



Civic Centre, Riverside, Stafford

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Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 18 December 2024** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

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

Head of Law and Governance

PLANNING COMMITTEE - 18 DECEMBER 2024

Chairman - Councillor B McKeown

Vice-Chairman - Councillor A Nixon

AGENDA

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

Details of Delegated applications will be circulated separately to Members.

	Page Nos
5 Planning Applications	3 - 40
6 Planning Appeals	-
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 - 18 DECEMBER 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
21/33706/COU	The Emerald Club, 31 Marston Road	4 - 20
	The application was called in by Councillor A Godfrey	
	Officer Contact - Sian Wright, Development Lead Telephone 01785 619528	
24/38959/FUL	Former Car Showroom, Milford Road Walton On The Hill	21 - 40
	The application was called in by Councillor P Edgeller	
	Officer Contact - Sian Wright, Development Lead Telephone 01785 619528	

Previous Consideration

Nil

Background Papers

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

Application:	21/33706/COU
Case Officer:	Della Templeton
Date Registered:	3 February 2021
Target Decision Date:	31 March 2021
Extended To:	-
Address:	The Emerald Club, 31 Marston Road, Stafford, Staffordshire, ST16 3BT
Ward:	Common
Parish:	-
Proposal:	Change of use of existing building to create nine apartments
Applicant:	Mr D O'Connor
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor A Godfrey Ward Member for Common for the following reason(s):

Neighbours concerned about the development encroaching onto their land, possible damage to their property, The appearance of the proposed development and the conversion being inappropriate for the area.

Context

The Application Site

The application site comprises a disused former factory building lying on the western side of Marston Road, between Fancy Walk and Rowley Street within the settlement of Stafford. The building is four storeys high including a partially subterranean basement level and covers the majority of the site with only two small open areas to the rear/west of the building.

The building is of traditional brick and tile construction with metal framed windows featuring stone lintel and sills on the outward facing elevations to Rowley Street, Marston Road and Fancy Walk. The building displays a high glazing to solid ratio as is typical of former factory buildings of this type.

Surrounding development is predominantly residential including traditional terraced housing, with some modern infill developments and conversion of former commercial buildings to apartments. The area is interspersed with a number of small independent shops, public houses and some commercial uses still operating.

The Proposed Development

The application proposes the conversion of the building to create 9no. 2-bedroom apartments comprising three duplex units over the basement and ground floors and a further three apartments each on the first and second floors.

Part of the basement at the northern end of the building would be infilled to external pavement level to facilitate level access to meter rooms and a storage area for refuse/recycling bins and bicycles.

The proposed development would utilise existing openings thus retaining the regimented rows of windows that characterise the building and resulting in minimal external alterations.

The application is supported by the following documents:

- Planning, Design and Access Statement
- Heritage Statement
- Transport Statement
- Cannock Chase Special Area of Conservation (SAC) Statement

Designations

The site lies within 8km of the Cannock Chase Special Area of Conservation

The Staffordshire Historic Environment Record identifies the site as a former boot and shoe manufactory within the historic shoe manufacturing quarter of Stafford.

The site is also within a SSSI impact risk zone and a landfill site buffer.

Officer Assessment – Key Considerations

Principle of the Proposed Development

The site lies within the development boundary for Stafford which is at the top of the Sustainable Settlement Hierarchy as outlined in Spatial Principle (SP) 3 of the Plan for Stafford Borough (TPSB). SP4 sets an annual target of 70% of new housing development to be accommodated in Stafford. SP7 states that housing proposals consistent with the delivery of the proportions of development intended by SP2, SP3 and SP4 will be supported.

The location of the site within walking distance of Stafford town centre would meet the requirements of Policy Stafford 1, that housing sites within the urban area of Stafford have good accessibility to services and facilities by walking, cycling and public transport.

Policy C4 is essentially permissive of proposals to subdivide or convert existing dwellings and other buildings to residential use provided the following listed criteria are met:

- a. The proposal does not lead to a concentration of such uses damaging to the character and amenity of a street or residential area;
- b. Does not necessitate associated extensions or external alterations inconsistent with the character and appearance of the property or its setting within the locality;
- c. Provides satisfactory living accommodation in terms of size, amenity, facilities, private open space provision, appearance and general outlook;
- d. Provides appropriate levels of on-site parking;
- e. Satisfactory sound proofing arrangements are incorporated within and between properties;
- f. It would not involve the self-containment of basement areas or other parts of any property having inadequate light, low ceilings or which would result in a poor outlook from main windows;
- g. It would make adequate provision for refuse storage; and
- h. For the subdivision or conversion of existing dwellings, where the property is large enough a mix of unit sizes should be provided.

In respect of the criteria:

- a. The proposal would retain a feature building within one of the older commercial areas of the town, retaining its historic character and reference. As such its retention and conversion could contribute positively to the amenity and character of the area;
- b. No extensions are necessary, and the external appearance and character of the building would be preserved;
- g. A storage area is provided for refuse/recycling bins
- h. The proposal does not involve the subdivision of existing dwellings

Criteria c. and f. are considered in the Amenity section of this report, and d. within the Access and Parking section of this report. Criteria e. is more appropriately considered under Building Regulations.

In principle the conversion of the building to residential use is considered acceptable subject to other material considerations as discussed below.

Policies and Guidance:-

National Planning Policy Framework (2023):

Paragraphs 7, 8, 11, 12

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, C4 Housing Conversions and Subdivisions, SB1 Settlement Boundaries

Character, Appearance and Heritage

31 Marston Road is a former shoe factory of late 19th century date. Whilst not listed or located within a conservation area, the factory is identified on the Staffordshire Historic Environment Record (HER), the entry of which suggests that it is likely to be the factory built c1878 for Thomas Mottram and goes on to say that it is “one of the last shoe factories in the town retaining a high proportion of its original fenestration”. Further evidence submitted with the Heritage Statement suggests that the factory was actually owned by C H Riley and Son at this time as opposed to Thomas Mottram.

The HER entry for the Marston Road area recognises it as a distinctive mixed development of Victorian terraced houses and factories on former open field land with at least 14 old factories surviving in this area of the town. The Conservation Officer notes that the Stafford Extensive Urban Survey also recognises the distinct character of this area (“HUCA 7”), noting that “Historic industrial buildings survive and contribute significantly to the historic character of HUCA 7”.

Due to the importance of the factory to the local industrial character of the area and its recognition in the Stafford Extensive Urban Survey, in addition to the inclusion of both the building and the general area in the Staffordshire HER, the site is considered to be a non-designated heritage asset with clear and demonstrable significance both to the history of the town and to the distinctive character of the locality. On this basis, the retention of the building with as little alteration as possible is to be encouraged.

Policy N1 of TPSB requires designs to have regard to local context, including heritage assets, and to preserve and enhance the character of an area. Policy N9 is not supportive of proposals that would affect the significance of a heritage asset unless they provide sufficient information for that impact to be assessed, stating that proposals will be expected to sustain and where appropriate enhance the significance of heritage assets and their setting by understanding the heritage asset, encouraging sustainable re-use and promoting high design quality. The policy requires proposals to conserve and protect the significance of heritage assets by avoiding unnecessary loss of historic fabric and detail of significance.

The current proposal is to convert the building to nine two-bedroomed apartments. The application originally sought permission for 10 apartments and included a new stair tower extension built onto the rear (west-facing) elevation. The extension was omitted when the scheme was reduced to nine units.

The building is currently vacant and in need of a long-term viable use going forward to ensure its future preservation. There is no conservation objection in principle to conversion of the former factory into residential apartments, it is noted that the scheme is not too dissimilar to the residential conversion at Stafford Box (originally Podmore’s factory) which was converted to apartments in 2005.

The proposals would respect the character of the historic building, maintaining many of its original historic architectural features, including original fenestration, thus retaining its external appearance with no significant alterations and maintaining its setting within the HUCA 7 area.

The proposals are considered to comply with the requirements of policies C4(a) and (b), N1 and N9 of TPSB and with guidance contained within the NPPF.

