



Civic Centre, Riverside, Stafford

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Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday 27 November 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 - 27 NOVEMBER 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 - 38
6 Planning Appeals	39 - 53
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 - 27 NOVEMBER 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
24/38874/FUL	Leonard's Croft, 80 Lichfield Road, Stafford	4 - 30
The application was called in by Councillor J Thorley		
Officer Contact - Leon Carroll - Development Lead Telephone 01785 619184		
24/39151/HOU	54 Winsor Road, Queensville, Stafford	31 - 38
The application was called in by Councillor J A Barron		
Officer Contact - Leon Carroll - Development Lead Telephone 01785 619184		

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: 24/38874/FUL
Case Officer: Sian Eggington
Date Registered: 23 April 2024
Target Decision Date: 19 June 2024
Extended To: -
Address: Leonard's Croft, 80 Lichfield Road Stafford
Staffordshire ST17 4LP
Ward: Forebridge
Parish: -
Proposal: Erection of detached garden building
Applicant: Priory Group
Recommendation: Approve, subject to conditions

REASON FOR CALL-IN TO COMMITTEE

This application has been called in to be decided at planning committee by Councillor J Thorley (Ward member for Forebridge) for the following reason/s:

- Adverse impact upon the amenity of adjoining properties.
- The building is moving ten meters closer to the adjoining property which is deemed encroachment.
- The site parking is insufficient for the current users of the building.
- This application was previously brought before planning committee on 10 July 2024 but was deferred due to information being missing from the Officer's report in relation to consultation comments from Environmental Health and the County Archaeologist. This information has now been included.

PROCEDURAL NOTE

This application is a resubmission of the withdrawn application 23/37309/FUL to correct the red line boundary as shown on the plans for that application. There is an existing outbuilding to the eastern part of the site which is evident in the photos provided with the application and from the officer site visit. This building was not included in the red line for the original application - for this application a blue line was drawn around the building to show that it was within the ownership of the applicant. The applicant wished to make this clear on the basis that the siting of this building is relevant to the consideration of this application in terms of its impact on the adjacent dwelling.

However, following a further site visit to the rear garden of 81 Lichfield Road, the neighbouring dwelling to the east, it was evident that part of this building was within the garden of that dwelling, i.e. the garden building is semi-detached and straddles the boundary with the application site. This was drawn to the attention of the applicant who subsequently checked their title deeds with the Land Registry, which do not include their part of the garden building within the red line on the title plan.

Notwithstanding this inconsistency, it is apparent on site that the semi-detached garden building is partially within the application site and this has not been disputed by the occupants of No 81. In the meantime, the applicant has removed the blue line surrounding the garden building from the plans, however officers have noted its existence and location when making their assessments of the proposal.

1.0 CONTEXT

The Application Site

80 Lichfield Road (formerly the Leonards Croft Hotel) is a detached, traditional Victorian building, with a very distinct character and appearance. It is an attractive building within the Lichfield Road Street scene which mainly comprises of Victorian terraced houses. It has a generous gravel frontage with ample car parking provision and is located in a prominent and elevated position. The property is currently used as a C2 care home.

Proposed Development

The proposal is for a garden room which will measure by 5.9m in width and 4.3m in depth with a flat roof at a maximum height of 2.8m. The external materials will be cedar cladding with anthracite powder coated metal windows and doors. The outbuilding would be utilised in association with the existing care home by staff and residents and would be situated along the south-east boundary of the site.

The application is submitted following the withdrawal of a previous application which sought permission for a similar building in a more prominent position to the front of the main house. Officers advised the applicant that the application as then submitted was unlikely to be supported, therefore the applicant has now submitted details of this amended scheme.

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.

Policy C3 of The Plan for Stafford Borough (2014) states that to meet the anticipated need to provide additional extra care bed units in Stafford Borough provision of a range of types and tenures will be encouraged by:

- a. Resisting development that would lead to a reduction in the number of extra care premises unless it can be demonstrated that a replacement facility was being built or that such a use was unviable.
- b. Ensuring that any new developments are located in accordance with Spatial Principle SP7 at a settlement within the settlement hierarchy, in a sustainable location close to services and facilities, are self-contained, and are accessible by both public and private transport. New development should make adequate provision for off-street car parking within any development scheme.
- c. Allowing for the extension of existing residential / nursing homes and conversion of existing sheltered accommodation providing that:
 - i. The development is compatible with the character of the local area.
 - ii. There is adequate and well-located car parking and the site is accessible by both public and private transport;
 - iii. The development does not have an adverse impact on the amenity of adjoining properties through excessive noise, light pollution, loss of privacy and excessive traffic movements.
- d. Seeking to secure the provision of new Extra Care facilities through liaison between the Borough Council, Staffordshire County Council and the Staffordshire Cluster Primary Care Trust (PCT) on new major development schemes.

Of particular importance is paragraph C of Policy C3, given that this would constitute extension to an existing care home. 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 site and the surrounding area.
- Residential amenity.
- Car parking provision.

Policies 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), Policy C3 Specialist Housing

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 proposal seeks permission for the construction of a garden room which will measure by 5.9m in width and 4.3m in depth with a flat roof at a maximum height of 2.8m. It will be situated to the south-east area of the site. In comparison to the existing structure, which is large in footprint, the proposal would form a proportional addition to the site. The proposal also includes a large door to the front elevation and a two small side windows. These are appropriately placed. The windows and doors are to be constructed in anthracite powder coated metal, whilst this is out of keeping with the main dwelling due to the siting within the garden there will be no undue impact on the street scene and on balance would be acceptable.

The proposed outbuilding is of a simple design which, due to the proposed timber cladding and low ridge height would assimilate well with the site. The proposal would be screened from view from Lichfield Road due to the outbuilding being placed approximately 25.5m from the front boundary and would be screened by a collection of trees and hedging along with an existing fence to prevent any views from the street scene. Whilst the materials are out of keeping with the existing building, there are several buildings and outbuildings on site which include a variety of different materials and as such there will be no undue impact on the character of the site and no undue impact on the street scene.

Overall, the proposal is considered to be appropriately sited and designed and is in keeping with the below policies.

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.

The proposed garden building will be situated in the side garden of the property toward the south-eastern boundary, but will however be screened from view of the adjacent dwelling 81 Lichfield Road by the existing pitched roof garden structure which is of a larger scale and is located on the boundary with that dwelling, and other existing boundary planting and boundary walls. The proposed building is to be used for purposes incidental to the main care home building by both staff and residents and is therefore consistent with the current lawful use of the site.

Concerns have been raised by a neighbour relating to noise impact of the proposed development. Environmental Protection have no objections to the proposal and the use of the proposed building is not considered likely to have an increased noise impact compared to the existing lawful use of the site. A condition will be included should the application be approved to restrict the use of the building to incidental use only and not for primary accommodation including sleeping accommodation. The condition will also prevent the building being occupied, sold or let independently.

The proposal is therefore considered to be in accordance with the below policies.

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

Concerns have been raised regarding the lack of parking provided on site in which Highways have also objected. However the proposal would not result in an increase in the number of staff, residents or visitors to the site, and will not result in any additional bedroom(s) being created. Officers are also satisfied that whilst objection has been raised the proposal does not impact the existing parking situation and no further parking requirements are needed in relation to the proposed outbuilding.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Paragraphs 112 and 113

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 are a number of trees located within this site and the applicant has submitted an Arboricultural report to accompany this application. There are a number of trees protected on this site. The Council's Tree Officer has been consulted and makes the following comments relevant to the case:

The previous application (23/37309/FUL) had a similar building located closer to large trees. This application has managed to avoid the significant trees. The Arboricultural information has shown shading as a constraint and this shows that the proposed building is likely to be partly shaded by T1 Brewers Spruce, a particularly ornamental species of Spruce. The form, growth rate and relative location of this tree mean that the shading is probably unlikely to be as significant as the shading arc suggests. This is supported by the clear photographs of the trees on the site in the Arboricultural submission.

