

Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 9 February 2022** 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.



Head of Law and Administration

PLANNING COMMITTEE - 9 FEBRUARY 2022

Chairman - Councillor B M Cross
Vice-Chairman - Councillor E G R Jones

A G E N D A

- 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 - 25
6	Planning Appeals	26 - 29

MEMBERSHIP

Chairman - Councillor B M Cross

A G Cooper	P W Jones
B M Cross	W J Kemp
A P Edgeller	B McKeown
A D Hobbs	G P K Pardesi
J Hood	M Phillips
E G R Jones	

(Substitutes - F Beatty, A T A Godfrey, R Kenney, C V Trowbridge)

ITEM NO 5

ITEM NO 5

 PLANNING COMMITTEE – 9 FEBRUARY 2022

Ward Interest - Nil

Planning Applications*Report of Head of Development***Purpose of Report**

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

		Page Nos
20/32885/FUL	Pear Tree Farm, Cotwalton Road, Cotwalton	4 - 16
	The application was called in by Councillor R A James	
	Officer Contact – Sian Wright, Interim Development Lead, Telephone 01785 619528	
21/34442/FUL	Land at Former Garage Site, Read Avenue Stafford	17 - 25
	The application was called in by Councillor W J Kemp	
	Officer Contact – Richard Wood, Development Lead, Telephone 01785 619324	

Previous Consideration

Nil

Background Papers

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

Application:	20/32885/FUL
Case Officer:	Emma Carrington
Date Registered:	14 August 2020
Target Decision Date:	27 September 2020
Extended To:	10 September 2021
Address:	Pear Tree Farm, Cotwalton Road, Cotwalton
Ward:	Swynnerton and Oulton
Parish:	Stone Rural
Proposal:	Change of use from agricultural barns to form four single and two-storey residential units
Applicant:	Mr and Mrs J Clowes
Recommendation:	Approve, subject to conditions

This application has been called in by Councillor R A James (Ward Member for Swynnerton and Oulton) for the following reasons:-

“to allow the Committee to deliberate on the exit/entry onto the lane from/to this proposed development and to ask the Committee to be mindful of the potential harassment to the working farm opposite (Cotwalton Farm) with complaints of noise, disruption etc from the new residents.”

Context

The application site consists of a range of three, brick and tile agricultural outbuildings located at Pear Tree Farm Cotwalton. The site is located within the open countryside and is also within the North Staffordshire Green Belt. The buildings are located at the front and side of the site, off Cotwalton Road and are adjacent to the existing farm house, which is a two storey, white rendered property. The main two storey barn sits along the site frontage and abuts the highway, with two smaller single storey barns being located slightly further in to the site. The existing farmhouse and outbuildings are accessed by a shared track that also leads to Manor Farm to the south east.

To the north west of the site on the opposite side of Cotwalton Road lies Cotwalton Farm, which is an active dairy farm. There are other scattered dwellings and farm complexes in the area, but none in close proximity to the application site, and the area has a mainly rural character and appearance.

The barns themselves are a mix of two storey and single storey designs, and are mainly brick and tile with some areas of timber and metal cladding. The buildings are mostly four

wall structures, with areas that are open sided. Some older openings have been bricked up over time, but this can be clearly seen on the submitted drawings and site photos.

Planning permission is sought to convert the three outbuildings in to four dwellings. The main two storey building on the site frontage is proposed to be converted in to two dwellings, one with two bedrooms and the other with three bedrooms. These are identified on the block plan as units 2 and 3. The single storey outbuildings shown as units 1 and 4 on the block plan will both be 1 bedroom units.

Each unit will have access to its own private garden area and parking spaces. Each garden is in excess of 90sq meters and the scheme provides 10 car parking spaces for the new development. The existing farmhouse will also retain a large private garden area and its own private parking spaces. Foul drainage from the site will be via a new biodisc treatment plant at the edge of the site, and the agent has confirmed that the water supply will be from a Severn Trent Water supply.

The application is accompanied by a structural survey, protected species survey and land contamination report.

Officer Assessment - Key Considerations

1. Principle of Development and relevant Policy

The National Planning Policy Framework (NPPF), at paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 80 states that Planning policies and decisions should avoid the development of isolated homes in the countryside unless specific criteria apply which includes:

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

Paragraph 137 states that The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 150 goes on to say certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

Spatial principle (SP) 1 sets out Stafford Borough Council's approach to sustainable development proposals, and aims to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Spatial principle (SP) 3 sets out the settlement hierarchy for the Borough, and identifies Stafford Town as being at the top of that hierarchy.

Spatial principle (SP) 7 reinforces the settlement hierarchy structure and expects new development proposals to be of a scale and nature appropriate to the size of each settlement that secures sustainable development.

Policy T1 - Transport and Policy T2 - Parking and Manoeuvring Facilities, seek to ensure that developers work with the Local Highway Authority to improve road safety and that development proposals reduce the impact of traffic from new development on road networks and provide safe and adequate means of access and egress, internal circulation/turning arrangements and provide adequate parking.