Policies and Guidance:-

National Planning Policy Framework (2023) – Paragraph 126, 127, Section 12. Achieving well-designed places, Section 16 Conserving and enhancing the historic environment

The Plan for Stafford Borough –

Policies N1 Design, N9 Historic Environment, C4 Housing Conversions and Subdivisions

Supplementary Planning Document (SPD) – Design

Amenity

The Council's adopted Design Supplementary Planning Document (SPD) - Guideline 2: Achieving Privacy in New Developments suggests a minimum separation distance of 21m between principal windows in facing properties to ensure adequate privacy for occupiers but concedes that, for infill development where there is a strongly defined build line, development should follow this. As stated in paragraph 6.1 of the guidance, section 6 applies to proposals for new-build developments rather than conversion schemes however, and it is also recognised that each site has its own individual character stating that "the guidance should not be interpreted so inflexibly that it inhibits the creation of interesting attractive and innovative layouts and design, nor undermines the objectives of the NPPF".

This application proposes the residential conversion of an existing building which is recognised as an undesignated heritage asset. The building's footprint occupies the majority of the site area with the north, east and south elevations lying at back of footway and distances to facing properties averaging around 10m. It should be noted however, that the surrounding area is characterised by terraced housing at back of footway, and there are many instances of facing principal windows falling short of the 21m minimum separation distance suggested in the Design SPD. Examples include distances as little as 9m across Marston Road, 8m across Albert Terrace and 10m across Sandon Road. Residents of affected properties utilise measures such as net curtains, reflective film or blinds to preserve privacy and these measures can already be seen in several properties facing the currently vacant application premises.

The building exists as a heritage asset and its demolition or material alteration would be resisted on conservation/heritage grounds. Paragraph 203 of the NPPF (2023) states that LPA's should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, and this would involve retaining or restoring as much of the original fabric of the structure as possible. In this instance, that would mean that, however the building is used, it would present a bank of windows to facing properties. It is also worth noting that the last lawful uses of the building included a licenced club with bar/function rooms and a dance studio/gym falling within former Use Class D2 (now Class E) of the Town and Country Planning (use Classes) Order 1987 (as amended), meaning that the building could be brought back into use at any time without the need to apply for planning permission, as a public house, wine bar or other drinking establishment, including food provision, or for any commercial, business or service use falling within Class E. As these are historic uses with no restrictions imposed on operating/opening hours, the building could be occupied and in use from early morning until late into the evening.

Given that the building exists in its current form and any future users or occupiers would have access to all existing windows, it is considered that the window-to-window separation distances between proposed apartments and existing neighbours would be acceptable within the established context of uses and development in the immediate vicinity.

There is some concern at the relationship to residential properties to the west of the site where windows would directly overlook neighbours' private amenity space. It would be highly impractical, if not impossible, for these neighbours to ensure privacy from the array of windows on the western elevation of the building and it is therefore considered appropriate to require all windows within this elevation to be obscure glazed with limited opening. It is recognised that this would result in two of the bedrooms in the conversion scheme having no outlook, but future occupiers would be aware of this situation prior to taking up residence. Obscure glazed windows to the rear elevation could be viewed as a betterment to those existing neighbours affected as no control could be imposed on windows in the event of a resumption of any existing lawful use, thus leaving gardens overlooked. As no extension is now proposed, there would be no additional loss of light to neighbours' garden and houses.

Guideline 3 within the Design SPD is concerned with 'Private amenity space' and suggests that flats/maisonettes should be provided with a balcony or private space, of undefined size but adequately screened, however, it is recognised that private garden areas vary significantly between residents. The proposed scheme would provide around 75 square metres of communal outside space to serve the nine new units, within two enclosed yard areas to the west of the building. Whilst not really suitable for children to play, this would enable residents to sit out or dry washing should they wish to do so. The closest area of public open space is around 300m away in Sandyford Street to the south-east and future residents would also have access to recreational and open space facilities in Stafford town centre to the south and Stafford Common some 10 minutes walk to the north.

In terms of criterion (f) under policy C4, parts of the basement of the building would be converted to living accommodation to provide bedrooms for three of the proposed apartments. However, as these areas would be partially above ground, they would benefit from natural light and outlook and would have full-height ceilings.

Overall it is considered, on balance, that future occupants of the development would enjoy an adequate level of amenity and the proposed scheme would provide satisfactory living accommodation in accordance with the aims of policy C4(c).

The Environmental Health Officer raises no objection to the proposals, however a number of conditions are recommended in order to safeguard residential amenity and those relating to restricted hours of works and associated deliveries, noise from equipment operated on site, control of glare from lighting and damping down are considered appropriate and reasonable in this instance due to the proximity of the site to residential properties. These conditions will assist in reducing noise and general disruption during construction. However, it has been determined by Planning Inspectors at Appeal that drainage matters relating to the existing building fall outside of the remit of planning, and that the burning of rubbish is better controlled through other legislation.

Furthermore, matters relating to the presence/absence of asbestos in the building and the provision of suitable sound insulation between proposed units would more appropriately be considered under Building Regulations. As a condition is recommended in respect of asbestos however, it is considered appropriate to include this.

Neighbours have expressed concern that a building with multiple occupants may attract anti-social behaviour, particularly if it is used as social housing or some form of supported living. However, as the NPPF requires local councils to provide a variety of different house types and tenure to meet the needs of different groups within the community (para 63), this would not be a reasonable or sustainable reason to refuse planning permission.

The local Ward Councillor has also highlighted concerns from neighbours relating to encroachment onto adjoining land and possible damage to property. Whilst no specific details of these concerns have been provided, these would be civil matters between the parties involved rather than planning issues.

National Planning Policy Framework (2023):

Paragraphs 135, 203, 209

The Plan for Stafford Borough:

Policy N1 Design

Supplementary Planning Document (Design)

Access and Parking

Adopted car parking standards for residential conversions set out in Appendix B of the Plan for Stafford Borough indicate a need for 12 spaces for the development although it is not unusual to relax these standards where a site is well located in relation to services and transport facilities.

The proposed development would not provide any parking for vehicles, forcing all vehicles associated with the scheme to park on the surrounding highways where local residents suggest that there are already parking issues. There are also parking restrictions on the highway surrounding the development.

Notwithstanding this however, the building exists and has an authorised use as a private licensed club falling within former Class D2 (Assembly and Leisure). The car parking requirement for this type of use (according to the Council adopted standard seeking 1 space per senior staff member; 1 per three other staff; and 1 per 5sqm of public floorspace) would be significantly higher than the 12 spaces required for the proposed residential conversion, and this represents a genuine fallback position.

The site is within walking distance of Stafford town centre where a full range of shops, services and transport facilities can be found and there are also convenience goods and other retailers providing for the day-to-day needs of residents within 200m. It is therefore considered that this site is well located in relation to services and transport facilities meaning that car parking standards could be relaxed.

In regard to the neighbour's concerns over inadequacy of parking, it is noted that there is no objection from the Highways Authority on the basis that the proposed residential use would represent a reduction in demand for car parking over the current authorised use of the premises.

Whilst the possibility of parking difficulties for existing and future residents within the area is acknowledged, in the absence of any highways objection, and having regard to the fallback position, it is not considered, on balance, that refusal could be sustained on these grounds.

Policies and Guidance:-

National Planning Policy Framework (2023) – Section 9. Promoting sustainable transport

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

Biodiversity

The application site falls within 8km of the Cannock Chase Special Area of Conservation (SAC) which is a European Protected Site. In accordance with advice from Natural England, the Cannock Chase SAC Partnerships' evidence base and the evidence base which underpins the development plan, any development within 15km of the SAC which is likely to increase recreational disturbance of the area is likely to result in significant harm to the SAC's reasons for designation. To mitigate the impact of development on the SAC a financial contribution of £344.01 is required per net residential unit created.

The applicants have elected to provide a contribution via an agreement under Section 111 of the Local Government Act 1972 and Town and Country Planning Act 1990 (as amended) and have made the required financial contribution towards the cost of measures to mitigate the impact of the development on the Cannock Chase Special Area of Conservation.

It is therefore considered that the proposed development would deliver sufficient mitigation and avoidance measures to prevent an adverse in combination effect on the integrity of the Cannock Chase SAC.

The site is also within a SSSI Impact Risk Zone for Doxey and Tillington Marshes, however, Habitat Regulations Assessment is not considered to be necessary in this instance, as the proposal does not fall within any applicable threshold for consultation.

Natural England has been consulted on the application and raised no objection subject to appropriate mitigation.

