



Civic Centre, Riverside, Stafford

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Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 12 June 2024** at **6.30pm** in the **Oak Room, County Buildings, 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 - 12 JUNE 2024

Chairman - Councillor B McKeown

Vice-Chairman - Councillor A Nixon

AGENDA

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

Details of Delegated applications as published on the Council's website.

	Page Nos
5 Planning Applications	3 - 48
6 Planning Appeals	49 - 66
7 Enforcement Matters	-

MEMBERSHIP

Chairman - Councillor B McKeown

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

PLANNING COMMITTEE - 12 JUNE 2024

Ward Interest - Nil

Planning Applications

Report of Head of Economic Development and Planning

Purpose of Report

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

		Page Nos
23/38196/HOU	28 Widecombe Avenue, Stafford	4 - 26
	The application was called in by Councillor A P Edgeller	
	Officer Contact - Leon Carroll, Development Lead Telephone 01785 619184	
23/38535/FUL	Land Adjacent to 26 St. Peters Gardens, Moss Pit	27 - 48
	Officer Contact - Richard Wood, Development Lead Telephone 01785 619324	

Previous Consideration

Nil

Background Papers

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

Application:	23/38196/HOU
Case Officer:	Jake Powell
Date Registered:	8 November 2023
Target Decision Date: Extended To:	3 January 2024
Address:	28 Widecombe Avenue, Stafford, Staffordshire, ST17 0HX
Ward:	Baswich
Parish:	Stafford M B
Proposal:	Rear garden extension including new boundary treatment, new pavement crossover with dropped kerb and driveway.
Applicant:	C Boston
Recommendation:	Approve, subject to conditions

CALL IN REASON

This planning application has been called in by Councillor Ann Edgeller (Ward Member for Baswich) for the following reason:-

“Fencing out of keeping with the street scene.”

1.0 Context

- 1.1 The application was deferred by Planning Committee on 20 March 2024 for the following reasons:
- i. Inaccuracies on drawing to be amended
 - ii. Case Officer to provide additional photographs of wider area to give sufficient context.
 - iii. Opportunity for Ward Member to have all submitted photographs displayed
 - iv. Opportunity for applicant to present photographs.
- 1.2 Regarding reason (i) the scheme has now been further amended which is set out in paragraph 1.9 and is assessed under subsection 3 – Character and appearance of this report. The presentation also includes additional photographs to provide a better context of the wider area and which are also considered in subsection 3.
- 1.3 In terms of referral reason (iii) the Ward Member’s photographs are now included in the presentation.

- 1.4 Concerning reason (iv), the application submission now includes photographs taken by the applicant together with a plan showing the location from where the images were taken and which are displayed on the Council's website. For clarification, the 'Protocol on making representations direct to the planning committee' under the Council's Constitution, at point 2(a), does not allow an applicant or objector to make a presentation to the Planning Committee as part of their oral address on 'ordinary applications'. This is different to the protocol for 'large scale major applications' which are presented to a Special Planning Committee and the applicant has been notified of this.
- 1.5 All other matters are as previously set out in the original officer report.

The Application Site

- 1.6 The application site comprises of a semi-detached bungalow, located on a corner plot on the junction of Bodmin Avenue and Widecombe Avenue, within a residential estate within the settlement of Stafford.
- 1.7 The site comprises of a front garden area to the south-west and southeast, enclosed within a low boundary wall. The main dwellinghouse is located centrally on the north-western boundary of the site. In the north-western corner of the site is a private rear amenity space, enclosed within a close boarded timber fence. To the north-eastern corner of the plot is an area of gravel suitable for providing approximately 2 off-street parking spaces, which is accessed via an existing dropped kerb.
- 1.8 The surrounding area is residential in character, although contains a variety of single storey bungalows and two-storey dwellinghouses of both semi-detached and detached styles. Most front boundary treatments consist of low-level walls/shrubbery, although there are examples in places of high-level landscaping/shrubbery in conjunction with timber fencing.

Proposed Development

- 1.9 The application seeks permission for the extension of the private rear amenity space, through the installation of timber fencing and landscaping works to the northeastern portion of the site.
- 1.10 Following the deferral of the application the scheme has been further amended in the following ways:
- Reduction in the height of the proposed fencing by approximately 0.4 metres so it is the same height as the existing.
 - Clarification that the proposed fence along the northeast boundary will be set behind the neighbours wall. Hedge planting will then be set behind the proposed fence.
 - Proposed fence fronting Widdecombe Avenue set 0.5m to back of pavement with hedge planting to front.

- 1.11 The application also seeks permission for the installation of a new access point and dropped kerb, allowing for the provision of two off-street parking spaces. This area would be laid with hardstanding.
- 1.12 The application has been amended since the initial submission to remove a proposed single storey rear extension.

Planning policy framework

- 1.13 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.
- 1.14 The Development Plan for the purposes of this application comprises The Plan for Stafford Borough 2011-2031 Parts 1 and 2 (TPSB).

OFFICER ASSESSMENT – KEY CONSIDERATIONS

2.0 Principle of Development

- 2.1 The application site is located within Stafford 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 Stafford.
- 2.2 The principle of development is therefore considered to be acceptable given that the property is located within a sustainable location in the Stafford 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.

Polices and Guidance:-

National Planning Policy Framework 2023 (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)

3.0 Character and Appearance

- 3.1 Policy N1 of the TPSB sets out design criteria including the requirement for design and layout to take account of local context and to have high design standards which preserve and enhance the character of the area. Section 8 of the Supplementary Planning Document on Design (SPD) then provides further detailed guidance on extensions and alterations to dwellings.
- 3.2 The application includes an extension of the private rear amenity space through the erection of timber fencing in association with hedge planting.
- 3.3 It is acknowledged that in the immediate vicinity of the application site, front boundary treatments typically consist of low-level boundary walls or hedging. Whilst it is not ideal that the proposed extended garden area would extend up to the front boundary of the property, it is acknowledged that a large area of the front garden area would be retained behind a low-level brick wall and is therefore considered in-keeping to some extent.
- 3.4 Furthermore, given the siting of the proposed new boundary fencing, the proposed new garden area would be primarily in view from Bodmin Avenue, down Widecombe Avenue. Whilst it is noted that this may partially disrupt the openness shared between the application site and the immediate neighbouring property at No. 26a Widecombe Avenue, given that the later property at No. 26 Widecombe Avenue also benefits from high boundary fencing obscured from view by tall landscaping, the proposed development would not be considered an uncharacteristic addition to the street scene and surrounding area.
- 3.5 The application has been further amended since its deferral, as set out in paragraph 1.9 above. Whilst the proposing fencing is now outside of the new hedge planting along the north-eastern boundary its height has been lowered by approximately 0.4m to correspond with the existing fencing within the application site. The amended plans also show the proposed fence along Widecombe set 0.5m from the back of pavement with hedge planting to the front.
- 3.6 Officers understand that the revised position of the fencing along the north eastern boundary is largely due to potential difficulties in maintaining the hedging along this boundary.
- 3.7 Given the reduced height and relatively short length of this section of the fencing, along the north east boundary and the presence of the neighbours wall the overall visual impact of this element of the scheme is not considered to be so significant, alone, to warrant the refusal of the application.
- 3.8 The set back of the fence along Widecombe Avenue combined with hedgerow planting to front would also mitigate its impact and provide a softer appearance to the streetscene, especially when the hedgerow has matured.
- 3.9 At the Planning Committee meeting on 20 March this year reference was made to other boundary treatments in the locality and in particular to the boundary wall and fence at 5 Stockton Lane and 133 Bodmin Avenue respectively. Whilst the boundary wall to 5 Stockton Lane was built under permission 91/26500/FUL it is

evident from Google street imagery that the boundary fence to 133 Bodmin Avenue has been in-situ since at least 2009. In addition to these two properties the applicant has also submitted photographic evidence of various boundary treatments to other properties in the Baswich area.

- 3.10 Taking all the above factors into the consideration the extension of the private amenity space and associated boundary treatments is not considered to have a detrimental impact on the visual amenities of this part of the Widdecombe Avenue street scene.
- 3.11 A condition is however considered to be reasonable for the hedge planting to be carried within the first available planting season from the when the fence is erected and for any hedging to be replaced if it dies or is lost within of five years of first planting.
- 3.12 With regards to the proposed new access point, most properties within the vicinity benefit from a similar arrangement, and as such this element of the proposal would not have an adverse impact on the character and appearance of the site or street scene.
- 3.13 Overall, it is therefore considered that the proposed development would have an acceptable impact on the character and appearance of the site and surrounding area.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Section 12 - Achieving well-designed places

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document – Design (SPD)

4.0 Residential Amenity

- 4.1 Criteria (e) of Policy N1 of the TPSB and the SPD require design and layout to take account of adjacent residential areas and existing activities.
- 4.2 Given the siting of the proposed development, the principal property to consider in relation to amenity would be No. 26a Widecombe Avenue.
- 4.3 Whilst the proposed boundary treatment would extend along the boundary of this neighbouring property, given the height and siting of the proposal in relation to this neighbouring property and its windows Officers are satisfied that the proposal would not result in any technical breaches of the Local Planning Authority (LPA)'s amenity guidelines and there the proposal is considered acceptable in terms of amenity.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Paragraph 135

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document – Design (SPD)

5.0 Highways and Parking

- 5.1 The proposed new access was reviewed by the Council’s Highways Officer, who initially raised concerns to the proposed development, on the basis of poor visibility due to the relationship between the proposed access and the proposed new boundary treatment. The applicant has since amended the proposal to include a 1.5m x 1.5m visibility wedge, which would retain a satisfactory level of visibility. With regards to visibility the proposed development is therefore acceptable.
- 5.2 Furthermore, concern was also raised regarding the retention of the existing access point and its impact on visibility of neighbouring properties and other highways users. However, on a secondary consultation with the Highways Officer, as the applicant wished to retain this access to allow access to the rear garden area, it was considered that the retention of this existing dropped kerb would be satisfactory and would not be significantly detrimental to highway safety,
- 5.3 However, gates to this rear garden area have since been removed from the proposal. Officers would therefore consider it appropriate for this existing dropped kerb to be infilled, which can be secured via a condition. The applicant is however advised that they must apply for a Section 184 from the Traffic and Network Team for the infilling of the old access and for the new access.
- 5.4 It was also noted that the proposed new access was an acceptable distance away from the junction to ensure safety to highway users.
- 5.5 The proposed development would provide two parking spaces for the application site. Whilst it is unclear from the plans provided how many bedrooms this site facilitates, given the size of the dwellinghouse, Officers are satisfied that this level of parking provision would be acceptable.
- 5.6 The proposed development would therefore have an acceptable impact on highway safety and parking.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Paragraphs 115 and 116

The Plan for Stafford Borough 2011-2031 (TPSB)

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

6.0 Trees

- 6.1 Policy N4 (The Natural Environment and Green Infrastructure) of the TPSB states that the Borough's natural environment will be protected, enhanced and improved, partly through the protecting, conserving and enhancing the natural and historic environment and irreplaceable semi-natural habitats, such as ancient woodlands, and ancient or veteran trees.
- 6.2 There is one tree located in the highway verge adjacent to the existing dropped kerb. This is a prominent feature in the landscape, the applicant has not shown this on any plans and has not made reference to this tree.
- 6.3 The application seeks permission to add a new dropped kerb area, and from submitted highway surgery comments there is no requirement to fill in this dropped kerb area. If this was to occur this could have benefited the Birch tree. It would appear as though by retaining the existing dropped kerb area the garden area retains vehicular access. The potential benefit to the tree by the removal of vehicular parking within the potential Root Protection Area may be short-lived should any reinstatement of the access be created.
- 6.4 The proposed boundary treatment does not seem to have much detail and there is some potential to result in root damage. More detail would be needed and also the identification of any Arboricultural impacts. As the applicant has not clearly made any Arboricultural representation it is considered important to require provision of Arboricultural protection methods during any implementation of the proposals.
- 6.5 This can be secured via a suitably worded condition and on this basis Officers are satisfied that the proposed development would have an acceptable impact on trees.

Policies and Guidance:-

The Plan for Stafford Borough 2011-2031 (TPSB)

Policy N4 (The Natural Environment and Green Infrastructure)

7.0 Conclusion and Planning Balance

- 7.1 The proposed development represents development which would not unduly impact the character and appearance of the surrounding area and represent appropriate and sustainable development. The proposal is consistent with local and national planning policies. As such, the additions sought under this application should be approved without delay, subject to appropriate conditions.

Consultations

Highway Authority:

(Surgery) – 22/11/2023

New proposed access would result in poor visibility for pedestrians, request 1.5x1.5 next to the proposed driveway to allow for visibility.

Fencing up to neighbouring property would not result in poor visibility to this property, unless the vehicle access it to be retained, but this would be required to be removed. Remove gates (or need a pedestrian gates). Query this with the applicant.

Dropped kerb and transitional kerbs would need to be replaced with full height kerbs, and then the tarmac removed out of this area and replaced with grass verge.

They would also have to apply for a section 184 from the Traffic and Network team for the infill of the old access and for the new access.

New access is a sufficient distance away from the junction.

(Surgery) – 29/11/2023

Query regarding two access points. No issue with the two access points – disregard previous comments requiring applicant to infill existing access point.

Gate must be 5 metres away from the highway and open inwards. Recommend a metre of hardstanding.

Tree Officer:

Proposals:

Rear garden extension including new boundary treatment, new pavement crossover with dropped kerb and driveway.