Policy N1 sets out the requirements for design in relation to the nature and scale of the surrounding area.

Policy N5 seeks to ensure that protected species and their habitats are not adversely affected by development proposals.

Policy N8 requires new development to reinforce and respect the character of the settlement and landscape setting, with reference to Policy N1.

A structural survey supports the application and concludes that the overall condition of all barns is such that a successful conversion can be completed subject to remedial works.

The principle of the conversion of this group of farm buildings to a residential use is considered to be acceptable and in accordance with the Policies referred to above and the guidance in the National Planning Policy Framework (2021) subject to all relevant material planning considerations.

Policies and Guidance:-

National Planning Policy Framework (NPPF)

Paragraphs: 7, 8, 10, 11, 79, 80, 137 and 150

The Plan for Stafford Borough

Policies: SP1 Presumption in Favour of Sustainable Development; SP3 Sustainable Settlement Hierarchy; SP7 Supporting the location of new development; N1 Design; N5 Sites of European, National and Local Nature Conservation Importance; N8 Landscape Character; T1 Transport; T2 Parking and Manoeuvring Facilities

The Plan for Stafford Borough: Part 2

Policies: SB1 Settlement boundaries

2. Character and Appearance/Green Belt

The proposed development seeks to convert a range of brick and tile agricultural outbuildings into 4 dwellings. The proposal does not include any extensions or increase in the roof height, and the footprint of the buildings either stay the same or are slightly reduced with small sections being demolished. Externally, most of the existing window and door openings will be retained and utilised in the proposed conversion. There are a number of openings in the front elevation of the two-storey building (units 2 and 3) that have been bricked up, but will be re-opened to provide light to habitable rooms. Across the development, the proposal includes 5 new conservation rooflights, but these are relatively small additions to the roof plane and well-spaced out to avoid any over concentration in one particular area. New openings have been kept to a minimum, and where new openings are proposed, they are set back from the road and not readily visible from public views. No External chimneys or flues are proposed, which will help to avoid any over domestication of the buildings.

Where a building has open sides, (unit 4) these are to be infilled with timber cladding and/or glazing. Any new areas of replacement brickwork (specified in the structural survey) and tile will match those of the existing buildings, or where cladding exists, this will be retained. In the garden areas, boundary treatments will either be hawthorn hedging or timber post and rail fencing.

It is considered therefore, that the proposal will retain the existing character of this group of agricultural buildings, by utilising existing openings and containing the living accommodation within the existing footprint. Use of matching materials and soft boundary treatment options will also help to keep the impact of the development on the character of the countryside to a minimum.

The proposal includes a boundary treatment scheme of timber post and rail fencing and Hawthorn hedging for the rear gardens, and the main courtyard area is already surfaced in a bound material. However, to ensure that no inappropriate development takes place in the proposed garden areas, including any hard surfacing of new parking areas or rear gardens, it is recommended that a condition is added for approval of hard and soft landscaping details to be approved, prior to occupation of the proposed units.

In relation to the impact of the development on the Green Belt, it is considered that the proposal is in accordance with the guidance contained in the NPPF. There are no physical extensions to the buildings that would affect the openness of the Green Belt, and the buildings are considered to be of a permanent and substantial construction.

Policies and Guidance:-

National Planning Policy Framework (NPPF)

Paragraphs: 126, 128, 137, 150

The Plan for Stafford Borough (TPSB) 2011-2031

Policies: N1 Design; N8 Landscape Character

Supplementary Planning Document (SPD) – Design

3. Amenity

The nearest residential properties to the proposed development are the applicant's dwelling, Pear Tree Farm House and Cotwalton Farm House on the opposite side of Cotwalton Road. It is considered that adequate separation distances have been provided between both existing and proposed dwellings, and between the proposed new dwellings themselves in order to avoid any loss of privacy due to direct overlooking. The proposal is set around an internal courtyard area, with some ground floor habitable room windows facing towards the applicant's dwelling. However, these are secondary windows, and it is not considered that privacy will be compromised for future occupiers of the proposed new development, or vice versa. Pear Tree Farmhouse is at most approximately 17 metres away from the front wall of unit 2, which due to the oblique angle of the Farmhouse reduces down to 7.5 metres for the front wall of unit 3. Whilst Pear Tree Farmhouse does have some first-floor windows facing the front of unit 2, the juxtaposition of the properties and the position of the windows, ensures that no direct overlooking occurs such that residential amenity is significantly affected for either property. Where the separation distance between unit 3 and Pear Tree farmhouse reduces down to 7.5 metres, there are no first-floor windows in Pear Tree Farm house in this part of the dwelling that would create any overlooking or be overlooked by the new unit.

The occupiers of Cotwalton Farm have raised concerns about windows being re-introduced along the frontage of the two storey barn and that this will result in overlooking. However, this dwelling is not directly opposite the barns to be converted, as they look towards the farmyard area. Therefore it is not considered that the proposal will result in a loss of privacy for Cotwalton Farm due to overlooking.