Policies and Guidance:-

National Planning Policy Framework (2023) – Section 15 – Conserving and enhancing the natural environment

The Plan for Stafford Borough (TPSB) – Spatial Principle 7 (SP7)– Supporting the Location of New Development, Policy N4 The Natural Environment and Green Infrastructure, N5 Sites of European, National and Local Nature Conservation Importance, N6 Cannock Chase Special Area of Conservation.

Conclusion and Planning Balance

The proposed development is considered to be an acceptable form of sustainable development that preserves the building and respects the historic character and appearance of this former industrial quarter of Stafford. Furthermore, the development would not give rise to unacceptable detriment to residential amenity or highway safety; and it would not harm protected species or their habitat. The proposed development complies with the relevant paragraphs of the NPPF and policies contained within The Plan for Stafford Borough and approval is therefore recommended.

Consultations

Highway Authority:

The Highways Authority initially recommended that the application should be refused because the proposal made no provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway. However, following further examination of evidence relating to the authorised use of the building, the following comments were received:

For this application the developer is not providing any off-street parking for the proposed development of 10 apartments and the Highways Department originally objected. However after receiving further information regarding the planning history of the site it is clear that the original use of the building as a shoe factory, followed by a use for religious purposes and recently as a social club on the ground floor and gym on the first floor, would require substantially more parking provision than the 13 spaces that would be required for 10 No 2 bed flats. (*Case Officer Note – the scheme has since been reduced to 9 units requiring 12 spaces*). As the applicant could revert back to the last authorised use of the site, social club and gym, without providing any parking and without the need for planning permission it is not therefore possible for the Highways Department to object to the conversion to flats, that would generate less parking requirements, on the lack of parking.

I have no objection (on Highway grounds) to the proposed development.

The following informative note is recommended:

The highway around the development is protected by 'No Waiting at Any Time' parking restrictions and no contractors parking can take place on these restrictions. No materials (including skips) can be stored on any part of the highway without the permission of the highways department.

Conservation Officer:

The scheme put forward appears to respect the character of the historic building, maintaining many of its original historic architectural features. The proposed stair tower extension off of the west facing elevation has been sympathetically designed with an industrial character in keeping with the host building, and is the minimum necessary to facilitate safe access and movement for a new residential use.

The recommendations identified in paragraph 42 of the submitted Heritage Statement by Phillip Heath should be secured by condition should planning consent be granted.

The proposed development would ensure a sustainable future for the vacant late 19th century former shoe factory building, a non-designated heritage asset with demonstrable significance to the history of the town and local area. Furthermore, the scheme is sympathetic to and respectful of the architectural and historic significance of the historic building ensuring that its industrial character and appearance is preserved.

There is no conservation objection to the proposed development subject to conditions relating to external materials; joinery details; rainwater goods; compliance with heritage statement recommendations; and no new windows, doors etc.

The following comments were received in respect of the amended scheme for 9 units:

Amendments include the removal of the stair tower extension, some minor alterations to reinstated window locations and the internal floor plan, and a reduction in the number of apartments from ten to nine.

With regards to the former toilet block addition off the western elevation, this is a later addition that appeared sometime between 1944 and 1973 according to OS mapping, it was likely a connecting element between the original factory building and the later factory extension off Fancy Walk (since demolished and replaced with housing). It is therefore of negligible historic and architectural interest, and there would be no conservation objection to its demolition if this would assist in bringing the site back into a viable use.

There still remains no conservation objection to the proposed development, and the previous comments (aside from those relating to the stair tower extension), still remain relevant. The previously requested list of conditions are still required with amendment to remove reference to the stair tower.

Leisure Policy Officer:

Financial contribution required in respect of off-site open space provision for development of 10 or more residential units.

Contribution no longer required when scheme reduced from 10 units to nine as this is below the threshold for leisure contributions.

Environmental Health:

1. All works, including any demolition, site works and construction 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.
2. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.
3. No burning of rubbish on site during development.
4. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
5. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
6. Lighting to areas such as pathways, land, buildings, internal communal areas and stairways should be of a design and positioned not to cause a light nuisance to any neighbouring properties. Glare from any lighting must be kept to a minimum.
7. A site survey should be undertaken to determine the presence of any asbestos products. A licensed contractor should carry out the removal and disposal of asbestos.
8. Ensure that there is adequate surface and foul water drainage to the site and that this does not adversely affect any existing systems.

Additional Comment (18 July 2024)

Ensure that the insulation between the flats (walls, floors and ceilings) are sufficient enough that everyday noise from activities within the flats will not cause a nuisance to any neighbouring flats within the construction.

Health and Housing Manager:

No comments

Forward Planning:

Please include a 'per unit' payment (currently £344.01) for the 'Cannock Chase Special Area of Conservation – mitigation project delivery'

Biodiversity Officer:

Bats are considered unlikely in this urban setting, no further comments

Natural England:

No objections provided suitable mitigation is provided in line with the Cannock Chase SAC Planning Evidence Base Review (2017) equating to a financial contribution of £344.01 per dwelling, to be secured by way of a legal agreement. As long as such a legal agreement is secured, the proposed development would not lead to a likely significant effect on the Cannock Chase SAC.

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the Cannock Chase SSSI and Doxey and Tillington Marshes SSSI sites have been notified and has no objection.

School Organisation (Education):

The development is scheduled to provide 10 (*since reduced to 9*) dwellings. Including accounting for any demolitions, the threshold for calculating education contributions on residential developments is 11 or more dwellings. Therefore no education contribution is requested for this application.

Environment Agency:

EA have no formal comment to make as there are no constraints within our remit

Staffordshire Police Crime Prevention Design Advisor:

General advice provided in relation to designing out crime.

Neighbours (33 consulted):

Five responses received in respect of the initial consultation (10 units proposed) and a further four responses were received in respect of the consultation on amended proposals for 9 units. Whilst support is expressed for the preservation/re-use of the building, the following concerns are raised with the proposed scheme:

- Lack of car parking which will compound existing issues already exacerbated by parking restrictions on surrounding roads.
- Noise and disruption during construction
- Overlooking/loss of privacy
- Loss of light
- Anti-social behaviour exacerbated by building with multiple occupants, particularly if this is social housing or 'supported living' accommodation

Site Notice: 9 February 2021

Expiry date: 2 March 2021

Relevant Planning History

83/15045/FUL – Change of use to private licensed club – Approved 21 September 1983

78/06521/FUL – Further permission to use for religious purposes – Approved 12 July 1978

75/02210/FUL – Further permission to use for religious purposes - Approved 26 November 1975 (Extension of previous temporary consent)

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 following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-

341/P/01 - Location and Block Plans

130417-01 C - Floor Plans - Existing

341/P/200 Revision F - Proposed Sketch Floor Plans

341/130/P/03 Revision E - Proposed Elevations

011016-01 - In respect of 'Site Plan Scale 1:200' only (Elevation drawings include inaccuracies/omissions)

3. Notwithstanding any description, details and specifications submitted, detailed specifications and/or samples of the facing and roofing materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. The development shall thereafter be carried out in accordance with the approved details and thereafter retained as such for the life of the development.
4. Notwithstanding any description/detail within the application documents and prior to any removal of existing windows and doors, full joinery details shall be submitted to and approved in writing by the local planning authority for all works to external doors and windows, to include elevations at a scale of 1:10 or 1:20, and sections at a scale of 1:1 or 1:2 to include profiles of glazing bars, cill and header details, window recesses and colour finish. The development shall thereafter be carried out in accordance with the approved details.
5. All new and/or replacement rainwater goods shall be in black cast metal, and thereafter retained as such for the life of the development.