Tree details

There is one tree located in the highway verge adjacent to the existing dropped kerb.

This is a prominent feature in the landscape, the applicant has not shown this on any plans and has not made reference to this tree.

Developments impacts

The application is to add a new dropped kerb area, and from submitted highway surgery comments there is no requirement to fill in this dropped kerb area. If this was to occur this could have benefited the Birch tree, but it is recognised that this is no longer required. It would appear as though by retaining the existing dropped kerb area the garden area retains vehicular access. The potential benefit to the tree by the removal of vehicular parking within the potential Root Protection Area may be short-lived should any reinstatement of the access be created.

The proposed boundary treatment does not seem to have much detail and there is some potential to result in root damage. More detail would be needed and also the identification of any Arboricultural impacts. As the applicant has not clearly made any Arboricultural representation it is considered important to require provision of Arboricultural protection methods during any implementation of the proposals.

Besides these concerns there are no other Arboricultural issues noted with this application.

Arboricultural Recommendation

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

Arboricultural Method Statement – pre commencement

Development shall not be commenced, including ground works, construction activities and deliveries to the site of any materials or equipment, unless and until an Arboricultural Method Statement covering all aspects of the proposal that are within the root protection area of the retained tree in the highway verge, or that have the potential to result in damage to that retained tree, has been submitted to and approved in writing by the Local Planning Authority.

The measures within the approved Arboricultural Method Statement shall be implemented and maintained until the completion of all construction related activity, unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.

Neighbours:

Following deferral of the application 3 further representations have been received raising the following issues:

- Scaling of boundary treatment drawing makes proposed fence 2.22m high – photographic images with proposed fence and hedgerow superimposed provided.
- Hedge to 26 Widdecombe Avenue was installed in 2007 and does not restrict view of streetscene from 26A.
- Fencing will be out of keeping until hedgerow has matured.
- Disagree with Council's view of appeal decision and cumulative effect of number of additions would further erode sense of openness.
- Member of Committee referred to fence at 24 Widdecombe Avenue but cannot find any permission for this so should not be taken as justification for approving this application

One representation in support of the proposal

(9 consulted): 4 representations received raising the following material considerations:-

- The plans are lacking detail on the fencing.
- Impact on open plan nature of estate.
- Highways impact of new access.
- One representation supported the application.
- Previous appeal decision relevant to the application.
- Varying land levels.

Officer's Response: The proposed plans do not include much detail. However, they are correctly scaled and as such an accurate assessment can be made. Furthermore, where detail is lacking, this further information can be provided at a later date through suitably worded conditions, for the applicant to submit further details to Local Planning Authority for approval.

The impact of the proposed development on the openness of the area, in addition to the potential impact on highways are material planning considerations which have been discussed within this recommendation.

In response to the submission of a previous appeal decision at the neighbouring property No. 26 Widecombe Avenue, this decision related to the installation of fencing on the boundary of the neighbouring property up to the highway. The decision of the Local Planning Authority was to refuse the proposed development on the basis:

1. The proposed fence in such a prominent corner location would detract from the open plan nature of the estate. The fence would be visually obtrusive by reason of its height and close proximity to the highway. As such this would be contrary to Policy E and D2 (iii) of The Stafford Local Plan 2001.
2. The proposed 2-metre-high fence would severely restrict the visibility of vehicles entering and leaving the garage driveway and be a source of danger to pedestrians of Widecombe Avenue.

Firstly, the proposal included within application ref. 00/38858/FUL and the subsequent appeal decision, better reflected the initially proposed development as part of this application, both of which included timber fencing up to the boundary. The proposed development as part of this application has been amended since the initial submission to incorporate landscaping to soften and obscure the appearance of the proposed fencing. Furthermore 26 Widecombe Avenue now benefits from a row of conifers cut into the shape of a hedge on the outside of a close boarded fence – which is not significantly different from what is proposed within this application. In addition, this appeal decision was made over 20 years ago. As such, this previous appeal decision does not give significant weight to an argument for refusal.

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 or by a condition attached to this consent, in which case the condition shall take precedence:-

2282-0505-01 Proposed Location Plan

2282-0506-P03 Proposed Boundary Treatment

2282-0508-P01 Proposed Boundary Treatment

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.
4. No new fencing shall be erected unless and until a landscaping scheme, including the species of hedging, rate of growth and planting details has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall thereafter be carried out in accordance with the approved details and in accordance with any approved timing / phasing arrangements, or within the first planting season following the first installation of the fence, whichever is the sooner.

Any trees or shrubs which are planted as part of the approved landscaping scheme which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

5. Before the development hereby approved is brought into use, the existing access off Widecombe Avenue must be made redundant and permanently closed and the land behind the carriageway reinstated to highway grass verge.
6. No development shall commence, including ground works, construction activities and deliveries to the site of any materials or equipment, unless and until an Arboricultural Method Statement covering all aspects of the proposal that are within the root protection area of the retained tree in the highway verge, or that have the potential to result in damage to that retained tree, must be submitted to and approved in writing by the Local Planning Authority. The measures within the approved Arboricultural Method Statement shall be implemented and maintained until the completion of all construction related activity unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development (Policies N1 g and h of The Plan for Stafford Borough).
5. In the interest of highway safety and to ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

6. To protect, conserve and enhance ancient and veteran trees within the Borough (in accordance with Policy N4 of The Plan for Stafford Borough).

Pre-commencement reason

Insufficient information has been submitted for the impact of the proposed development on a street tree to be accurately assessed.

Informatives

- 1 The applicant 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)
- 2 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

Previous committee report from 20 March 2024

Application:	23/38196/HOU
Case Officer:	Jake Powell
Date Registered:	8 November 2023
Target Decision Date:	3 January 2024
Extended To:	
Address:	28 Widecombe Avenue, Stafford, Staffordshire, ST17 0HX
Ward:	Baswich
Parish:	Stafford M B
Proposal:	Rear garden extension including new boundary treatment, new pavement crossover with dropped kerb and driveway.
Applicant:	C Boston
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This planning application has been called in by Councillor A P Edgeller (Ward Member for Baswich) for the following reasons:-

- Fencing out of keeping with the street scene.

1.0 Context

The Application Site

The application site comprises of a semi-detached bungalow, located on a corner plot on the junction of Bodmin Avenue and Widecombe Avenue, within a residential estate within the settlement of Stafford.

The site comprises of a front garden area to the south-west and southeast, enclosed within a low boundary wall. The main dwellinghouse is located centre on the north-western boundary of the site. In the north-western corner of the site is a private rear amenity space, enclosed within a close boarded timber fence. To the north-eastern corner of the plot is an area of gravel suitable for providing approximately 2 off-street parking spaces, which is accessed via an existing dropped kerb.

The surrounding area is residential in character, although contains a variety of single storey bungalows and two-storey dwellinghouses of both semi-detached and detached styles. Most front boundary treatments consist of low-level walls/shrubbery, although there are examples in places of high-level landscaping/shrubbery in conjunction with timber fencing.

Proposed Development

The application seeks permission for the extension of the private rear amenity space, through the installation of timber fencing and landscaping works to the northeastern section of the site. The fencing would be set back from the boundary of the property by approximately 0.5 metres and comprises of a fence to match the height of the existing fence, with a hedge planted outside of the fence line.

The application also seeks permission for the installation of a new access point and dropped kerb, allowing for the provision of two off-street parking spaces. This area would be laid with hardstanding.

The application has been amended since the initial submission to remove the proposed single storey rear extension, in addition to alterations to the proposed fencing/landscaping and footprint of the proposed rear amenity space.

Planning policy framework

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

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

Officer Assessment - Key Considerations

2.0 Principle of Development

The application site is located within Stafford 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 Stafford.

The principle of development is therefore considered to be acceptable given that the property is located within a sustainable location in the Stafford 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

Polices and Guidance: -

National Planning Policy Framework 2023 (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)

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 partly seeks permission for the extension of the private rear amenity space through the erection of timber fencing in association with hedging to the northeastern area of the application site. This would extend up to the highway.

It is acknowledged that in the immediate vicinity of the application site, front boundary treatments typically consist of low-level boundary walls or hedging. Whilst it is not ideal that the proposed extended garden area would extend up to the front boundary of the property, it is acknowledged that a large area of the front garden area would be retained behind a low-level brick wall and is therefore considered in-keeping to some extent.

Furthermore, given the siting of the proposed new boundary fencing, the proposed new garden area would be primarily in view from Bodmin Avenue, down Widecombe Avenue. Whilst it is noted that this may partially disrupt the openness shared between the application site and the immediate neighbouring property at No. 26a Widecombe Avenue, given that the later property at No. 26 Widecombe Avenue also benefits from high boundary fencing obscured from view by tall landscaping, the proposed development would not be considered an uncharacteristic addition to the street scene and surrounding area.

The proposal was amended since the initial submission, to propose hedging on the boundary of the majority of the extended garden area, which is considered an appropriate design choice which would mitigate the harsh impact of a boundary fence up to the boundary, whilst softening the overall appearance.

Given that the acceptability of the proposed boundary treatment is reliant on the installation of hedging/soft landscaping, it is considered appropriate to attach a condition to the permission in the event of an approval to ensure that this hedging/soft landscaping is installed and maintained thereafter for the duration of the development.

With regards to the proposed new access point, most properties within the vicinity benefit from a similar arrangement, and as such this element of the proposal would not have an adverse impact on the character and appearance of the site or street scene.

Overall, it is therefore considered that the proposed development would have an acceptable impact on the character and appearance of the site and surrounding area.

Policies and Guidance: -

National Planning Policy Framework 2023 (NPPF)

Section 12 - Achieving well-designed places

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document - Design (SPD)

4.0 Residential Amenity

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.

Given the siting of the proposed development, the principal property to consider in relation to amenity would be No. 26a Widecombe Avenue.

Whilst the proposed boundary treatment would extend along the boundary of this neighbouring property, given the height and siting of the proposal in relation to this neighbouring property and its windows, officers are satisfied that the proposal would not result in any technical breaches of the Local Planning Authority (LPA)'s amenity guidelines and therefore the proposal is considered acceptable in terms of amenity.

Policies and Guidance: -

National Planning Policy Framework 2023 (NPPF)

Paragraph 135

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document – Design (SPD)

5.0 Highways and Parking

The proposed new access was reviewed by the Council's Highways Officer, who initially raised concerns to the proposed development, on the basis of poor visibility due to the relationship between the proposed access and the proposed new boundary treatment. The applicant has since amended the proposal to include a 1.5m x 1.5m visibility wedge, which would retain a satisfactory level of visibility. With regards to visibility the proposed development is therefore acceptable.

Furthermore, concern was also raised regarding the retention of the existing access point and its impact on visibility of neighbouring properties and other highways users. However, on a secondary consultation with the Highways Officer, as the applicant wished to retain this access to allow access to the rear garden area, it was considered that the retention of this existing dropped kerb would be satisfactory and would not be significantly detrimental to highway safety,

However, gates to this rear garden area have since been removed from the proposal. Officers would therefore consider it appropriate for this existing dropped kerb to be infilled, which can be secured via a condition. The applicant is however advised that they must apply for a Section 184 from the Traffic and Network Team for the infilling of the old access and for the new access.

It was also noted that the proposed new access was an acceptable distance away from the junction to ensure safety to highway users.

The proposed development would provide two parking spaces for the application site. Whilst it is unclear from the plans provided how many bedrooms this site facilitates, given the size of the dwellinghouse, officers are satisfied that this level of parking provision would be acceptable.

The proposed development would therefore have an acceptable impact on highway safety and parking.

Policies and Guidance: -

National Planning Policy Framework 2023 (NPPF)

Paragraphs 115 and 116

The Plan for Stafford Borough 2011-2031 (TPSB)

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

6.0 Trees

Policy N4 (The Natural Environment and Green Infrastructure) of the TPSB states that the Borough's natural environment will be protected, enhanced and improved, partly through the protecting, conserving and enhancing the natural and historic environment and irreplaceable semi-natural habitats, such as ancient woodlands, and ancient or veteran trees.

There is one tree located in the highway verge adjacent to the existing dropped kerb. This is a prominent feature in the landscape, the applicant has not shown this on any plans and has not made reference to this tree.

The application seeks permission to add a new dropped kerb area, and from submitted highway surgery comments there is no requirement to fill in this dropped kerb area. If this was to occur this could have benefited the Birch tree. It would appear as though by retaining the existing dropped kerb area the garden area retains vehicular access. The potential benefit to the tree by the removal of vehicular parking within the potential Root Protection Area may be short-lived should any reinstatement of the access be created.

The proposed boundary treatment does not seem to have much detail and there is some potential to result in root damage. More detail would be needed and also the identification of any Arboricultural impacts. As the applicant has not clearly made any Arboricultural representation it is considered important to require provision of Arboricultural protection methods during any implementation of the proposals.

This can be secured via a suitably worded condition, to be submitted to the Local Planning Authority for approval. Subject to this condition, officers are satisfied that the proposed development would have an acceptable impact on trees.

Policies and Guidance: -

National Planning Policy Framework 2023 (NPPF)

The Plan for Stafford Borough 2011-2031 (TPSB)

Policy N4 (The Natural Environment and Green Infrastructure)

Conclusion and Planning Balance

The proposed development represents development which would not unduly impact the character and appearance of the surrounding area and represent appropriate and sustainable development. The proposal is consistent with local and national planning policies. As such, the additions sought under this application should be approved without delay, subject to appropriate conditions.

