unloading of plant and materials;vi) storage of plant and materials used in constructing the development; vii) measures to prevent the deposition of deleterious material on the highway including wheel wash facilities
11. No machinery, plant or extract points shall be installed at the premises except in accordance with details approved in writing by the local planning authority.
12. Construction works including deliveries to the site shall only take place between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 14.00 on Saturdays. There shall be no such working on Sundays or bank/public holidays.
13. There shall be no burning on site.
14. No development shall commence until details of the location, design, intensity and spread of any proposed external lighting has been submitted to and approved in

writing by the Local Planning Authority. Thereafter only the approved external lighting shall be constructed and it shall be installed and operated in accordance with the approved details.

15. No above ground works shall commence until details of the design and external materials of the bin store have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved bin store shall be constructed before the building is first used and it shall be retained.
16. Finished floor levels shall be set no lower than 74.5m above Ordnance Datum (AOD) with flood resilience measures used up to a minimum level of 74.95m AOD.
17. Flood storage compensation, shall be carried out, in accordance with the details submitted, including the Betts Hydro Flood Risk Technical Note HYD531, 9 February 2023, and drawing no. 2747-HIA-ZZ-XX-DR-A-0105-Proposed external levels-S3-P1, D0-P5 unless otherwise agreed in writing by the LPA.
18. Prior to the first occupation of the development, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.
19. No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme must be based on the design parameters and proposed strategy set out in the updated flood risk assessment and drainage strategy : 6505/R1 dated August 2020. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
20. Prior to each phase of development approved by this planning permission commencing, a remediation strategy will be required to deal with the risks associated with contamination of the site in respect of the development hereby permitted, and approved in writing by, the local planning authority. This strategy will include the following components:
  1. A preliminary risk assessment which has identified:
    - o all previous uses
    - o potential contaminants associated with those uses
    - o a conceptual model of the site indicating sources, pathways and receptors
    - o potentially unacceptable risks arising from contamination at the site
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving

full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved

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 available space for vehicle parking and access is retained and that this capacity is not exceeded (Policy T2 of The Plan for Stafford Borough).
4. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
5. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
6. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
7. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
8. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
9. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
10. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
11. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
12. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough)
13. To safeguard the area from fumes, smoke and smells (Policy N1e of The Plan for Stafford Borough).

14. To safeguard the amenities of the area (Policy N1e 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 ensure safe development and protect the development from flood risk in accordance with Policy N1 of the Plan for Stafford.
17. To minimise flood risk and enhance the flood regime of the local area in accordance with Policy N1 of the Plan for Stafford.
18. To minimise the flood related danger to people in the flood risk area in accordance with Policy N1 of the Plan for Stafford.
19. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.(Policy N2 of The Plan for Stafford Borough).
20. To ensure the protection of 'Controlled Waters'.  
The request for this condition is based on the potential for contamination to be present on the site as indicated by the previous history of the site. Any contamination present has the potential to impact on the 'Controlled Waters' receptors of the underlying Secondary A Aquifers and linked surface water receptors. Consequently the extent of any contamination and significance to these receptors should be assessed to determine if remediation is required. This requirement is in line with paragraph 170 of the National Planning Policy Framework, which states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

## **Informatives**

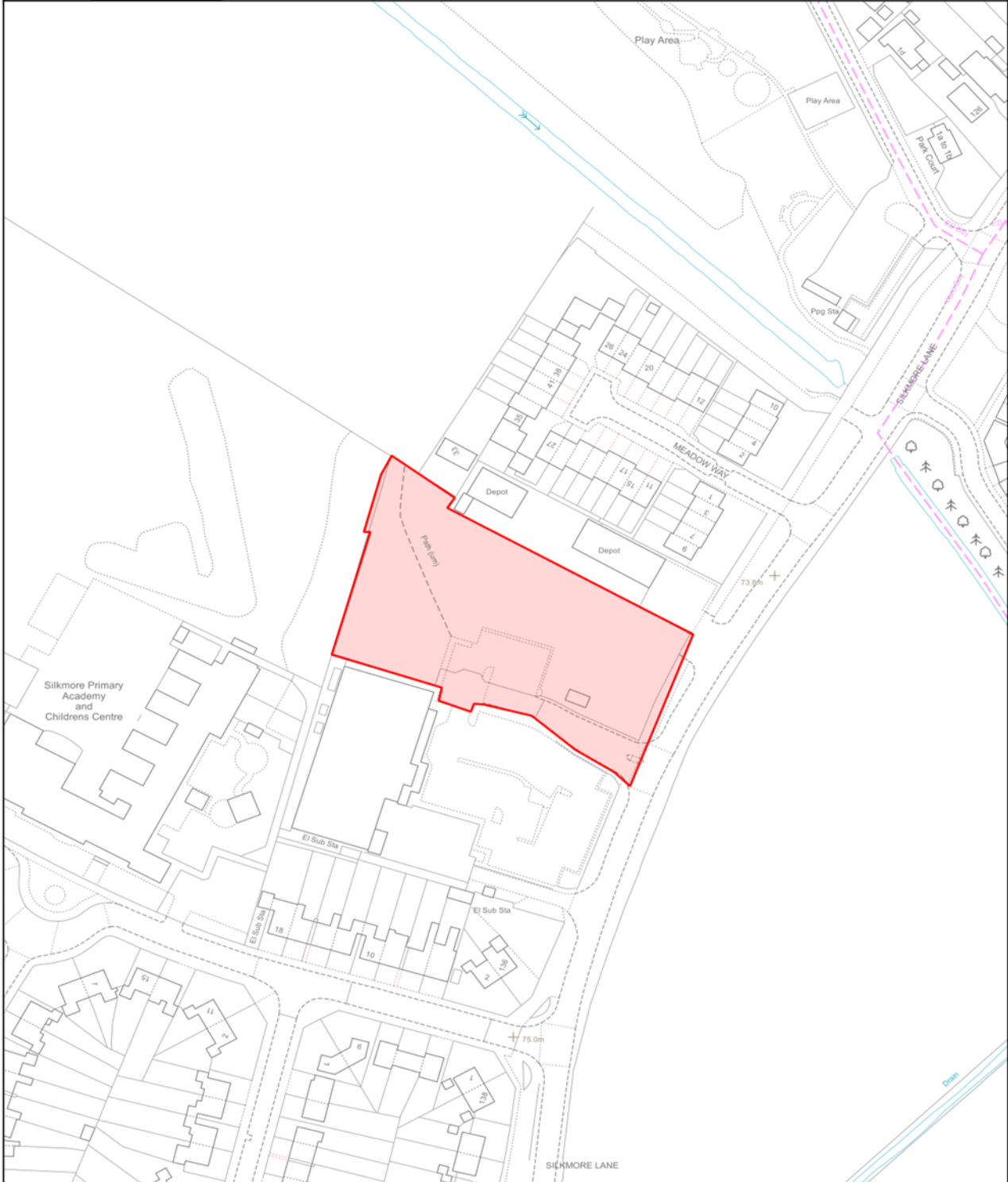
- 1 You should be aware that all species of bat in Britain are protected by the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats and etc) Regulations 1994 and the Countryside and Rights of Way Act 2000. This means that it is illegal to:
  - Kill, injure or handle a bat
  - Disturb bats when they are roosting
  - Obstruct, damage or destroy the places where bats live
  - Sell, hire, barter or exchange a bat whether alive or dead
  - Keep bats in captivity
- 2 In accordance with the Wildlife and Countryside Act 1981 it is an offence to disturb or destroy the nests or eggs of wild birds. The timing of the works should therefore

be discussed with a suitably qualified person to avoid disturbance to any birds using the trees.

- 3 All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981. This means that roofing and renovation 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.
- 4 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 5 The Applicant /future occupiers should contact 08708 506506 to be set up on the Environment Agency flood warning system. In preparing the evacuation plan the applicant should have note to the FRA. Contact with the Environment Agency would enable the provision of the most up to date, best available, flood information.
- 6 If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff.
- 7 No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.
- 8 If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.
- 9 The attention of the applicant is drawn to the observations of the Environment Agency, Infrastructure Drainage Board and Staffordshire Police submitted in response to consultation on this application. All comments received can be viewed online through the planning public access pages of the Council's website ([www.staffordbc.gov.uk](http://www.staffordbc.gov.uk)).

## 20/31757/FUL Land At Silkmore Lane Stafford

Scale	1:1500	Economic Development & Planning 20/31757/FUL	<b>Stafford</b> BOROUGH COUNCIL
Grid Ref	SJ9221,SJ9321		



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Date Created: 25-07-2023

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<b>Application:</b>	21/35329/FUL
<b>Case Officer:</b>	Steve Owen
<b>Date Registered:</b>	14 March 2022
<b>Target Decision Date:</b>	9 May 2022
<b>Extended To:</b>	none
<b>Address:</b>	Land Adjacent To, 35 Trenchard Avenue, Beaconside, Stafford
<b>Ward:</b>	Coton
<b>Parish:</b>	None
<b>Proposal:</b>	New dwelling house with new dropped kerb, pedestrian and vehicular access.
<b>Applicant:</b>	Mr D Mallinson
<b>Recommendation:</b>	Approve, subject to conditions and a S106 agreement to secure the SAC contribution

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## REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor Louise Nixon (Ward Member for Coton) for the following reasons:-

1. Over intensification of the site.
2. A new dwelling house on that site will be a change to the street scene. A similar application was refused some years ago, if not on this location but on nearby locations in Trenchard Avenue by another developer because of the affect it would have on the street'

## Context

### The Site Context

L/A to 35 Trenchard Avenue is located within the ward of Coton which is inside the Stafford Settlement Boundary. The area around the site is primarily residential/suburban characterised by semi-detached and terraced dwellings.

The site is within Flood zone 1, the Green Newt Protection Zone, and within 15km of the Cannock Chase Special Area of Conservation.

### The Site

The development site comprises a plot of land between No. 35 and No.37 Trenchard Avenue. The applicant states within the application form that the land is vacant but was an allotment.