6. The development shall hereby be carried out in accordance with the recommendations set out in paragraph 42 of the submitted Heritage Statement by Phillip Heath. Full details shall be submitted to and approved in writing by the local planning authority prior to commencement of the following works:
 - a. Restoration works of the main stairs circa 1919 on the elevation to Fancy Walk;
 - b. Any works to the basement pit at the north end of the building;
 - c. Repair/restoration/reinstatement works to the historic cast iron windows in conjunction with details required under condition 2 (condition number may vary depending on order in any consent granted);
 - d. Details for repainting of the historic painted signs on the south end of the building ("C. H. Riley and Son" and "Footglove").
 - e. Works for construction of proper terminations to the truncated chimneys at the north end of the building, and reinstatement of any missing height.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any other subsequent equivalent Orders, no windows, doors, roof lights or roof dormers shall be enlarged, altered, replaced or created in the building other than those approved by this consent and any subsequent discharge of conditions without the express permission of the local planning authority.
8. Development shall not be commenced, including demolition works, ground works, construction activities and deliveries to the site of any materials or equipment, unless and until a site survey has been undertaken to determine the presence of any asbestos products. A licensed contractor shall be appointed to carry out the removal and disposal of any asbestos found to be present.
9. All works, including any demolition, site works and construction, together with deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.
10. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
11. Lighting to areas such as pathways, land, buildings, internal communal areas and stairways should be of a design and positioned not to cause a light nuisance to any neighbouring properties. Glare from any lighting must be kept to a minimum.
12. Before the development hereby approved is first occupied, all windows located in the western elevation of the building shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To safeguard the historic character and appearance of this undesignated heritage asset and its setting within Historic Urban Character Area 7 (North of Stafford) identified within the Staffordshire Extensive Urban Survey (Policies C4(a) and (b), N1 and N8 of The Plan for Stafford Borough).

www.staffordshire.gov.uk/environment/Environment-and-countryside/HistoricEnvironment/Extensive-urban-survey-project.aspx

4. To safeguard the historic character and appearance of this undesignated heritage asset and its setting within Historic Urban Character Area 7 (North of Stafford) identified within the Staffordshire Extensive Urban Survey (Policies C4(a) and (b), N1 and N8 of The Plan for Stafford Borough).

www.staffordshire.gov.uk/environment/Environment-and-countryside/HistoricEnvironment/Extensive-urban-survey-project.aspx

5. To safeguard the historic character and appearance of this undesignated heritage asset and its setting within Historic Urban Character Area 7 (North of Stafford) identified within the Staffordshire Extensive Urban Survey (Policies C4(a) and (b), N1 and N8 of The Plan for Stafford Borough).

www.staffordshire.gov.uk/environment/Environment-and-countryside/HistoricEnvironment/Extensive-urban-survey-project.aspx

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www.staffordshire.gov.uk/environment/Environment-and-countryside/HistoricEnvironment/Extensive-urban-survey-project.aspx

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www.staffordshire.gov.uk/environment/Environment-and-countryside/HistoricEnvironment/Extensive-urban-survey-project.aspx

8. In the interests of public safety. (Policy N1; of The Plan for Stafford Borough).
9. To safeguard the amenities of nearby residential properties (Policy N1 of The Plan for Stafford Borough).

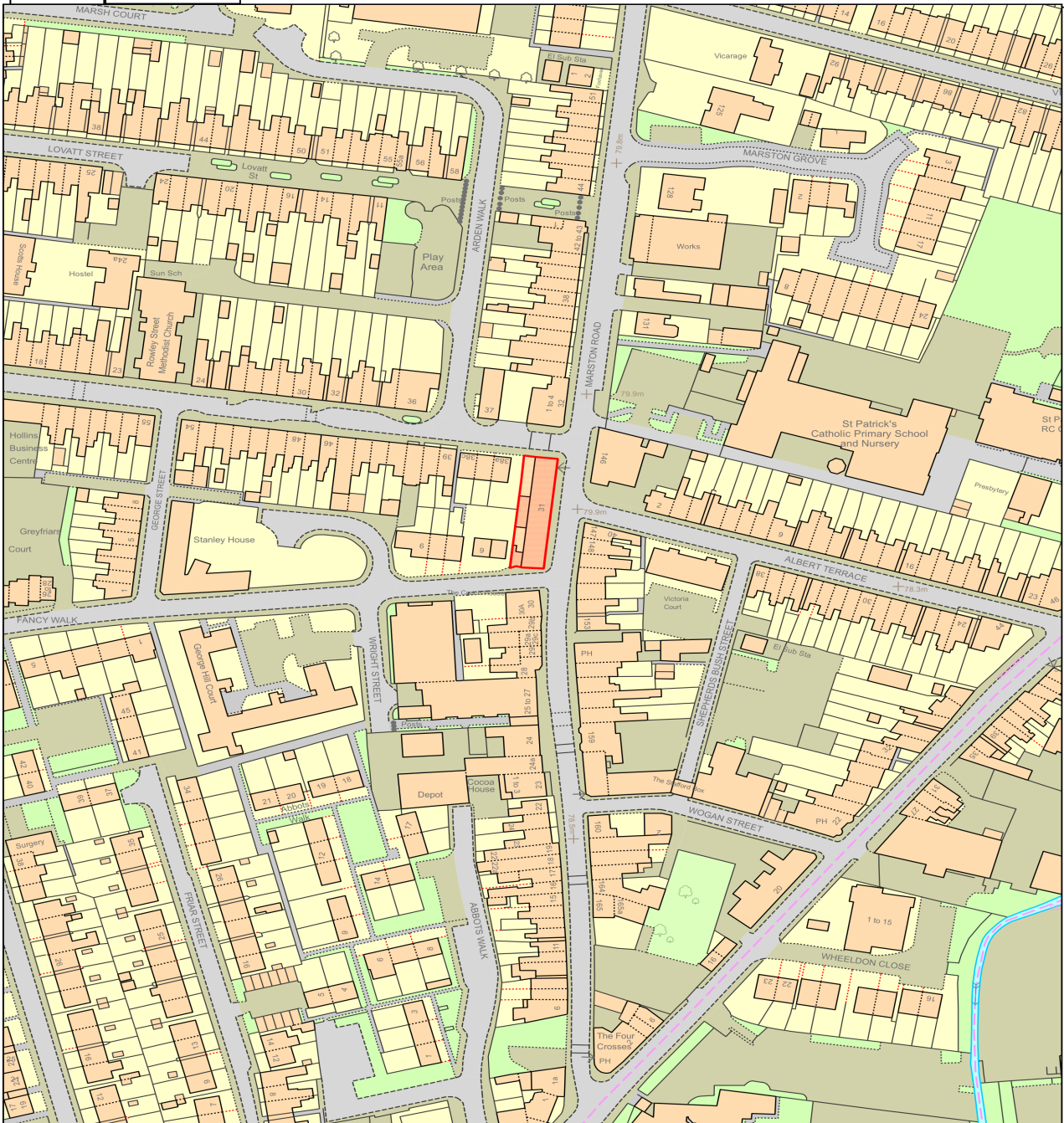
10. To safeguard the amenities of nearby residential properties (Policy N1 of The Plan for Stafford Borough).
11. To safeguard the amenities of nearby residential properties (Policy N1 of The Plan for Stafford Borough).
12. To ensure an adequate level of privacy for occupiers of adjacent residential properties (Policy N1e and Stafford Borough Council Design SPD)

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, following the applicant's amendment of the plans, has granted planning permission.
2. The applicants' attention is drawn to the comments of the Staffordshire Police, Crime Prevention Design Advisor as submitted in response to consultation on this application. All comments received can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk)
3. The highway around the development is protected by 'No Waiting at Any Time' parking restrictions and no contractors parking can take place on these restrictions. No materials (including skips) can be stored on any part of the highway without the permission of the highways department.
4. The applicant is reminded that all nesting birds are afforded protection under Part 1 section 1 of the Wildlife and Countryside Act 1981 (as amended 2016), making it an offence to: disturb, injure or kill a nesting bird; disturb, take or destroy their nest; or damage, take or destroy their eggs.
5. That the applicant be reminded that this permission does not grant or imply consent for any works falling on land or buildings within third party ownership

21/33706/COU
The Emerald Club
31 Marston Road
Stafford

Scale	1:1500	Economic Development & Planning 21/33706/COU	 Stafford BOROUGH COUNCIL
Grid Ref	SJ9224		



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Date Created: 03-12-2024

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Application:	24/38959/FUL
Case Officer:	Hannah Cross
Date Registered:	28 March 2024
Target Decision Date:	23 May 2024
Extended To:	-
Address:	Former Car Showroom, Milford Road, Walton On The Hill, Stafford, Staffordshire, ST17 0JX
Ward:	Milford
Parish:	Berkswich
Proposal:	Erection of a convenience store (Class E(a)) and associated amended access, parking (including EV charging), servicing and landscaping
Applicant:	W R Davies (Motors) Ltd
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called-in to be determined at planning committee by Councillor P Edgeller of Milford Ward for the following reasons:

- Highways Issues
- Design and Visual Impact
- Opening times

1.0 CONTEXT

The Application Site

The site comprises a parcel of land off Milford Road, south-east of Stafford town centre and within the settlement of Stafford, within the neighbourhood of Walton on the Hill.