It is accepted that there will be no adverse impact on the trees from these proposals and subject to a planning condition requiring the implementation of the Tree Protection Plan that shows suitable protection measures to make sure there is no damage during construction.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

The Plan for Stafford Borough 2011-2031 (TPSB)

N4 Natural Environment

7.0 COUNTY ARCHAEOLOGIST

A review of the information available on the Staffordshire Historic Environment Record (HER), including the Stafford Extensive Urban Survey (EUS) has identified that the application site is located within the vicinity of a possible cemetery at the Foregate to Stafford. It is thought likely that this cemetery was associated with the medieval St Leonard's leper hospital, which is understood to be located in the vicinity of the nearby St Leonard's school. The site of the burial ground is marked on historic mapping, including on the First Edition OS map dated 1889. This map suggests that the burial ground was on the north side of Lichfield Road in the vicinity of Leonard's Croft. However, some later maps suggest that the site of the burial ground was to the south of the road at this point. Nevertheless, the exact site has remained largely elusive. Recent excavations in advance of the redevelopment of the former GE/Alstom site across the road from Leonard's Croft failed to identify anything of interest, however human remains, including a skeleton and a silver chalice, were found during the construction of nos. 69 and 70 Lichfield Road (approx. 95m to the northwest of Leonard's Croft on the same side of the road), suggesting that the burial ground is more likely to have been on this side of Lichfield Road.

Taking the above into account and considering the small-scale of the proposals and the groundworks required to deliver the development, we would advise that there is some potential for the proposals to result in an adverse effect upon the archaeological interest of the proposed development site, particularly the remains related to the aforementioned burial ground. Consequently, we would advise that archaeological mitigation be required as a condition on any planning permission granted. NPPF paragraph 211 states that '...they [Local Planning Authorities] should also require developers to record and advance understanding of significance of any heritage asset to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.' An archaeological watching brief will therefore be secured via planning conditions should permission be granted.

CONCLUSION AND PLANNING BALANCE

The proposed outbuilding 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) - Objection as the parking is not in compliance with the existing approved parking arrangements.

Whilst this is acknowledged officers are satisfied that the proposal is a stand alone application and will not result in an additional need for parking.

County Archologist:

It is considered that in this instance proportional mitigation would best take the form of: An archaeological watching brief during groundworks associated with the proposals. This archaeological monitoring work* should be undertaken by a suitably experienced organisation or historic environment specialist(s) working to the relevant Chartered Institute for Archaeologists standard and guidance and their Code of Conduct, and in line with a Brief provided by this office which may be used in lieu of a Written Scheme of Investigation (WSI).

Trees:

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

Tree Protection Plan - compliance

All measures within the approved Tree Protection Plans and Development Tree Report shall be implemented and maintained throughout development until completion of all construction related activity, unless agreed otherwise in writing with the local planning authority.

Environmental Health:

No objections to the proposal.

Neighbours:

(6 consulted): 1 representations received raising the following material considerations:-

- Noise

The development is minor in scale, and it would be unreasonable to attach a condition to limit construction activity on site.

Relevant Planning History

- Change of use from nine-bed guest house (Class C1) to residential care home (Class C2) for up to eight residents Ref. No: 16/25067/COU | Status: Application Permitted
- TPO No. 18 CSB of 1973: T1 Pinus sp. (Pine) - Crown Lift to 5.5 metres + Crown Reduction by 25% + Overhead Line Clearance by 1.5 metres, T3 Pinus sp. (Pine) - Crown Reduction by 25% Ref. No: 17/26762/TWT | Status: GRANT
- Retention of 1.8m high timber gate and fence to front boundary Ref. No: 17/26784/FUL | Status: Application Refused
- Erection of detached garden building for ancillary office use. Ref. No: 23/37309/FUL | Status: Application Withdrawn

To ensure that the proposed development is compatible with existing development in the locality (Policies N1 and C5 of The Plan for Stafford Borough).

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: -
 - Location Plan Dwg No 001 Rev A
 - Construction Section Dwg No 005
 - Proposed Plans and Elevations Dwg No 004 Rev G
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. All measures within the approved Tree Protection Plans and Development Tree Report shall be implemented and maintained throughout development until completion of all construction related activity, unless agreed otherwise in writing with the local planning authority.
5. The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the use of the residential care home known as 180 Lichfield Road, Stafford, Staffordshire, ST17 4LP and shall not be used as primary living accommodation, including sleeping accommodation. The building shall not be occupied or let independently.
6. Prior to the commencement of any intrusive ground works forming part of the development hereby permitted:
 - a) An archaeological watching brief shall be implemented in full in accordance with a brief provided by Staffordshire County Council's Historic Environment Team.
 - b) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the brief described under condition A, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

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. Reason: To ensure that adequate measures are taken to preserve trees and their root system whilst construction work is progressing on site (Policy N4 of The Plan for Stafford Borough).
5. To ensure that the proposed development is compatible with existing development in the locality (Policies N1 and C5 of The Plan for Stafford Borough).
6. In order to afford proper archaeological investigation recording and protection in accordance with Policy N9 of The Plan for Stafford Borough.

Informative(s)

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

Previous report heard at Planning Committee 10 July 2024

Application:	24/38874/FUL
Case Officer:	Sian Eggington
Date Registered:	23 April 2024
Target Decision Date:	19 June 2024
Extended To:	-
Address:	Leonard's Croft, 80 Lichfield Road Stafford Staffordshire ST17 4LP
Ward:	Forebridge
Parish:	-
Proposal:	Erection of detached garden building
Applicant:	Priory Group
Recommendation:	Approve, subject to conditions

REASON FOR CALL-IN TO COMMITTEE

This application has been called in to be decided at planning committee by Councillor J Thorley (Ward member for Forebridge) for the following reason/s:

- Adverse impact upon the amenity of adjoining properties .
- The building is moving ten meters closer to the adjoining property which is deemed encroachment.
- The site parking is insufficient for the current users of the building.

1.0 CONTEXTThe Application Site

80 Lichfield Road (formerly the Leonards Croft Hotel) is a detached, traditional Victorian building, with a very distinct character and appearance. It is an attractive building within the Lichfield Road Street scene which mainly comprises of Victorian terraced houses. It has a generous gravel frontage with ample car parking provision and is located in a prominent and elevated position. The property is currently used as a C2 care home.

Proposed Development

The proposal is for a garden room which will measure by 5.9m in width and 4.3m in depth with a flat roof at a maximum height of 2.8m. The external materials will be cedar cladding with anthracite powder coated metal windows and doors. The outbuilding would be

utilised in association with the existing care home by staff and residents and would be situated along the south-east boundary of the site.

The application is submitted following the withdrawal of a previous application which sought permission for a similar building in a more prominent position to the front of the main house. Officers advised the applicant that the application as then submitted was unlikely to be supported, therefore the applicant has now submitted details of this amended scheme.

Technical Note: The plans associated with the application show the red line boundary around the majority of the site and a blue line round the existing garden building on the south-eastern boundary of the site. This part of the site was accidentally omitted from the red line boundary of the original application, therefore the applicant has repeated the same red line in order to take advantage of a free resubmission, but has added a blue line to make clear the extent of the land ownership.

The existing garden building was not shown on the original plans for this application therefore amended plans have been obtained by officers which show the existing building and the applicant has confirmed that this building will be retained.

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.

Policy C3 of The Plan for Stafford Borough (2014) states that to meet the anticipated need to provide additional extra care bed units in Stafford Borough provision of a range of types and tenures will be encouraged by:

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

- c. Allowing for the extension of existing residential / nursing homes and conversion of existing sheltered accommodation providing that:
- i. The development is compatible with the character of the local area;
 - ii. There is adequate and well located car parking and the site is accessible by both public and private transport;
 - iii. The development does not have an adverse impact on the amenity of adjoining properties through excessive noise, light pollution, loss of privacy and excessive traffic movements.
- d. Seeking to secure the provision of new Extra Care facilities through liaison between the Borough Council, Staffordshire County Council and the Staffordshire Cluster Primary Care Trust (PCT) on new major development schemes.

Of particular importance is paragraph C of Policy C3, given that this would constitute extension to an existing care home. 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 site 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), Policy C3 Specialist Housing

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 proposal seeks permission for the construction of a garden room which will measure by 5.9m in width and 4.3m in depth with a flat roof at a maximum height of 2.8m. It will be

situated to the south-east area of the site. In comparison to the existing structure, which is large in footprint, the proposal would form a proportional addition to the site. The proposal also includes a large door to the front elevation and a two small side windows. These are appropriately placed. The windows and doors are to be constructed in anthracite powder coated metal, whilst this is out of keeping with the main dwelling due to the siting within the garden there will be no undue impact on the street scene and on balance would be acceptable.