Consultations

Highway Authority:

(Surgery) - 22/11/2023

New proposed access would result in poor visibility for pedestrians, request 1.5x1.5 next to the proposed driveway to allow for visibility.

Fencing up to neighbouring property would not result in poor visibility to this property, unless the vehicle access is to be retained, but this would be required to be removed. Remove gates (or need a pedestrian gates). Query this with the applicant.

Dropped kerb and transitional kerbs would need to be replaced with full height kerbs, and then the tarmac removed out of this area and replaced with grass verge.

They would also have to apply for a section 184 from the Traffic and Network team for the infill of the old access and for the new access.

New access is a sufficient distance away from the junction.

(Surgery) - 29/11/2023

Query regarding two access points. No issue with the two access points – disregard previous comments requiring applicant to infill existing access point.

Gate must be 5 metres away from the highway and open inwards. Recommend a metre of hardstanding.

Tree Officer:

Proposals:

Rear garden extension including new boundary treatment, new pavement crossover with dropped kerb and driveway.

Tree details

There is one tree located in the highway verge adjacent to the existing dropped kerb.

This is a prominent feature in the landscape, the applicant has not shown this on any plans and has not made reference to this tree.

Developments impacts

The application is to add a new dropped kerb area, and from submitted highway surgery comments there is no requirement to fill in this dropped kerb area. If this was to occur this could have benefited the Birch tree, but it is recognised that this is no longer required. It would appear as though by retaining the existing dropped kerb area the garden area retains vehicular access. The potential benefit to the tree by the removal of vehicular parking within the potential Root Protection Area may be short-lived should any reinstatement of the access be created.

The proposed boundary treatment does not seem to have much detail and there is some potential to result in root damage. More detail would be needed and also the identification of any Arboricultural impacts. As the applicant has not clearly made any Arboricultural representation it is considered important to require provision of Arboricultural protection methods during any implementation of the proposals.

Besides these concerns there are no other Arboricultural issues noted with this application.

Arboricultural Recommendation

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

Arboricultural Method Statement - pre commencement

Development shall not be commenced, including ground works, construction activities and deliveries to the site of any materials or equipment, unless and until an Arboricultural

Method Statement covering all aspects of the proposal that are within the root protection area of the retained tree in the highway verge, or that have the potential to result in damage to that retained tree, has been submitted to and approved in writing by the Local Planning Authority.

The measures within the approved Arboricultural Method Statement shall be implemented and maintained until the completion of all construction related activity unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.

Neighbours:

(9 consulted): 4 representations received raising the following material considerations:-

- The plans are lacking detail on the fencing.
- Impact on open plan nature of estate.
- Highways impact of new access.
- One representation supported the application.
- Previous appeal decision relevant to the application.
- Varying land levels

Officer's Response: The proposed plans do not include much detail. However, they are correctly scaled and as such an accurate assessment can be made. Furthermore, where detail is lacking, this further information can be provided at a later date through suitably worded conditions, for the applicant to submit further details to Local Planning Authority for approval.

The impact of the proposed development on the openness of the area, in addition to the potential impact on highways are material planning considerations which have been discussed within this recommendation.

In response to the submission of a previous appeal decision at the neighbouring property No. 26 Widecombe Avenue, this decision related to the installation of fencing on the boundary of the neighbouring property up to the highway. The decision of the Local Planning Authority was to refuse the proposed development on the basis:

1. The proposed fence in such a prominent corner location would detract from the open plan nature of the estate. The fence would be visually obtrusive by reason of its height and close proximity to the highway. As such this would be contrary to Policy E and D2 (iii) of The Stafford Local Plan 2001.
2. The proposed 2-metre-high fence would severely restrict the visibility of vehicles entering and leaving the garage driveway and be a source of danger to pedestrians of Widecombe Avenue.

Firstly, the proposal included within application ref. 00/38858/FUL and the subsequent appeal decision, better reflected the initially proposed development as part of this application, both of which included timber fencing up to the boundary. The proposed development as part of this application has been amended since the initial submission to incorporate landscaping to soften and obscure the appearance of the proposed fencing. Furthermore, 26 Widecombe Avenue now benefits from a row of conifers cut into the shape of a hedge on the outside of a close boarded fence – which is not significantly different from what is proposed within this application. In addition, this appeal decision was made over 20 years ago. As such, this previous appeal decision does not give significant weight to an argument for refusal.

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 or by a condition attached to this consent, in which case the condition shall take precedence:-
 - 2282-0505-01 Proposed Location Plan
 - 2282-0506-01 Proposed Boundary Treatment
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.
4. No new fencing shall be erected unless and until a landscaping plan, including the species of hedging, rate of growth, and planting details shall be submitted to and approved by the Local Planning Authority. The landscaping included within this plan shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following the construction of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.
5. Before the development hereby approved is brought into use, the existing access off Widecombe Avenue must be made redundant and permanently closed and the land behind the carriageway reinstated to highway grass verge.

6. No development shall commence, including ground works, construction activities and deliveries to the site of any materials or equipment, unless and until an Arboricultural Method Statement covering all aspects of the proposal that are within the root protection area of the retained tree in the highway verge, or that have the potential to result in damage to that retained tree, must be submitted to and approved in writing by the Local Planning Authority. The measures within the approved Arboricultural Method Statement shall be implemented and maintained until the completion of all construction related activity unless alternative details are otherwise first submitted to and approved in writing by the Local Planning Authority.

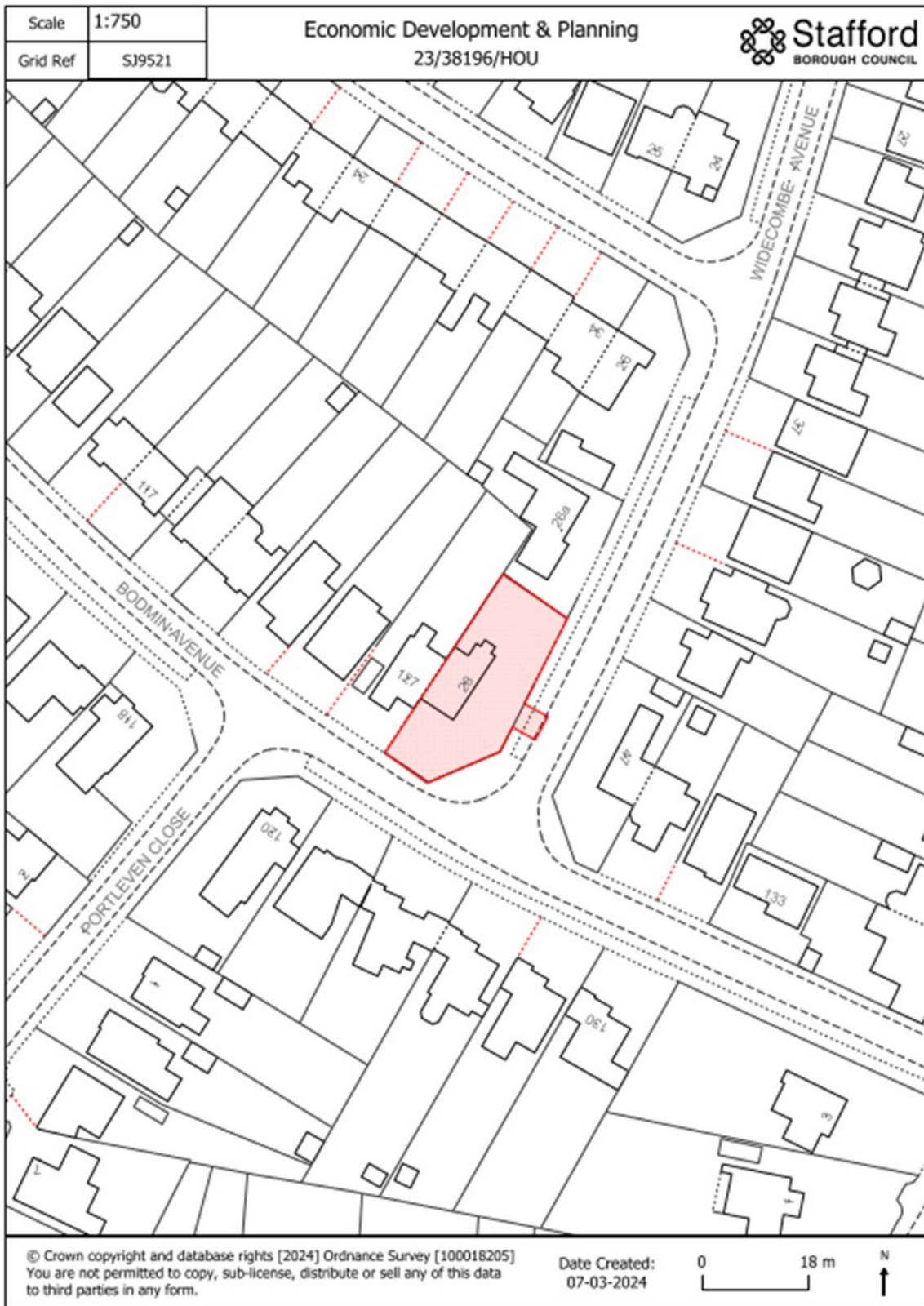
The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development (Policies N1 g and h of The Plan for Stafford Borough).
5. In the interest of highway safety and to ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
6. To protect, conserve and enhance ancient and veteran trees within the Borough (in accordance with Policy N4 of The Plan for Stafford Borough).
 - Pre-commencement reason
 - Insufficient information has been submitted for the impact of the proposed development on a street tree to be accurately assessed.

Informatives

1. The applicant 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)
2. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

23/38196/HOU
28 Widecombe Avenue
Stafford



Application:	23/38535/FUL
Case Officer:	Ed Handley
Date Registered:	19 February 2024
Target Decision Date:	15 April 2024
Extended To:	24 May 2024
Address:	Land adjacent 26 St Peters Gardens, Stafford
Ward:	Penkside
Parish:	-
Proposal:	Demolition of existing garages and erection of 2 bungalows (use Class C3b)
Applicant:	Key Developments (Midlands) Limited
Recommendation:	Approve, subject to conditions and the applicant entering into a planning obligation to provide a financial contribution towards mitigation measures for impacts to the Cannock Chase SAC

REASON FOR REFERRAL TO COMMITTEE

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

“To give the Planning Committee the opportunity to consider whether the proposed development would result in an over-intensification of the site by virtue of its inclusion with the adjacent assisted living development, resulting in detrimental impacts to the amenity and wellbeing of neighbouring residents due to a lack of on-site parking and anti-social behaviour”.

1.0 CONTEXT

Site and surroundings

- 1.1 The application site comprises a parcel of land containing a row of garages to the southeast of St Peters Gardens and within an established residential area. The site is bound to the north, south and west by dwellinghouses, and to the east is a development comprising 8 assisted living bungalows built under permission 21/34133/FUL.
- 1.2 The site is within an established residential part of Stafford, 15km of the Cannock Chase Special Area of Conservation (SAC), an impact risk zone for the Cannock Chase Site of Special Scientific Interest (SSSI), and within a green impact risk zone for great crested newts (GCN).

Background

- 1.3 Whilst 'assisted living' is referred to in the decision notice to planning permission 21/34133/FUL for the adjacent site, for the avoidance of doubt, this term has no meaning in planning law and this matter is clarified later in the report. The term 'assisted living' is therefore only used in reference the adjacent site but which in planning terms falls under a C3 residential use including C3(b) which allows care to be provided to the occupant(s) of the dwellings.
- 1.4 This proposal follows the recent refusal of application 23/37324/FUL by the Planning Committee on 25 October 2023. Notwithstanding the Officer's recommendation to approve application 23/37324/FUL it was refused for the following reason:

The proposed development would result in an over intensification of the site by virtue of its inclusion with the adjacent established assisted living development, resulting in detrimental impacts to the amenity and wellbeing of neighbouring residents due to lack of on site parking and anti-social behaviour. The proposal is therefore contrary to Policies N1(e) and T2 of the Plan for Stafford Borough and paragraph 130 of the NPPF.

The proposal

- 1.5 This application is almost identical to application 23/37324/FUL but with the gates previously proposed being omitted from the application site. Additional supporting information is also submitted with regard to the use of the proposed development. It is further noted that Aspirations is the intended operator, who would operate the proposed development alongside the adjacent assisted living bungalows.
- 1.6 This application is for the demolition of a row of 12 garages and the erection of a pair of semi-detached bungalows. The use class within which the development would fall is sub-class C3(b) of Class C3 of the Town and Country Planning (Use Classes) Order 1987, as amended.
- 1.7 Class C3 covers the use of a dwellinghouse (whether or not as a sole or main residence) and includes the following sub-categories:
- (a) A single person or by people to be regarded as forming a single household.
 - (b) Not more than six residents living together as a single household where care is provided for residents.
 - (c) Not more than six residents living together as a single householder where no care is provided for residents (other than use within class C4).
- 1.8 It should be noted that the garages could be demolished without the need for planning permission. The developer would, however, need to apply to the local planning authority for a determination as to whether the prior approval of the authority would be required as to the method of demolition and any proposed restoration of the site.