The site is occupied currently by a vacant single storey building previously used as a car showroom, and a vehicle display area comprising of hard standing. It is stated that the building has not been used since 2018.

Along the boundary with Milford Road the site is lined with bollards and a low-level metal crash barrier. The surrounding area is largely surrounded by residential development, with an open field located to the immediate north of the site.

The site sits adjacent to an existing repair garage which is also in the ownership of the applicant, and the red edged application site includes the access to this site from The Rise. This garage is proposed to remain.

The site is located in Flood Zone 1 and within 8km of the Cannock Chase SAC.

Background

Prior approval has recently been granted for the demolition of the car showroom building on the site under reference 24/39051/NDEM. This approval was granted on 30 August 2024.

Proposed Development

The proposal is for the erection of a convenience store (Class Ea) and associated amended access, parking (including EV charging), servicing and landscaping. The convenience store building takes a single storey flat roof form measuring approximately 28.6m (width) x 18.8m (depth) x 5.2m height).

The proposed building will be a steel frame, clad in mid grey polyester powder coated aluminium cladding panels laid vertically to the elevations. The front (west) elevation will be a mix of the aluminium, timber and glazing denoting the entrance to the store. The glazing wraps around the corners to face Milford Road.

Hard landscaping is proposed to provide new vehicle route from Milford Road into the site and parking areas. Additional planting is shown to the northern and eastern boundaries of the building.

In terms of landscaping, plans indicate widened access gates to the adjacent garage repair site, taking a width of approximately 7.4m, although no elevation drawings have been provided. There is also a new ramp proposed from this site for vehicles to exit via Milford Road. There will be no loss to parking provision available to the adjacent garage repair site.

It was originally proposed that the access for the adjacent garage also use this amended access from Milford Road and leave through the gated access onto The Rise. This has since been amended following objections raised by the local Highway Authority. It is now proposed that vehicles enter the adjacent garage site via The Rise and exit via Milford Road.

Amended plans indicate new road markings will be installed onto the A513 to show a new ghost right-hand lane.

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.

A convenience store, being retail development, is considered a main town centre use with reference to the Glossary within the NPPF. The store in this case is located out of the Stafford town centre, and would be considered an out-of-centre location, albeit is well connected to the town centre being located adjacent to the main through route to Stafford.

Paragraph 94 states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold.

Policy E8 of TPSB sets out this floorspace threshold and states that development proposals at Stafford providing greater than 1000sqm gross floorspace for town centre uses in an edge or out-of-centre location should be subject to an impact assessment. The proposal in this case does not reach this threshold and as such no impact assessment is required.

Policy E8 also requires that for new developments that the proposed retail development meets local need without having a detrimental impact on the hierarchy, and that the proposal will not result in loss of local amenity particularly in terms of noise, litter, smell, parking and traffic creation in trading hours.

In terms of local need the proposal would provide a small convenience store within the neighbourhood of Walton on the Hill whereby for most properties there is currently no convenience store accessible by foot. As a food retail unit, the store is a form of essential retail which would be beneficial to the nearby and wider community. Given its smaller scale it is not considered the convenience store would have a significant impact on the hierarchy, nor the vitality of Stafford town centre. It is also noted that the store would replace an existing commercial use, being a car showroom. The store would contribute to the local economy through providing employment opportunities (it is stated 10 full time jobs, and 15 part time jobs would be provided). The impact upon local amenity is assessed in section 4.0 of this report and is considered acceptable.

The principle of development is therefore considered to be acceptable, but subject to other material considerations being satisfied, including:-

- Character and appearance
- Residential amenity;
- Highways and parking

- Ecology and trees

Polices and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Paragraphs 8 and 11, 91, 94, 95

The Plan for Stafford Borough 2011-2031 (TPSB)

Part 1 – Spatial Principle 1 (Presumption in Favour of Sustainable Development, Spatial Principle 3 (Sustainable Settlement Hierarchy), Spatial Principle 7 (Supporting the Location of New Development), Policy E8 (Town, Local and Other Centres), E1 (Local Economy)

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.

The proposed building will be a steel frame, clad in mid grey polyester powder coated aluminium cladding panels laid vertically to the elevations. The front (west) elevation will be a mix of the aluminium, timber and glazing denoting the entrance to the store. The glazing wraps around the corners to face Milford Road, with planting proposed between the north elevation and Milford Road to provide screening.

The building has a flat roof which sits at a 2° pitch, the fascia and all flashings will be finished dark grey RAL 7016. All window and door frames are to be finished in dark earth RAL 8019.

Overall the material palette proposed is considered acceptable, however some of the materials details provided on drawings are not precise, ie. stating 'or similar'. For clarity it is recommended a condition be included to require precise details of all external materials associated with the convenience store building.

The proposed plant area to the rear of the building is proposed to be surrounded by a 2.4m high metal palisade fence. The proposed plant specifications are yet to be confirmed, and can be covered as part of the condition requested by Regulatory Services (see consultations section below).

No details of the appearance of the EV charging points or cycle storage have been provided. It is recommended these matters be covered by condition to ensure their satisfactory appearance.

The proposed building sits forward of the adjacent row of houses on this south side of Milford Road by approximately 9.9m, and is set back by approximately 3m from the footway and 8.5m from the carriageway serving Milford Road. The site is already visually separated from this row of houses by virtue of its commercial nature, the land level difference and the intervening vegetation. As such it is considered there is no significant harm in siting the building forward of the adjacent residential development as proposed.

There is additional planting proposed to the east (3 x trees) and north (8 x trees) sides of the building to assist in screening the building from the vantage of Milford Road. This soft landscaping is considered important to soften the visual impact of the proposal from this vantage point, and it is recommended a more detailed landscaping scheme be secured by condition (see section 6.0). It is also anticipated that some form of signage will be proposed to this north elevation (via a separate advertisement consent application), which would break up the perceived massing of the building from Milford Road.

The building, whilst located closer to Milford Road than the existing dilapidated showroom building on site, covers a smaller footprint and is considered more attractive in terms of its design and appearance.

In all, and in the context of the appearance of the existing site, subject to conditions the proposal is considered acceptable in terms of its impact upon the appearance of the area.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Section 12 - Achieving well-designed places

The Plan for Stafford Borough 2011-2031 (TPSB)

N1 (Design)

Supplementary Planning Document – Design (SPD)

4.0 RESIDENTIAL AMENITY

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.

Guideline 6 of the Council's Design SPD suggests a distance of 8m between principal windows and single storey structures. The adjacent property (no 28 Milford Road) based on available floor plans contains four windows within this side wall, understood to serve an en-suite, bathroom, and an open plan kitchen/dining room (which also benefits from an alternative outlook to the rear elevation). The proposed unit sits approximately 8.2m at its closest from the windows located on the side wall of neighbouring bungalow no.28 Milford Road and therefore would not breach this guideline.

No.28 sits on a higher land level than the proposed unit and based on the proposed section provided, although the building will be in direct view, the windows will still benefit from light above the flat roof of the proposed building given the finished floor level of the proposed building sits approx. 2.9m below that of the neighbouring bungalow. There is no glazing on the proposed east elevation of the building which would face towards this neighbouring dwelling. It is also acknowledged that these windows currently have restricted outlook due to proximity to the existing boundary treatment, and the main outlook to the kitchen/diner is to the rear elevation.

The 45 degree sightline of the front bedroom bay window to no. 28 would be breached by the proposed building at a distance of approximately 13.5m, and for a distance of approx. 1.2m. Whilst this is likely to have some impact in terms of outlook from the bay window, the direct sightline from this window and alternative 45 degree sightline would be unaffected by the proposal. In addition, given the building is single storey there is no breach to the guidance set out in the Council's SPD (which suggests a distance of 8m from principal windows). The proposed building is set at a lower land level and there is additional vegetation shown to be planted between the proposed building and no. 28 Milford Road, which once established will provide further screening.

Furthermore whilst the proposed development is considered to have some impact in terms of the amenities of neighbouring occupiers at no. 28, it is not considered these neighbouring occupiers would be affected to an extent which would warrant refusal of the application. There are no other concerns with the proposal in terms of light and outlook from other residential dwellings.