The proposed outbuilding is of a simple design which, due to the proposed timber cladding and low ridge height would assimilate well with the site. The proposal would be screened from view from Lichfield Road due to the outbuilding being placed approximately 25.5m from the front boundary and would be screened by a collection of trees and hedging along with an existing fence to prevent any views from the street scene. Whilst the materials are out of keeping with the existing building, there are several buildings and outbuildings on site which include a variety of different materials and as such there will be no undue impact on the character of the site and no undue impact on the street scene.

Overall, the proposal is considered to be appropriately sited and designed and is in keeping with the below policies.

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.

The proposed garden building will be situated in the side garden of the property toward the south eastern boundary, but will however be screened from view of the adjacent dwelling 81 Lichfield Road by the existing pitched roof garden structure which is of a larger scale and is located on the boundary with that dwelling, and other existing boundary planting and boundary walls. The proposed building is to be used for purposes incidental to the main care home building by both staff and residents and is therefore consistent with the current lawful use of the site.

Furthermore the proposal is low in height at only 2.8m and officers are mindful of the fact that householder permitted development rights would permit the building as proposed if it had a maximum height of 2.5m. Whilst the application site is a C2 care home for up to 8 residents, the term “dwellinghouse” is not defined in the 1990 Act or the General Permitted Development Order. Planning case law has established that the distinctive characteristic of a dwellinghouse is its ability to afford to those who use it the facilities required for day to day private existence. The approved floor plans for the existing care home demonstrate

that residents do not live in self-contained units of accommodation and that the care home provides private bedrooms and communal living areas for all residents including kitchen, dining and living room. Officers are therefore of the opinion that a garden building which provides facilities incidental to the enjoyment of the main building and which complied with the limitations set out in Schedule 2, Part 1, Class E would be permitted development.

Class E also allows the construction of a garden building of up to 4m in height provided, amongst other criteria, it is not positioned within 2m of any boundary of the site. The proposed building is located 1m from the nearest boundary to the south but is 2.3m away from the nearest elevation of the adjacent dwelling. Officers are satisfied that due to the existing garden building and boundary treatments, the proposed 2.8m high building would not have any significantly greater impact on the occupants of 81 Lichfield Road than that which could be constructed under permitted development rights. The proposal is therefore considered to be in accordance with the below policies.

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 proposal is not providing addition habitable floorspace to require further parking spaces. Concerns have been raised regarding the lack of parking provided on site in which Highways have also objected. However the proposal would not result in an increase in the number of staff, residents or visitors to the site, and officers are satisfied that there is a large, gravelled car park to the front of the site which offers adequate parking and as such is in compliance with the below parking policies for Stafford. Officers are also satisfied that whilst objection has been raised the proposal does not impact the existing parking situation and no further parking requirements are needed in relation to the proposed outbuilding.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Paragraphs 112 and 113

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 are a number of trees located within this site and the applicant has submitted an Arboricultural report to accompany this application. There are a number of trees protected on this site. The Council's Tree Officer has been consulted and makes the following comments relevant to the case:

The proposals are to create a substantial detached building in the garden area to the east of the building in a space where no trees exist. The previous application (23/37309/FUL) had a similar building located closer to large trees. This application has managed to avoid the significant trees. The Arboricultural information has shown shading as a constraint and this shows that the proposed building is likely to be partly shaded by T1 Brewers Spruce, a particularly ornamental species of Spruce. The form, growth rate and relative location of this tree mean that the shading is probably unlikely to be as significant as the shading arc suggests. This is realised by the clear photographs of the trees on the site in the Arboricultural submission.

It is accepted that there will be no impact on the trees from these proposals and that is clearly backed up by the Arboricultural report and associated Tree Protection Plan that shows suitable protection measures to make sure there is no damage during construction.

Therefore, the location of this building sits much better with the existing tree cover and if the protective measures are utilised then it is considered unlikely that there will be any significant adverse pressure on any trees as a result of the proposals.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

The Plan for Stafford Borough 2011-2031 (TPSB)

N4 Natural Environment

CONCLUSION AND PLANNING BALANCE

The proposed outbuilding 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) - Objection as the parking is not in compliance with the existing approved parking arrangements.

Whilst this is acknowledged officers are satisfied that the proposal is a stand alone application and will not result in a addition need for parking.

Trees:

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

Tree Protection Plan - compliance

All measures within the approved Tree Protection Plans and Development Tree Report shall be implemented and maintained throughout development until completion of all construction related activity, unless agreed otherwise in writing with the local planning authority.

Neighbours:

(6 consulted): 1 representations received raising the following material considerations:-

- Noise

The development is minor in scale, and it would be unreasonable to attach a condition to limit construction activity on site.

Relevant Planning History

- [Change of use from nine-bed guest house \(Class C1\) to residential care home \(Class C2\) for up to eight residents](#) Ref. No: 16/25067/COU | Status: Application Permitted
- [TPO No. 18 CSB of 1973: T1 Pinus sp. \(Pine\) - Crown Lift to 5.5 metres + Crown Reduction by 25% + Overhead Line Clearance by 1.5 metres, T3 Pinus sp. \(Pine\) - Crown Reduction by 25%](#) Ref. No: 17/26762/TWT | Status: GRANT
- [Retention of 1.8m high timber gate and fence to front boundary](#) Ref. No: 17/26784/FUL | Status: Application Refused
- [Erection of detached garden building for ancillary office use.](#) Ref. No: 23/37309/FUL | Status: Application Withdrawn

To ensure that the proposed development is compatible with existing development in the locality (Policies N1 and C5 of The Plan for Stafford Borough).

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: -
 - Location Plan (001)
 - Construction Section (005)
 - Proposed Plan (004 Rev F)
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. All measures within the approved Tree Protection Plans and Development Tree Report shall be implemented and maintained throughout development until completion of all construction related activity, unless agreed otherwise in writing with the local planning authority.
5. The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the use of the residential care home known as 180 Lichfield Road, Stafford, Staffordshire, ST17 4LP and shall not be used as primary living accommodation, including sleeping accommodation. The building shall not be occupied or let independently.

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 adequate measures are taken to preserve trees and their root system whilst construction work is progressing on site (Policy N4 of The Plan for Stafford Borough).
5. To ensure that the proposed development is compatible with existing development in the locality (Policies N1 and C5 of The Plan for Stafford Borough).

Informative(s)

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

REASON FOR CALL-IN TO COMMITTEE

This application has been called in to be decided at planning committee by Councillor J Thorley (Ward member for Forebridge) for the following reason/s:

- Adverse impact upon the amenity of adjoining properties .
- The building is moving ten meters closer to the adjoining property which is deemed encroachment.
- The site parking is insufficient for the current users of the building.

1.0 CONTEXT

The Application Site

80 Lichfield Road (formerly the Leonards Croft Hotel) is a detached, traditional Victorian building, with a very distinct character and appearance. It is an attractive building within the Lichfield Road Street scene which mainly comprises of Victorian terraced houses. It has a generous gravel frontage with ample car parking provision and is located in a prominent and elevated position. The property is currently used as a C2 care home.

Proposed Development

The proposal is for a garden room which will measure by 5.9m in width and 4.3m in depth with a flat roof at a maximum height of 2.8m. The external materials will be cedar cladding with anthracite powder coated metal windows and doors. The outbuilding would be utilised in association with the existing care home by staff and residents and would be situated along the south-east boundary of the site.

The application is submitted following the withdrawal of a previous application which sought permission for a similar building in a more prominent position to the front of the main house. Officers advised the applicant that the application as then submitted was unlikely to be supported, therefore the applicant has now submitted details of this amended scheme.

Technical Note: The plans associated with the application show the red line boundary around the majority of the site and a blue line round the existing garden building on the south-eastern boundary of the site. This part of the site was accidentally omitted from the red line boundary of the original application, therefore the applicant has repeated the same red line in order to take advantage of a free resubmission, but has added a blue line to make clear the extent of the land ownership.

The existing garden building was not shown on the original plans for this application therefore amended plans have been obtained by officers which show the existing building and the applicant has confirmed that this building will be retained.

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.