### **The Site History**

The site has no relevant planning history.

### **Proposed Development**

The planning application proposes the following:

A detached two-storey dwelling and new vehicle access.  
Timber clad storage for three wheelie bins (1.2m high x 2.5m wide x 0.9m depth).

### **Planning policy framework and Material Planning Considerations**

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).

The material planning considerations identified during the assessment of this application include:

The principle of the development  
The developments visual impact.  
The developments impact upon amenity  
The developments impact upon car parking and highway safety  
The developments impact upon ecology.

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

#### **Principle of Development**

Spatial Principle 3 of the plan for Stafford Borough requires the majority of development to be provided through the sustainable settlement hierarchy. The application site lies within Stafford and as such the site lies within a sustainable location where the principle of residential development is considered to be acceptable.

#### **Policies and Guidance:-**

National Planning Policy Framework (NPPF) - Paragraphs 8 and 11  
The Plan for Stafford Borough (TPSB) 2011-2031 - Policies SP3 Sustainable Settlement Hierarchy, SP7 Supporting the Location of New Development

#### **Character and Appearance**

Policies N1g and N1h of TPSB require that proposals are of a high standard of design and have regard to the local context. The National Planning Policy Framework also places great emphasis on high quality design and requires that developments add to the overall quality of the area.

Consideration has therefore been given to the new dwelling and its visual impact on the site and the wider setting in terms of its scale, form and use of materials. Consideration has also been given to neighbour objections relating to design.

The existing street scene is characterised by two-storey semi-detached and terraced dwellings. The dwellings have a broadly similar character and appearance including dual-pitched roofs, facing bricks and dark roof tiles.

The proposed dwelling would include features in keeping with the neighbouring dwellings. The two-storey proposal would include a dual-pitched roof which would match the height of the dwellings either side. The external bricks and roof tiles would also match the neighbouring dwellings. The proposals scale, form and materials would appear broadly in keeping with the street scene.

The dwelling would include some features which differ from its neighbours. The front of the dwelling would include an integral garage. The window pattern would also differ from other dwellings. A timber store is also proposed for the dwellings wheelie bins. The dwelling would therefore include some unique features.

Paragraph 5.6 of councils Design Supplementary Planning Guidance states;

*'Too much variety can be chaotic, but too much uniformity can result in monotonous and dull places. Therefore any scheme design and it's accompanying material must be explicit in respect to the extent to which it is attempting to impose uniformity and how an appropriate balance between these two qualities will be struck and delivered.'*

Consideration has been given to this design guidance. It places its support behind development which is in keeping with the established street scene but also accepts an appropriate degree of variety.

In this instance, and on balance, it has been judged that the proposed dwelling, in terms of its size, scale and form is appropriate. While its front fascia would be distinct, the use of materials which match the neighbouring dwellings would aid its visual integration.

A condition should be attached to the decision notice, if approved, securing the use of external materials which match the neighbouring dwellings either side.

The proposal is considered sufficiently in keeping with the character and appearance of the street scene and would not result in adverse visual harm.

#### **Policies and Guidance:-**

National Planning Policy Framework (NPPF) - Section 12. Achieving well-designed places  
The Plan for Stafford Borough (TPSB) 2011-2031 - Policies N1 Design, N8 Landscape Character  
Supplementary Planning Document (SPD) - Design

## **Amenity**

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.

Consideration has therefore been given to the proposals impact on residential well-being and any harmful disturbance or nuisance.

The development would not result in any technical breach of amenity standards detailed within the Design SPD relating to privacy and access to outlook/sunlight.

The Environmental Health Service has been consulted on the proposed development. No objection has been received, subject to the addition of standard conditions designed to minimise noise and disturbance during construction. Condition relating to burning on site and disposal of demolition materials are not considered to be appropriate in this instance and can be controlled via separate legislation.

### **Policies and Guidance:-**

National Planning Policy Framework (NPPF) - Paragraph 127

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

Supplementary Planning Document (SPD) - Design

## **Parking and Highway Safety**

Appendix B of the TPSB require three car parking spaces to be provided for a four bedroom dwelling. Policy T2 of TPSB also requires all new development have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport.

The Highway Authority has been consulted and has raised no objection subject to the full implementation of the parking and access arrangements detailed within the submitted plans.

### **Policies and Guidance:-**

National Planning Policy Framework (NPPF) – Section 9. Promoting sustainable transport

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

## **Biodiversity/Trees/Cannock Chase SAC**

Policy N4 of TPSB seeks to protect the Borough's natural environment, which is reflected within the NPPF under the section heading of Conserving and enhancing the natural environment.

Policy N5 states the highest level of protect will be given to European Sites, with new development only permitted where;

There will be no adverse effect on the integrity of any European site, or

If adverse effects are identified, it can be demonstrated that the proposed mitigation measures show that there will be no adverse effect on the integrity of any European site; or

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

The policy also states new developments will be required to include appropriate tree planting, to retain and integrate healthy, mature trees, and hedgerows, and replace any trees that need to be removed.

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

### **European Sites**

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, of the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment (AA).

The Authority has concluded that the adverse effects arising from the proposal are wholly consistent with the effects detailed in the Cannock Chase SAC evidence base referenced elsewhere in this assessment. The most up-to-date evidence suggests that these effects can be satisfactorily mitigated by the measures set out in the Strategic Access Management and Monitoring Measures agreed with Natural England.

As the development lies within the 0-15km zone of payment it is the Authority's assessment that, subject to a satisfactory legal agreement or CIL contribution to secure the £290.58 towards the SAMMMs, the application will deliver the required measures necessary to mitigate or avoid any likely significant effects. Therefore it can be concluded that there will be no adverse effect on the integrity of Cannock Chase SAC.

Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's AA, which concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC and therefore they have offered no objections to the proposal.

### **Trees**

There is a mature tree on the grass verge in front the proposed dwelling. The Tree Officer has been consulted on the development. He has raised no objection subject to a condition requiring the submission and approval of a Arboricultural Method Statement.

A pre-commencement condition should be added to the decision notice if approved requiring the method statement to ensure the development doesn't harm the tree during construction.

### **Protected Species**

The site is within the Green Newt Protection zone. The development is therefore unlikely to harm protected species.

### **Policies and Guidance:**

National Planning Policy Framework

Paragraphs: 8, 118, 174, 175, 176 and 177

The Plan for Stafford Borough

Policies: N2 Climate change; N4 The natural environment and green infrastructure; N5 Sites

of European, national & local nature conservation importance; N6 Cannock Chase special area of conservation

### **Conclusion**

In conclusion it is considered, on planning balance, that the proposal is acceptable in terms of its visual impact on the site and setting, neighbouring and occupier amenity, parking/highway safety, flood risk and ecology, subject to the appropriate SAC contribution being secured via a S106 agreement.

The development is therefore suitably compliant with policies; SP7, N1, N2, N4, N5, N6, N9, T2, and Appendix B of TPSB, as well as the relevant provisions of the NPPF.

The application is therefore recommended for approval subject to conditions and the appropriate SAC contribution being secured via a S106 agreement.

### **Consultations**

Tree Officer:

No objection, subject to a conditioned Arboricultural Method Statement.

Natural England:

No objection subject to mitigation being secured.

Environmental Health:

No objection, subject to construction phase conditions.

Highway Authority:

No objection, subject to implementing parking arrangements.

Neighbours (8 consulted):

4 responses received. Material planning conditions listed below:

Design: The development does not fit into the established street character.

Drainage: The streets drainage is at capacity and cant handle another dwelling.

Amenity: A loss of privacy.

Site Notice:  
Expiry date: 20.05.2022

### **Relevant Planning History**

None.

### **Recommendation**

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:
  - Site Location Plan and Proposed Floor Plans and Elevations (Scale 1:1250, 1:100 and 1:50) Drawing No. PL-102 Revision D
  - Proposed Site Plan (Scale 1:100) Drawing No. PL-101 Revision D
  - Proposed Bin Store Details (Scale 1:20) Drawing No. PL-106
3. All works, including demolition, site works, construction and deliveries 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.
4. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
5. Road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.
6. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
7. Prior to commencement of development, details of a screening scheme to protect neighbouring residential dwellings from exposure to excessive noise shall be submitted to and approved in writing with the Local Planning Authority.
8. Prior to commencement of development a BS5837:2012 tree impact assessment and method statement shall be submitted and approved in writing by the Local Planning Authority.
9. Prior to the dwelling being brought into use the parking and access arrangements as detailed within the approved plans shall be fully implemented and thereafter retained.

10. The external roof tiles and bricks used to finish the dwelling hereby approved shall, as stated on the approved drawings, match the adjacent dwellings.

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 safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
4. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
5. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
6. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
7. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
8. To protect and manage trees and ecology within the borough (Policy N4 of the Plan for Stafford Borough).
9. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
10. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).