The store is proposed to open between the hours of 07:00 and 23:00 every day. These opening hours are considered reasonable given the type of development as a convenience store. Regulatory Services raise no objection to these opening hours.

A noise report has been submitted to cover the proposed plant equipment. Regulatory Services advised that as the noise report only covered the plant equipment (which was based on typical plant data) and given the proximity of residential dwellings, all deliveries should only take place between the hours of 07:30 and 20:00 Monday to Fridays and between 08:00 and 15:00 on Saturday, Sundays and Bank Holidays.

The agent for the application subsequently stated that they would be willing to accept a restriction on delivery hours but requested deliveries start at 07:00 Monday – Friday. This has since been accepted by Regulatory Services.

Regulatory Services also requested a condition to ensure screening be provided to the site to protect residential dwellings from exposure to excessive noise during construction. Other conditions requested by Regulatory Services to cover burning on site, the turning off of commercial vehicle engines, and damping down are not considered enforceable and as such do not meet the tests of a planning condition.

It is stated that external lighting will be provided to the car park area. No information in terms of the proposed lighting has been submitted and it is suggested within the D&A statement that this be covered by planning condition. Conditions are recommended to ensure light nuisance to any neighbouring properties is kept to a minimum, both as part of the finished development and during construction works.

Neighbouring occupiers raise concerns surrounding an increase in litter resulting from the scheme through customers consuming food/drink on the site, and concerns surrounding smells resulting from store waste. It is considered the matter of litter could be reasonably addressed through a condition attached to any permission granted to require details of location of litter bins for the public. It is stated within application forms that waste from the store will be stored internally and taken away by store delivery vehicles. This is considered acceptable to minimise the impact of smells on neighbouring occupiers.

Neighbouring occupiers have raised the matter of signage as a concern. No details of signage have been provided under the current application, although it is noted that 'no entry' signs are to be provided to prevent vehicles entering the adjacent garage site from Milford Road. It is considered likely that signage will be proposed at a later date for advertisement/ directional purposes.

Separate advertisement consent will be required for any signage that does not meet the thresholds of deemed consent under the Town and Country Planning Control of Advertisements Regulations 2007, and would be assessed on its merits at this time. The applicant can be reminded of this via an informative on any permission granted.

It is anticipated that the number of vehicle movements to/from the site will increase given the nature of the proposed use as a food retail unit, and the proposed operating hours. Nevertheless, the former commercial use of the site as a car showroom is acknowledged, and it is not considered additional noise/disturbance resulting from traffic would result to an extent which would warrant refusal of the application.

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

Appendix B of the TPSB requires 1 space per 14sqm of gross floor area for food retail units. Plans indicate 23 car parking spaces are proposed for customers, including 1 x disabled space and 3 x electric charging points. Cycle storage for 6 x bicycles is indicated to the north of the site.

The proposed building covers a gross internal floor area of approximately 418sqm excluding the plant equipment and enclosure, which based on these standards would require 29 parking spaces. The sales area of the building is however measured at 280sqm, with the remaining floor area used for back of house functions.

The Highway Authority initially used the parking standards set out for edge of town centre shops for their assessment. Their attention was drawn to the standards for food retail units, however the H/A consider, taking account of the sales area of the building which equates to 280sqm, that fewer parking spaces will be required and that the proposed parking provision of 23 spaces will be sufficient.

The Highway Authority originally objected to the proposal on the basis that insufficient information has been provided to demonstrate that the proposal would not adversely impact the surrounding highway network. It was advised that all vehicles should be prevented from entering the adjacent car repair garage via the new food store access from Milford Road in order to prevent large vehicles waiting on the Milford Road, and that all vehicles to the adjacent site need to enter via The Rise. It was also requested that a right turn lane be provided on Milford Road to avoid vehicles queuing on the highway to enter the convenience store site.

Additional information in the form of a transport statement addendum has been provided. This statement emphasises that the adjacent car garage is an existing use and that the loading/unloading onto The Rise could reasonably continue (subject to the current traffic regulation order which prohibits parking/loading on The Rise between 08-0930hrs and 1500-1630hr), however it states that the proposed development facilitates the option for car transporters to park/load within the adjacent site and exit via Milford Road. Plans have also been amended to include a new 2.2m wide ghost right hand lane on Milford Road.

Vehicle tracking to indicate the possibility of car transporters entering the vehicle repair garage via The Rise and exiting via Milford Road have been provided within the transport statement. It is argued within the submission that the development allows for transporters to unload off-street before exiting via Milford Road and therefore constitutes an improvement to the existing situation in regard to the operation/ safety of the highway network.

Plans have been amended to show no entry signs either side of the new ramp at the garage repair site leading to Milford Road, to prevent users of the garage repair site entering via the access to the store. This amendment was welcomed by the Highway Authority. The transport statement addendum states that further details of the measures to prevent access to the garage site from Milford Road be covered by condition.

The Highway Authority are satisfied with the proposed arrangement in relation to the adjacent vehicle repair garage, stating the measures will remove the need for car transporters to wait on The Rise, and/or the need for transporters to turn within the site.

In terms of connectivity, the Highway Authority are satisfied, given the available 2m wide footpaths on both sides of the Milford Road, existing signalised crossings and the bus stop located on the opposite side of the site access, that the development is accessible by sustainable modes of travel, including walking, cycling or public transport.

The Delivery Management Plan document submitted states that it is likely a single delivery will be required each day containing general and fresh produce and indicates that the vehicle (being an 11.9m urban artice delivery vehicle) will enter the site via the Milford Road and reverse into the designated area (shown hashed on the site plan submitted) to unload before exiting in a forward facing gear.

Following receipt of the amended plans and further transport statements, the Highway Authority raise no objections to the proposal subject to a number of conditions to ensure that, in part, the ghost right lane on Milford Road is implemented, and that the amended access, parking areas etc are completed prior to first use. The H/A requested a Construction Environmental Management Plan be submitted prior to commencement, including demolition, of the development however given approval has already been granted for the demolition works this condition has been amended accordingly.

Concerns raised by residents surrounding potential conflict between the proposed development and the existing vehicle repair garage, and potential for customers parking on the nearby highways are noted. However significant weight is given to the comments of the Highway Authority on this matter, who raise no objections to the development based on the latest amendments and information, subject to conditions.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Section 9 – Promoting sustainable transport

The Plan for Stafford Borough 2011-2031 (TPSB)

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

6.0 ECOLOGY AND TREES

The site is located within 8km of Cannock Chase SAC. Accordingly a HRA has been carried out which concludes the proposal will not be detrimental to the integrity of the SAC. Natural England raise no objection to the development.

The site falls within a green (low risk) risk impact zone for great crested newts and does not meet the thresholds for consultation with the district newt officer.

The proposal is exempt from statutory biodiversity net gain legal requirements given the application relates to a small site and was made prior to 1 April 2024.

Plans indicate the planting of new vegetation to the north (8 x trees) and east (3 x trees) sides of the building though no details of species have been provided. The Council's Tree Officer raises no objection to the proposal subject to conditions to require full details of the proposed planting as well as a maintenance schedule to ensure the trees establish.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF) Section 15 Conserving and enhancing the natural environment

The Plan for Stafford Borough 2011-2031 (TPSB) Policy N4 Natural Environment and Green Infrastructure

7.0 OTHER MATTERS

The site falls within Flood Zone 1 ie. the lowest probability risk of flooding. The development would be located on previously developed land which comprises of hard standing and the existing car showroom building. As such there are no flood risk concerns associated with the development.

The Police Liaison Officer has raised no objection to the development but raises a number of recommendations in relation to the design of the proposed development. The agent for the application has already responded/addressed many of these queries and recommendations however an informative can be attached to any permission granted to draw the applicant's attention to this advice.

The Staffordshire Fire and Rescue Service have provided a number of advisories surrounding fire safety. An informative can direct the applicant to these comments.

Some of the public representations raise concerns surrounding the impact of the proposal upon property prices. Another public response raises the matter of covenants on the land. These matters do not constitute material planning considerations, and the matter of covenants would be a separate legal matter. Other material planning considerations raised by residents have been assessed in the body of the report above.