Policy C3 of The Plan for Stafford Borough (2014) states that to meet the anticipated need to provide additional extra care bed units in Stafford Borough provision of a range of types and tenures will be encouraged by:

- (a) Resisting development that would lead to a reduction in the number of extra care premises unless it can be demonstrated that a replacement facility was being built or that such a use was unviable;
- (b) Ensuring that any new developments are located in accordance with Spatial Principle SP7 at a settlement within the settlement hierarchy, in a sustainable location close to services and facilities, are self-contained, and are accessible by both public and private transport. New development should make adequate provision for off-street car parking within any development scheme;
- (c) Allowing for the extension of existing residential / nursing homes and conversion of existing sheltered accommodation providing that:
 - (i) The development is compatible with the character of the local area;
 - (ii) There is adequate and well located car parking and the site is accessible by both public and private transport;
 - (iii) The development does not have an adverse impact on the amenity of adjoining properties through excessive noise, light pollution, loss of privacy and excessive traffic movements.
- (d) Seeking to secure the provision of new Extra Care facilities through liaison between the Borough Council, Staffordshire County Council and the Staffordshire Cluster Primary Care Trust (PCT) on new major development schemes.

Of particular importance is paragraph C of Policy C3, given that this would constitute extension to an existing care home. 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 site and the surrounding area;
- Residential amenity;
- Car parking provision.

Policies 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), Policy C3 Specialist Housing

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 proposal seeks permission for the construction of a garden room which will measure by 5.9m in width and 4.3m in depth with a flat roof at a maximum height of 2.8m. It will be situated to the south-east area of the site. In comparison to the existing structure, which is large in footprint, the proposal would form a proportional addition to the site. The proposal also includes a large door to the front elevation and a two small side windows. These are appropriately placed. The windows and doors are to be constructed in anthracite powder coated metal, whilst this is out of keeping with the main dwelling due to the siting within the garden there will be no undue impact on the street scene and on balance would be acceptable.

The proposed outbuilding is of a simple design which, due to the proposed timber cladding and low ridge height would assimilate well with the site. The proposal would be screened from view from Lichfield Road due to the outbuilding being placed approximately 25.5m from the front boundary and would be screened by a collection of trees and hedging along with an existing fence to prevent any views from the street scene. Whilst the materials are out of keeping with the existing building, there are several buildings and outbuildings on

site which include a variety of different materials and as such there will be no undue impact on the character of the site and no undue impact on the street scene.

Overall, the proposal is considered to be appropriately sited and designed and is in keeping with the below policies.

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.

The proposed garden building will be situated in the side garden of the property toward the south eastern boundary, but will however be screened from view of the adjacent dwelling 81 Lichfield Road by the existing pitched roof garden structure which is of a larger scale and is located on the boundary with that dwelling, and other existing boundary planting and boundary walls. The proposed building is to be used for purposes incidental to the main care home building by both staff and residents and is therefore consistent with the current lawful use of the site.

Furthermore the proposal is low in height at only 2.8m and officers are mindful of the fact that householder permitted development rights would permit the building as proposed if it had a maximum height of 2.5m. Whilst the application site is a C2 care home for up to 8 residents, the term “dwellinghouse” is not defined in the 1990 Act or the General Permitted Development Order. Planning case law has established that the distinctive characteristic of a dwellinghouse is its ability to afford to those who use it the facilities required for day to day private existence. The approved floor plans for the existing care home demonstrate that residents do not live in self-contained units of accommodation and that the care home provides private bedrooms and communal living areas for all residents including kitchen, dining and living room.. Officers are therefore of the opinion that a garden building which provides facilities incidental to the enjoyment of the main building and which complied with the limitations set out in Schedule 2, Part 1, Class E would be permitted development.

Class E also allows the construction of a garden building of up to 4m in height provided, amongst other criteria, it is not positioned within 2m of any boundary of the site. The proposed building is located 1m from the nearest boundary to the south but is 2.3m away from the nearest elevation of the adjacent dwelling. Officers are satisfied that due to the existing garden building and boundary treatments, the proposed 2.8m high building would not have any significantly greater impact on the occupants of 81 Lichfield Road than that which could be constructed under permitted development rights. The proposal is therefore considered to be in accordance with the below policies.

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 proposal is not providing addition habitable floorspace to require further parking spaces. Concerns have been raised regarding the lack of parking provided on site in which Highways have also objected. However the proposal would not result in an increase in the number of staff, residents or visitors to the site, and officers are satisfied that there is a large, gravelled car park to the front of the site which offers adequate parking and as such is in compliance with the below parking policies for Stafford. Officers are also satisfied that whilst objection has been raised the proposal does not impact the existing parking situation and no further parking requirements are needed in relation to the proposed outbuilding.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Paragraphs 112 and 113

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 & 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 are a number of trees located within this site and the applicant has submitted an Arboricultural report to accompany this application. There are a number of trees protected on this site. The Council's Tree Officer has been consulted and makes the following comments relevant to the case:

The proposals are to create a substantial detached building in the garden area to the east of the building in a space where no trees exist. The previous application (23/37309/FUL) had a similar building located closer to large trees. This application has managed to avoid the significant trees. The Arboricultural information has shown shading as a constraint and this shows that the proposed building is likely to be partly shaded by T1 Brewers Spruce, a particularly ornamental species of Spruce. The form, growth rate and relative location of

this tree mean that the shading is probably unlikely to be as significant as the shading arc suggests. This is realised by the clear photographs of the trees on the site in the Arboricultural submission.

It is accepted that there will be no impact on the trees from these proposals and that is clearly backed up by the Arboricultural report and associated Tree Protection Plan that shows suitable protection measures to make sure there is no damage during construction.

Therefore, the location of this building sits much better with the existing tree cover and if the protective measures are utilised then it is considered unlikely that there will be any significant adverse pressure on any trees as a result of the proposals.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

The Plan for Stafford Borough 2011-2031 (TPSB)

N4 Natural Environment

CONCLUSION AND PLANNING BALANCE

The proposed outbuilding 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) – Objection as the parking is not in compliance with the existing approved parking arrangements.

Whilst this is acknowledged officers are satisfied that the proposal is a stand alone application and will not result in a addition need for parking.

Trees:

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

Tree Protection Plan - compliance

All measures within the approved Tree Protection Plans and Development Tree Report shall be implemented and maintained throughout development until completion of all construction related activity, unless agreed otherwise in writing with the local planning authority.

Neighbours:

(6 consulted): 1 representations received raising the following material considerations:-

- Noise

The development is minor in scale, and it would be unreasonable to attach a condition to limit construction activity on site.

Relevant Planning History

- Change of use from nine-bed guest house (Class C1) to residential care home (Class C2) for up to eight residents Ref. No: 16/25067/COU | Status: Application Permitted
- TPO No. 18 CSB of 1973: T1 Pinus sp. (Pine) - Crown Lift to 5.5 metres + Crown Reduction by 25% + Overhead Line Clearance by 1.5 metres, T3 Pinus sp. (Pine) - Crown Reduction by 25% Ref. No: 17/26762/TWT | Status: GRANT
- Retention of 1.8m high timber gate and fence to front boundary Ref. No: 17/26784/FUL | Status: Application Refused
- Erection of detached garden building for ancillary office use. Ref. No: 23/37309/FUL | Status: Application Withdrawn

To ensure that the proposed development is compatible with existing development in the locality (Policies N1 and C5 of The Plan for Stafford Borough).

RECOMMENDATION

- (1) Approve subject to the following conditions:
- (2) 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.
- (3) 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: -
 - Location Plan (001)
 - Construction Section (005)
 - Proposed Plan (004 Rev F)
- (4) 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.

- (5) All measures within the approved Tree Protection Plans and Development Tree Report shall be implemented and maintained throughout development until completion of all construction related activity, unless agreed otherwise in writing with the local planning authority.
- (6) The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the use of the residential care home known as 180 Lichfield Road, Stafford, Staffordshire, ST17 4LP and shall not be used as primary living accommodation, including sleeping accommodation. The building shall not be occupied or let independently.

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 adequate measures are taken to preserve trees and their root system whilst construction work is progressing on site (Policy N4 of The Plan for Stafford Borough).
- (5) To ensure that the proposed development is compatible with existing development in the locality (Policies N1 and C5 of The Plan for Stafford Borough).