In relation to the amenities of the future occupiers of the proposed dwellings, the retained gardens are all in excess of 90 sq metres which exceeds the guidance set out in the Design SPD. Sufficient access, parking and turning arrangements are to be provided, and as described above. It is not considered that future residents will suffer any loss of privacy or loss of amenity due to the design or layout of the proposal.

Concern has been expressed by Cotwalton Farm that future occupiers of the development may be adversely affected by noise and odours from the dairy farm activities, and that this in turn will result in complaints from future residents, thereby affecting the future viability of the farm. These concerns have been forwarded to the Council's Environmental Health Officer, who advises that the activities on Cotwalton Farm will not result in a statutory nuisance to future occupiers of the converted barns and raise no objections subject to conditions regarding a noise mitigation scheme for the two-storey building only.

In addition, a land contamination report supports the application to which no objections are raised by Environmental Health.

The agent has also confirmed that any agricultural activities at Pear Tree Farm will cease, and this will include the building on the land behind unit 4. A condition is therefore recommended to ensure that such activities cease before any of the proposed new units are first occupied.

Policies and Guidance:-
National Planning Policy Framework (NPPF)

Paragraph 127

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

4. Highway Safety

The Highway Authority has been consulted on the proposal and raises no objections on highway safety grounds and is satisfied that the level of parking provided is acceptable. The minimum number of parking spaces required for the 4 dwellings as set out in the Plan for Stafford Borough is 8 and the proposal provides 10.

A number of comments have been received about the safety of the access and that the parking provision is inadequate to serve the development, which will lead to inappropriate parking outside of the application site and reduce highway safety. However, as described above, the Highway Authority is satisfied that the means of access and levels of visibility are acceptable, and the number of parking spaces provided exceeds policy requirements.

A comment has also been made about the position of the red line on the site plan and that it should not include the access and lane at the side of Pear Tree farm as it is a shared access with Manor Farm. However, the lane is already used to serve Pear Tree Farm and farm buildings and the proposal as submitted will not alter the access on to the highway or prevent access to Manor Farm. The applicant has submitted a land ownership certificate with the application that states that they own or have control of the land required to serve the proposed development, which includes the means of vehicular access. Any subsequent landownership dispute is a private matter between the two parties involved, and not a material planning consideration.

It is considered therefore that the access and parking arrangements are acceptable and comply with the policies in The Plan for Stafford Borough and guidance in the NPPF.

Policies and Guidance:-
National Planning Policy Framework (NPPF)
Paragraph 110, 111, 112 and 113.

The Plan for Stafford Borough (TPSB) 2011-2031
Policy T1 Transport; Policy T2 Parking and Manoeuvring Facilities

5. Drainage

The proposal includes a biodisc sewage treatment plant located at the edge of the development adjacent to the access, which will overcome any concerns that neighbours have raised about an existing septic tank not being able to cope with the additional demand. Neighbours have commented that the area is served by bore holes and that the additional demand for water will interrupt the existing supply. However, no technical evidence has been provided to demonstrate that the site will not be able to receive a water supply and the agent has confirmed that a supply will be provided by Severn Trent Water.

Policies and Guidance:-
National Planning Policy Framework (NPPF)

Sections 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment)

The Plan for Stafford Borough (TPSB) 2011-2031
Policies Stafford 1 (Stafford Town), N2 (Climate Change)

6. Ecology

A Protected species survey has been submitted with the application that identifies the presence of bats and nesting birds on the site. Mitigation measures are outlined in the report to provide bat bricks and bat/bird boxes and the Council's Biodiversity Officer has recommended conditions in order to ensure adequate measures are taken to protect and enhance habitats on the site.

Policies and Guidance:-
National Planning Policy Framework (NPPF)
Section 15 (Conserving and enhancing the natural environment)

The Plan for Stafford Borough (TPSB) 2011-2031
Policy N5 (Sites of European, National and Local Nature Conservation Importance)

7. Conclusion

On balance, it is considered that the proposed barn conversion is an acceptable form of sustainable development, that respects the character and appearance of the open countryside and the Green Belt; is not detrimental to residential amenity or highway safety; does not increase the risk of flooding and will not harm protected species or their habitat. The proposed development complies with the relevant paragraphs of the NPPF and policies contained within The Plan for Stafford Borough.

Consultations

Stone Rural Parish Council: The Parish Council would ask for confirmation that access to and from the development onto the country lane does not cause any road safety issues.

Environmental Health - Following discussions and clarification of details regarding contaminated land; water supply and issues of noise and odour from adjacent farm - no objections are raised subject to conditions.

Biodiversity Officer - No objections subject to conditions regarding mitigation measures for the protection of protected species (Bats and Birds)

SCC Highways - No objections subject to the following:

The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.