- 1.9 The proposed pair of semi-detached dwellings would share a single dual-pitched roof and have maximum dimensions of 11.1m (depth) x 10.1m (width) x 4.7m (height) (2.6m height to eaves). Materials would comprise Ibstock Mercia Antique brick and Marley Edgemere smooth grey roof tiles.
- 1.10 The site would be landscaped to provide a small private garden (astroturf surface with 2.0m close-board timber fencing) for each dwelling, four parking spaces to the front of the dwellings, and the site would continue to utilise the existing shared access with the adjacent assisted living bungalows.
- 1.11 It is noted that the Officer's report in the consideration of application 23/37324/FUL stated that the applicant purchased the site in April 2022 and that at that time 11 of the garages were vacant with one being used for storage. The report further states that the intended operator (Aspirations) has been the care provider at the adjacent site since December 2022 and that they provide support to people who have a learning disability and/or mental health diagnosis, to enable them to live in their own homes within their own community.
- 1.12 Furthermore, in consideration of application 23/37324/FUL the Officer noted that Aspirations follow a robust assessment process and work closely with Staffordshire County Council and the local Integrated Care Board (ICB) in the completion of their assessments to ensure the suitability of a person to reside at their properties and within the wider local community. It is acknowledged that 24B-24L St Peters Gardens was developed in partnership with Staffordshire ICB and the local authority to provide homes in Stafford for citizens of Staffordshire, rather than them living away from their families and community. Aspirations stated in support of application 23/37324/FUL that only citizens of Staffordshire reside at St Peters Gardens and that there continues to be a high demand in Staffordshire for this type of accommodation and support, hence the submission of this application and its predecessor.

OFFICER ASSESSMENT - KEY CONSIDERATIONS

2.0 Planning policy framework

- 2.1 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.
- 2.2 The Development Plan for the purposes of this application comprises The Plan for Stafford Borough 2011-2031 Parts 1 and 2 (TPSB).

3.0 Principle of development

- 3.1 The National Planning Policy Framework (NPPF) 2023 sets out a presumption in favour of sustainable development which is echoed in Spatial Principle (SP) 1 of TPSB.

- 3.2 Stafford is identified within TPSB as the most sustainable settlement where the majority of future growth will be directed. In turn, Policy Stafford 1 states that 7,000 new homes will be delivered in Stafford over the plan period.
- 3.3 SP7 goes on to state that development will be supported where it is of a scale and nature appropriate to secure the sustainability of the settlement and is consistent with the delivery of the proportions of development intended by spatial policies within the local plan.
- 3.4 In general policy terms the principle of residential development in this location is therefore considered to be acceptable. Representations on this application are acknowledged including references to whether the proposal seeks assisted or supporting living accommodation. This matter is therefore clarified in detail.

What constitutes a dwellinghouse in planning terms

- 3.5 It is noted that neither the Town and Country Planning Act, 1990, as amended, nor the Town and Country Planning (Use Classes) Order 1987, as amended, define the terms 'dwelling' or 'dwellinghouse'.
- 3.6 It is, however, acknowledged that condition 12 of permission 21/34133/FUL removes certain permitted development rights for development within the curtilage of a dwellinghouse. The term 'dwellinghouse' is defined within the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, as:

“dwellinghouse...does not include a building containing one or more flats, or a flat contained within a building.”

The removal of such permitted development rights reinforces the fact that the adjacent site falls under a Class C3 residential use.

- 3.7 In terms of planning case law (Rectory Homes Ltd v SSHCLG and South Oxfordshire DC [2020] EWHC 2098 (Admin); [2021] JPL 234) established that the terms 'dwelling' and 'dwellinghouse' refer to a unit of residential accommodation which provides the facilities needed for day-to-day private domestic existence. It is clear that the proposed units would provide such necessary facilities, being laid out each with a living space, kitchen, bedroom, and bathroom. Furthermore, each would have the physical characteristics of a dwellinghouse, and the proposed development would offer no other facilities which would suggest a use outside of use class C3, such as communal facilities including gyms, cinema rooms, hair salons, etc. which a large residential institution (use class C2) may provide.
- 3.8 The application properties are one-bed bungalows which would be occupied by individuals. Each person would form a single household living within a separate dwelling.

The meaning of the terms ‘care’ and ‘support’ in planning law

- 3.9 Sub-class C3(b) in the Town and Country Planning (Use Classes) Order 1987 envisages an element of care is to be provided, stating:

*“Class C3 dwellinghouses
Use of a dwelling (whether or not as a sole or main residence) by-*

...(b) not more than six residents living together as a single household where care is provided for residents; ...”

- 3.10 Within planning legislation, the term ‘care’ is defined within the Town and Country Planning (Use Classes) Order 1987 as:

“care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment”.

(Class C2 of the Town and Country Planning (Use Classes) Order 1987, as amended, refers to residential institutions).

- 3.11 References to differing types of ‘social care’ made within the applicants supporting documentation may well confuse consideration of the term ‘care’ as such differentiation between care and support is not made in planning legislation. For the purposes of the consideration of this application the planning definition of care, as set out in the Town and Country Planning (Use Classes) Order 1987 should therefore be relied upon. For this reason, reference to ‘assisted living’ has been removed from description of the proposal of this application.

- 3.12 In the case of R (oao Crawley BC) v FSS and the Evesleigh Group [2004] EWHC 160 (Admin), it was found that

“...in every case the judgment to be made in the application of the criteria in class C3 depends upon the specific facts of the individual case. There may indeed be cases where, having regard to the nature of the disability suffered and the degree of care required, persons resident in a house cannot sensibly be said to constitute a household. But there will be other cases... where persons resident in a house can sensibly be said to constitute a household notwithstanding that they have some disability and need care. That is so even if the need is for full-time care.”

It is therefore evident that carers do not need to reside at the dwelling as that would run counter to the language of use class C3; consequently, an element of shift working, and movement of vehicles should be expected.

- 3.13 Aspirations, on their website (www.aspirations-support.co.uk), state that they support adults with learning disabilities and adults with mental health conditions; people with all levels of need are supported, including those who are semi-independent and able to do most things for themselves and also those with more complex needs or with more severe conditions. It is clear that Aspirations do not offer the personal care of children or medical care or treatment. It needs to be

acknowledged that support of individuals may include assistance with the taking of medication, however it does not include the type of medical care which one would associate with a hospital, hospice, or other medical institution. The range of support offered by Aspirations, as set out on their website, therefore is considered to sit within the scope of a Class C3(b) use.

- 3.14 The application submission needs to be considered on the basis of the details provided where acknowledgement is given to the fact that the occupiers of the proposed dwellinghouses will be capable of running a household on their own, with or without some support from a carer. Any doubts as to whether any previous or current occupiers of the adjacent site are occupying those buildings in accordance with the planning permission in force is not a material consideration with regard to this application and any breach of planning control should be dealt with under the relevant parts of planning legislation.
- 3.15 If the care to be provided was to the extent that the individual involved could not run a household on their own (with or without some assistance) then it may be that the occupation would fall within the realms of use class C2. However, that would be occupant dependent and, should permission be granted, it needs be noted that the change of use between use class C3 and use class C2 does not always constitute a material change of use requiring planning permission, dependent on its outward impacts.

Outward impacts

- 3.16 With regard to this application and the outward impacts of the proposed occupation, reference is made to the appeal decision (outside the SBC area) appended to the applicant's submission, reference APP/Z4310/X/23/3316521. At paragraph 12 the Inspector refers to the consideration of the use of a building being consistent with a dwellinghouse with regard to on and off-site effects associated with the use of a building such as comings and goings, car parking, noise and disturbance and internal changes to the property. Detailed consideration is given to these matters elsewhere within this report where relevant, however it is concluded that the likely effects associated with the proposed development are consistent with the use of a dwellinghouse.
- 3.17 With regard to 'comings and goings', it is acknowledged that people requiring care will receive visitors throughout the day. For example, an elderly person living in their own home may require multiple visits from carers at various times of the day to assist with tasks such as getting in and out of bed, washing, and preparing meals, or for things such as delivering meals/shopping. Such visits would not likely result in the material change of use of a dwelling. Consequently, it is not considered that multiple carers visiting the proposed dwellings (including shift changeovers) would render the proposal unacceptable.

- 3.18 With regard to car parking, it is noted that the proposed parking provision would meet local plan parking standards for two one-bed dwellings. It would not be unusual for such parking spaces to be used by the occupiers of a dwelling whereby all visitors to a dwelling would have to park on the public highway or in other locally available public car parks. Whilst car parking spaces may be secured by condition, any preference towards who uses the car parking provision cannot be controlled via planning legislation.
- 3.19 With regard to the internal layout or changes to a building, it is acknowledged that the proposed development comprises the erection of a new building, however each of the proposed dwellinghouses would have a layout which could only be described as being that of a regular one-bedroom dwelling.
- 3.20 With regard to noise and disturbance, it must be acknowledged that the occupation of a dwellinghouse will result in some noise and disturbance; be this through the occupants of the dwellinghouse (such as young children) or the activities carried out in the course of the enjoyment of the dwellinghouse (such as the use of power tools or entertainment systems).
- 3.21 Noise, in the case of the complaints surrounding anti-social behaviour at the adjacent dwellings appears to derive from the occupants and noise and disturbance during shift changeover such as vehicles and communication. The noise from passing and idling vehicles within the highway cannot be controlled under planning legislation, and noise from the occupants of a dwelling is entirely dependent on the individual occupant. For example, many dwellinghouses, whether formal care is provided or not, may be occupied by people who create significant levels of noise. Preventing all instances of excessive noise emanating from a dwelling is therefore not possible. However, should undue levels of noise result from any dwelling (including the proposed) it would then be usual practice for this to be dealt with under separate legislation which deals with statutory noise nuisance and anti-social behaviour.
- 3.22 It is noted that Stafford Borough Council has received complaints regarding anti-social behaviour relating to an adjacent site. Whilst that site is operated by the same organisation which intends to manage the proposed development these should be dealt with via the appropriate anti-social behaviour legislation and do not justify the refusal of this application. It should also be acknowledged that an occupier of any dwellinghouse has the potential to behave in an anti-social manner and there is no evidence to suggest that people in need of care are more likely to engage in anti-social behaviour than any other group of people. There is no reason to believe that the majority of people supported by Aspirations (or any other appropriate care giver) would live in a manner which would result in undue levels of noise and disturbance. Should the future occupants of the proposed dwelling cause such problems, it is considered that the appropriate course of action would stem from anti-social behaviour legislation. Whether the tenancy of the existing adjacent dwellings goes beyond the scope of a class C3(b) use is a separate matter of planning judgment in the context of relevant caselaw.
- 3.23 The nature of the occupation of the proposed dwellinghouses, if approved, would therefore be a matter for the operator to manage in accordance with the terms of any planning permission.

- 3.24 It is noted that Staffordshire County Council support the proposed development from an adult social services perspective in that it would provide accommodation for which they consider there to be a local requirement.
- 3.25 The site is located within a sustainable location within the settlement of Stafford where the development of two bungalows is considered to be acceptable in principle.
- 3.26 Due to the amendment of the description of development during the course of the consideration of this application, it is recommended that any approval should be subject to a condition to ensure occupation for a purpose under use class C3. This would be different to the conditions of the permission (21/34133/FUL) for the adjacent assisted living development but is considered to be more precise and would meet the tests for conditions set out under paragraph 56 of the NPPF.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 7, 8, 10, 11, 12, 188

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; SP7 Supporting the location of new development; Stafford 1 Stafford town; C1 Dwelling types and sizes

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

4.0 Character and appearance

- 4.1 Policy N1 sets out design criteria including the requirement for design and layout to take account of local context as well as demonstrating high design standards. Policy N8 requires that new development respects the character of the landscape setting through design, layout, and materials. The Council's Design SPD provides further detailed guidance.
- 4.2 With regard to concerns raised surrounding perceived over-intensification it is noted that this related to the inclusion of the proposed development with the adjacent established assisted living development. It should also be noted that the proposed and existing development operated by Aspirations comprises dwellinghouses within use class C3 situated within an established residential area where the majority of buildings are occupied within use class C3.
- 4.3 Whilst the proposal would increase the density of built form in the immediate surroundings, it is considered that the provision of a single-storey building comprising a pair of semi-detached bungalows would be acceptable within its context, particularly within a site which currently comprises a range of single-storey garages.

- 4.4 The layout of each proposed plot is similar to those within the earlier development of 8 bungalows to the east of the site (21/34133/FUL). The layout, whilst relatively simple, is considered to be acceptable given the size of the site and the proposed future occupiers.
- 4.5 The architectural design of the proposed dwellings is considered to be acceptable with regard to its context adjacent to existing 8 assisted living bungalows. The front elevation would contain principal windows to habitable rooms (living rooms) which would provide passive surveillance of the frontage. Whilst no details are provided for the air source heat pumps to the front elevation this is considered to be acceptable in principle - details should be secured by condition on any approval.
- 4.6 The materials proposed - Ibstock Mercia Antique brick and Marley Edgemere smooth grey roof tiles - are considered to be acceptable as these would match those used on the adjacent bungalows and would complement the palette of materials used in surrounding development.
- 4.7 Whilst no precise details are given, the application forms indicate that bin storage areas could be provided to the rear of the proposed dwellings; the layout would provide for this and there is sufficient space for bins to be stored in a discreet location.
- 4.8 It is considered that the layout, design, and appearance of the proposed development is considered to be acceptable, subject to conditions.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 131, 135, 137 and 139

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

5.0 Residential amenity

- 5.1 Policy N1 requires the design and layout of development to take account of noise and light implications as well as the amenity of adjacent residential areas. The Design SPD provides further detailed guidance on specific matters.
- 5.2 The Design SPD requires a separation distance of 21m between the rear elevations of dwellings; notwithstanding the Officer's report in the consideration of application 23/37324/FUL, on the basis of the information available (Ordnance Survey based GIS software, aerial photography, and planning history) the separation distance between the proposed dwellings and 2-4 The Brandons would exceed 21m. It is, however, noted that given the single-storey nature of the proposal it was not considered that it would result in any undue level of overlooking to the neighbours to the north or south; or any significant loss of privacy to neighbouring windows.