INFORMATIVE(S)

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

24/38874/FUL
Leonard's Croft
80 Lichfield Road
Stafford



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Date Created: 27-06-2024

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Application: 24/39151/HOU
Case Officer: Sian Eggington
Date Registered: 26 July 2024
Target Decision Date: 20 September 2024
Extended To: -
Address: 54 Windsor Road Queensville Stafford Staffordshire ST17 4PB
Ward: Weeping Cross and Wildwood
Parish: -
Proposal: Two storey side extension and rear single storey extension and extension to existing car port
Applicant: Mr and Mrs Essery
Recommendation: Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

The Application has been called in by Councillor J A Barron for Weeping Cross and Wildwood for the following reasons:

1. Too large scale
2. Not in keeping with neighbourhood properties
3. High risk of flooding from nearby flood plane

1.0 CONTEXT

The Application Site

The site comprises a semi-detached two storey dwelling located within an established residential estate in Stafford. The external materials are brick with white render on the first-floor bay window, white UPVC windows and a tiled roof. There is a driveway to front/side providing off street parking and a larger garden to the rear.

The surrounding area is characteristically residential with dwellings in the area having been built around the same time albeit with some differentiation in materials and dwelling type.

Proposed Development

The proposal is for a single storey rear extension which will measure by 4m x 5.8m.

A ground floor open carport which will measure by 11m x 3.4m and a first-floor side extension which will measure by 6.9m x 3.4m and extension to existing carport.

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 & 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 & 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 proposal includes a single storey rear extension, this will measure by 4m x 5.8m with a maximum height of 3.1m. Whilst it is acknowledged that the extension is large in comparison with the existing floorspace, under permitted development a single storey rear extension of a similar size could be constructed and would therefore be acceptable. The rear extension is to be rendered black, this addition of black rendering is out of keeping with the character of the existing dwelling and as such would have some impact on the character, however due to the siting to the rear there would be no undue impact on the street scene. On balance the impact of such would not be serious enough to warrant a refusal. The rear extension would include a large bifold door to the rear elevation. This is well placed and provides a good element of design.

The proposal also includes a first-floor side extension which will measure by 6.9m x 3.4m. As stated in the design SPD 'Where there is scope to extend, the roof should harmonise with that of the original dwelling in terms of pitch, tile type and colour' the proposed roof matches the existing roof and as such is in keeping with the host dwelling, the proposal also adopts a ridge height which is set down from that of the main dwelling and is considered to form a minor additional projection to the side elevation, this also shows that the extension is a clear addition to the site. The first-floor side elevation has been set back by approximately 0.7m from the front elevation with the roof itself also set down from the main roof, this would ensure that the proposal would not result in a harmful terracing effect. The proposed fenestration is symmetrical and well placed and is in keeping with the host dwelling. Overall, the extension is considered to take a design and form subservient to that of the main dwelling.

Underneath the first-floor side extension an open carport is proposed this will measure by 3.4m in width and will extend the depth of the dwelling. The ground floor will be partially open, whilst out of keeping with the street scene this would provide a good design feature to both the character of the dwelling and street scene .

The proposal includes the addition of timber cladding to the rear elevation at first floor level and black rendering to the proposed rear extension which whilst out of character with the host dwelling, due to the siting to the rear there will be no undue impact on the street scene and as such would be acceptable.

The extension to an existing drop kerb to the front of the property is also proposed. The existing carport measures by 2.6m and will be extended to 5m. The surrounding area is characterised by drop kerbs and the extension to the existing drop kerb would have no undue impact on the street scene. The small wall to the front of the garden will be reduced and 5m of the small wall will be retained. The proposal will include the removal of 2 x trees however these would not need permission to be removed and as such there will be no undue impact on the street scene.

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.

No. 52 Windsor Road is situated adjacent to the host dwelling. The single storey rear extension will measure approximately 2.5m past the rear elevation of No.52. When measuring the 45-degree rule from the nearest habitable room window at No.52 Windsor Road the proposed extension will intercept this very slightly. On balance the impact of this interception would not be serious enough to warrant a refusal. A fall-back position of permitted development would also allow a larger rear extension to be built. The property benefits from an East facing garden and as such there may be some slight overshadowing to the neighbouring property however this would not be serious enough to warrant a refusal.

No.56 Windsor Road is situated to the south of the application site. The proposed single storey rear extension will not extend past the rear building line at No.56 and as such this element of the proposal will have no undue impact on No.56 Windsor Road. The two-storey side extension will reduce the separation distance between No. 54 and No.56 from 7m to 3.6m. No. 56 includes several windows to the side elevation however these do not serve habitable rooms and as such there will be no undue impact on loss of outlook and light. There are also several rooflights however officers are satisfied that these are for light purposes and the proposed development will have no undue impact on these. On planning balance, it is concluded the proposal would maintain a reasonable relationship between the two dwellings, and would maintain an acceptable level of amenity for occupants and neighbouring residents

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 require 2 car parking spaces to be provided for a 3 bedroomed dwelling.

The site includes 3 x off street parking spaces to the front of the property and is therefore in compliance with the below policies. As part of the proposal the existing drop kerb is to be extended from 2.6m to 5m. Highways have been consulted and they have raised no objections to the application.

Policies and Guidance:-

National Planning Policy Framework 2023 (NPPF)

Paragraphs 112 and 113

The Plan for Stafford Borough 2011-2031 (TPSB)

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

6.0 FLOODING

It is considered that there is a notable risk of flooding by way of Flood Zone 3 and Flood Zone 2 upon the site. However, Flood Zone 3 appears to be limited to the garden of the development and is not anticipated to interact with the proposed extension or the existing dwelling. Flood Zone 2 appears to interact only with the corner of the proposed garage. The agent has submitted an in-depth flood risk assessment which assesses the site for flooding and has recommended that the proposal would benefit from a Structural Engineer's advice for any complications which may arise from the garage's load-bearing wall and foundation being found within the extremity of Flood Zone 2. The agent has advised that they have taken advice from a structural engineer regarding the stability and integrity of the proposal and has stated the planned construction approach will take account of these issues. As the flood zones are limited to the rear garden it is unlikely that the proposal will lead to an increased risk of flooding to the host dwelling and the surrounding dwelling and as such would be acceptable.

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)

CONCLUSION AND PLANNING BALANCE

The proposal represent 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) – No objection

Neighbours:

(6 consulted): 3 representations received raising the following material considerations: -

-Concerns that the proposal will extend 1m past the rear elevation of the neighbouring properties extension.

Whilst it is acknowledged that the extension will extend past the neighbouring extension when measuring the 45 degrees rule it does not intercept this and as such no significant loss of light is expected as discussed under the residential amenity section.

-Noise concerns

Excess noise from normal domestic activities is not a material planning consideration and is a matter for Environmental Protection.

-Limit to working hours as concerns regarding the ongoing work on the property being at unsociable hours.

If approved a condition restricting working hours will be implemented.

-Loss of Light

Discussed under the residential amenity section of the report.

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:-
 - Location Plan
 - Proposed Block Plan (PLE-004 A)
 - Proposed Plan (PLE-003)
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. 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.

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 prevent disturbance to neighbouring properties in line with Policy N1 (Design) of The Plan for Stafford Borough.