## **Informatives**

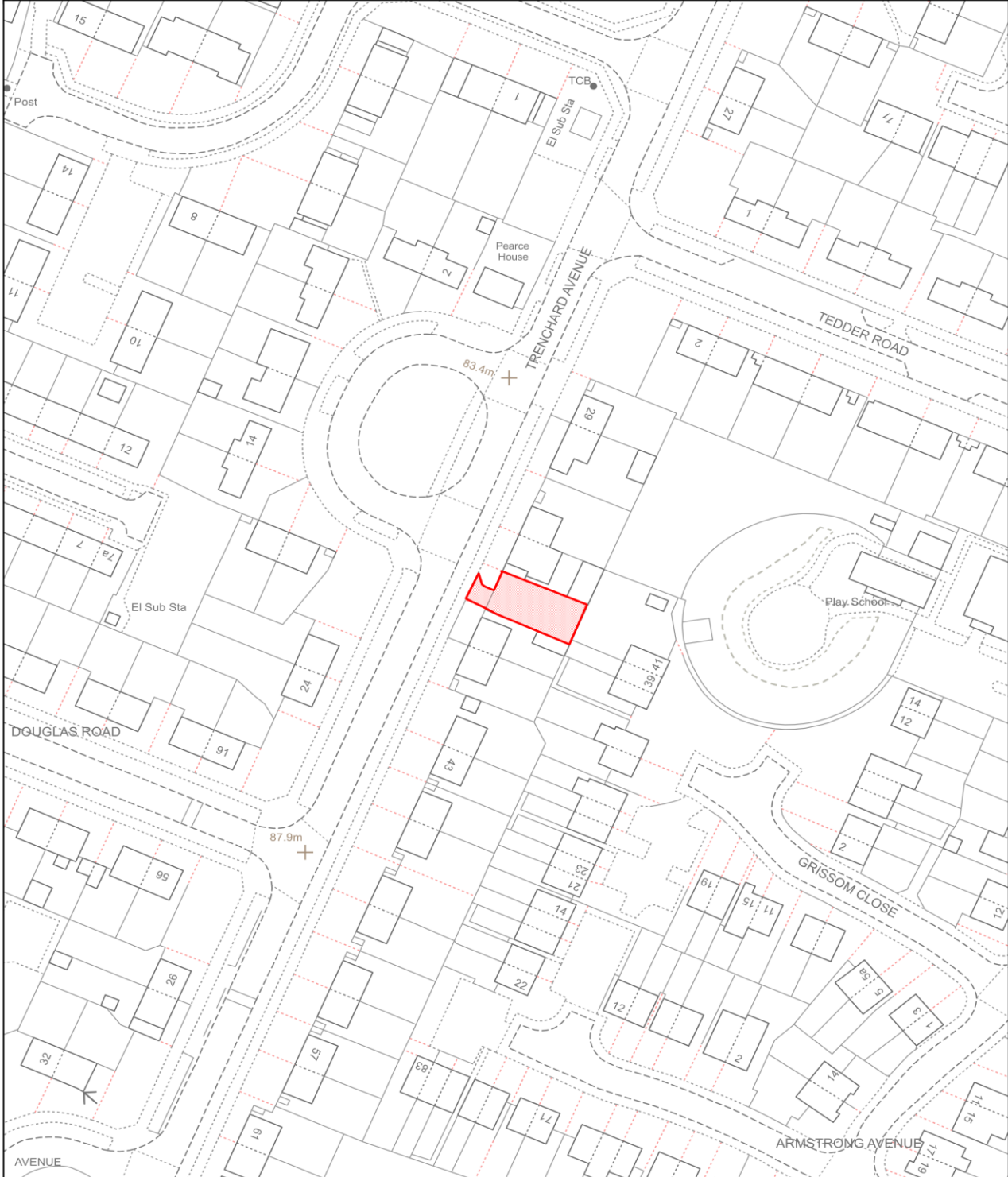
- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 The vehicle access crossing will require a permit from our Traffic and Network Management Unit to extend the dropped kerb. Please note that you require Section 184 Notice of Approval from Staffordshire County Council. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Traffic and Network Management Unit, Staffordshire Place 1, Tipping



Street, Stafford, Staffordshire, ST16 2DH. (or email to  
([trafficandnetwork@staffordshire.gov.uk](mailto:trafficandnetwork@staffordshire.gov.uk)) Vehicle access crossing (dropped kerb) -  
Staffordshire County Council.



## 21/35329/FUL Land Adjacent To 35 Trenchard Avenue Beaconside

Scale	1:1000	Economic Development & Planning 21/35329/FUL	 <b>Stafford</b> BOROUGH COUNCIL
Grid Ref	SJ9324		



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Date Created: 25-07-2023

<b>Application:</b>	21/35138/REM
<b>Case Officer:</b>	Alison Young
<b>Date Registered:</b>	15 December 2021
<b>Target Decision Date:</b>	9 February 2022
<b>Extended To:</b>	none
<b>Address:</b>	Former Eagle Inn Car Park, Newport Road, Eccleshall, Stafford
<b>Ward:</b>	Eccleshall
<b>Parish:</b>	Eccleshall
<b>Proposal:</b>	Residential development for up to 2 dwellings appearance, landscaping, layout, scale
<b>Applicant:</b>	Mr K P Jones
<b>Recommendation:</b>	Approve

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## REASON FOR REFERRAL TO COMMITTEE

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

" Scale and massing of the proposed dwellings with respect to the adjacent properties. There is insufficient specific information provided which is required as part of the conditions of the outline planning approval".

### Context

The Application Site is a roughly rectangular shaped parcel of open land located to the east of Newport Road and which was formerly the car park to the Eagle Inn located 30m to the north. The site measures approximately 700m<sup>2</sup> in area. The site adjoins Newport Road to its southern boundary and the relatively recent Spring Hollow development of houses is located to the east.

The houses which front onto Spring Hollow, located to the north and east of the site consist of modern, red brick, two and two and a half storey houses with the dwellings directly adjoining the north and north western parts of the site having rooms in the roof lit by dormer windows and accommodation over three floors. The neighbouring dwellings to the south of the site are two storey but are raised up slightly in comparison to the application site and are set back from Newport Road behind a wide grassed verge. The dwellings to the opposite side of Newport Road from the application site are a mix of detached and semi-detached 20<sup>th</sup> century dwellings with more traditional and smaller scale properties fronting Gaol Butts to the north/ east of the site.

The Site lies within the settlement boundary of Eccleshall. The boundary of the Eccleshall Conservation Area is to the northern side of Gaol Butts and Horse Fair incorporating the Eagle Inn building itself.

### **Background**

The site is located within the settlement boundary of Eccleshall and the principle of development has previously been established in the granting of the extant outline permission (20/32127/OUT). The access to the site from Newport Road was approved at outline stage.

Condition 2 of the outline permission required an application for the approval of reserved matters to be made before the expiration of three years from the date of the permission - 21.07.2020. This reserved matters application was registered as valid on 15.12.2021, within the three year period.

### **Proposal**

The current application seeks approval of reserved matters for the appearance, landscaping, layout, and scale of the development. The reserved matters application is sought for two dwellings. The proposed dwellings would be large executive type homes comprising 4 bedrooms and 2.5 storeys in height to accommodate bedrooms within the roof. The dwellings would have a large footprint

Each of the dwellings would have a driveway, two parking spaces and a turning area. The scale of the proposed properties and footprint of the dwellings would result in a small private garden to the side of Plot 1 and a narrow linear strip of garden to the rear of Plot 2. The plans specify that the boundaries would be marked by brick walls.

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

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises of The Plan for Stafford Borough 2011-2031, The Plan for Stafford Borough Part 2 2011-2031 and the Eccleshall Neighbourhood Plan

#### **1. Principle of Development**

The site is located within the settlement boundary of Eccleshall and the principle of development has previously been established in the granting of the extant outline permission, leaving only details of appearance, landscaping, layout, and scale to be considered under this application for the approval of reserved matters.

Condition 2 of the outline permission requires an application for the approval of reserved matters to be made before the expiration of three years from the date of the permission – July 2020. These reserved matters application was registered as valid on 15.12.2021, well within the three-year period.

Policies and Guidance:

National Planning Policy Framework Paragraphs: 7, 8, 10, and 11

Supporting the location of new development, The Plan for Stafford Borough: Part 2

Policies: SB1 Settlement boundaries

## Eccleshall NDP Policy 1

### 2. Impact on the Conservation Area

The site itself is outside the Conservation Area, the boundary of which is to the other side of Newport Road and to the north of Gaol Butts and Horse Fair. The Conservation Officer objected to the outline application on grounds of the loss of parking for the pub which would lead to on road parking and further congestion on Gaol Butts and Small Lane which are both historic streets and covered by an article 4 direction, resulting in an unwelcoming atmosphere and substantial harm to the character and appearance of the Conservation Area.

Notwithstanding the conservation objection to the proposed development, outline planning permission was granted under permission reference 20/32127/OUT for the erection of two dwellings on the site with all matters except access reserved. The current application seeks approval of reserved matters for appearance, landscaping, layout, and scale of the development.

The Conservation Officer has objected to the reserved matters scheme on the basis that the development would result in less than substantial harm to the Conservation Area. They comment that *'the scale of the dwellings results in them appearing cramped on the narrow plot and having very little in the way of private amenity space. Their height and scale are disproportionate to the other dwellings on this side of Newport Road which are primarily smaller terraced houses. The proposed development is grossly disproportionate to the size of the plots - both the floor area of the dwellings and the height should be reduced.'* Concern was also raised about the lack of information regarding proposed materials however amended drawings have been received in addition to some material specifications for the external finishes, windows, and doors. The materials are now considered acceptable.

The amended plans referred to above reduce the height of the proposed dwellings by 0.25m and the length by 0.45m, the dwellings remain as large scale properties when compared with the size of the plot and the Conservation Officer still raises objection to the development. Whilst the Conservation Officer concludes that the development proposals in their current form would result in less than substantial harm to the degree of moderate harm to the character and appearance of the setting of the Eccleshall Conservation Area, the proposals will not be higher to the ridge than the existing Spring Hollow dwellings and will be viewed against the backdrop of these properties and in the context of this relatively recent development of two and a half storey houses when approaching along Newport Road. The site is not within the Conservation Area itself. There is an existing outline consent for two dwellings and the provision of housing in a sustainable location is of public benefit.

When viewed from the Conservation Area itself the development would be set against the backdrop of the elevated two and a half storey dwellings which front Spring Hollow and although the proposed dwellings are large scale properties on a narrow site it is considered that on balance the impact of the development on the character and appearance of the setting of the Conservation Area is acceptable.

The proposed development therefore complies with the provisions of policies N1, N8 and N9 of the Plan for Stafford Borough.

Policies and Guidance:-

National Planning Policy Framework Section 16  
The Plan for Stafford Borough  
Policies: N1 Design; N8 Landscape character  
Supplementary Planning Document (SPD) - Design

Eccleshall NDP Policy 5

### **3. Character and Appearance**

#### **Layout**

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

The site is a relatively narrow strip of land fronting onto Newport Road with existing dwellings to the sides and rear of the site. There is one existing access into the site and another access was approved at outline stage. Each dwelling would have two parking spaces to the side and a turning area and the dwellings would be set back in the site to allow for the visibility splays across the frontage of the site.