CONCLUSION AND PLANNING BALANCE

The proposal is considered to be located in a sustainable location and is acceptable in principle. The development would occupy a previously developed site, and it is not considered the proposal would harm the appearance of the area, and subject to conditions the proposal is considered acceptable in terms of residential amenity. On balance, the proposal is not considered to have an adverse impact upon the highway network. It is recommended planning permission be granted subject to conditions.

CONSULTATIONS

Berkswich Parish Council : No objection in principle. Disappointed by the design of the elevation fronting Milford Road and lack of landscaping.

The Council strongly suggest that the developers be requested to increase the density and variety of planting across this frontage to soften the impact of the development and enhance its setting. If your Council is minded to approve the development, the Parish Council request that a condition be imposed restricting the opening hours to 2200 at the latest.

Public representations (14 comments in objection, 15 comments in support, 3 neutral from 29 different addresses):

Comments made in objection

- Concern surrounding traffic and highway danger
- Concern surrounding noise and litter
- Comments noting a shop is not required in this area
- Concern surrounding impact of traffic/ noise on nearby residential properties
- Concerns relating to amenities of occupiers at no. 28 Milford Road

Comments made in support

- Comments stating the proposal would be more attractive than existing buildings
- Comments stating the proposal will reduce car usage into town as many could walk to the shop
- The unit will help provide employment to local people

Regulatory Services:

No objection is made to this application subject to the following conditions made:

1. The Noise Report is based on 'typical plant data' as the proposed plant selections are yet to be confirmed. Therefore, the full details and specifications of the selected plant are to be submitted to and approved in writing by the Local Planning Authority prior to commencement. The plant shall then be constructed in accordance with the approved plans before the shop is first used and shall be retained. No other external plant or air handling equipment shall be constructed without the prior written permission of the Local Planning Authority.
2. The Noise Report submitted only takes into consideration noise levels produced by fixed refrigeration and air conditioning plant, making no mention of other noise sources on site, such as delivery noise. Therefore, the following condition is proposed.

Due to the proximity of residential dwellings, all deliveries shall only take place between the hours of 07.30 and 20.00 Mondays to Fridays and between 08.00 and 15.00 on Saturdays, Sundays, and Public/Bank Holidays.

3. All commercial vehicle engines and refrigeration to be turned off during unloading and waiting onsite except whilst manoeuvring.

4. Lighting to areas such as car parks, pathways, land, buildings, internal communal areas and stairways should be of a design and positioned not to cause a light nuisance to any neighbouring properties. Glare from any lighting must be kept to a minimum.

The following additional conditions are recommended in order to safeguard nearby residential occupiers from undue disturbance during demolition and development of the site:

5. All construction works, including demolition, site works, and deliveries shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
6. There should be no burning on site during development.
7. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
8. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
9. Screening shall be provided to the site to protect residential dwellings from exposure to excessive noise. Details of such work shall be agreed with the local authority and carried out before other works begin.
10. High intensity site lighting during works should be directed away from nearby residences.

Further response dated 14 June 2024 accepting amendment to delivery times as follows:

Due to the proximity of residential dwellings, all deliveries shall only take place between the hours of 07.00 and 20.00 Mondays to Fridays and between 08.00 and 15.00 on Saturdays, Sundays, and Public/Bank Holidays.

Staffordshire Fire and Rescue Service:

General advisories surrounding fire safety eg. vehicle access, automatic water suppression systems (sprinklers)

Highway Authority:

Latest response dated 21 November 2024:

Recommendations:

I have no objection subject to the following being secured via conditions and / or an appropriate legal agreement.

Conditions

- 1) The access and parking areas shown on drawing PLA-A-0004 Rev E. shall be surfaced in tarmac and thereafter retained as such for the life of the development.

- 2) The development hereby permitted shall not be brought into use unless or until the ghost right turn lane into the development off Milford Road has been installed in accordance with drawing PLA-A-0004 Rev E.
- 3) The development hereby permitted shall not be brought into use until the amended access to the site off Milford Road, along with the parking, servicing and turning areas, including road markings have been completed in accordance with drawing PLA-A-0004 Rev E.
- 4) Notwithstanding the details submitted the development shall not be brought into use until the existing unused site accesses, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development shall be permanently closed and the access crossing reinstated as verge/footway.
- 5) The development hereby permitted shall not be brought into use until full details of the measures to prevent vehicles from entering the car maintenance yard from the new access created off Milford Road have been submitted to and agreed in writing with the Local Planning Authority. These measures shall thereafter be provided in full accordance with the approved details prior to the development being brought into use.
- 6) Prior to the commencement of any construction, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractors' compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

Informative:

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

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

Police Liaison Officer:

No objections however raising a number of queries/ recommendations in terms of design surrounding security

Biodiversity Officer:

No comments.

Natural England:

No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Tree Officer:

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

Landscaping Scheme

Prior to any ground construction works details of soft landscaping works must have been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:

- details and location of proposed planting including a maintenance schedule to ensure the trees establish;
- details demonstrating how the planted trees shall have enough ground suitable for
- unrestricted root growth for the planted trees to their approximate maximum perceived crown spread and to a depth of 600mm - 1000mm, unless agreed otherwise in writing with the local planning authority.

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

Site Notice expiry: 6 June 2024

Relevant Planning History

- 24/39051/NDEM: Vacant single-storey building, previously used as a car dealership showroom – Prior approval granted 30 August 2024
- 14/20439/FUL: Re-configuration of existing vehicle display area and amendments to vehicular access onto Milford Road – Granted August 2014
- 12/17780/FUL: Perimeter fence adjacent to road for car parking area, wooden fence measuring between 1.1m and 1.3m high dependant on ground level which is uneven – Granted December 2012

- 04/02567/FUL: Upgrade the external appearance of the building by the addition of aluminium cladding and decorative canopy – Granted August 2004

Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed below, except insofar as may be otherwise required by other conditions to which this permission is subject:
 - Drawing No PL-A-0001A
 - Drawing No PL-A-0004E
 - Drawing No PL-A-0005A
 - Drawing No PL-A-0006B
 - Drawing No PL-A-0008
 - Drawing No PL-A-0009
 - Drawing No PL-A-0010
3. Prior to any construction works being carried out, details of soft landscaping works must have been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:
 - details and location of proposed planting including a maintenance schedule to ensure the trees establish;
 - details demonstrating how the planted trees shall have enough ground suitable for unrestricted root growth for the planted trees to their approximate maximum perceived crown spread and to a depth of 600mm - 1000mm, unless agreed otherwise in writing via an application with the local planning authority.
4. Pursuant to the above condition any plants, trees or shrubs in the landscaping scheme that are removed, die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the Local Planning Authority given written consent to any variation.
5. Before the development is first brought into use, details including specifications and the location of all public litter bins in association with the development shall be submitted to and approved in writing by the Local Planning Authority. The public litter bins shall thereafter be provided in accordance with the approved details before the development is first brought into use and shall thereafter be retained.

6. The convenience store and associated development shall only operate between the hours of 07:00 and 23:00 on any day as stated within application forms.
7. During the construction phase of development, all construction works, site works and deliveries shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
8. Once the development has been brought into use, deliveries to the site shall only take place between the hours of 07:00 and 20:00 Monday to Friday and between 08.00 and 15.00 on Saturdays, Sundays, and Public/Bank Holidays.
9. Full details and specifications of the selected plant are to be submitted to and approved in writing by the Local Planning Authority prior to its installation. The plant shall be constructed in accordance with the approved details before the shop is first used and shall be thereafter retained. No other external plant or air handling equipment shall be constructed without the prior written permission through an application to the Local Planning Authority.
10. Notwithstanding any description / details in the applications documents, details of the location, design, intensity and light spread of all artificial external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The external lighting shall thereafter be installed in accordance with the approved details prior to the development being brought into use, and thereafter maintained. No additional external lighting shall be installed within or on the boundaries of the site without the prior written approval via an application of the Local Planning Authority.
11. The access and parking areas shown on drawing PLA-A-0004 Rev E shall be surfaced in tarmac and thereafter retained as such for the life of the development.
12. The development hereby permitted shall not be brought into use until the amended access to the site off Milford Road, along with the parking, servicing and turning areas, including road markings have been completed in accordance with drawing PL-A-0004 RevE and shall thereafter be retained.
13. The development hereby permitted shall not be brought into use unless or until the ghost right turn lane into the development off Milford Road has been installed in accordance with drawing PLA-A-0004 Rev E.
14. Notwithstanding the details submitted, the development hereby permitted shall not be brought into use unless and until the existing unused site access off Milford Road, including the access crossing between the site and carriageway edge is permanently closed and the access crossing reinstated as verge/footway.
15. The development hereby permitted shall not be brought into use until full details of the measures to prevent vehicles from entering the car maintenance yard from the new access created off Milford Road have been submitted to and agreed in writing with the Local Planning Authority. These measures shall thereafter be provided in full accordance with the approved details prior to the development being brought into use.