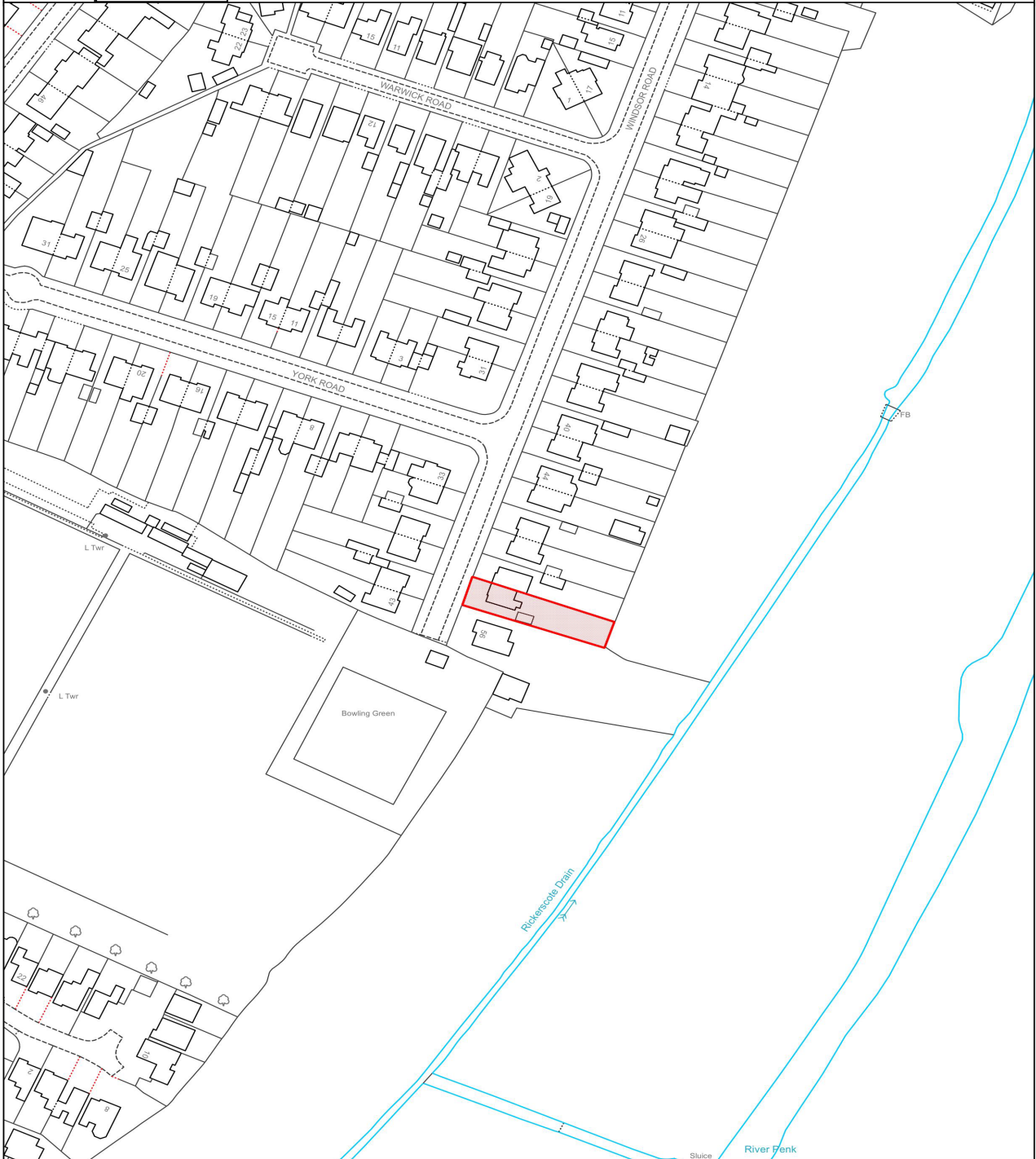
Informative(s)

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

24/39151/HOU
54 Windsor Road
Queensville
Stafford

Scale	1:1500
Grid Ref	SJ9321

Economic Development & Planning
24/39151/HOU



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 PLANNING COMMITTEE - 27 NOVEMBER 2024

Ward Interest - Nil

Planning Appeals

Report of Head of Economic Development and Planning

Purpose of Report

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

Notified Appeals

Application Reference	Location	Proposal
24/39326/OUT Delegated Refusal	Land Off Stafford Road, Woodseaves	Outline planning application with all matters reserved for the erection of two dwellings and associated works

Decided Appeals

Application Reference	Location	Proposal
21/34508/COU Appeal Allowed	Bishton Farm Pools, Bishton Farm Lane, Wolseley Bridge	Change of use from land siting two touring caravans to siting of one touring and one static caravan in connection with fishing business
23/37324/FUL Appeal Dismissed and Costs Refused	Land Adjacent To 26 St Peters Gardens, Mossnit	Demolition of existing garages and erection of 2 no assisted living bungalows

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Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager, 01785 619302



Appeal Decision

Hearing held on 22 October 2024

Site visit made on 22 October 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/Y3425/W/24/3345965

Bishton Farm Pools, Bishton Lane, Wolseley Bridge, Stafford ST18 0XE

- 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 David Neville of Bishton Farm Pools Ltd against the decision of Stafford Borough Council.
 - The application Ref is 21/34508/COU.
 - The development proposed is the change of use from land siting two touring caravans to siting of one touring and one static caravan in connection with fishing business.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from land siting two touring caravans to siting of one touring and one static caravan in connection with fishing business at Bishton Farm Pools, Bishton Lane, Wolseley Bridge, Stafford ST18 0XE in accordance with the terms of the application, Ref 21/34508/COU, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the development, set out in the heading and formal decision above, is taken from the decision notice to reflect that the proposal was amended during the application process.
3. At the time of my visit both the static and the touring caravan, forming the proposal, were in situ. I have determined the appeal on that basis.

Main Issues

4. The main issues are:
 - Whether, having regard to national policy that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at the site; and
 - The effect of the proposed development on the integrity of the Cannock Chase Special Area of Conservation.

Reasons

Background

5. Situated in the open countryside, Bishton Farm Pools has been operating as a fishery since 1988 following the granting of planning permission for the

diversification of an agricultural business, Bishton Farm. The fishing pools were initially operated from the nearby farmhouse, however that connection ceased when the appellant took over the business in 2018.

6. Currently, there are three recreational fishing pools at the site which can accommodate up to 50 fishing pegs. The fishery operates 24 hours a day throughout the year, other than Christmas Day, with day tickets covering the time between 7am and 7pm, evening fishing between 4pm and 9pm and overnight fishing hours requiring 24-hour tickets.
7. As well as the static and touring caravans, a timber office and store building, which I observed also contained customer toilets, is located within the site adjoining a large carpark. I was informed at the hearing that a mobile catering vehicle that had been on site had proved to be financially unviable and, as I witnessed on my visit, had been removed.
8. The appellant, who is the Head Bailiff and Head of Maintenance of the business, lives on the site in the static caravan with his wife who is the business administrator. The appellant advised at the Hearing that the intention was for the touring caravan to be retained permanently on the site for continued use in connection with the night shift, which is rotated between staff.

Essential need

9. The site is in an isolated, open countryside location, outside of the areas identified in the Sustainable Settlement Hierarchy as set out in Spatial Principle (SP) 3 of the Plan for Stafford Borough (the Plan). Consequently, the site is in a location where residential development is strictly controlled.
10. Paragraph 84 of the National Planning Policy Framework (the Framework) states that development of isolated homes in the countryside should be avoided unless one or more of the identified circumstances apply. An essential need for a rural worker to live permanently at or near their place of work in the countryside is one such circumstance. Policy E2 of the Plan is broadly consistent with the Framework in this regard. It supports the achievement of rural sustainability by encouraging provision for the essential operational needs of rural businesses.
11. In this case, the appellant considers that there is an essential need for a rural worker to be present on the site at all times, in the interest of the wellbeing of the fish, customer welfare and security.
12. At the hearing, the appellant referred to legislation that governs the operation of fisheries. Such legislation places obligations on the business that include, amongst other things, the requirement to catch and release fish, which means that it is necessary to ensure that keep nets are not used. The appellant states that it is also essential that monitoring of disease is ongoing and that nets are disinfected to limit the occurrence of diseases being imported from other fisheries. In addition, the removal and moving of fish must be prevented for reasons that include the avoidance of the spread of disease. Whilst these measures would be unlikely to fully eliminate such risks, as monitoring of every customer at all times would be unachievable, the presence of someone on site during the night would, undoubtedly, encourage the majority of customers to adhere to the regulations.