The proposed dwellings have large footprints and each dwelling would only benefit from a relatively small area of private amenity space (approx. 100 sqm) when compared with the scale of the dwellings themselves. However, the gardens would be surrounded by brick walls to ensure privacy and there would be sufficient space provided for a sitting out area for future residents. The plans indicate that the garden areas would be lawned. Given the scale of the proposed dwellings in relation to the size of the site permitted development rights for extensions and outbuildings can be removed to prevent additional development of the site in the future.

#### **Scale and appearance**

The proposed dwellings are large scale, detached, two and half storey house types of brick and tile finish. The nearest existing residential development to the site is a recent housing development directly to the north and east which are two and a half storey brick built, semi-detached dwellings. The materials proposed for the dwellings have been submitted and are generally acceptable although submission of additional details can be controlled by condition.

As stated above the proposals will not be higher to the ridge than the existing Spring Hollow dwellings and will be viewed against the backdrop of these properties and in the context of this relatively recent development of two and a half storey houses when approaching along Newport Road. A condition requiring details of existing and finished floor levels of the proposed dwellings can be required by condition to ensure the ridge lines of the houses are in line with neighbouring properties.

## Amenity

Policy N1 of TPSB requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas. The Design SPD provides detailed guidance including regarding garden sizes and separation distances between dwellings.

The front elevations of the dwellings would face onto Newport Road, the dwellings opposite are at a distance of over 21m, thereby satisfying guideline 2 of the Council's Design SPD (Supplementary Planning Document).

The rear elevation of plot 1 would be 18m from the rear of 16 Spring Hollow; whilst this is shorter than the 21m recommended in guideline 2 of the SPD, there would be no instances of directly facing windows. This is because the proposed two dwellings only have first floor, rear elevation windows that are bathrooms and secondary rather than main habitable rooms and could be conditioned to have obscure glazing. This would protect the level of privacy of the neighbours to the rear of the site. Following the amendment which moved the dwelling on plot 1 further forward, the residential amenity of 15 and 16 Spring Hollow is retained including within their gardens which are positioned to the east of the site.

The side-facing windows of No14 and No18 Spring Hollow would face onto the site, however as they are not habitable windows and are not directly facing the proposed dwellings, it is considered that this would result in an acceptable level of residential amenity being retained for the two dwellings.

The Environmental Health Officer provided comments on the outline application.

20/32127/OUT is subject to conditions relating to hours of works, noise, and dust; such conditions do not need to be repeated should this application be approved.

As stated above the dwellings would have a relatively small area of private, outdoor amenity space but there would be sufficient space for sitting out and drying and the boundary walls proposed would ensure privacy of this space.

On balance, the level of amenity for both existing and future occupiers is considered to be acceptable with regard to policy N1 of The Plan for Stafford Borough and the Design SPD.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 124, 127, 128 and 130

The Plan for Stafford Borough

Policies: N1 Design; N8 Landscape character

Supplementary Planning Document (SPD) - Design

## 4. Conclusion

The principle of residential development on this site has been established in granting outline consent - 20/32127/OUT - which included the access arrangement. All significant issues relating to design, scale, appearance and landscaping are considered to have been adequately addressed in this application.

There is an existing outline consent for two dwellings and the provision of housing in a sustainable location is of public benefit. The site is not located within the Conservation

Area and when viewed from the Conservation Area the development would be set against the backdrop of the elevated two and a half storey dwellings which front Spring Hollow. Although the proposed dwellings are large scale properties on a narrow site it is considered that on balance the impact of the development on the character and appearance of the setting of the Conservation Area is acceptable.

**Consultations** (summarised)

Eccleshall Parish Council 16.02.23

Continues to object to the application due to the excessive scale and mass of the proposed dwellings with respect to the adjacent properties.

(Original response 11.01.22)

Objects to the application due to the excessive scale and mass of the proposed dwellings with respect to the adjacent properties. In addition, there is insufficient specific information provided which is required as part of the conditions of the outline planning approval

Conservation Officer 07.03.23

The amendments to the plans are very minor, with the overall height of the dwellings being reduced by just 25cm which makes no discernible difference to their scale and massing. They still remain 2.5 storey executive type detached dwellings that constitute as over development of the modest site area. It appears as though the material specifications remain unchanged with windows and doors are still proposed to be in uPVC rather than painted timber or powder-coated aluminium, and the roof is still specified to be a grey plain clay tile rather than Staffordshire Blue plain clay tile.

The primary conservation concerns with the proposed development are still yet to be resolved, as such the development proposals in their current form would still result in less than substantial harm to the degree of moderate harm to the character and appearance of the setting of the Eccleshall Conservation Area through overdevelopment of the site, excessive scale, massing, and use of inappropriate materials.

The proposed development is therefore contrary to policies N1, N8 and N9 of the Plan for Stafford Borough and paragraphs 200 and 202 of the National Planning Policy Framework 2021. In addition, it does not satisfy S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places emphasis on preserving and/or enhancing the character and appearance of conservation areas.

(Previous response 08.04.22)

Following the conservation comments dated 15 February 2022, amended drawings have been received in addition to some material specifications for the external finishes, windows, and doors.

The scale and form of the proposed dwellings has not been reduced or amended as previously requested, they still remain large executive type homes comprising 4 bedrooms and 2.5 storeys in height. They are disproportionately large for the size of the plot they would occupy and out of keeping with the form of other dwellings in the near vicinity which are either semi-detached or terraced. As previously advised, the developer should consider substituting the two large executive homes for a pair of semi-detached dwellings and reducing the height to no more than two storeys - this would grant more private



amenity space and be more proportionate to the plot sizes and be less dominating in the Newport Road street scene.

I have previously advised, as the site is within the setting of the Eccleshall Conservation Area, materials should be sympathetic to the character of the area. The majority of the above materials are acceptable from a conservation perspective however, the roof tiles should be specified as Staffordshire Blue plain clay only (not grey plain clay). The windows, as previously stated in my comments dated 15 February 2022, should be painted timber or powder-coated aluminium, not uPVC as specified.

Many of the primary conservation concerns with the proposed development are still yet to be resolved, as such the development proposals in their current form would still result in less than substantial harm to the degree of moderate harm to the character and appearance of the setting of the Eccleshall Conservation Area.

The proposed development is therefore contrary to policies N1, N8 and N9 of the Plan for Stafford Borough and paragraphs 200 and 202 of the National Planning Policy Framework 2021. In addition, it does not satisfy S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places emphasis on preserving and/or enhancing the character and appearance of conservation areas.

(Original response 15.02.22)

The Inn itself does not have any car parking within its curtilage but does benefit from a reasonably sized car park adjacent to the south-east approximately 30 metres away outside of the conservation area on Newport Road.

The proposed dwellings would be large executive type homes comprising 4 bedrooms and 2.5 storeys in height. The scale of the dwellings results in them appearing cramped on the narrow plot and having very little in the way of private amenity space. Their height and scale are disproportionate to the other dwellings on this side of Newport Road which are primarily smaller terraced houses. The proposed development is grossly disproportionate to the size of the plots - both the floor area of the dwellings and the height should be reduced. The developer should consider substituting the two large executive homes for a pair of semi-detached dwellings - this would grant more private amenity space and be more proportionate to the dwellings on Spring Hollow just north-east of the site.

No information has been submitted to specify the external facing materials of the proposed dwellings. As one of the reserved matters is appearance, the external materials need to be submitted. As the site is within the setting of the Eccleshall Conservation Area, materials should be sympathetic to the character of the area. For the roof Staffordshire Blue plain clay roof tiles should be used, red brick would be acceptable for the walls. Render would be considered but not on the scale of dwellings currently proposed as this would make them more visually prominent in the street scene. Windows and doors should be painted timber or powder-coated aluminium, not uPVC.

The development proposals in their current form would result in less than substantial harm to the degree of moderate harm to the character and appearance of the setting of the Eccleshall Conservation Area.

The proposed development is therefore contrary to policies N1, N8 and N9 of the Plan for Stafford Borough and paragraphs 200 and 202 of the National Planning Policy Framework 2021. In addition, it does not satisfy S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places emphasis on preserving and/or enhancing the character and appearance of conservation areas.

Furthermore, insufficient information has been provided with regards to the external materials and finishes of the proposed new dwellings.

### Neighbours

5 responses from 5 addresses to original consultation, and 5 responses from 3 of the original addresses to the latest amended plans:

- Scale of development - siting of dwellings to rear of plot, scale of dwellings in relation to plot size
- Amendments proposed are token changes only - do not address concerns regarding scale of proposed dwellings
- Accuracy of plans with respect to height of existing and proposed dwellings
- Impact on boundary fence
- Potential for construction of garages in the future impact on neighbouring amenity
- Impact of rising levels across the site and height of dwellings
- Increased noise disturbance on existing residents
- General disturbance to existing residents
- Loss of light to neighbouring gardens and within habitable rooms
- Increased traffic and congestion in busy area
- Negative impact upon neighbours and village
- Noise disturbance from road on proposed residents
- Siting/placing of proposed houses
- Size and mass of development impacting on the surrounding area
- Loss of Privacy
- Blocking of neighbouring driveway resulting in parking on Newport Road

Site Notice expiry date: 07.09.2022

## Relevant Planning History

20/32127/OUT–Residential development for up to 2 dwellings. Approved 21.07.2020.