Reasons

To comply with The Plan for Stafford Borough 2014

Note to Planning Officer

The development appears to be on the highway boundary and any opening windows or doors cannot overhang into the highway. Any blocking of the highway whilst restoring the development would need prior approval and an agreement from the highways department before work commenced. This may involve a road closure or lane closure

Natural England - awaiting response

Neighbours: 5 Consulted

7 Letters received from 3 different neighbouring properties with the main points summarised as:

- A road closure in the area would not be possible as existing farms would lose access to surrounding land affecting day to day working
- The red line includes a lane that is not owned by Pear Tree Farm but is a shared access with Manor Farm. This lane should not be included in the application.
- Fresh water supply in the area comes from bore holes. The increase in demand from four additional dwellings will disrupt supplies
- The proposal does not take account of the increase in sewage disposal that will be required.
- The increase in volume of visitors to the site will lead to parking in the lane and a detrimental impact on the highway and degradation of the lanes.
- Concerns regarding safety for property 3 having to cross the lane to access parking and garden areas.
- Introducing new residential development close to a working dairy farm will lead to complaints from future occupants leading to an adverse impact on business activities.
- The proposal is overdevelopment of the site and will look cramped in, which is not in keeping with the rural area, changing the character of the village to a town setting.
- The buildings are inadequate for the number of people proposed to live there, and the layout of the garden areas is unsuitable, some of which is on a slope.
- The number of parking spaces is inadequate and does not reflect how many cars will actually use the site.
- No room for refuse bins that will have to be left in the road for collection.
- There are no footpaths in the area
- Visibility at the entrance to the site is poor and near two blind bends.
- The buildings should be tied to Pear Tree Farm and not used for holiday lets in the future.
- Loss of privacy to neighbouring properties due to existing bricked up openings being re-opened.

Site Notice: Posted 21 August 2020

Expiry date: 11 September 2020

Relevant Planning History

No planning history

Recommendation

Approve subject to the following conditions:

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

19S65 S01 A - Existing Floor Plans and Elevations and Proposed Site Plan

19S65 S02 - Existing Elevations

19S65 P01 B - Proposed Block Plan, Floor Plans and Elevations

19S65 P02 - Proposed Elevations and Floor Plans

Structural Survey prepared by Town and Country Design services Ref: 6093c-MJA dated April 202

Construction Method Statement prepared by Town and Country Design services Ref: 6039d-MJA dated April 2020

Bat Survey Report prepared by Leigh Ecology Ref Clowes/002 dated 27 July 2020

3. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.
4. All external materials to be used in the development hereby permitted shall be in accordance with the details submitted with the application and shown on the approved plans referred to in condition 2 above.
5. All new windows, doors, bargeboards and fascia boards shall be in painted timber unless otherwise agreed in writing with the Local Planning Authority.
6. All guttering and downpipes shall have a black finish, unless otherwise first agreed in writing with the Local Planning Authority.
7. New rooflights shall have a black finish and be installed so that their outer faces are flush with the plane of the roof unless otherwise first agreed in writing with the Local Planning Authority. Once installed the rooflights shall not be replaced with any alternative type without the prior written consent of the Local Planning Authority

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling hereby approved without the prior approval of the Local Planning Authority:
 - Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
 - Schedule 2, Part 1, Class B - additions etc to the roof
 - Schedule 2, Part 1, Class C - any other alterations to the roof
 - Schedule 2, Part 1, Class D - porches
 - Schedule 2, Part 1, Class E - buildings etc incidental to the enjoyment of the dwellinghouse
 - Schedule 2, Part 1, Class F - hard surfaces incidental to the enjoyment of the dwellinghouse
 - Schedule 2, Part 1, Class G - chimney, flues etc
 - Schedule 2, Part 1, Class H - microwave antenna
 - Schedule 2, Part 2, Class A - gates, fences, walls etc
 - Schedule 2, Part 2, Class B - means of access to a highway
9. Before any development commences on units 2 and 3 (building B) a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority which shall include details of any noise mitigation measures required in relation to the activities on the adjacent Cotwalton farm. The development shall only be implemented in accordance with the approved mitigation measures and maintained as such for the life of the development.
10. Prior to the first occupation of the dwellings three swallow nesting boxes shall be installed in accordance with details to first be submitted to and approved in writing by the Local Planning Authority they shall thereafter be retained.
11. No works shall be undertaken in the bird nesting season (March to August), unless it can first be demonstrated by the developer that breeding birds will not be affected through the submission of and approval in writing by the Local Planning Authority of a method statement for the protection/avoidance of nesting birds.
12. Prior to first occupation of the dwellings 2 Bat bricks, as referenced in the Bat Survey report shall be installed in appropriate locations within the building. External lighting shall be designed to avoid light spill on bat boxes and commuting areas. In addition, 1x Schwegler 2FN bat box shall be installed in a mature tree on site. Bat box should be a minimum of 3m above ground level and not facing north.
13. No works or alterations to existing ground levels or surfaces within the garden areas for units 1 and 2 shall be undertaken without the prior written approval of the local planning authority.
14. The proposed hedge and fence boundary treatments shown on the approved drawings referred to in Condition 2 above shall be completed prior to the development first being brought into use and shall be retained thereafter.