- 5.3 Due to the single-storey nature of the proposed development, the proposed 2.0m high boundary fence, and the oblique angles involved it is not considered that there would be any undue loss of outlook or privacy with regard to the occupiers of 26 St Peters Gardens. Similarly, the rear elevation of 24J-24L St Peters Gardens abuts the site boundary at a distance of between 4.7m and 6.4m; the proposed bungalows would be at a distance of 6.4m and 7.4m from the existing units. Notwithstanding this, the presence of a 2.0m high close-boarded timber fence between the dwellings would mitigate the proximity and negate any concerns regarding privacy or overlooking.
- 5.4 The proposal includes windows to all four elevations of the building; all would be at ground floor level and, given the proposed 2.0m high close-boarded fence at the boundaries, there would be no resultant loss of privacy.
- 5.5 Outlook from the proposed units would be restricted by virtue of the distance between the building and the site boundaries. Outlook from the rear (bedroom) would look over the gardens to the rear boundary at a distance of 7m. Outlook from the front (living room) would look over the parking area and one of the two units would look directly onto cars if parked within the marked bays. Windows to the kitchens would face 2.0m close-boarded fences at distance of 1.1m. Whilst this arrangement is not considered to result in adequate outlook it should be noted that during consideration application 23/37324/FUL no concern was raised with regard to outlook from the kitchens. Furthermore, Officers consider that it is likely that as a result of the size of the kitchens, they will not provide dining space in addition to kitchen facilities and are therefore not considered to be habitable rooms. Overall, it is considered that the level of outlook to be achieved should not therefore justify the refusal of the application on this ground.
- 5.6 The development is not considered to result in any breach of the 25 degree test as set out in the Council's Design SPD and would therefore not result in any undue loss of amenity to existing residents through loss of light. In order to prevent any future issues, it is recommended that permitted development rights for extensions and alterations be removed via condition of any approval.
- 5.7 No floodlighting is proposed so it is not considered that the development would result in any impact upon the occupiers of adjacent dwellings with regard to light pollution.
- 5.8 Rear gardens of 47sqm and 52sqm would be provided. Whilst the Council's Design SPD sets a standard for two and three-bedroom dwellings, no standards are set for one-bedroom dwellings. Given a requirement for 50sqm for a two-bedroom dwelling it is considered that the proposed garden spaces are acceptable. Furthermore, as noted by the Officer in consideration of application 23/37324/FUL there is an existing public open space approximately 50m from the application site which future occupiers could utilise. Due to the relatively small size of the garden space it is considered that permitted development rights for extensions and outbuildings should be removed via condition of any approval.

- 5.9 Concerns raised by neighbours regarding noise are noted, as are the comments made by the Council's Environmental Health Officer who recommends conditions restricting the hours of works and associated deliveries; it is considered reasonable and necessary to attach such a condition, however restricting where delivery vehicles can park within the public highway is not considered to be reasonable or enforceable. Whilst in consideration of application 23/37324/FUL it was recommended that acoustic screening measures were implemented during construction, the Council's Environmental Health Officer advises that these should be implemented "if necessary" - there is nothing submitted by the applicant, Environmental Health Officer, or members of the public which demonstrates that acoustic screening during construction would be necessary. Some noise is to be expected during development and on the basis that the proposal comprises a relatively small building, not significantly greater than what could be built under permitted development rights within the garden of a dwellinghouse, it is not considered that conditions beyond permitted working hours would be appropriate.
- 5.10 The Environmental Health Officer has recommended conditions relating to burning on site and the use of equipment outside of permitted working hours. It is not considered that such conditions would meet the tests for conditions set out under paragraph 56 of the NPPF and there these matters would be more appropriately dealt with under separate environmental health legislation.
- 5.11 Air source heat pumps are proposed although no details are provided. Whilst in principle they are considered to be acceptable, a condition should be attached to any approval to secure details of all external plant and machinery, to include a technical specification for noise.
- 5.12 In terms of amenity, subject to conditions as set out above, it is considered that the proposed development would be acceptable with regard to the provisions of the NPPF and TPSB.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 135

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

6.0 Access and parking

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

- 6.2 The site benefits from a private vehicular access off St Peters Gardens, a lit, unclassified road with a speed limit of 30mph. The access is shared between the current block of garages and the adjacent assisted living development. It is proposed to utilise the existing access which would lead onto a block-paved parking area for four cars.
- 6.3 Local plan parking standards require the provision of two parking spaces per dwelling for semi-detached homes with up to three bedrooms and no provision is required for any visiting carer. Consequently, it is considered that sufficient parking space would be provided within the site to meet local plan parking standards.
- 6.4 The local highway authority raise no objection to the proposal. A concern is noted that at a shift changeover there would likely be a period of time where there are no parking spaces available for other visitors, and that indiscriminate parking may occur on the shared private driveway or overspill onto St Peters Gardens. However, no objection is raised on this basis and it is acknowledged that there is a significant amount of off-carriageway parking provision on St Peters Gardens.
- 6.5 The dimensions of the proposed car parking spaces would meet national criteria and sufficient space would be provided to the rear of the spaces to allow appropriate manoeuvring to facilitate entry to, and egress from, the site in a forward gear.
- 6.6 The Highway Authority representation notes two apparent access points to 2 and 4 The Brandons at the southern boundary of the application site. Whilst reference is made to a strip of land between 2 The Brandons and the application site, Council records indicate that this land is owned by Stafford Borough Council. Notwithstanding this, private access rights are a civil matter and would not justify the refusal of this application and the applicant would need to seek appropriate advice on this matter.
- 6.7 Concerns raised by neighbours regarding highway safety and parking provision are noted, however the Highway Authority raise no objection to the proposal and advise that they consider the proposed development to be acceptable, subject to appropriately worded conditions.
- 6.8 The Highway Authority recommend a condition to ensure that the development is carried out in accordance with a highway construction method statement to be approved prior to commencement of development. Given the size and context of the site and the nature of the proposed development such a condition is considered to be appropriate. Furthermore, a condition is recommended to secure the provision of access, parking, and turning areas prior to the first occupation of the proposed dwellings. An informative should be attached to any approval to bring to the attention of the applicant the need for further approval from Staffordshire County Council with regard to highways matters.
- 6.9 Policy T1 seeks to achieve sustainable transport through the provision of secure, accessible, and sheltered bicycle parking. Whilst the proposal does not include any cycle storage it is considered that there would be sufficient space within the gardens should future occupiers require cycle storage.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 111 and 112

The Plan for Stafford Borough

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

7.0 Other

Cannock Chase SAC

- 7.1 The proposed development would result in a net increase in residential units within 15km of the Cannock Chase SAC (Special Area of Conservation) and it is therefore considered that an appropriate assessment under the habitat regulations must be carried out. The latest evidence suggests that the SAMMMs (Strategic Access Management and Monitoring Measures) will deliver sufficient mitigation and avoidance measures to prevent any likely significant effects to the Cannock Chase SAC from residential development in this area. It is considered that any likely significant effects to the Cannock Chase SAC should be mitigated via a financial contribution towards the SAMMMs equating to £344.01 per unit. Such financial contributions would most appropriately be secured under a planning obligation. The applicant has confirmed in writing that they are willing to enter into such an agreement to secure the appropriate contribution should the Committee resolve to approve the application. Natural England concur with the conclusion of the Council's habitat regulations assessment and raise no objection with regard to other matters. Furthermore, Natural England advise that the proposed development would not result in damage to, or the destruction of, the Cannock Chase SSSI.

Trees

- 7.2 The Council's Tree Officer raises no objection to the proposed development, noting that whilst an arboricultural report was submitted in support of application 23/37324/FUL it was not provided in support of this application. However, the Holly tree and hedge referenced within the earlier report are shown on the application drawings. It is advised that an evergreen tree southwest of the application site may result in moderately significant shading where evening sun to the garden and rear of the building could be blocked leading to pressure on the owner of the tree to carry out works or have it removed. During consideration of application 23/37324/FUL it was determined that there would be adequate protection for the Holly tree utilising the existing fence on the boundary and the Tree Officer advises that this application is similar in this regard and it is accepted that direct impacts upon the Holly tree are minimal. Consequently, there is no need for a tree protection plan in this instance and no arboricultural conditions are recommended.

Need

- 7.3 Officers from Staffordshire County Council and Stafford Borough Council acknowledge that there is a need for accommodation of this type and raise no objection to the proposed development. Whilst the Borough Council's Housing Assistance Officer notes that the proposed dwellings would not be suitable for wheelchair users there is no policy to require such a specification and it must be acknowledged that, in principle, the provision of dwellinghouses in this location is acceptable in policy terms.

Staffordshire Fire and Rescue Service

- 7.4 Staffordshire Fire and Rescue Service raise no objection, making comment regarding vehicular access, water supply, and internal sprinkler systems. An informative should be attached to any approval to bring these comments to the attention of the applicant.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 8, 124, 158, 159, 180, [185, 186, 187 and 188, 189

The Plan for Stafford Borough

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

8.0 Conclusion and planning balance

- 8.1 The proposed development would result in the provision of additional housing provision within a sustainable location; it is acceptable with regard to layout, design, amenity, highway safety, and matters surrounding ecology and arboriculture. The proposal, on the whole, is considered to be in accordance with the National Planning Policy Framework and The Plan for Stafford Borough. It is recommended that the application is approved, subject to conditions and to the applicant entering into a planning obligation to secure a financial contribution to mitigate significant effects upon the Cannock Chase SAC.

CONSULTATIONS**Highway Authority:**

(Comments dated 11 April 2024):

No objection.

- The private access currently leads to four sites: 24 and 26 St Peters Gardens, 24a St Peters Gardens, a detached one-bedroom bungalow (21/34846/FUL) and eight assisted living bungalows (21/34133/FUL). This also provides access to 12 unused garages and a shed.
- The proposed position of the gate is noted and no objection is raised.

- Concern is raised regarding parking provision during shift changeover, however sufficient parking is proposed to meet local parking standards.
- Subject to conditions to ensure that development is carried out in accordance with a highways construction method statement and that the access, turning areas, and parking spaces are provided prior to first occupation, it is considered that the proposed development is acceptable.

Natural England:

No objection.

- Without appropriate mitigation, the proposed development would have an adverse effect on the integrity of the Cannock Chase SAC. Mitigation for such effects should be secured via the Strategic Access Management and Monitoring Measures (SAMMMs).
- The proposed development would not damage or destroy the interest features for which the Cannock Chase SSSI has been notified.

Tree Officer:

No objection.

- Whilst an arboricultural report was submitted with application 23/37324/FUL there is no report submitted in support of this application. That report made reference to a hedge and a Holly tree which is shown on the drawings.
- Shading from an evergreen tree located southwest of the proposal may result in moderately significant shading where evening sunshine to the garden and rear of the building would be blocked leading to the likelihood of pressure on the owner of the tree to remove it.
- Whilst astro turf lawns appears to constitute a low-maintenance solution the surface requires regular maintenance to avoid blockage from detritus resulting in a slippery surface. Furthermore, there is no environmental value to this surfacing.
- It was previously considered that there was adequate protection for the Holly tree utilising the existing fence on the boundary. This application is similar in this regard and it is accepted that direct impacts upon the Holly tree are minimal.
- There is no need for a tree protection plan in this instance and should the application be approved there is no requirement for any arboricultural conditions.

Environmental Health Officer:

No objection.

- Due to the location of the site at the end of a small road and being surrounded by residential properties conditions are recommended as follows:
 - o Restricted hours of works and associated deliveries.
 - o Only inaudible equipment to be left running outside of the allowed working hours.
 - o Delivery vehicles shall not park on the access highways to the site.
 - o No burning on site during development.
 - o Screening to be provided, if necessary, to protect neighbouring residents from exposure to excessive noise.

Stafford Borough Community Safety:

- We are aware that there is a local need for supported accommodation in the Borough.
- Complaints of anti-social behaviour have been received by Stafford Borough Council with regard to the adjacent supported accommodation.
- There are inaccuracies in the supporting documentation, as follows:
 - o Reports of anti-social behaviour began after the first occupation of the adjacent development.
 - o There are many incidents of noise and increased activity when carers' shifts start and finish.
 - o To date complaints have been received from nine local residents, and these include multiple incidents.
 - o The team have worked with Aspirations but the behaviour continues.
 - o There is nothing to suggest how support staff would 'nip in the bud' any anti-social behaviour.
 - o It is noted that one individual has been rehoused due to extreme behaviour which impacted on a local resident.
 - o Two parking spaces is not sufficient. Carers at the adjacent development are not allowed to park at the unit they're visiting. Furthermore, some residents with greater care needs may have more than two visitors at a time.
 - o There is nothing to prevent a resident having a mobility car.
 - o There are no visitor spaces.

Housing Assistance Officer:

No objection.

- It is noted that Aspirations provide care for adults with learning disabilities, mental health needs, and autism, so the occupants may not need accessible housing for physical reasons. However, there are instances where adults with such needs require carer support which require additional space for multiple people to manoeuvre, such as in the bathroom and bedroom.
- The rooms plans would not be suitable for a wheelchair user, the door widths and hallways are too narrow and there is insufficient space for turning in the bathroom and kitchen. Bathroom space and bedroom space may also be restricted.
- The provision of accessible bungalows in Stafford Borough is valuable, however, unless lifetime homes standards or equivalent are achieved there is a likelihood that occupiers may seek to adapt the properties further in the future, to increase space for equipment or mobility aids, or to enable care provision.
- It is understood that 24-hour care and supervision may be provided within the dwelling, including sleep-ins. There is only one bedroom space within each dwelling so it is assumed that the carer would sleep in the lounge area.
- If appropriate housing allowance isn't awarded, these units may be let out for general needs.