## Recommendation

Approve subject to the following conditions:

1. This approval of reserved matters in respect of appearance, landscaping, layout, and scale is granted pursuant to outline planning permission 20/32127/OUT and the approved development shall comply in all respects with the terms of that outline permission and the conditions imposed on it.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent (or 20/32127/OUT), in which case the condition shall take precedence:-
  - Drawing no: 1185 00 Location Plan
  - Drawing no: 1185 03 Rev C Proposed streetscene elevations
  - Drawing no: 1185 01 Rev G Existing and proposed site plan
  - Drawing no: 1185 02 Rev G Proposed plans and elevations
3. Notwithstanding any description/details of external materials in the application documents, the development shall not proceed beyond slab level until precise details or samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
4. Notwithstanding any description/details in the application documents, before the development is first occupied the (rear) east-facing, first-floor windows on the dwellings serving bathrooms and dressing rooms as illustrated on Drawing 1185 02E shall be obscure glazed and non-opening up to 1.7m in height above floor level and shall thereafter be retained as such.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any other subsequent equivalent Orders, no development within Classes A (alterations, improvement, enlargement or other alteration), B (additions or alterations to the roof that enlarge the house), C (other additions/alterations to the roof) and E (buildings, pools or enclosures within the curtilage of the dwelling) of Part 1 and Class A (gates, fences, walls etc) of Part 2 to Schedule 2 shall be carried out without the prior written consent of the Local Planning Authority.
6. Notwithstanding the submitted information no development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property and shall demonstrate that the ridge heights of the proposed dwellings shall not exceed those of 14/15 Spring Hollow.

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

1. To define the development.
2. To define the development.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To prevent any overlooking and ensure sufficient residential amenity for neighbouring occupiers (Policy N1 of The Plan for Stafford Borough)
5. To allow the Local Planning Authority to retain control over the development in the interests of visual and residential amenity (Policy N1 of The Plan for Stafford Borough).
6. To ensure a satisfactory relationship the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to the amenities of neighbouring properties (Policy N1 of The Plan for Stafford Borough)

### **Informatives**

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

**21/35138/REM**  
**Former Eagle Inn Car Park**  
**Newport Road**  
**Eccleshall**



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

## REASON FOR REFERRAL TO COMMITTEE

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

" Negative impact on streetscene"

### Context

#### The application site:

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

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

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

land to the side between 1 Brazenhill Lane and Moathouse Drive. The applicant land is now registered separately to 1 Brazenhill Lane.

### **The proposal:**

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

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

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

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

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

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

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

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

#### **Planning policy framework**

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

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

#### **Principle of Development**

The site is considered to be incidental open space that has been previously purchased by the then occupants of 1 Brazenhill Lane, before being subdivided and sold on to the applicant. The application site is stated to be in residential use, however, although

previously included in the land ownership of 1 Brazenhill Lane, a garden use has not been formally established.

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

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

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

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

### **Policies and Guidance:-**

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

### **Character and appearance**

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

### **Policies and Guidance:-**

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

## Supplementary Planning Document (SPD) - Design

### **Residential amenity**

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

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

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

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

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

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

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

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

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

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

Policies and Guidance:-

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

## Highways and Access

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

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

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

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

Policies and Guidance:-

National Planning Policy Framework - 107, 108

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

## Ecology

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

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

Policies and Guidance:-

National Planning Policy Framework – Section 15.Conserving and enhancing the natural environment: Habitats and biodiversity

The Plan for Stafford Borough - N4 The Natural Environment and Green Infrastructure

## Cannock Chase SAC

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

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

or:

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

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

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

Policies and Guidance:-

National Planning Policy Framework Paragraphs: 8, 179, 180, 181 and 182

The Plan for Stafford:

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

### **Other matters**

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

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

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

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

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

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

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

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

Loss of views is not a planning matter.

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

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

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

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

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

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

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

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

### **Consultations**

#### **Highway Authority:**

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

#### **Recommendations:**

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

- 1, The development hereby permitted shall not be brought into use until the access, parking, and layout have been provided in accordance with Drawing No PE-004 Revision E (Proposed site plan) and the parking area surfaced in tarmac as shown on Drawing No 0310 (Dropped Kerb Plan).
- 2, The development hereby permitted shall not be brought into use until the visibility splays shown on Drawing No 0300 Revision P3 (Visibility Assessment) have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level. The grassed area shall be kept clear of all obstructions to a height of 600mm to also protect the visibility from Brazenhill Lane.
- 3, The parking area at the rear of the property to remain un gated.
- 4, No future off street parking to be provided directly in front of the proposed property adjacent to No 1 Brazenhill Lane due to its proximity to the junction with Moat House Drive.

**Informative:**

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

Previous comments (summarised):

Recommendation Summary: Conditional

Site Visit Conducted on: 25-Jul-2022

**Background:**

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

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

**Comments on Information submitted:**

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

Drawing No 0310 (Dropped Kerb Plan) identifies x2 car parking spaces to be proposed at the rear of the proposed property. I have measured the two car parking spaces at a scale

of 1:100 to be 2.4m x 4.8m which meets the current national standards in Manual for Streets (MFS). The width of the proposed vehicular access crossing to be dropped is 7.4m in total with a new transitional kerb to the south. I note this will incorporate the existing neighbouring substation vehicle access crossing which will be extended to provide the double width access for the proposed parking areas. The proposed surface material to be used on the private driveway is tarmac which is acceptable, as the Highway Authority does not want to see any loose material being dragged onto the highway.

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

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

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

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

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

#### Recommendations:

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

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

#### **Environmental Health Officer:**

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

#### 1. SITE HOURS

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

Monday to Friday: 08:00 – 18:00  
Saturday: 08:00 – 14:00

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

## 2. DELIVERIES

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

Monday to Friday: 08:00 – 18:00  
Saturday: 08:00 – 14:00

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

## 3. GENERAL CONDITIONS

- a. There should be no burning on site during development
- b. All demolition materials shall be removed from site and properly disposed of.
- c. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
- d. If necessary, road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.
- e. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
- f. If necessary, screening shall be provided to the site to protect residential dwellings from exposure to excessive noise. Details of such work shall be agreed with the local authority and carried out before other works begin.

## 4. DUST MITIGATION

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

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

## 5. ELECTRIC VEHICLE CHARGING

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

## 6. DRAINAGE

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

**Newt Officer:**



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

**Natural England: (summarised):**

Summary of Natural England's Advise:

No objection subject to appropriate mitigation being secured.

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

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

Other advice

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

**Western Power:**

No response received.

**Parish Council:**

Amended plans:

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

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

- Policy C4 Housing Conversions and Subdivisions – the applicant has not demonstrated that the proposed development would not damage the character or amenity of the street or residential area, that the proposed development does not demonstrate adequate amenity and private open space or appropriate on-site parking.
- Policy N1 Design – does not demonstrate how the proposed development will meet the requirement of respecting and strengthening the continuity of street frontages
- Policy N2 Climate Change - the proposed development will remove land currently available for infiltration and increase run-off .
- Policy N4 Natural Environment and Green Infrastructure – the proposed development will remove an area that currently promotes wildlife permeability and that has been open space for at least 40 years.
- Does not demonstrate how access arrangements will meet the requirements for safe access onto the highway and visibility splays recommended in The Manual for Streets.

Original comments:

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

**Neighbours** (22 consulted):

Amended plans:

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

Previous concerns and strong objections re-iterated;  
Query change to red edge to side boundary and if accurate;

Old stream bed runs along Brazenhill Lane to an old pond at the site;  
Site probably acts as a soakaway and could lead to flood risk for neighbouring houses if built on;  
Filled in pond is a natural soak away for excess water with this area only being grassland since the completion of the estate;  
The natural fall of the land falls directly towards neighbour, and any flooding, as a direct consequence the development due to disturbance of the soak away, would impact their property and other neighbouring properties;  
The fall in direction could also mean that the electrical sub-station could also be impacted by any surface water;  
The site lies below the level of the adjacent roads and footpaths and would trap any water that does not soak away and push it onto neighbour's land.

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

Proposal goes against local plan housing and amenity policies;  
Single house will not meet local housing needs;  
Queries energy efficiency;

Eyesore from bedroom window;  
Not suitable for domestic premises;

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

Surprise that this unwanted application is still ongoing.  
Proposal does not fit with governmental guidance to the detriment of the community;  
Argues that no accident record is only due to current excellent visibility at junction;  
Re-iterates various previous concerns;

Original submission:

13 representations received, comments summarised as:

Inappropriate location;  
Detrimental impact on long established open green space and character of area;  
How will design be similar architecturally to other properties in the area;  
Crammed in;  
Built for financial gain;

Setting precedent;

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

Purchase of land rushed without neighbours knowing;

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

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

Land is open space and not garden;

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

Current owner has left the site untidy;

Neighbour not received consultation letter;

No site notice observed/lack of publicity;

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

Query over who owns/controls boundary fence;

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

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

Concerns over noise from construction process;

Direct overlooking;

Loss of light to garden area;

Loss of view beyond;

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

Unsafe access to side;

Will encourage parking on highway to front;

Congestion;

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

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

Lamp post will need to be moved;

Too close to substation;

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

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

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

Site Notice:  
Expiry date: 12.09.2022

Relevant Planning History  
None

Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence :-  
DRAWING NUMBER: PE-001 REV B  
DRAWING NUMBER: PE-002  
DRAWING NUMBER: PE-004 REV F  
DRAWING NUMBER: PE-005 in conjunction with DRAWING NUMBER 0300 REV

P4 (Visibility Assessment)

DRAWING NUMBER 0310 REV P1

3. Notwithstanding any details/description in the application documents, before any above ground development takes place full details/samples of the facing materials to the external walls and roofs to the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
4. All construction works, including demolition, together with associated deliveries to the site shall only take place between the hours of:  
  
8:00 am and 18:00 pm Monday to Friday inclusive;  
8:00 am and 14:00 pm on Saturdays;  
Not at all Sundays, Bank Holidays and other public holidays.
5. There shall be no burning on site during development.
6. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
7. The development hereby permitted shall not be brought into use until the access, parking, and layout have been provided in accordance with Drawing No PE-004 Revision F (Proposed site plan) and the parking area surfaced in tarmac as shown on Drawing No 0310 REV P1 (Dropped Kerb Plan).
8. The development hereby permitted shall not be brought into use until the visibility splays shown on Drawing No 0300 Revision P4 (Visibility Assessment) have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level. The grassed area shall be kept clear of all obstructions to a height of 600mm to also protect the visibility from Brazenhill Lane.
9. The parking area at the rear of the property to remain unगत.