15. No dwelling hereby approved shall be occupied until connected to the proposed Biodisc sewage treatment unit.
16. Before the development is completed full details of both hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to first occupation. These details shall include hard surfacing materials and soft landscape works and shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation program]. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.
17. Before any of the proposed dwellings hereby approved are first occupied, the agricultural activities at Pear Tree Farm shall cease as specified in the agents email dated 28 April 2021. This includes the barn structure to the south west of unit 4.

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

1. The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To define the permission
3. In the interests of safety and convenience of users of the highway (Policy T1 of the Plan for Stafford Borough).
4. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
5. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
6. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
7. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
8. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
9. To safeguard the amenities of future residents (Policy N1 of The Plan for Stafford Borough).

10. To safeguard protected species. (Paragraph 170 of the National Planning Policy Framework).
11. To safeguard protected species. (Paragraph 170 of the National Planning Policy Framework).
12. To safeguard protected species. (Paragraph 170 of the National Planning Policy Framework).
13. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).
14. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).
15. To ensure the provision of adequate drainage facilities and to prevent the pollution of any adjacent watercourses, wells and aquifers (Policy N2 of the Plan for Stafford Borough).
16. To enhance the appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
17. To safeguard the amenities of future occupiers of the proposed new dwellings (Policy N1 of The Plan for Stafford Borough).

INFORMATIVE(S)

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

20/32885/FUL
Pear Tree Farm
Cotwalton Road



Application:	21/34442/FUL
Case Officer:	Jessica Allsopp
Date Registered:	12 August 2021
Target Decision Date:	7 October 2021
Extended To:	10 February 2022
Address:	Land At Former Garage Site, Read Avenue, Stafford
Ward:	Coton
Parish:	-
Proposal:	Demolition of existing garage blocks and proposed residential development of two detached bungalows
Applicant:	Stafford and Rural Homes
Recommendation:	Approve, subject to conditions

This planning application has been called in by Councillor W J Kemp (Ward Member for Coton) for the following reasons:-

1. Closure by developer of a public right of way which gives access to garages at rear of properties 8 to 14 Read Avenue and numerous properties in Prospect Road.
2. Concerns of the occupant of No 22 Read Avenue about restricted vehicle access to her garden and garage by the design of grass area at rear of 18 Read Avenue and the proposed visitors parking area.
3. Concerns expressed by occupants at 8 Shelley Close that proposed car parking in front of the bungalows will obstruct the side exit from their property.

Context

The site:

The application site forms a large parcel of land approximately 2000m² in area inclusive of the access track off Read Avenue. The site is currently occupied by 16 garages that are let out by the applicant.

The site is located between Read Avenue, Prospect Road and Shelley Close. The access to the site is located off Read Avenue but there is also a pedestrian access onto Shelley Close to the East of the application site, which is to be retained under this application. There are no public right of ways that pass through the application site.

There are also a number of existing accesses through the site to private driveways /garages. The existing accesses to the site lie behind 16, 18 and 20 Read Avenue and one behind 8 Shelley Close. All of the existing accesses are to be retained under this application.

The site falls within the defined Stafford Settlement Boundary in The Plan for Stafford Borough and is within 8km of the Cannock Chase SAC.

The proposal:

The proposal is for the demolition of all 16 garages and for the addition of two 4 bedroomed bungalows and 13 onsite parking spaces.

Officer Assessment – Key Considerations

1. Principle of Development

Spatial Principles 3 and 4 of the Plan for Stafford Borough detail that the majority of future development shall be delivered through the Sustainable Settlement Hierarchy based on Stafford, Stone and the 11 Key Service Villages identified within SP3, and that 70% of new housing development should be provided within the Stafford Settlement Boundary.

Spatial Principle 7 details that support shall be given the location of new development where it is consistent with Spatial Principals 3 and 4.

The application site lies within the Stafford Settlement Boundary and as such the principle of development is considered to be acceptable subject to other material considerations being satisfied.

Polices and Guidance:-

National Planning Policy Framework (NPPF) - Paragraphs 8 and 11

The Plan for Stafford Borough (TPSB) 2011-2031 - Policies SP3 Sustainable Settlement Hierarchy, SP4 Stafford Borough Housing Growth Distribution, SP7 Supporting the Location of New Development

2. Character and Appearance

The application site is viewed within the context of the rear of a number of dwellings along Read Avenue, Shelley Close and Prospect Road. The application site is mostly hidden from view from public vantage points as it would form backland infill development.

The area is characterised by modest two storey semi-detached and terraced properties with long narrow gardens to the rear. There is no prevailing architectural style with the area.