13. Fish become snagged on lines and require freeing by boat. These incidents need urgent attention to limit the loss, and suffering, of fish. Fish stocks also need to be protected from predation, which can take place at any time day or night, and from theft. Whilst there is no evidence before me as to the frequency, or the extent, of loss of stock from theft or predation, even the occasional loss of a large specimen would have financial implications for the business. The presence of anglers might be a deterrent to predators and criminals, but they could not be expected, or be relied upon, to protect fish stocks, or equipment associated with the business, during the night.
14. The appellant also has a duty of care to his customers, which includes the provision of supervision and help where required, and monitoring of the toilet facilities. Dealing with anti-social behaviour which might arise due to alcohol and substance abuse is also necessary due to the potential for disturbance of other anglers, and the occupiers of the nearby farmhouse and the adjoining converted agricultural buildings. It is reasonable to consider that a permanent on-site presence encourages better standards of behaviour and allows the monitoring and identification of problems to ensure that anglers have a positive experience, and the living conditions of nearby residents are not materially harmed.
15. At the hearing, the appellant indicated that, to undertake the tasks I have referred to, regular patrols take place during the night at random times and at approximately two-hour intervals. It would not be appropriate for the appellant, in the interests of his health and wellbeing, to be the sole person undertaking such night-time tasks. Consequently, some of the night shifts are covered by others. The duty of care placed on the appellant in respect of such other workers means that it is also reasonable, in the interests of health and wellbeing, for the workers to have shelter and facilities between patrols, provided by the touring caravan.
16. The use of CCTV or other forms of remote monitoring, as an alternative to regular nighttime patrols, does not appear to have been explored by the appellant. Nonetheless, even if remote monitoring was reliable, a worker would still need to attend the site on a frequent basis throughout the night. Moreover, any alert may not provide sufficient time for an appropriate, and effective, response.
17. The appellant indicated at the hearing, that night fishing provides 65% of the business income, which the accounts demonstrate is making a profit, albeit a small one. The appellant advised that he draws a pension and that no wages are taken from the business. The income that is generated covers running costs, including lighting and heating of the static caravan. It is also used to invest in the business, for example to cover the costs of desilting the pools which is important for the wellbeing of the fish as it ensures oxygen levels are maintained. The income would also be used to fulfil the development aims set out in the business plan including the creation of a new, nursery pool. This would enable the breeding of fish stocks to take place on the site which would reduce costs and raise revenue through the creation of additional fishing pegs. I am aware that planning permission for the nursery pool has lapsed. Nevertheless, the Council confirmed that there has been no material change in policy or other circumstances since such permission was granted. Therefore, it is reasonable to conclude that planning permission for the additional pool would be very likely to be forthcoming in the future.

18. In my view, taking into consideration the financial statements that have been provided, the business is relatively vulnerable. If the appellant were to live away from the site it would lead to additional time and expense being incurred. Furthermore, if night fishing could not continue without someone occupying the site, as stated by the appellant at the hearing, a significant source of income would be lost. Such factors would put the business, which is operating on fine margins, at significant risk.
19. Accordingly, for the reasons set out above and based on the evidence before me, I am satisfied that there is a compelling case that demonstrates that the ability to meet the essential needs of the existing business requires a rural worker living at the site. Additionally, the support of other staff is required, who need accommodation for use during the night.
20. Therefore, I conclude that there is an essential need for a rural worker to live permanently at the site. As such, the proposal would not conflict with SP3, SP7 and Policy E2 of the Plan which seek to control residential development in the rural area unless there is an essential operational need.

Cannock Chase Special Area of Conservation

21. The appeal site lies within a defined 15-kilometre (km) Zone of Influence (ZoI) for the Cannock Chase Special Area of Conservation (SAC). The SAC is designated due to the presence of qualifying features, namely European dry heaths, and North Atlantic Wet Heaths with *Erica tetralix*. It has been identified as being vulnerable to harm because of recreational disturbance. Such disturbance would be exacerbated by an increase in the local population resulting from new residential development, including through the cumulative effect of small-scale developments.
22. The appeal proposal would result in a net increase of one dwelling, the static caravan, with an associated increase in residents living within the ZoI. This would be likely, in turn, to increase recreational pressure on the SAC. It is therefore likely that the proposal, alone and in combination with other development, would adversely affect the integrity of the SAC. As such, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting permission on the integrity of the SAC.
23. The Cannock Chase SAC Partnership has agreed a series of mitigation and avoidance measures with Natural England, referred to as Strategic Access Management and Monitoring Measures (SAMMM). Furthermore, the Council has produced planning guidance to explain the approach to mitigating the impact of new development on the SAC. The approach agreed through the SAMMM and the guidance is to require a mitigation payment per net residential dwelling from all new development within the 0-15km ZoI.
24. The Council has identified, in agreement with Natural England, that a financial contribution of £344.01 is required towards mitigation measures. The Council has confirmed that it has received the required payment by way of a Section 111 Agreement (the Agreement). Whilst a copy of the Agreement has not been provided, in the absence of any evidence to the contrary, I am satisfied that an appropriate financial contribution has been received by the Council, for the purposes of contributing to the strategic mitigation measures described above. Accordingly, having regard to the views of NE and the SAMM mitigation

payment, on which I place weight, I am satisfied that the development would not cause harm to the ecological value of the SAC.

25. In conclusion, the proposal would not harm the integrity of the SAC. It would, therefore, accord with LP Policy N6 which specifies that development will not be permitted that would lead to a direct or indirect impact on the SAC and the effect cannot be mitigated.

Other Matters

26. The appeal site is less than 1km from the boundary of the Cannock Chase National Landscape (formerly known as the Cannock Chase Area of Outstanding Natural Beauty) and is therefore within its setting. Given the limited scale of the development, I agree with the Council that the proposal would conserve its landscape, scenic beauty, and other special characteristics, in accordance with paragraph 182 of the Framework.

Conditions

27. The parties provided me with suggested conditions, which I have reviewed in line with guidance and best practice.
28. As the development has already taken place, I have not found it necessary to attach a condition limiting the timescale for implementation of the permission or requiring the development to be carried out in accordance with the appeal plans. For the same reason, I have not imposed a condition requiring the approval of the external materials of the development, noting that the Council did not object to the appearance of the static and touring caravans that are in situ. I have, however, included a condition that specifies the approved plans in the interests of certainty.
29. To ensure that the appearance of the development is appropriate in this rural location I have imposed a condition relating to landscaping. As permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of such a landscaping scheme before the development takes place, I have included a strict timetable for compliance. The condition will ensure that the development can be enforced against if the requirements are not met.
30. I have imposed a condition relating to external lighting, to safeguard the character and appearance of this rural area.
31. An occupancy restriction condition is necessary to ensure that the caravans serve their intended purpose, and the policy requirements are met. I find, however, that it is necessary to amend the wording of the condition to widen its scope to include reference to the occupation of the property by the surviving civil partner of the qualifying occupant.
32. The proposed two parking spaces for each of the caravans appear to have been provided. Accordingly, and in the absence of any evidence that suggests that the use of the large fishery car park for parking in association with the caravans would be unacceptable, I have not imposed the suggested condition requiring the provision and retention of such spaces.
33. In addition, I have not imposed the conditions suggested by the Regulatory Services Group, which I note have not been recommended by the Council. As

the development has already taken place, it is not necessary or appropriate to include the suggested conditions that would control site works and burning. Furthermore, there is no compelling evidence before me to justify the imposition of a condition relating to surface and foul water drainage.

Conclusion

34. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Heminsley OBE BA (Hons) Dip TP MRTPI	Agent
David Neville	Bishton Farm Pools Ltd
Matthew Neville	Bishton Farm Pools Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Vanessa Blake BA (Hons), MSc	Senior Planning Officer
Richard Wood BA (Hons) BTP MRTPI	Development Lead Officer

Schedule of Conditions

- 1) This appeal relates to the following approved plans:

Location and Part Site Plan 202:90:01C

Static Caravan 2021:90:02A

- 2) Unless within 3 months of the date of this permission a detailed landscape and planting scheme is submitted in writing to the local planning authority for approval, and unless the approved works are implemented within 8 months of the local planning authority's approval, the use of the site for one touring and one static caravan, and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site shall cease, and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Any tree, hedge or shrub planted as part of the approved scheme which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) Before the installation of any external lighting, full details shall be submitted to and approved in writing by the local planning authority. The approved scheme of illumination shall thereafter be provided in accordance with the approved details and maintained as such for the life of the development.
- 4) The occupation of the touring caravan and static caravan hereby approved shall be limited to a person solely or mainly working, or last working, at Bishton Farm Pools Fishery, or a widow or widower or surviving civil partner of such a person, and to any resident dependents.