10. The site frontage directly in front of the proposed dwelling shall provide pedestrian access only in accordance with the approved plans and shall not be used for off street parking.

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

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

### **Informatives**

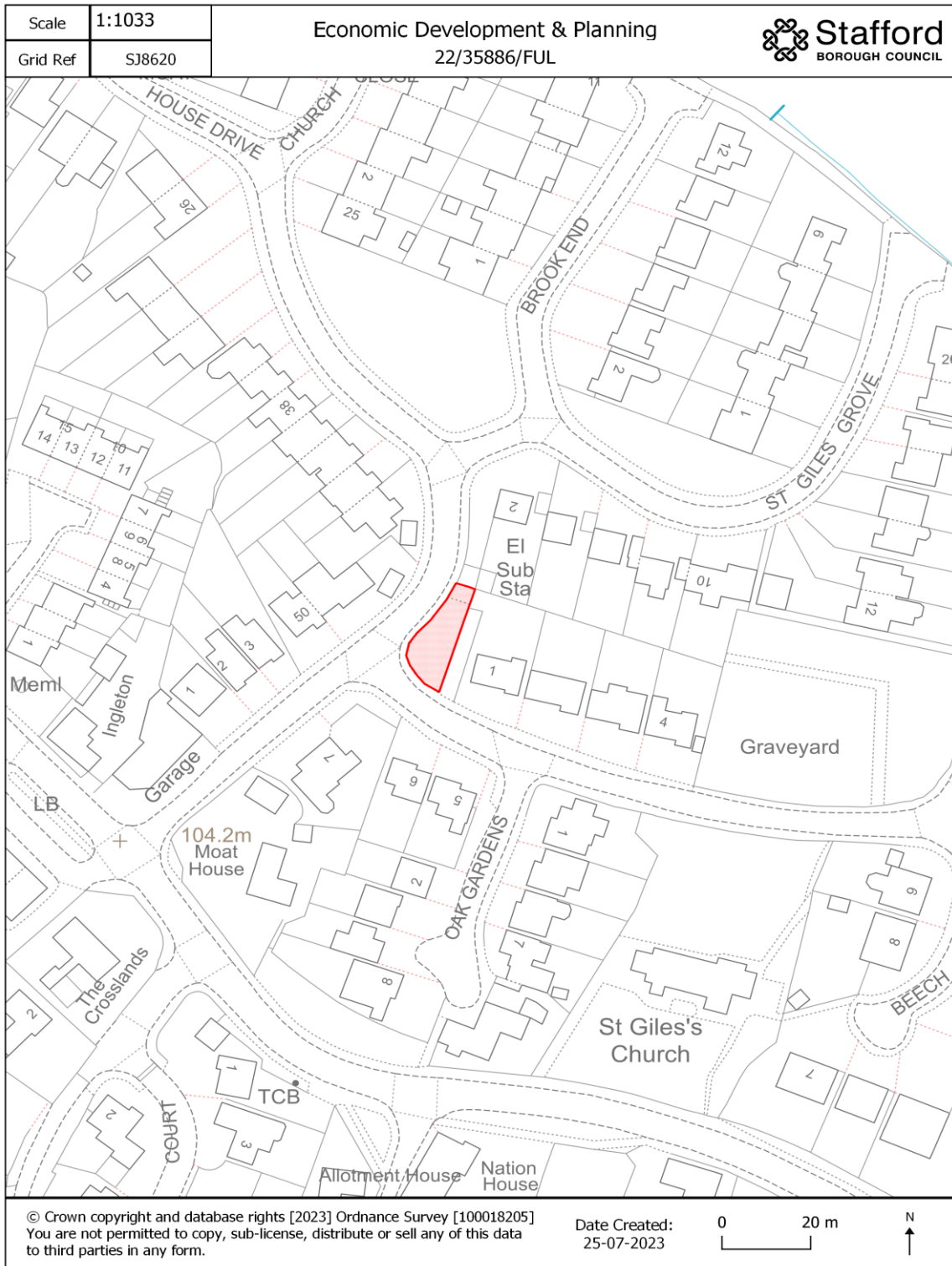
- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has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

Informative:

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

and costs for re-locating/protecting the equipment is the applicants. Please contact the Staffordshire County Council Lighting Team for advice. [streetlighting@staffordshire.gov.uk](mailto:streetlighting@staffordshire.gov.uk)

## 22/35886/FUL Land Adjacent To 1 Brazenhill Lane Haughton



<b>Application:</b>	23/37211/HOU
<b>Case Officer:</b>	Jake Powell
<b>Date Registered:</b>	27 April 2023
<b>Target Decision Date:</b>	22 June 2023
<b>Extended To:</b>	none
<b>Address:</b>	45 Ridgeway, Hixon, Staffordshire, ST18 0NZ
<b>Ward:</b>	Haywood and Hixon
<b>Parish:</b>	Hixon
<b>Proposal:</b>	Erection of detached garage
<b>Applicant:</b>	Mr M Farrington
<b>Recommendation:</b>	Approve, subject to conditions

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## REASON FOR REFERRAL TO COMMITTEE

This application has been called in to be decided at planning committee by Councillor B McKeown (Ward Member for Haywood and Hixon) for the following reason/s:

Impact on Hixon Public Footpath No. 5

### 1.0 CONTEXT

#### The Application Site

The site comprises a detached, two storey dwellinghouse located within an established residential estate in Hixon. The site benefits from a large front garden area, as well as a smaller rear garden area, in addition to the main dwellinghouse.

Mapping information indicates that the Public Right of Way Hixon 5 runs through the application site, however it does not appear to have done so for a considerable amount of time, with the PROW blocked by a neighbouring boundary hedge.

#### Proposed Development

The application seeks permission for the construction of a detached garage to the front of the site.

#### 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), and the Hixon Neighbourhood Plan.

## **OFFICER ASSESSMENT – KEY CONSIDERATIONS**

### **2.0 PRINCIPLE OF DEVELOPMENT**

The application site is located within Hixon 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 and as shown on the associated Inset map for Hixon.

The principle of development is therefore considered to be acceptable given that the property is located within a sustainable location in the Hixon settlement boundary, but subject to other material considerations being satisfied, including:-

- Impact upon the character and appearance of the host dwelling and the surrounding area;
- Residential amenity;
- Car parking provision.

#### **Policies and Guidance:-**

National Planning Policy Framework 2021 (NPPF)

Paragraphs 8 and 11

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)

Part 2 - SB1 (Settlement Boundaries)

Hixon Neighbourhood Plan

No relevant policies

### **3.0 CHARACTER and APPEARANCE**

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. Section 8 of the Supplementary Planning Document on Design (SPD) then provides further detailed guidance on extensions and alterations to dwellings.

The application seeks permission for the construction of a detached garage to the front of the site. As outlined in the Design SPD Garages should be designed to ensure they do not dominate the property or street scene, and they should be sympathetic with the scale, form, materials and architectural style of the existing dwelling. In addition, garages should be sited so as to minimise disturbance and overshadowing to a neighbouring property.

The SPD further states, a detached garage will only be permitted forward of a principal elevation in exceptional circumstances, where the building's frontage is either sufficiently deep, or sufficiently wide, so as not to impact on the setting of the dwelling, the character and appearance of the street scene or impinge on the amenity of neighbours.

It is acknowledged that the proposed garage would be situated to the front of the site, in a prominent position when viewed from public vantage points most notably from Ridgeway and when using the PROW Hixon 5.

However, the proposed garage would be moderate in scale with only a single storey with a dual pitched roof at a maximum height of approximately 2.7 metres and constructed in timber. It is noted that the garage would be excessive in depth, measure approximately 6.6 metres. However, in due to the proposed modest height conjunction with the choice of materials, the proposed garage would result in a lightweight appearance.

Furthermore, due to the setting of the proposed garage to the immediate front of the site on the boundary with the neighbouring property at No. 43 Ridgeway and in line with the access to the site, the proposal would fit comfortably on the site. In addition, the primary elevation viewed would be the front elevation, and considering this would be of an appropriate width and height, its appearance would not appear overtly dominant in the street scene. In addition, due to the siting well forward of the dwellinghouse and in line with the existing off-shoot access, Officers do not consider that the proposed development would disrupt the building line of properties along this area of Ridgeway.

Overall, the proposed development would have an acceptable impact on the character and appearance of the dwelling and street scene.

**Policies and Guidance:-**

National Planning Policy Framework 2021 (NPPF)  
 Section 12 - Achieving well-designed places  
 The Plan for Stafford Borough 2011-2031 (TPSB)  
 N1 (Design)  
 Supplementary Planning Document - Design (SPD)  
 Hixon Neighbourhood Plan  
 No relevant policies

**4.0 RESIDENTIAL AMENITY**

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.

The proposed development would be set in approximately 1 metre from the boundary with the neighbouring property at No. 43 Ridgeway. Considering this set in, in conjunction with the moderate scale of the proposed development, in addition to the relationship with this neighbouring property's windows as well as the windows proposed as part of the application, Officers are satisfied that the proposed development would not result in an unacceptable impact on the amenity of this neighbouring property through loss of light, outlook, privacy or an overbearing appearance.

**Policies and Guidance:-**

National Planning Policy Framework 2021 (NPPF)  
 Paragraph 130  
 The Plan for Stafford Borough 2011-2031 (TPSB)  
 N1 (Design)  
 Supplementary Planning Document - Design (SPD)

Hixon Neighbourhood Plan  
No relevant policies

## **5.0 HIGHWAYS AND PARKING**

As outlined in the Design SPD, in accordance with Manual for Streets single garage depths should be a minimum of 6 x 3 metres. The proposed garage would not meet these requirements and would therefore not be considered viable parking provision.