The proposed dwellings would comprise two detached bungalows with spacious gardens to the rear. Although the dwellings would be larger in footprint than the surrounding dwellings this is a result of being single storey bungalows. As such the dwellings would have a larger footprint but the massing would be compensated for by only comprising a single storey in an area of two storey dwellings.

The dwellings would comprise red facing brickwork and concrete tiles. The materials palette would complement the surrounding area and as such would not appear incongruous within the locality. As no specific materials have been submitted a condition

would be added to the consent to secure appropriate materials should permission be granted.

Policies and Guidance:-

National Design Guide (NDG)

National Planning Policy Framework (NPPF) - Section 12. Achieving well-designed places

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

Supplementary Planning Document (SPD) - Design

3. Amenity

The neighbouring dwelling of 8 Shelley Close has a side facing first floor window which would look onto the proposed road and parking spaces to the front of plot 2. This window serves a hallway and as such there would be no breaches of the Council's amenity guidelines contained in the SPD to this window as it does not serve a principal room.

There are no breaches of the Council's amenity guidance to any of the proposed windows on the two new dwellings or to any of the surrounding neighbouring properties.

The private amenity space provided for each dwelling exceeds 200sqm. The councils supplementary planning document for design details that a minimum of 65sqm is required for dwellings with 3 or more bedrooms. As such it is considered that sufficient private amenity space has been provided for under this application.

As such it is considered that the proposal is acceptable in relation to amenity.

Policies and Guidance:-

National Design Guide (NDG)

National Planning Policy Framework (NPPF) - Paragraph 130

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

Supplementary Planning Document (SPD) - Design

4. Parking and Access

The existing 16 garages on site are proposed to be demolished. 8 of the existing garages are currently occupied and 8 are empty. The applicant owns 4 other garage sites within the surrounding area where the occupants of these garages could be relocated to. The existing garages internally measure 2.4 (W) x 5.1 (L).

The application is for two new four bedroomed dwellings. Policy T2 of the Plan for Stafford Borough requires parking facilities to be provided for in accordance with the parking standards set out within Appendix B of the plan. A four bedroomed dwelling requires a minimum of 3 onsite parking spaces to be provided for. 3 spaces have been provided directly outside of each of the proposed dwellings. As such it is considered that the development complies with Policy T2 of the Plan for Stafford Borough.

In addition to the 6 parking spaces provided for the proposed dwellings the applicant has proposed 7 additional parking spaces to be provided for within the boundary of the application site. This would compensate for the loss of the 16 existing garages. Although there would be a net loss of 3 parking spaces within the application site, the existing

garages are no longer fit for purpose as they do not comply with modern car parking standards for garages.

There would be no changes to the existing access.

The local highway authority raises no objection to the proposed development subject to the proposed parking being carried out in complete accordance with the submitted site plan and a construction management plan for the demolition and construction of the two new dwellings. These conditions are reasonable for the scale of the development and would be added to any consent should permission be granted.

It is considered that, although there would be a net loss of 3 spaces across the application site, as 8 of the existing garages are not currently occupied and the garages are no longer fit for purpose that the loss of these 3 spaces would not warrant a refusal of this application.

Policies and Guidance:-

National Design Guide (NDG)

National Planning Policy Framework (NPPF) - Section 9. Promoting sustainable transport
The Plan for Stafford Borough (TPSB) 2011-2031 - Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B - Car Parking Standards

5. Environmental Health

The application site has an existing use as a garage site. As such the Environmental Health Officer has requested a condition detailing that a land contamination condition is added to the consent should permission be granted to secure the remediation works set out within Phase 1 Geo-Environmental Assessment.

The Environmental Health Officer has also suggested a range of conditions relating to construction works including hours of working, parking of delivery vehicles, prevention of burning on the site, control of demolition and removal of material, damping down to prevent excessive dust, road sweeping and measures to control construction noise. It is considered that such conditions are proportionate to the scale of development proposed, and apart from a condition on burning which can more appropriately be dealt with by other legislation, the proposed conditions shall be added to the consent should permission be granted.

An appropriate location for the storage of bins on site has been provided for therefore this proposed Environmental Health condition is not required.

6. Cannock Chase SAC

Policies N1 and N6 of TPSB state that development which had a direct or indirect adverse impact upon the integrity of the Cannock Chase SAC, and the effects cannot be mitigated, will not be supported.

Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case,

due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's AA, which concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC and therefore they have offered no objections to the proposal.

On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

7. Conclusion and planning balance

The proposed development complies with policies SP3, SP4 and SP7 of The Plan for Stafford Borough. The development would not be out of keeping with the character of the surrounding area and would not result in undue harm to the residential amenity of any adjacent neighbouring dwellings.

The proposal complies with policy T2 of the Plan for Stafford borough as adequate parking facilities have been provided for the proposed development and to replace those lost in the demolition of the garages.

The proposed development will not impact upon the Cannock Chase SAC.