County Commissioning Manager (Learning Disabilities, Autism, Mental Health, and Carers):

No objection.

- Staffordshire County Council and the NHS are satisfied with the proposed development which would constitute an extension of existing supported living provision.

Staffordshire Fire and Rescue Service:

No objection.

- Appropriate vehicle access and supplies of water should be provided at the site.
- The provision of a sprinkler system is strongly recommended.

Neighbours:

10 representations received in objection, raising the following points:

- Insufficient parking provision in surrounding area and adjacent development.
- Insufficient highway capacity to cope with additional traffic.
- Overdevelopment of the site.

- Insufficient space to carry out building works on this site.
- Loss of privacy.
- There would be no security for adjacent dwellings during development.
- Noise and disturbance during building works.
- Increased noise from external heat pumps.
- Increased noise from residents.
- The proposed development is the same as refused in October 2023 (23/37324/FUL) and does not address the reasons for refusal.
- Existing noise and anti-social behaviour issues may increase as a result of the proposed development.
- The type of development is inappropriate in this location.
- Multiple carers can be involved with a single resident.
- Changeover of staff in the evening causes noise pollution.
- Acoustic mitigation doesn't work when windows can be left open.
- Potential use of bright security lighting at night.
- Impacts from removal of garages – dust, debris, and asbestos containing materials.
- Development would result in adjacent gardens being hotter during heatwaves.
- Lack of engagement with local community.
- Failure to promote health, well-being, and community cohesion.
- The minutes of meetings provided in support of the application are not verified or agreed by the local community.
- The operator of the adjacent supported living facility is involved in with the proposed development.

One representation received from the Registered Provider who manages the adjacent dwellings raising the following points:

- Further consideration should be given to the boundary between the site and adjacent dwellings.
- Additional measures should be put in place to prevent people climbing the fences, such as anti-climb paint or defensive planting.

A number of the representations summarised above also include comments made with regard to how an existing, adjacent site is operated; it is not considered that these

comments are relevant to the consideration of this application as the application seeks consent for two dwellinghouses for two households where care is given – there would be no requirement for any particular operator to provide such care (use within class C3 would be acceptable) and there would be no requirement for any condition or obligation to ensure that such care be provided. Consequently, whilst the application documents indicate that the operator of the adjacent site would be involved in the operation of the proposed development there is no requirement for that operator (who is neither the landowner, applicant, or agent) to become involved at any stage of the development or its operation.

PUBLICITY

Site notice expiry date: 2 May 2024

RELEVANT PLANNING HISTORY

Application site

23/37324/FUL - Demolition of existing garages and erection of 2 no assisted living Bungalows - refused 25.10.2023

Adjacent site

21/34876/FUL - Erection of 1 bedroom bungalow - Approved 5 November 2021

21/34133/FUL - Erection of eight assisted living bungalows - Approved 18 August 2021

20/31958/FUL - Detached 2 bed bungalow - Approved 12 May 2020

17/25872/FUL - Erection of 4 two-bedroom detached bungalows with integral garages, associated parking and landscaping - Approved 21 June 2017

16/24187/FUL - Detached dormer bungalow - Approved 20 July 2016

15/21880/FUL - Construction of two detached bungalows and two dormer bungalows with associated access and landscaping works - Approved 03 July 2015

Recommendation

Approve subject to the following conditions:

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

2407-20 revision C

3. No development shall take place unless and until a Highways Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall thereafter be adhered to throughout the construction period. The statement shall provide for:
 - A site compound with associated temporary buildings
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel wash facilities
 - Times of deliveries
4. Before the development is first occupied, the access, parking and turning areas shall be provided in accordance with drawing 2407-20 revision C and shall thereafter be retained as such.
5. Before the development is first occupied, the landscaping scheme as detailed on drawing 2407-20 revision C, to include all means of enclosure to all site and plot boundaries shall be provided and thereafter retained as such.
6. Notwithstanding any description / details in the application documents, and before any air source heat pump is installed, details of the location, design, and colour finish of the air source heat pump shall first be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
7. All construction works, including demolition and associated deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwellings hereby approved without the prior approval of the Local Planning Authority:
 - Schedule 2, Part 1, Class A - enlargement, improvement or other alteration,
 - Schedule 2, Part 1, Class B - additions etc to the roof,
 - Schedule 2, Part 1, Class C - any other alterations to the roof.
9. The development hereby permitted shall only be used for purposes falling within Use Class C3 of The Town and Country Planning (Use Classes) Order 1987 (as amended).

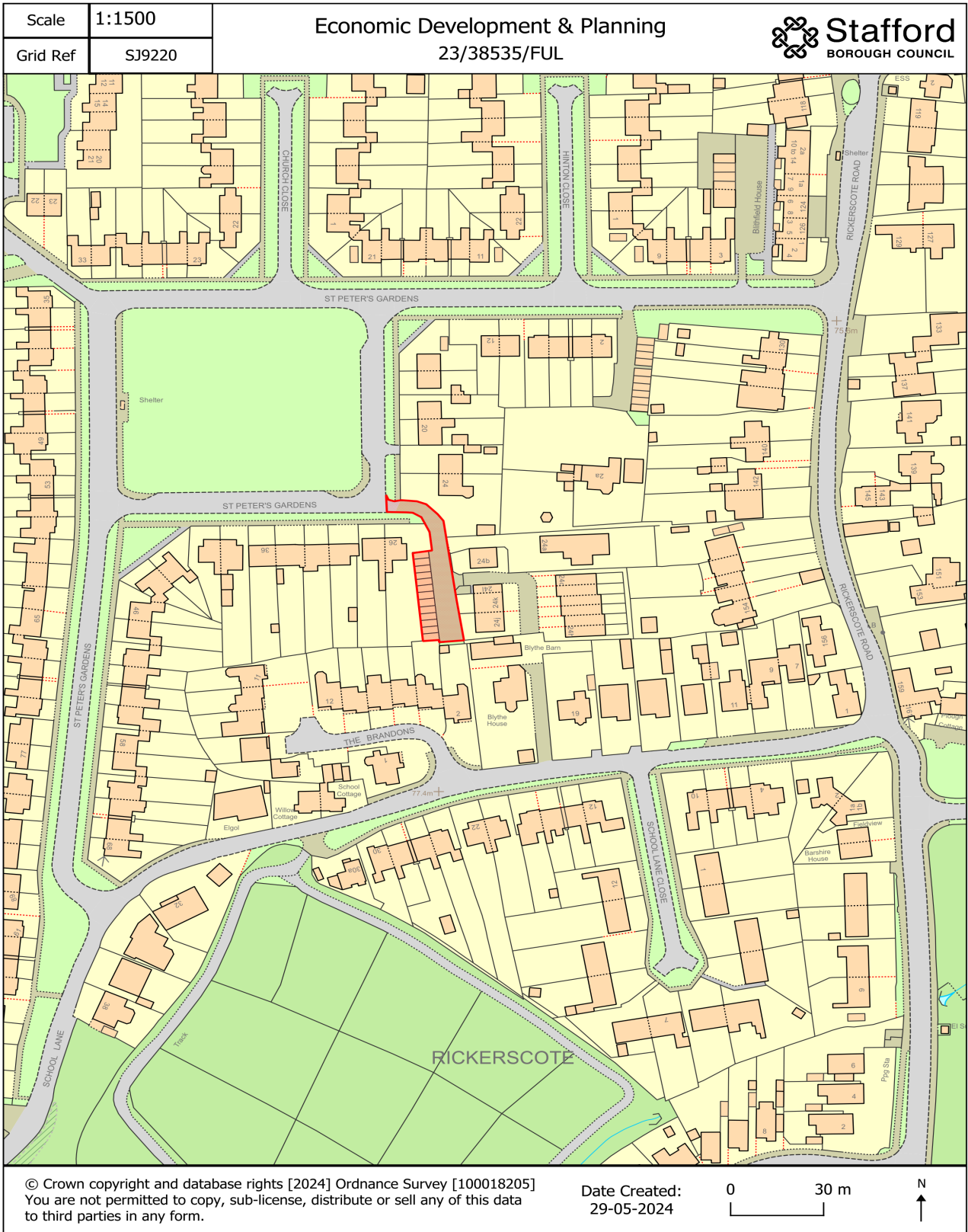
The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
4. To 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).
5. To ensure an adequate level of privacy for occupiers of the proposed dwellings (Policy N1e and Design Supplementary Planning Document).
6. To ensure the satisfactory appearance of the development (Policies N1 g and h 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 ensure an adequate level of privacy for occupiers of adjacent residential properties and to ensure the retention of sufficient amenity space for future occupiers (Policy N1e of the Plan for Stafford Borough and the Design Supplementary Planning Document).
9. To define the permission as a development of two dwellinghouses.

Informatives

- 1 In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 2023, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 The applicant's attention is drawn to the comments of the local highway authority and Staffordshire Fire and Rescue Service. All comments can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).

23/38535/FUL Land Adjacent To 26 St Peters Gardens Moss Pit, Stafford



 PLANNING COMMITTEE - 12 JUNE 2024

Ward Interest - Nil

Planning Appeals

Report of Head of Economic Development and Planning

Purpose of Report

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

Notified Appeals

Application Reference	Location	Proposal
23/37534/FUL Delegated Refusal	Land North West Of Model Farm Chase Lane Tittensor	To build a residential property with integral double garage
23/37104/OUT Delegated Refusal	Cattery Pasturefields Farm London Road	Outline Application for Access - New dwelling to replace a redundant building previously used for a cattery business.
23/37324/FUL Committee Refusal +Cost Claim	Land Adjacent to 26 St Peters Gardens Moss Pit	Demolition of existing garages and erection of 2 no assisted living bungalows
23/38368/FUL Committee Refusal	Land At St Johns Church Granville Terrace Stone	Removal of Condition 6 (windows) on application 21/35049/FUL - Variation of condition 2 (plans) of permission 19/31557/FUL

Decided Appeals

Application Reference	Location	Proposal
WKS3/00255/EN21 Appeal dismissed and Enforcement notice upheld	Park House Park Lane Brocton	Carport At Principal Elevation Of
WKS2/00223/EN21 Appeal Dismissed and Enforcement notice upheld	11 Trinity Gorse Trinity Fields Stafford	Storage Container In Garden and structure surrounding. High fences
22/36548/LBC Delegated Refusal Appeal Allowed	Oak Tree Views Newcastle Road Eccleshall	New log burner and flue to existing building
22/36775/HOU Delegated Refusal Appeal Dismissed	5 Home Farm Court Ingestre Stafford	Erection of an outbuilding
23/37153/ADV Delegated Refusal Appeal Dismissed	8 Wolverhampton Road Stafford	1.92m wide Wall-mounted internally illuminated LED display

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 23 April 2024

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Appeal ref: APP/Y3425/C/23/3324196

Park House, Park Lane, Brocton, Stafford ST17 0TS

- The appeal was made by Terence John Davie under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Stafford Borough Council.
- The notice was issued on 12 May 2023; reference 016936.
- The breach of planning control was: Without planning permission, the erection of a car port forward of the principal elevation of the dwellinghouse on the Land, in the approximate position marked with a blue rectangle on the plan attached to the notice.
- The requirements of the notice are:
 - (i) Remove the car port.
Time for compliance – one month after the notice takes effect.
 - (ii) Remove from the Land all building materials and rubble arising from compliance with the requirement above and restore the Land to its condition before the breach took place by levelling the ground and reseeding it with grass.
Time for compliance – two months after the notice takes effect.
- The appeal was made on grounds (a) and (g) as set out in the amended Act.

Summary of decision: The enforcement notice is upheld

Appeal

1. The appeal concerns a car port structure erected on the south-eastern, opposite side of the private drive that serves 4 detached houses, including the Appellant's home Park House, Park Lane, Brocton.

The appeal on ground (a)

2. The appeal on ground (a) is that planning permission ought to be granted for the matters set out in the enforcement notice. That is, that permission should be granted to retain the car port structure in front of Park House.
3. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act), headed 'General duty as respects listed buildings in exercise of planning functions', says at (1): In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses. Policy N1 of The Plan for Stafford Borough (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. Policy N9 of TPSB requires that development proposals pay due regard to the historic environment and where possible to enhance existing heritage assets. 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.