Nevertheless, the proposed development would not result in a change of the car parking requirements on site and would have suitable access from the existing highway. Overall, the proposed development would have an acceptable impact on highways and parking.

### **Policies and Guidance:-**

National Planning Policy Framework 2021 (NPPF)

Paragraphs 108 and 109

The Plan for Stafford Borough 2011-2031 (TPSB)

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

Hixon Neighbourhood Plan

No relevant policies

## **6.0 PUBLIC RIGHT OF WAY**

The application has been reviewed by Staffordshire County Council with regards to the proximity of the development to Public Footpath Hixon 5. This footpath runs immediately south of the proposed development.

The applicant is advised that the granting of planning permission does not constitute authority for any interference with the public rights of way and associated items - or obstruction (temporary or permanent).

## **CONCLUSION AND PLANNING BALANCE**

The proposed development would result in an acceptable impact on the character and appearance of the site and surrounding area, the amenity of neighbouring properties, and on highways and parking. Officers therefore recommend that permission is granted subject to conditions.

## **CONSULTATIONS**

### **Parish Council:**

Objection on the grounds that the building would disrupt Public Right of Way Hixon 5, in addition to the proposal resulting in visual intrusion and an unacceptable impact on the street scene.

### **Public Right of Way:**

Public Footpath No. 5 Hixon Parish runs immediately south of the proposed development.

The granting of planning permission does not constitute authority for any interference with the public rights of way and associated items - or obstruction (temporary or permanent).

The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.

Users of the path must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development.

Where private rights exist that allow the use of vehicles along a public right of way, drivers of vehicles must give way to <<pedestrians, cyclists and horse riders>>.

In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

If the footpath needs diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence. For further information the applicant must read section 7 of DEFRA's Rights of Way Circular (1/09). In such an instance it is also strongly suggested, in order to avoid unwanted complications, that guidance should be sought from Staffordshire County Council as Highways Authority, regarding the exact position of the Public Right of Way shown on the Definitive Map.

Should this planning application be approved and any right of way require a temporary diversion, please see the County Council website for [guidance and an application form](#).

Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity. The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.

It is advised the County Council Rights of Way Team are contacted to discuss the proposals.

#### **Neighbours:**

(6 consulted): 1 representation received raising the following material considerations:-  
- Proximity to existing Public Right of Way.

#### **Relevant Planning History**

14/20896/HOU - Rear and side single storey extension. Refused.

16/24433/LDC - Rear extension. Withdrawn.

16/24555/HOU - Single storey side and rear extension. Permitted.

## Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise or by a condition attached to this consent, in which case the condition shall take precedence:-

M01193A SITE PLAN, FLOOR PLAN, ELEVATIONS AND SECTION

3. The development to which this permission relates shall be carried out in accordance with the materials specified on the approved plans and on the application form.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

## 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 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 Public Footpath No. 5 Hixon Parish runs immediately south of the proposed development.

The granting of planning permission does not constitute authority for any interference with the public rights of way and associated items - or obstruction (temporary or permanent).

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Users of the path must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development.

Where private rights exist that allow the use of vehicles along a footpath, drivers of vehicles must give way to pedestrians.

In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

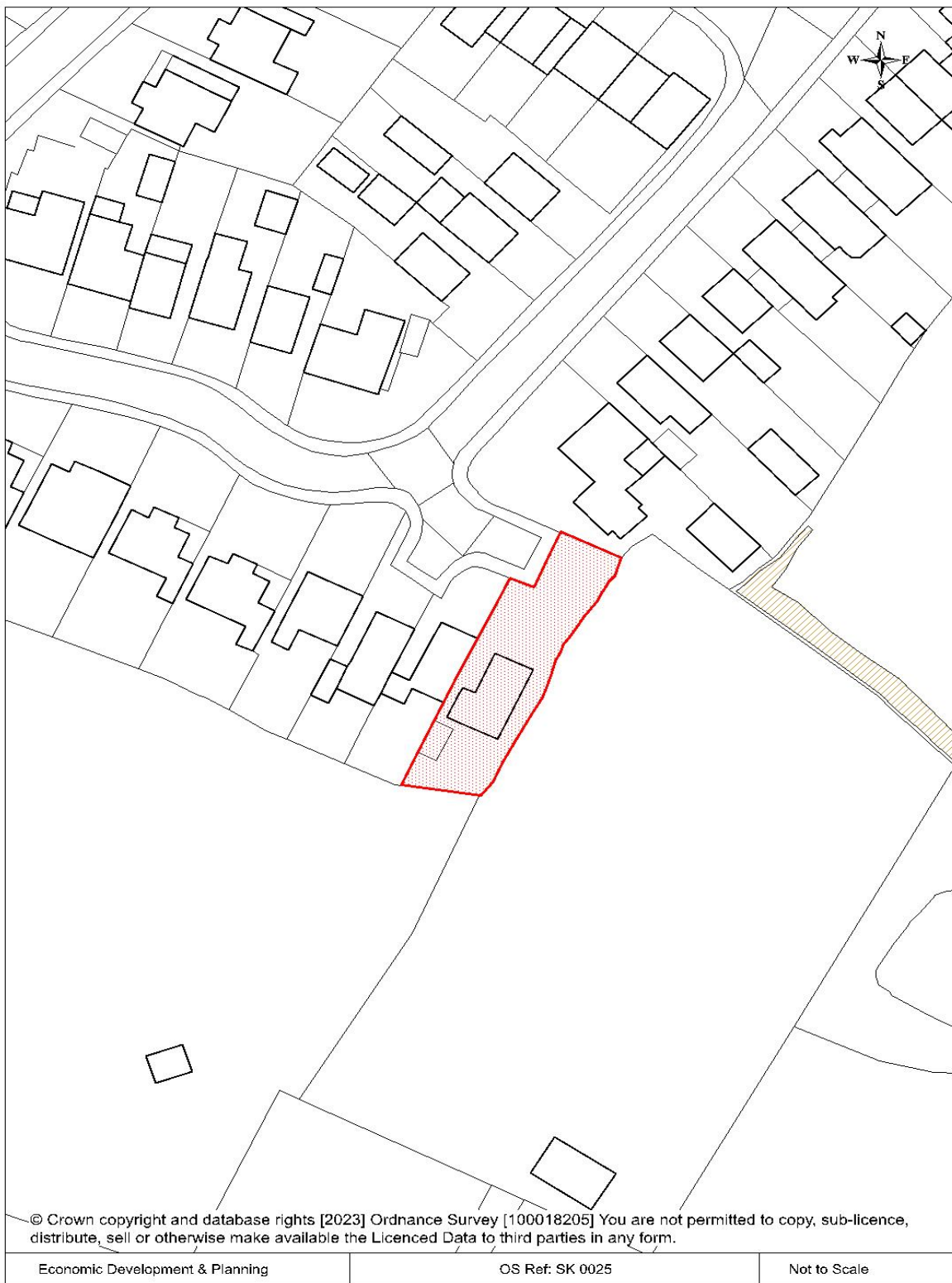
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Should this planning application be approved and any right of way require a temporary diversion, please see the County Council website for guidance and an application form.

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It is advised the County Council Rights of Way Team are contacted to discuss the proposals.

**23/37211/HOU**  
**45 Ridgeway**  
**Hixon**



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 PLANNING COMMITTEE - 9 AUGUST 2023
 

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**Ward Interest - Nil**

### Planning Appeals

*Report of Head of Economic Development and Planning*

#### Purpose of Report

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

#### Notified Appeals

Application Reference	Location	Proposal
<b>23/37124/HOU Delegated Refusal</b>	Brockton View Slindon Road	Proposed single storey extension to garage
<b>WKS3/00255/EN21 Enforcement Notice Served</b>	Park House Park Lane Brocton	Unauthorised development Carport At Principal Elevation Of Property

#### Decided Appeals

Application Reference	Location	Proposal
<b>21/34099/POR Appeal allowed on redetermination Costs dismissed</b>	Victoria Park House 2 - 9 Victoria Road Stafford	<b>Prior Approval - Change of use from Offices (B1a) to Dwellinghouse (C3).</b>

#### 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 14 June 2022

**by Samuel Watson BA (Hons) MSc MRTPI**

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

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

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**Appeal Ref: APP/Y3425/W/21/3289776**

**Victoria Park House, Victoria Road, Stafford ST16 2AF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Vinesh Aggarwal of Enfield High Street (AGG12) Ltd against the decision of Stafford Borough Council.
  - The application Ref 21/34099/POR, dated 21 March 2021, was refused by notice dated 31 August 2021.
  - The development proposed is the conversion and change of use from offices (Class B1(a) to dwelling houses (Class C3).
  - This decision supersedes that issued on 26 September 2022. That decision on the appeal was quashed by order of the High Court.
- 

### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class O of the GPDO for the conversion and change of use from offices (Class B1(a) to dwelling houses (Class C3) at Victoria Park House, Victoria Road, Stafford ST16 2AF in accordance with the application 21/34099/POR made on 21 March 2021, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 3, Class O and subject to the following condition:
  - 1) The development must be completed within a period of 3 years starting with the prior approval date.

### Applications for costs

2. An application for costs was made by Mr Vinesh Aggarwal of Enfield High Street (AGG12) Ltd against Stafford Borough Council. This application is the subject of a separate decision.

### Preliminary Matters and Background

3. Under Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the change of use of a building and any land within its curtilage from offices (Class B1(a) to dwellinghouses (Class C3) subject to limitations and conditions set out under Paragraphs O.1 and O.2.