Whilst the development proposed is clearly a form of backland development, it involves the reuse of an underused urban site, which already provides vehicular access to the rear of several existing houses and a pedestrian and cycle route between Read Avenue and Shelley Close, both of which will be maintained. In addition the form of development provides an acceptable layout which does not give rise to any amenity concerns.

Considering the above it is recommended that permission is granted for the proposed development subject to conditions.

Consultations

Highway Authority:

Recommendations:

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

1. The development hereby permitted shall not be brought into use until the layout and parking areas have been provided in accordance with Drawing No. 1729/09/PL/07 Revision A (Proposed Site Layout) and shall thereafter remain for the lifetime of the development.
2. Prior to commencement of the development, construction management details containing, site compound with associated temporary buildings ,the parking of vehicles of site operatives and visitors, times of deliveries including details of

loading and unloading of plant and materials, storage of plant and materials used in constructing the development, duration of works, wheel wash facilities and any hoarding to be provided during the demolition of the garages for the safety of any local residents. The details within this document shall be adhered to throughout the construction period.

Land Contamination:

The site has had former uses which may be contaminating, I note the associated Phase 1 land report and plans recommends further action to be undertaken. This should be conditioned.

Environmental Health:

1. All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
2. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.
3. There should be no burning on site during development
4. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
5. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
6. Foul drainage shall be to the main public sewer, unless it can be shown to the satisfaction of the Local Planning Authority that connection to a public sewer is not feasible, taking into account cost and/or practicability. If the connection to the main public sewer is not feasible, foul drainage shall be to a filtered package sewage treatment plant, unless otherwise agreed in writing by the Local Planning Authority.
7. Adequate provision shall be made for the collection of domestic waste and access for waste collection vehicles.

Natural England:

No objection

Neighbours (32 consulted):

5 responses received, material planning considerations summarised below;

- Concerns raised over access to rear of existing properties
- Loss of light
- Noise and dust control over the construction period
- Access to a private driveway
- Boundary treatments
- Drainage
- Street lighting
- Health and safety concerns

Site Notice:

Expiry date: 05.10.2021

Relevant Planning History

None.

Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-
Drawing Numbers - 1729/09/PL/07 Rev. C, 1729/09/PL/08
3. The development hereby permitted shall not be brought into use until the layout and parking areas have been provided in accordance with Drawing No. 1729/09/PL/07 Revision C (Proposed Site Layout) and shall thereafter remain for the lifetime of the development.
4. Prior to commencement of the development, construction management details containing, full details of the method of demolition, site compound with associated temporary buildings, the parking of vehicles of site operatives and visitors, times of deliveries including details of loading and unloading of plant and materials, storage of plant and materials used in constructing the development, duration of works, wheel wash facilities and any hoarding to be provided during the demolition of the garages for the safety of any local residents. The details within this document shall be adhered to throughout the construction period.
5. All works, including, deliveries, demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
6. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
7. Foul drainage shall be to the main public sewer, unless it can be shown to the satisfaction of the Local Planning Authority that connection to a public sewer is not feasible, taking into account cost and/or practicability. If the connection to the main public sewer is not feasible, foul drainage shall be to a filtered package sewage treatment plant, unless otherwise agreed in writing by the Local Planning Authority.
8. Recommendation 6.5.3 of the submitted Phase 1 Geo-Environmental Assessment shall be implemented in full, and within 1 month of the completion of the chemical testing, and prior to the occupation of any part of the development, a validation report shall be submitted to and approved in writing by the Local Planning Authority.
9. Notwithstanding any description/details of external materials in the application documents and prior to any above ground works, precise details or samples of the materials to be used in the construction of the external wall(s) and) roof(s) of the

building(s) shall be submitted to and approved in writing by the Local Planning Authority.