Appeal Decision

Site visit made on 9 October 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Appeal Ref: APP/Y3425/W/24/3341210

Land Adjacent To 26 St Peters Gardens, Mosspit, Stafford ST17 4HJ

- 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 Key Developments (Midlands) Limited against the decision of Stafford Borough Council.
 - The application Ref is 23/37324/FUL.
 - The development proposed is the erection of 2 no assisted living bungalows.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Key Developments (Midlands) Limited against Stafford Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. The description of development above is taken from the planning application form however a more accurate version is provided in the decision notice and appeal form as 'Demolition of existing garages and erection of 2 no assisted living bungalows'. I have proceeded accordingly.

Main Issue

4. The effect of the proposal on the living conditions of neighbouring residential occupiers, with particular regard to the demand for parking, and noise and disturbance resulting from anti-social behaviour.

Reasons

5. The appeal site is located along a private driveway off St Peter's Gardens. The immediate area is predominantly residential, with properties of a similar type arranged around a green. The appeal site currently comprises a stretch of derelict garages and an area of hardstanding.
6. The proposed assisted living bungalows would be sited immediately adjacent to 8 existing assisted living bungalows. It is intended that the appeal units would be operated in conjunction with the existing development and the appeal proposal includes the repositioning of the entrance gates so as to include all 10 units within one site.
7. During my site visit I spent time in the area immediately around the appeal site. I did not observe any incidents of noise and disturbance and I was also

able to take advantage of numerous places to park on-street along St Peter's Gardens.

8. I nevertheless appreciate that my site visit was just a snapshot in time and that the evidence before me suggests there has been incidents of noise and disturbance resulting from anti-social behaviour as well as parking stress on the surrounding roads. Many representations received from local residents make reference to incidents whereby residents of the existing assisted living development have been verbally abusive to other local residents, as well as times when noise has been disruptive to the daily lives of those living nearby.
9. The concerns raised by local residents are supported by the Community Protection Warning (CPW) made pursuant to Section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014 which was recently issued to the appellant. This notes various reports of unreasonable conduct including loud shouting and screaming, banging and offensive language having been reported over a short period of time.
10. The CPW notes that the behaviour listed is unreasonable, causing harassment, alarm and distress and has a detrimental effect of a persistent and continuing nature on the quality of life of those in the locality. Various actions to be taken by the management of the existing assisted living accommodation to address the identified conduct are outlined in the CPW.
11. Whilst it is important that I consider the appeal proposal on its own merits, the proposed development includes the moving of the entrance gates so as to include the appeal site with the existing development. The proposal would therefore result in an intensification of the existing assisted living site.
12. The appellant has outlined management practices adopted in the existing development and has also suggested that they are contesting the CPW. Regardless, there is no conclusive evidence before me to confirm that such approaches have ensured the actions set out in the CPW have been adhered to, that incidents have been appropriately managed or that the CPW has been overturned.
13. I acknowledge that there is no evidenced correlation between occupiers of assisted living accommodation and anti-social behaviour. Nevertheless, it is important that I base my assessment on the particular circumstances of this case, which includes the existing arrangements and experiences to date.
14. It has been clearly demonstrated that issues of noise and disturbance currently arise as a result of the adjacent site. There is, therefore, a compelling evidential basis that the proposal would likely materially increase the risk of adverse effects on the living conditions of residents living nearby. The fear that the appeal proposal would result in an adverse effect on living conditions is not therefore unjustified or unreasonable in this instance. My observations during my site visit do not provide me with good grounds to disagree with the evidence before me in this regard.
15. With regards to parking, it seems to me that 1:1 care on a 24/7 basis is provided for each resident occupying a unit, with an additional carer in attendance at changeover times. There may therefore be times when both allocated parking spaces for each unit would be occupied however this would be for a limited period, with the second space likely remaining available for

visitors to use at all other times. The 2 spaces proposed per unit would therefore be satisfactory and indeed the Highway Authority has raised no concerns with the on-site provision.

16. The use of allocated parking spaces within the gated area and not the areas used by residents is included as an action to be taken within the CPW. However, I note that parking activities is not listed within the CPW as unreasonable behaviour or conduct that is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality.
17. I note the concerns raised in third party representations regarding the pressures for on-street parking in the area. However, many properties in the immediate locality have off-street parking provision and there are no on-street parking restrictions on the surrounding roads. Taking this, along with the scale of the proposal and the satisfactory on-site parking provision into consideration, any over spill to the public highway resulting from additional staff members or visitors attending the site would likely be limited and comfortably accommodated in the surrounding area. The proposal therefore accords with Policy T2 of The Plan for Stafford Borough 2011-2031 (June 2014) (The Plan).
18. Nevertheless, I have set out my concerns above that the proposal would harm the living conditions of neighbouring residential occupiers with regards to noise and disturbance as a result of antisocial behaviour. Therefore, it fails to accord with Policy N1 of The Plan which, along with paragraph 135 (formerly 130) of the National Planning Policy Framework, aim to ensure that developments protect the amenity of existing residential occupiers.

Other Matters

19. The appeal site lies within 8km of the Cannock Chase Special Area of Conservation (SAC) and is within the impact zone of a Site of Special Scientific Interest. During the course of the appeal the appellant submitted a legal agreement¹ in respect of financial contributions towards mitigating the effects of the development on the SAC.
20. However, as I am dismissing this appeal for other reasons there is no need for me, as the competent authority, to undertake an Appropriate Assessment or to give further consideration to the appropriateness and delivery of the mitigation measures as it would not affect my overall decision.
21. I note the appellant's suggestions that planning permission would not be required for the change of use of a single person or family dwellinghouse to a dwellinghouse in which care is provided. Whilst it may be the case that a change to Class C3(b) from Class C3(a) of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO) may not be development, planning permission is specifically sought in this instance for two dwellings falling within Class C3(b) of the UCO. I have based my decision on the development before me, which I have determined on its own merits.
22. The case law and previous appeal decision which the appellant relies upon in respect of this matter do not indicate that the proposal should have been considered the same as any application for new market housing, but rather they serve to confirm, in so far as they are relevant to this appeal, that a

¹ Under S111 of the Local Government Act 1972

change within the three parts of Class C3 of the UCO may not be development.

Planning Balance and Conclusion

23. The appeal proposal would generate economic benefits during construction and on subsequent occupation. It would also provide two assisted living units. I note the support provided through Policy C3 of The Plan however I do not have details indicating the level of need for assisted living accommodation within the borough. Regardless, the provision is a clear social benefit. The proposal would also improve the appearance of this derelict site, although I am not convinced the development before me is the only way in which the site could be improved. Due to the overall quantum of units proposed and the small scale of the development, I collectively afford these benefits limited weight.
24. The proposal would harm the living conditions of neighbouring residential occupiers. This harm leads to conflict with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR



Costs Decision

Site visit made on 9 October 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Costs application in relation to Appeal Ref: APP/Y3425/W/24/3341210 Land Adjacent To 26 St Peters Gardens, Mosspit, Stafford, ST17 4HJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Key Developments (Midlands) Limited for a full award of costs against Stafford Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 2 no assisted living bungalows.
-

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG gives examples of behaviour that may give rise to a substantive award of costs against a local planning authority, which includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The applicant states that the Council failed to consider the scheme as a standalone development for residential accommodation. I note the reference to specialist accommodation within the Council's officer report. Nevertheless, it is clear to me that the Council did not assess the proposal as falling outside of Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 as amended (the UCO) but rather as the provision of dwellinghouses for people living as a single household and receiving care, within Class C3(b), as applied for.
5. I have set out in the appeal decision why consideration of the proposal as residential accommodation falling within Class C3(a) of the UCO is not the correct approach.
6. In terms of parking provision, the Council did not refuse the scheme on the basis of highway safety, but rather the effect of parking demand on the living conditions of neighbouring residential occupiers. Therefore, whilst the Highway Authority raised no concerns in respect of the proposed on-site parking provision, the Council had evidence to suggest there was an issue in this locality. Similarly, there was evidence before the Council with regards to incidents of anti-social behaviour associated with the existing assisted living development.

7. All in all I am satisfied that the Council substantiated its reason for refusal and its concerns were supported by objective analysis. The reason for refusal as set out in the Council's decision notice was also complete, precise, specific and relevant to the proposal, referencing the relevant policies of the development plan that the proposal was considered to be in conflict with. The Council did not therefore prevent or delay development which should clearly be permitted.
8. The Council did not behave unreasonably thus I am not required to consider whether unnecessary expense has ensued. An award of costs in this instance has not therefore been justified.

H Ellison
INSPECTOR