16. Prior to the commencement of any construction works a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractors' compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.
17. Notwithstanding any description, details and specifications submitted, full details of the cycle storage indicated on Drawing No PL-A-0004 Revision E shall be submitted to and agreed in writing with the Local Planning Authority prior to its installation. The development shall thereafter be carried out in accordance with the approved details and retained as such for the life of the development.
18. Notwithstanding any description, details and specifications submitted, precise details of the external materials to be used in the construction of the convenience store building shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of any above ground works associated with this building. The development shall thereafter be carried out in accordance with the approved details and retained as such for the life of the development.
19. Notwithstanding any description, details and specifications submitted, full details and specifications of the electric vehicle charging points indicated on Drawing No PL-A-0004 Revision E shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The electric vehicle charging points shall thereafter be installed in accordance with the approved details prior to the convenience store being brought into use.
20. Any high intensity lighting used on site during construction works shall be directed away from nearby residences.
21. No development shall commence unless and until details of screening to protect residential dwellings from exposure to excessive noise levels have been submitted to and approved in writing by the Local Planning Authority. The screening shall thereafter be provided in accordance with the approved details before the commencement of the development, and shall be retained throughout the construction phase.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. In order to encourage enhancements in biodiversity and habitat, and to ensure the satisfactory appearance of the development. (Policies N1 f, g and N4 of The Plan for Stafford Borough).

4. In order to encourage enhancements in biodiversity and habitat, and to ensure the satisfactory appearance of the development. (Policies N1 f, g and N4 of The Plan for Stafford Borough).
5. To safeguard the amenities of the area. (Policy N1 e of The Plan for Stafford Borough).
6. To define the permission and to safeguard the occupiers of nearby residential properties from undue noise and general disturbance (Policy N1 e of the Plan for Stafford Borough).
7. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance (Policy N1 e of the Plan for Stafford Borough).
8. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance (Policy N1 e of the Plan for Stafford Borough).
9. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance (Policy N1 e of the Plan for Stafford Borough).
10. To safeguard the amenities of neighbouring occupiers (Policy N1 of The Plan for Stafford Borough).
11. In the interests of highway safety and convenience (Policy T2 of The Plan for Stafford Borough).
12. To ensure the provision of adequate off-street parking facilities and in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
13. In the interests of highway safety and convenience (Policy T2 of The Plan for Stafford Borough).
14. The disused access is no longer required and is made redundant as a result of the proposed development (Policy T2d of The Plan for Stafford Borough).
15. To prevent conflict between users of the proposed development and users of the adjacent garage repair site, in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
16. In the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
17. To ensure the satisfactory appearance of the development (Policy N1 of The Plan for Stafford Borough).
18. To ensure the satisfactory appearance of the development (Policy N1 of The Plan for Stafford Borough).
19. To ensure the satisfactory appearance of the development (Policy N1 of The Plan for Stafford Borough).

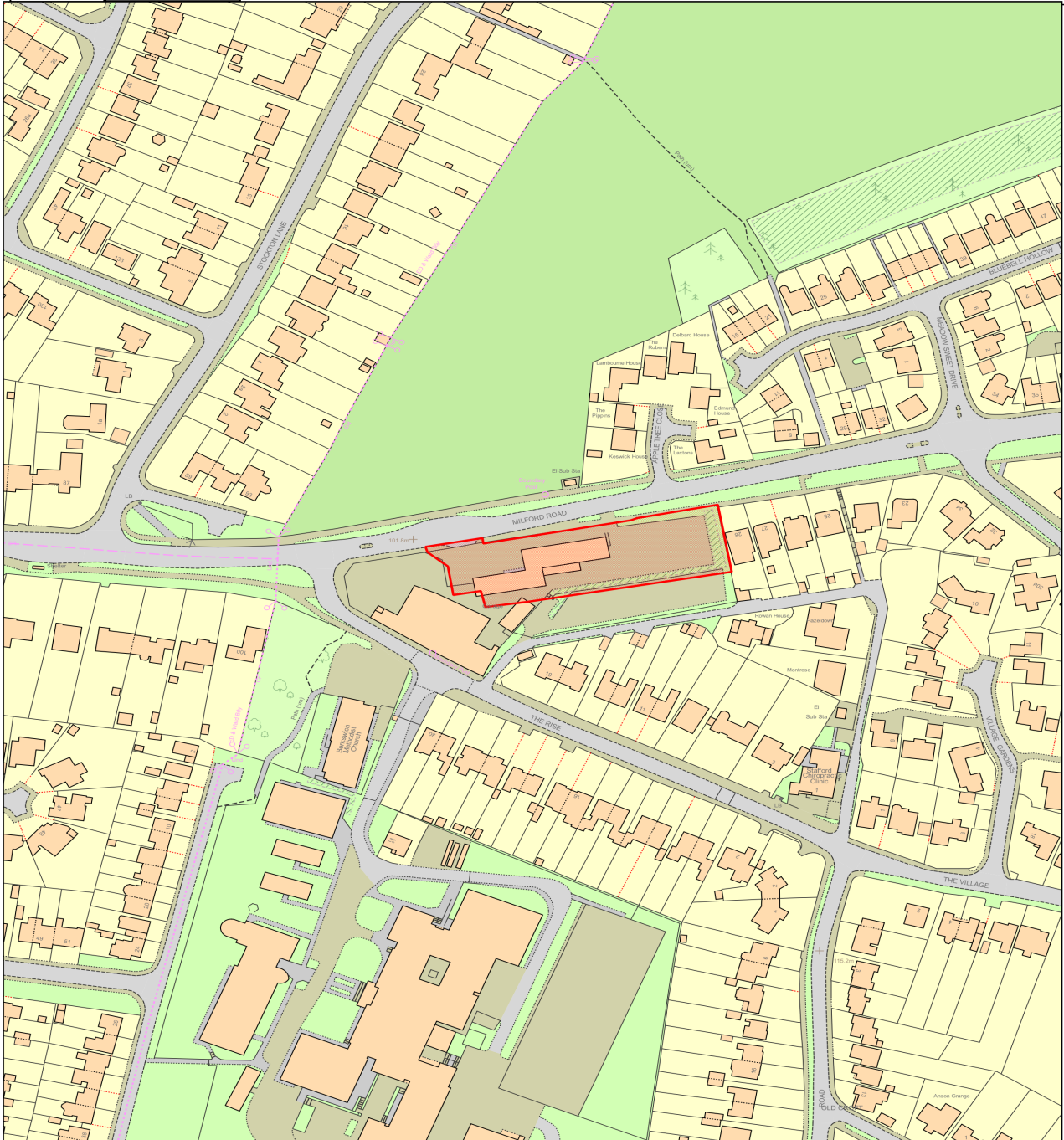
20. To safeguard the occupiers of nearby residential properties from undue disturbance (Policy N1 e of the Plan for Stafford Borough).
21. To safeguard the occupiers of nearby residential properties from undue noise and disturbance (Policy N1 e of the Plan for Stafford Borough).

Informatives

1. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, as amended, and the National Planning Policy Framework 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 Staffordshire Police Liaison Officer and The Staffordshire Fire and Rescue Service, full comments can be viewed on <https://www.staffordbc.gov.uk/planning-public-access> .
3. Any off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack and an application form for the agreement. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (Or email to nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx
4. The applicant is advised that advertisements are dealt with via separate legislation (The Town and Country Planning Control of Advertisements Regulations 2007). Any signage proposed in association with the development may require express advertisement consent for which a separate advertisement consent application would be required.

24/38959/FUL
Former Car Showroom
Milford Road
Walton On The Hill

Scale	1:2000	Economic Development & Planning 24/38959/FUL	 Stafford BOROUGH COUNCIL
Grid Ref	SJ9521		



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Date Created: 03-12-2024

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