4. It is accepted by both parties that the proposal would meet the requirements of Paragraph O.1 and that it would therefore be permitted development, subject to the conditions set out under Paragraph O.2(1)(a-e). These require that the developer apply to the local planning authority for a determination as to whether prior approval is required on; (a) transport and highways impacts of the development, (b) contamination risks on the site, (c) flooding risks on the site, (d) impacts of noise from commercial premises on the intended occupiers of the development, and (e) the provisions of adequate light in all habitable rooms of the dwellinghouses.
5. The provisions of Schedule 2, Part 3, Paragraph W of the GPDO require that regard be had to any representations made and to the National Planning Policy Framework (the Framework) so far as it is relevant to the subject matter of the prior approval, as if the application were a planning application. I have therefore had regard to these in my considerations below.
6. Amended plans were submitted providing additional information as required by the GPDO. I find that no one would be prejudiced by taking account of these plans and so I have considered them under this appeal. The appellant has also submitted a Unilateral Undertaking as part of the appeal. This is dealt with later in the decision.

### **Main Issues**

7. The main issues are:

- Whether the proposal, by way of any impacts of noise from commercial premises on the intended occupiers of the development, would provide suitable living conditions; and,
- Whether the proposal would provide suitable mitigation against any impacts on the Cannock Chase Special Area of Conservation (the SAC).

### **Reasons**

#### *Living Conditions*

8. The appeal site is a relatively square plot on Victoria Road that contains a five-storey office block with car parks to the front and rear. The site is bounded to the rear and one side by a Mercedes-Benz dealership which provides sales and servicing, to the other side are an office and billiards and snooker club. Nearby are also some residential properties, Stafford railway station and a park.
9. My site visit was carried out sometime after the morning rush hour, I nevertheless noted that the area was still busy with traffic and pedestrians, I also noted people using the nearby park. Although my visit can provide only a snap-shot in time, given the site's location close to the railway station and the centre of Stafford, this area is likely to be typically busy throughout the day. Trains arriving, waiting or leaving the station could also be heard at intervals. The car dealership appeared to be open at the time of my visit, however, I could not be certain that any vehicle servicing was being carried out. Therefore, it has not been determinative in my considerations that I did not hear any noise from the dealership at the time of my visit.

10. The GPDO sets out, for the purposes of Class O, what is meant by the term 'commercial premises', namely any premises normally used for the purpose of any commercial or industrial undertaking, excluding those licensed under the Licensing Act 2003 or any other place of public entertainment.
11. The railway station houses a mixture of commercial activities from the selling of tickets to a café. However, on a plain reading of the description above, and given the evidence before me<sup>1</sup>, the station, in so far as it relates to the movement of trains, would not comprise a commercial premises. They instead relate to transport infrastructure and their noise, much like that from the road network, cannot be considered under Paragraph O.2(1)(e).
12. The appellant has submitted two noise reports. The initial assessment, carried out by Dr Sagoo and followed by an addendum by Nova Acoustics, found that noise observed at the site exceeded the levels set out under BS8233:2014 for living rooms, dining rooms and bedrooms during the day and night-time periods. Very briefly, the noise levels recorded on the Victoria Road elevation were up to an average of 67dBA LAeq during the day, and up to 59.3dBA LAeq at night. For the rear elevation the average noise levels were up to 10dBA lower during the day and night-time measurements. This assessment could not, however, delineate between the different noise sources in the surrounding area.
13. The second, full, assessment was made by RP Acoustics who carried out further noise monitoring alongside commenting on the previous two submissions. This again found that noise to the rear of the site was lower than at the front and determined that the dominant noise source was transportation. Commercial noise was considered to not be significant, estimated at around 40dB and that noise stemming from the dealership would meet noise level requirements when inside the proposed flats.
14. I understand from the information before me that whilst the dealership carries out vehicle services on site, any significant mechanical works are undertaken offsite. The noise assessments found that only the car wash and dryer were audible from the rear of the appeal site, and this was only intermittently whilst trains were not at the station. Given this, the lack of evidence to the contrary, and the presence of insulation at the dealership building, I have no reason to find otherwise than the 40dB raised above. This level would be significantly lower than both that recorded at the front and rear of the appeal site.
15. Moreover, the dealership's hours do not extend overnight when general noise levels are lower and future occupiers are likely to be sleeping. Overall, I find that the contribution the Mercedes-Benz dealership and service garage would make to the overall would not be unacceptable. I also find that the noises would not be audible or disruptive from within the proposed dwellings and that it would, consequently, not be necessary for additional soundproofing to be sought.
16. Consequently, there would be no unacceptable impact from noise related to commercial properties to the detriment of the living conditions of future occupiers. The proposal would therefore comply with the requirement set out under O.2(1)(e). In reaching this decision I have been mindful of the Framework, including its aims regarding living conditions set out under

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<sup>1</sup> Including appeals referenced APP/Y0435/W/19/3233359, APP/N5090/W/18/3205752, APP/N5090/W/19/3243616

Chapter 12 and in particular Paragraph 130 which seeks for developments to provide a high standard of amenity for future users.

*The SAC*

17. The appeal site is located within the 15 kilometre zone of influence for the SAC. As the scheme is for residential development it has the potential to significantly adversely impact on the integrity of the SAC through increases in residents near, and human activity within, the SAC. At the time of the application, officers had concluded that the matter could be addressed through mitigation in line with the Strategic Access Management and Monitoring Measures (SAMMM), which provides a framework by which applicants can contribute towards the delivery of monitoring and mitigation. The Council was satisfied that the matter could be dealt with by way of a planning obligation and this approach was supported by Natural England.
18. Under Regulation 63 of the Conservation of Habitats and Species Regulations (as amended) as competent authority, I am required to undertake an Appropriate Assessment on the basis of its likely significant effects on the SAC as a European Site. The mitigation proposed to address these effects are the contribution towards the SAMMM as considered by the Council and Natural England.
19. A signed and dated Unilateral Undertaking (UU) was submitted by the appellant during the appeal process which provides a mechanism for the securing of this contribution in line with the Council's SAMMM. However, I note a number of issues with the UU, not least, that under Schedule 1, Paragraph 5 it refers only to 'the development'. In this way it does not clearly define itself as referring to either the first or second developments as is clearly referenced elsewhere in the document.
20. However, reading the paragraph in the context of Schedule 1 as a whole, as well as in the context of the wider UU, it is sufficiently clear that it is the 'first development' that is being referred to. In considering the UU I have been mindful of the High Court Judgement relating to the quashed decision referred to above and consequently, I have reached a different conclusion to that reached by the Inspector dealing with the quashed appeal decision.
21. I therefore find that the UU would be necessary to make the development acceptable in planning terms, by mitigating the likely significant effect on the SAC. The UU would also be directly related to, and commensurate with the scale of, the development.
22. Having regard to the submission by Natural England and relevant planning policy, including the Council's SAMMM, I consider that the proposed measures would adequately mitigate the effects of the appeal scheme, either alone or in combination with other plans and projects, so that there would be no adverse effect upon the integrity of the SAC. Moreover, the mitigation would be secured and managed by a UU. Accordingly, the proposed development would meet the objectives of the SAMMM and Policy N4 of the Plan for Stafford Borough 2011-2031 which requires that developments protect the natural environment, including designated sites.

### **Other Matters**

23. The Council made reference to an appeal decision<sup>2</sup> they considered to be relevant to this appeal. However, although the Council have described the Inspector's findings, I have not been provided with this decision or the context behind it. Therefore, I cannot be certain that the decision is relevant to the appeal before me. Consequently, it has not been determinative in my considerations.

### **Conclusion**

24. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

*Samuel Watson*

INSPECTOR

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<sup>2</sup> Reference: APP/Z0116/W/18/3193990



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## Costs Decision

Site visit made on 14 June 2022

**by Samuel Watson BA (Hons) MSc MRTPI**

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

**Decision date: 17 July 2023**

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### **Costs application in relation to Appeal Ref: APP/Y3425/W/21/3289776 Victoria Park House, Victoria Road Stafford ST16 2AF**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Vinesh Aggarwal of Enfield High Street (AGG12) Ltd for a full award of costs against Stafford Borough Council.
  - The appeal was against the refusal of planning permission for the conversion and change of use from offices (Class B1(a) to dwelling houses (Class C3).
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant submits that the Council did not consider all of the evidence before them and did not suitably justify their decision. In this way the applicant considers that the Council acted unreasonably which led to the planning application being refused and unnecessary expense in defending it at appeal.
4. I note that the Council consider that as costs were awarded as part of quashing the original Inspector's decision that costs cannot be awarded at this stage. However, I understand that that award regarded the costs of the legal proceedings rather than the appeal process. I have therefore considered the application for costs.
5. The report by RP Acoustics provided further detail and more substantially described the separation of the noise origins. However, this was submitted as part of the planning appeal. It is clear the submissions made at the planning application stage were unable to categorically delineate between the sources of the relevant noises registered at the appeal site. I therefore find that the source of the noise was a matter of judgement.
6. I am satisfied that the Council suitably justified its concerns, regarding the level and source of the noise, within its submissions. This included detailing the conditions of the site, its surroundings, the nature of the development and highlighting issues which it considered would result in harm to living conditions. Therefore, whilst I found differently to the Council, to this extent they justified their decision making. Moreover, the Council is not bound by the consultation responses it receives. Therefore, whilst they did not agree with the

Environmental Health Officer's comments, I do not find that they acted unreasonably in doing so.

7. However, the Planning Officer Report does not make reference to the appeal decisions submitted by the applicant. I therefore cannot be certain that the Council fully appreciated these examples or were mindful of them during their decision-making process. However, the detail of the definition given by the Class<sup>1</sup> is somewhat broad, and neither local nor national policy provide a clearer definition, insofar as relevant to this Class. Consequently, and within reason, I find that it is a matter of judgement as to which uses can be described as "premises normally used for the purposes of any commercial or industrial undertaking". Therefore, even if the Council had clearly considered these examples, they would not necessarily have also found the train station to be a commercial premises.
8. Nevertheless, as the Council could not be certain of the source of the noise, even if they had found the train station to not be a commercial premises, the issue of living conditions would still have remained. Therefore, while the Council were unhelpful in this regard, the work undertaken by the applicant, involved in defending the appeal, was necessary irrespective of this behaviour and has not been a wasted expense.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*Samuel Watson*

INSPECTOR

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<sup>1</sup> Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)