4. The Appellant Mr Davie's home, Park House, is in a row of 4 late 20th century large detached houses at the end of Park Lane, a private road. The appeal car port has been built on the other south-eastern side of the section of the drive that serves Park House, Timberland and Holly Lodge. Immediately alongside the car port's south-eastern boundary is the garden of the house, The Cottage, a Grade II Listed Building, described as being probably late C16 and a good specimen of the contemporary vernacular.
5. Mr Davie described the car port as a simple lightweight structure with a clear polycarbonate roof cantilevered off two aluminium posts. It was some 5.6m long, 2.7m wide, to a maximum height of 2.9m. He said the car port was built to protect a parked car from being covered with leaves, saplings and bird droppings during autumn and winter months. Its protection saved the need to frequently clean and wash the car. It also facilitated getting in and out of the car in the dry.
6. Mr Davie said the car port structure, with its open sides and polycarbonate roof, was not dominant or bulky in relation to its surroundings. Since its construction, it had weathered and the nearby hedgerow and trees had grown. The car port had blended into the landscape.
7. Mr Davie asserted it was not considered necessary to replicate the existing pattern and form of development for new development to be in character. It can be acceptable to build a contrasting modern structure near to a recognised heritage asset, depending upon a wide consideration of existing and proposed features.
8. In considering the worth of the design of a noncompliant structure, I found the appeal's minimalist car port to be of little merit, appearing unacceptably intrusive and incongruous alongside the garden boundary shared with The Cottage. It appeared somewhat isolated from Park House, separated by the shared drive and further isolated by the high boundary and substantial metal gates to Park House.
9. Mr Davie said there was no intervisibility between the car port and the Listed Building The Cottage. Although he said the car port sits below the hedge line and at a slightly lower level than the garden to The Cottage, photographs taken from The Cottage show the curved polycarbonate car port roof and its reflected light clearly as an inharmonious and ill-fitting feature. That would be lessened when the separating hedge was in full leaf and would reduce in time with future growth. However, I agree with the Conservation Officer that the car port causes some harm to the setting of the grade II listed The Cottage. It fails the test of s.66(1) of the Act by not preserving the setting of the listed The Cottage, a test also recognised in

the NPPF, at paras. 200 -202 of avoiding any harm to a designated heritage asset. Neither does the car port comply with the exhortations in policies N1 and N9 of The Plan for Stafford Borough that set 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 and pay due regard to the historic environment and where possible to enhance existing heritage assets.

10. I conclude that planning permission should not be granted to retain the car port at Park House and that the appeal on ground (a) should fail.

The appeal on ground (g)

11. Mr Davie said the periods for compliance with the requirements of the notice fell considerably short of that which should reasonably be allowed.
12. In considering whether the periods for compliance with the requirements of the notice are reasonable, it is evident that the removal of the simple structure car port would not take much time. It could easily be removed within one month of the issue of this decision. The clearance of the site of the materials arising from the removal of the car port could be readily accomplished at the same time. It would not need a 2 months period. But Mr Davie's concerns were not that the work would take more time. He said he would need to find alternative means of protecting his vehicle from leaf fall and detritus. He had considered building a more sympathetic structure. Additional time should be allowed for Mr Davie to find alternative garaging facilities.
13. I find the suggestion that compliance should, in effect, await a permission for a possible replacement car parking structure unpersuasive and not justified by any weighty need. I do not increase the periods for compliance with the requirements of the notice. The appeal on ground (g) fails.

FORMAL DECISION

14. The appeal is dismissed and the enforcement notice is upheld.

John Whalley

INSPECTOR

Appeal Decision

Site visit made on 23 April 2024

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal ref: APP/X3405/C/23/3326323

11 Trinity Gorse, Trinity Fields, Stafford ST16 1SL

- The appeal was made by Nik Hodgkinson under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Stafford Borough Council.
- The notice was issued on 28 June 2023; reference 016872.
- The breach of planning control was: Without planning permission:
 - (i) the erection on the Land of a structure made of wood with a metal roof which surrounds and covers a shipping container, ("Structure"), located in close proximity to the boundaries with side and rear neighbours as shown marked in blue on the plan attached to the notice for identification purposes; and
 - (ii) the erection on the Land of three (×3) boundary fences, ("Fences") which measure in excess of 2 metres in height when measured from the original ground level as shown marked on the plan attached to the notice for identification purposes and annotated "2.2m", "2.04m" and "2.12m" respectively.
- The requirements of the notice are:
 - (i) Remove the structure from the land.
 - (ii) Remove from the Land all building materials and rubble arising from compliance with the first requirement under (i) above; and
 - (iii) Reduce the height of the three boundary fences to the rear of the dwelling house on the land to a maximum height of 2 metres when measured from the original ground level.

Time for compliance with all requirements of the notice – one month after the notice takes effect.

- The appeal was made on ground (g) as set out in the amended Act.

Summary of decision: The appeal fails. The enforcement notice is upheld

Appeal

1. The appeal concerns a shipping container and its fittings, described in the enforcement notice as a structure, together with high fences erected at the rear of the dwelling at 11 Trinity Gorse, Trinity Fields.

The appeal on ground (g)

2. The appeal on ground (g) asks that more time is granted to comply with the requirements of the enforcement notice. The notice requires the removal of the structure, the materials consequent upon its demolition from the land and the reduction of the height of the 3 boundary fences to no more than

- 2m. The requirements allowed a period for compliance of one month. Mr Hodgkinson, the Appellant, said ill health had prevented him carrying out the necessary works. His appeal asked for the period be extended by 2 months to allow him, as he saw it, to be in a position to carry out the work.
3. Mr Hodgkinson made his appeal in July 2023. As the only ground of appeal asked for more time to comply with the requirements of the notice, Mr Hodgkinson, who I understand to be a builder, should have known that it would be upheld and have been prepared to comply, whether the period was one or the extra 2 months he requested. Now, approaching another summer, I consider the one month period to be sufficient time in which to carry out the necessary works to comply with the requirements of the enforcement notice.
4. The appeal on ground (g) fails.

FORMAL DECISION

5. The appeal is dismissed and the enforcement notice is upheld without amendment.

John Whalley

INSPECTOR



Appeal Decision

Site visit made on 23 April 2024

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/Y3425/Y/23/3320234

Oak Tree Views, Newcastle Road, Eccleshall, Stafford ST21 6GA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Miss Niki Ross against the decision of Stafford Borough Council.
 - The application Ref is 22/36548/LBC.
 - The works proposed were originally described as '*new log burner to existing building*'.
-

Decision

1. The appeal is allowed and listed building consent is granted for new log burner and flue to existing building at Oak Tree Views, Newcastle Road, Eccleshall, Stafford ST21 6GA in accordance with the terms of the application Ref 22/36548/LBC and the plans submitted with it subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) No works shall commence until detailed plans and a method statement of the design of the log burner and all parts of the flue including fixings, opening position and installation details including remedial works for the brickwork, and a colour scheme for the flue shall have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details and maintained as such thereafter.
 - 3) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within two months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.

Preliminary Matters

2. Notwithstanding the description of works in the banner heading above which is taken from the application form, I have taken the description of proposed works from the Council's decision notice and Section E of the appeal form in the formal decision. This more accurately describes the works for which listed building consent is sought for.
3. The names of the applicant on the application form and the appellant on the appeal form differs, however it has been confirmed that the appeal is proceeding in the name of the owner of the property Miss Niki Ross.
4. The original application as submitted included further works proposed at the property. However, the application was amended, and the outbuilding removed

from the scheme. An application for planning permission for the works has also been withdrawn, the appellant clarified in correspondence that planning permission is not required for the appeal proposal. The Council determined the application on the basis the works relate to the new log burner and flue including the revised plans NR-005 Rev A and NR-004 Rev A, therefore so shall I.

5. The log burner would be fitted internally, and the Council have set out they have no concerns regarding the log burner itself. However, their contention is that the position of the flue is unacceptable. I have dealt with the appeal on this basis.
6. As the appeal relates to a listed building consent, I have had special regard to section 16(2) of the Act.
7. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The policies that are material to this decision have not fundamentally changed and I am satisfied this has not prejudiced any party. In reaching my decision I have had regard to the revised Framework.
8. I have also had regard in so far as relevant, and in accordance with Paragraph 30 of the Framework in this appeal decision to the Eccleshall Parish Neighbourhood Plan 2011-2031, adopted July 2016, which the Council provided as part of their appeal submission.

Main Issues

9. The main issues are whether the proposal preserves a Grade II listed building, outbuildings to north of Byanna around three sides of the farmyard, comprising stable wings on north and west side, cowshed and range of implement sheds on east side, and any of the features of special architectural or historic interest that it possesses.

Reasons

10. The appeal site consists of a grade II listed building which was listed in 1980 (ref: 1189411), formerly an early 19th century agricultural outbuilding used as former stables but converted to a separate residential dwelling in the early 2000s. It is associated with a wider complex of outbuildings including the historic farmstead of Byanna Farm a grade II listed dwellinghouse (ref:1039058) of early 17th century origin. The wider outbuildings and complex are now converted and also form Byanna Grange.
11. The building is two-storey constructed of red brick and a blue plan clay tile roof located in the open countryside. The building is separated with its own curtilage with boundary walls and/or fencing to the other group buildings and complex. The appeal property appears to have undergone significant alteration to facilitate its residential use with more contemporary and domesticated features added to its historic fabric, original agricultural form and curtilage.
12. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with its historic and architectural interest. Its historic interests are primarily in respect of its age and illustration of early 19th century agricultural outbuilding architecture, and

- association as a wider group value of outbuildings, former agricultural use and connection to the historic and wider farmstead.
13. The information suggests the flue would be finished in black and would extend through the brickwork on the north-western elevation of the building. I have also had regard to the specifications and photographic evidence provided on the flue. The Council assert in this position on the wall that there would be a substantial amount of flue externally to the building and would be visually very obtrusive. However, the Council in their evidence appear to accept that a flue may be acceptable at the property if it were to be located through the roof and no higher than the ridgeline.
 14. As I saw there is existing pipework that extends upwards on this elevation and a pipework opening already through this elevation wall. The brickwork also appears to have been repaired, repointed and/or modified at this section between the rainwater and soil pipes. The front roof slope is currently devoid of such openings other than the insertion of 4 Velux windows. I consider the proposed flue on the elevation would be seen in relation to this existing pipework already added to the historic building rather than being conspicuous or adding further domesticated clutter to the roof. Suitably worded conditions could be imposed to make good the brickwork and any internal fabric where the opening for the flue would be positioned from in the wall. The flue would also sit below the ridgeline and would not detract from the overall existing or original character of the roof itself or in the context of its location and significance to the wider group of buildings.
 15. In addition, although located on the front of the building, the property is sited in a substantial plot and a significant distance from the roadway with limited surrounding views with the vegetation along Newcastle Road. Therefore, given the size of the flue, its position and that there is existing pipework it would not necessarily detract from views of the building as a whole when entering the site. There would only be a limited viewpoint or glimpse from the curtilage of Byanna Grange and no views afforded from Byanna Farm. I also saw those neighbouring buildings at Byanna Grange had flues installed, other pipework and domesticated paraphernalia protruding from walls and roofs.
 16. I have had regard, to the development and works which have already been carried out, granted permission and consent. The appeal proposal, of itself, does not involve considerable additional loss of original or historic fabric beyond that has already been permitted or undertaken which have to some degree detracted from its original agrarian character and significance. Consequently, the proposal does not cause harm.
 17. Given the above I conclude that, on balance, the proposal preserves the special historic interest of the Grade II listed building, outbuildings to north of Byanna around three sides of the farmyard, comprising stable wings on north and west side, cowshed and range of implement sheds on east side. This satisfies the requirements of the Act, the Framework and it does not conflict with Policy N9 of The Plan for Stafford Borough 2011-2031, (2014). The policy amongst other matters, requires proposals to provide clear justification and proposals must conserve and protect the significance of heritage assets by avoiding unnecessary loss of historic fabric and detail of significance.
 18. I note the Council's assertion that the provision of the log burner and flue within the building would principally be of private benefit to the appellant

rather than any public benefit. I agree. Nevertheless, in finding an absence of harm the identified special interest and significance of the designated heritage asset, it is not incumbent for me to consider any public benefits that derive from the appeal proposal.

Conditions

19. I have considered whether any conditions would be appropriate in light of the Framework, Planning Practice Guidance and the Act. A standard time limit condition is necessary. However, the Council have only suggested a condition specifying the relevant plans and this has not been imposed as progressing the works in accordance with submitted plans is part of the formal decision above.
20. In the interests of preserving the special interest and significance of the listed building a condition requiring the submission of a method statement for the installation and fitting of the log burner and flue, and colour confirmation of the flue are necessary. A condition to reduce the likelihood of damage to the listed building, and timescale for making good any damage caused would be necessary to preserve the heritage asset.
21. I note that the appellant, regulatory services and the Parish Council suggested conditions. However, I have not imposed conditions relating to the height, installation, and maintenance of the flue in accordance with Building Regulations as it would not pass the test for necessity and given the location of the works placing restrictions on construction times would be unreasonable.

Conclusion

22. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

K A Taylor

INSPECTOR



Appeal Decision

Site visit made on 17 April 2024

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2024

Appeal Ref: APP/Y3425/W/23/3330725

5 Home Farm Court, Ingestre, Stafford, Staffordshire ST18 0PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Sandland against the decision of Stafford Borough Council.
 - The application Ref is 22/36775/HOU.
 - The development proposed is the erection of an outbuilding.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the setting of the adjacent Grade II listed building, whether it would preserve or enhance the character or appearance of the Ingestre Conservation Area, and whether it would harm the significance of either of these designated heritage assets.

Reasons

3. The appeal property is part of a large, listed complex that was mainly constructed some 200 years ago as part of a planned farmstead. The complex includes an extensive range of agricultural buildings, which was converted to dwellings roughly 20 years ago. This conversion was undertaken with a high degree of sensitivity. As a result, and insofar as this appeal is concerned, the significance of the buildings appears to be primarily architectural and historic. This is because their detailing, materials, openings and arrangement display their origins as a prestigious and carefully designed farm complex.
4. It sits in the Ingestre Conservation Area. This runs from Ingestre Hall and associated buildings at one end, to beyond the cluster of estate cottages at the other, with Home Farm being in between. Its character, appearance and significance all very much lie in the way it retains the sense of a country estate, containing as it does an extensive range of buildings that still very much reflect their historic origins in form, arrangement and detail. The Home Farm complex is an important part of this, displaying the rural dimension to the estate.
5. A number of dwellings are now in the main eastern block of this farm complex, each of which has a large garden on the eastern side that is enclosed by the original wall around the farmstead. As No 5 is on the southern end of this block though, its garden is larger still than most. Whilst this garden is free of outbuildings, it is nonetheless strongly domestic in nature due to its lawns, patio, landscaping, play equipment, wheeled bins and so forth. I realise that

- much of this might not have required planning permission, but it is still present, and contributes to defining the garden's character.
6. The proposed outbuilding would not be large, and it is intended to be within a small area currently enclosed by evergreen trees. However, requiring trees to be retained around the building in perpetuity would not address the issue of their height, and would be unreasonable as, at some point, the trees will die. A condition stating they should be replaced at any time in the future if and when they are lost would again be unreasonable, and in any event there would be no screening during the period when the new planting was becoming established. As such, I cannot be certain they would always be present in their current form, and so in my assessment I cannot give significant weight to any screening effect they may have.
 7. Considering first the effect when assessed from the appellant's garden, the outbuilding would be to one side, against the southern boundary, and would be an appreciable distance from the dwelling. Therefore, it would not impact to any notable extent on views to or from the main building and would not have a particularly direct relationship with the house. Given this, and taking into account its size and the domestic activity already in the garden, when seen from within the curtilage its impact on the setting of the listed building would not harm the significance of that designated heritage asset.
 8. Although the Council has expressed a concern about the works being sited beyond the eastern elevation of the block, to my mind as it is so far to the south it would not impinge on an appreciation of that elevation from within the curtilage. The final section of Policy E2 in *The Plan for Stafford Borough* (the Local Plan) concerns the re-use of rural buildings. In bullet-point (h) it says they must be large enough to be converted without the need for additional buildings. The wording of this, to my mind, relates to the assessments necessary to determine whether the conversion should proceed, and does not prevent such outbuildings coming forward for consideration later on at converted properties. Indeed prohibiting such proposals through policy would not be realistic. Given how long it is since this dwelling was established, it is not questioned that it is currently of a size to be used as a house, albeit that the appellant now wishes more space.
 9. Turning to the effect from outside the appellant's curtilage, from the east the development would be set back far enough from the house and the eastern boundary to mean it would not be unacceptably dominant. However, when travelling along the road towards Ingestre Hall, the eastern block in general, and the southern end containing the appeal property in particular, can be readily appreciated over the 1.5m high boundary wall when coming round the sharp bend in the lane. From here, although the trees round the proposed siting of the outbuilding are visible and some satellite dishes can be seen, one has less of an awareness of the domestic nature of the gardens because the wall is tall enough to conceal those elements to a great degree. As a result, the significance of these former historic agricultural buildings is not so diluted by more recent paraphernalia.
 10. While it is the intention that the proposal would be screened from this direction by the existing trees, as stated above I have not given their presence significant weight in my assessment. As the outbuilding would be 1m taller than the wall, if the trees were to be removed, entirely or in part, it would be a

prominent, angular, modern intrusion when seen from this point, which would sit uncomfortably in the foreground of the historic farm range and its apparent yard area. As a result, to my mind it would erode an appreciation and understanding of the range containing the appellant's dwelling by appearing as a striking and discordant element, so causing harm, albeit less than substantial, to the significance of that listed building. Moreover, by harming the significance of a listed building in this way and eroding its agricultural farmstead setting at this prominent point in the conservation area, it would fail to preserve the conservation area's character and appearance, also causing harm, again less than substantial, to the significance of that designated heritage asset.

11. In coming to this finding, I recognise that the cluster of trees that would be around the building are already interrupting this view. However, by its nature such planting is not as striking and clinical in its form, blending better into the overall character of the area and constituting less of a modern, discordant element. As such, these trees do not form a similar level of harm to the scheme before me. I accept that the building could be readily removed, as it is to be placed on the hardstanding with no further works identified. However, I have no indication of when, if ever, it would be taken away, and even if that were to occur it could still be harmful in the meantime for the reasons stated. I also saw various structures built within the grounds of other properties in the complex. I was not told of any that had planning permission, and from the road I saw none that would have a comparable effect to what is before me.
12. The *National Planning Policy Framework* (the Framework) states that great weight should be given to the conservation of heritage assets, and any harm to their significance should require clear and convincing justification. Moreover, if less than substantial harm is caused to the significance of any such asset, that harm should be weighed against the public benefits. I recognise this building would facilitate home-working or other comparable uses, with associated social and environmental benefits. I accept too that the building is not large, while there would also be some economic benefit from employment during its construction and installation. I am not persuaded though that, even taken together, the benefits such matters bring are sufficient to outweigh the great weight that should be afforded to the conservation of heritage assets.
13. Accordingly, I conclude the impact of the development on the setting of this Grade II listed building would cause harm, albeit less than substantial, to its significance. Moreover, it would fail to preserve the character or appearance of the conservation area, again causing less than substantial harm to the significance of that designated heritage asset. In the absence of any public benefits that outweigh this harm, the proposal would be contrary to Local Plan Policies N8, N9 and E2(g) and the Framework, which all seek to safeguard and protect historic designations and the contribution they make to their context.

Conclusion

14. For the reasons given I conclude that the appeal should be dismissed.

JP Sargent

INSPECTOR



Appeal Decision

Site visit made on 4 April 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26.04.2024

Appeal Ref: APP/Y3425/Z/23/3330131

8 Wolverhampton Road, Stafford ST17 4BN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr James Dean of R J Young Properties (Stafford) Limited against the decision of Stafford Borough Council.
 - The application Ref is 23/37153/ADV.
 - The advertisement proposed is wall-mounted internally illuminated LED display.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In accordance with the Regulations¹, and the Planning Practice Guidance (PPG), I have considered solely matters of amenity and public safety, taking account of any material factors. While I have taken account of the policies and guidelines that the Council consider to be relevant, these have not been decisive in my determination of this appeal.
3. The revised National Planning Policy Framework (Framework) was published in December 2023. I do not consider in this case that this raises any matters that require me to seek any further representations from the parties.

Main Issues

4. The main issues are the effect of the proposed advertisement on the amenity of the area, with particular regard to whether it would preserve or enhance the character or appearance of the Forebridge Conservation Area; and the effect of the proposal upon public safety.

Reasons

Amenity

5. The appeal site relates to 8 Wolverhampton Road, a three storey property with a shop at ground floor level, which is situated at the end of a short row of commercial premises. The appeal building fronts Wolverhampton Road while the side elevation faces towards the Queensway Island junction.
6. The area surrounding the appeal site is of mixed character which includes traditional ground floor shops, a retail park and other commercial premises,

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

- together with some residential properties, such as those at Drakeford Court to the south. There are a variety of commercial advertisements within the area, including fascia signs above shop fronts, a large billboard to the north, and the signage within the nearby retail park, as well as items of street furniture, such as street lighting and traffic lights.
7. The Council says that the appeal site is within the Forebridge Conservation Area (CA). This has been disputed by the appellant. However, the evidence before me clearly indicates that the CA boundaries were extended in 2013 as part of the Forebridge Conservation Area Appraisal (CAA) that was adopted by the Council and the map provided shows that the appeal site now lies within the extended part of the CA. Therefore, I have considered the appeal on the basis that the site is within the CA. In assessing the appeal, I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
 8. The CA derives its significance from the variety of older buildings situated on historic thoroughfares with their origins in the medieval street layout. The site is within the 'Wolverhampton Road Character Area'. The CAA sets out that buildings in this area are two to three storeys and constructed in red brick. While the appeal building is a more modern structure, its scale reflects surrounding built form, including the two and three storey shops on the western side of Wolverhampton Road. The latter contribute positively to the character and appearance of the CA in terms of their prominence within the street scene, traditional shop front detailing and materials.
 9. The proposed advertisement would be an internally illuminated LED display. It would change displays at no less than every ten seconds and those transitions would be instantaneous. The advertisement would be used by the tenants of the appeal property and other local businesses.
 10. The position of the advertisement on the side of the building at first floor level above the existing shop window and fascia sign means that it would be highly visible from the road junction to the south and in views along Wolverhampton Road. The size of the proposal is not significant when compared to other advertisements in the wider area, such as those on the retail park and the nearby billboard. It would not be unduly large in relation to the gable end of the building. However, due to its elevated position and the method of illumination, the sign would be unduly prominent, particularly viewed from the south, resulting in a discordant feature in the street scene.
 11. I am mindful that the maximum brightness of the advertisement would be within the guidelines from the Institute of Lighting Professionals with an inbuilt ambient light sensor to adjust the luminance levels, and it would be switched off at night. I also accept that the nearby street lighting columns indicate that the area is well lit at night. Nevertheless, the use of the proposed internal illumination with images changing at regular intervals would not reflect the character of this part of Wolverhampton Road, which is characterised predominantly by historic shop fronts with traditionally designed fascia signs. The proposal would be viewed in the context of these more traditional buildings. Whilst there are a variety of advertisements in the area, during my site visit I did not observe any comparable digital advertisements within the

- CA. Consequently, the proposal would be unsympathetic to the character and setting of the CA.
12. Reference has been made to existing digital displays in the local area and elsewhere in the country. However, I am not aware of the precise circumstances which led to the approval of these other advertisements and the details provided indicate that they have materially different surroundings. The display at 139 Newport Road is located close to a Grade II listed building and faces towards the CA boundary, but it is not within the CA and has a different surrounding context to the appeal site. Those within the nearby retail park also appear to be outside the CA boundary. Therefore, on the basis of the evidence before me, I am not satisfied that the other advertisements referred to are directly comparable to the appeal proposal, which I have considered on its own merits based on the site specific context. Although digital displays will be appropriate in some cases, in this particular case I find that the proposal would be incongruous and harmful to amenity.
 13. Concerns have been raised by the Council around the effect of the proposed LED display on the amenity of neighbouring properties at Drakeford Court, particularly at night. There is however a substantial distance between these properties and the site and the trees in between would partially screen the proposal. Had I been minded to allow the appeal, suitable conditions could have been imposed, including a restriction on the brightness of the LED display and the hours during which it operates, to protect the neighbours' amenity.
 14. Nevertheless, I conclude that the proposal would harm the visual amenity of the area, and it would fail to preserve or enhance the character or appearance of the CA. Whilst not decisive, the proposal would conflict with Policies N1 and N9 of The Plan for Stafford Borough (PSB) insofar as these seek to ensure, amongst other things, that proposals are of a high quality design that takes into account local character and sustains and enhances heritage assets. It would also conflict with the Framework, which seek to achieve similar aims.

Public safety

15. The PPG states that all advertisements are intended to attract attention but those located at points where drivers need to take more care are more likely to affect public safety. Such locations include junctions, roundabouts and pedestrian crossings. It further advises that the main types of advertisement which may cause danger to road users are those which are illuminated, which could be mistaken for, or confused with, traffic lights and those which are subject to frequent changes of display.
16. Queensway Island is a busy signalised junction. The junction and connecting roads have several traffic control features in the form of traffic lights, pedestrian crossings and directional signage that drivers, cyclists and pedestrians must already concentrate on.
17. The proposed advertisement would face towards the junction and be in the eye line of drivers, particularly those travelling north on Wolverhampton Road. The proposal would not obscure the traffic signals, but for those travelling north it would be seen broadly behind the signals and potentially divert attention away from them. Therefore, the siting of the proposal and the use of internal illumination would result in an eye catching feature that would be a potential distraction to drivers and others. The regular change of adverts over

approximately every 10 seconds, even if this takes place instantly, would have the potential to distract drivers at a point close to the traffic light signals and the pedestrian crossings, where greater concentration on the road is necessary, thus presenting a risk to highway and pedestrian safety.

18. The appellant has provided information from the local accident record for the five year period 2017-2021 drawing on data from Crashmap and the Department for Transport. The appellant states that the data reveals no recorded incidents on the approach to the appeal site. However, the data appears to indicate five incidents within proximity of the site. To my mind, the evidence provided does not demonstrate that the highway network in the vicinity of the site is free of incident and it does not provide justification for an advertisement which would be likely to cause distraction for drivers and other road users and may increase the number of incidents.
19. On the basis of the details provided, I cannot be sure that the other examples of digital advertisements offer a direct comparison to the appeal proposal. The advertisement at 139 Newport Road is not located at a busy signalised junction. Consequently, these do not justify the appeal proposal.
20. I have considered the appellant's suggested conditions which would include controls over the brightness and frequency of change between adverts. However, due to the proposal's location and method of illumination, such conditions would not sufficiently mitigate the harm to public safety. Switching off the illumination between 23:00 and 07:00 means that the proposal would still be illuminated during some of the hours of darkness, particularly during the winter months, and would not overcome my concerns.
21. For the above reasons, I conclude that the proposed advertisement would be detrimental to public safety. Policy T2 of the PSB and paragraph 115 of the Framework seek to ensure that proposals do not have an unacceptable impact on highway safety. Given that I have concluded that the proposal would harm public safety, the proposal conflicts with these policies and guidance.

Conclusion

22. For the reasons given above, I conclude that the proposed advertisement would be detrimental to the interests of public safety and amenity, and would not preserve or enhance the character or appearance of the CA. Accordingly, the appeal should be dismissed.

M Ollerenshaw

INSPECTOR