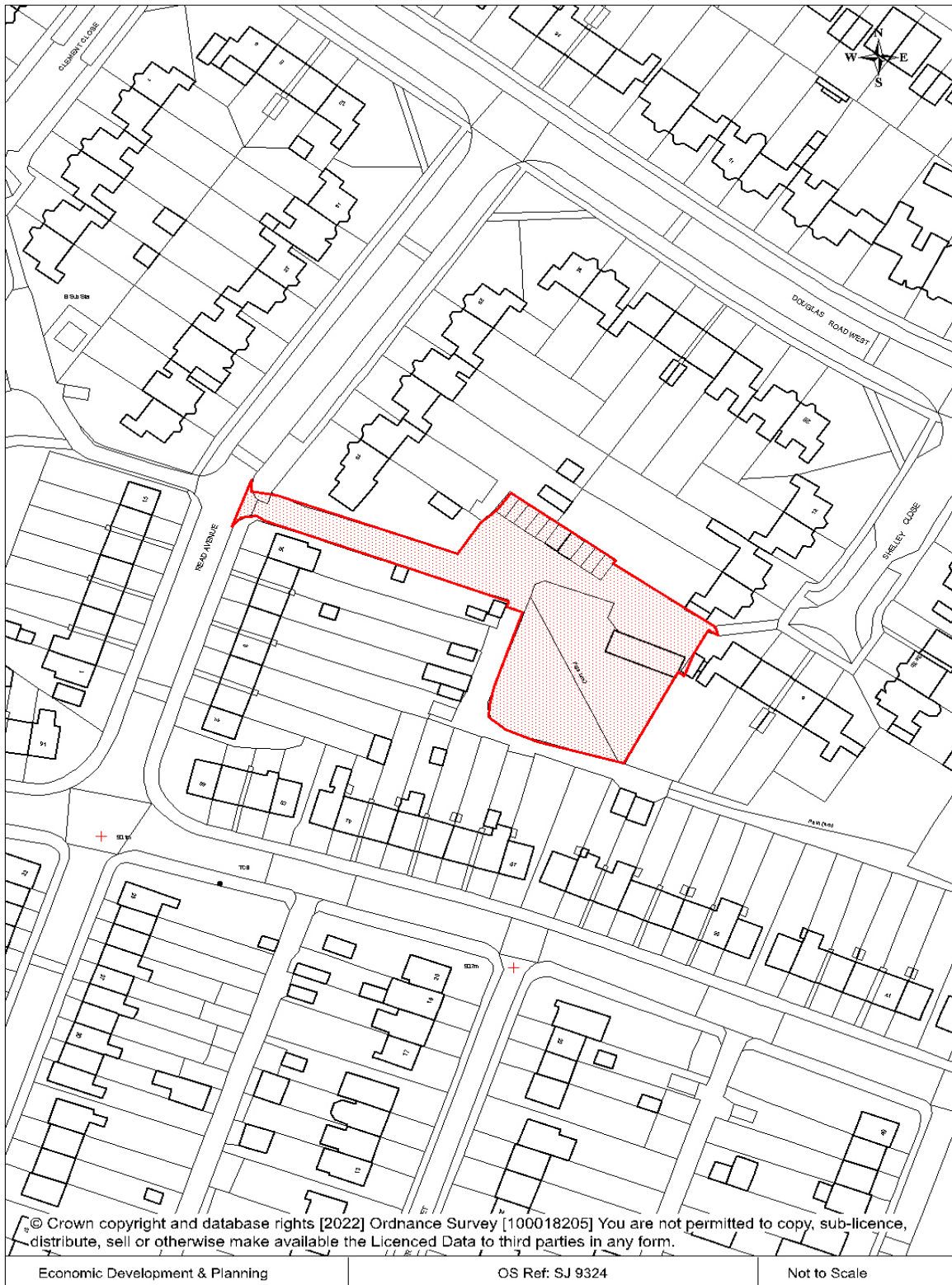
The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
4. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
5. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
6. To safeguard occupiers of nearby residential properties from nuisance caused by dust (Policy N1e of The Plan for Stafford Borough).
7. To secure suitable foul water drainage from the site (Policy N2 of The Plan for Stafford Borough).
8. To secure appropriate testing for land contamination.
9. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

INFORMATIVE(S)

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

21/34442/FUL
Land At Former Garage Site Read Avenue
Stafford



Ward Interest - Nil

Planning Appeals*Report of Head of Development***Purpose of Report**

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

Notified Appeals

Application reference	Location	Proposal
21/34182/HOU Delegated Refusal	15 Balaams Lane Moss Gate Stone	Erection of wooden bike store on current hardstanding driveway to the front
20/32128/FUL Committee Refusal	Rowley House Nursing Home 26 Rowley Avenue Stafford	Extension over existing wing

Decided Appeals

Application Reference	Location	Proposal
20/33273/HOU Appeal Dismissed	Bracken Barn Long Lane Haughton	Replacement of windows and doors with UPVC

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302

Appeal Decision

Site visit made on 7 December 2021 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/Y3425/D/21/3278715

Bracken Barn, Long Lane, Stafford ST18 9PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Lesley Jane Brain against the decision of Stafford Borough Council.
 - The application Ref 20/33273/HOU, dated 21 October 2020, was refused by notice dated 25 May 2021.
 - The development proposed is replacement of windows and doors with UPVC.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). The main parties have had opportunity to submit representations on the revised Framework and no comments were received.
4. I have used the description of development taken from the decision notice which was also used in the appeal form as this more accurately reflects the development proposed.

Main Issue

5. The effect of the proposal on the appearance of the dwelling and the area.

Reasons for the Recommendation

6. Bracken Barn and the dwelling to the rear of it are converted farm buildings similar in appearance, which appear to have formerly been part of the same farmstead. The siting of the two dwellings close to each other and their shared architectural and window details gives them a consistent and complementary appearance which positively contributes to the appearance of both dwellings and means they are still appreciated as being part of the original grouping of farm buildings.

7. The windows and doors across both barn conversions are of timber construction in a mahogany colour and are currently very similar in appearance. The proposal would replace the windows and doors in Bracken Barn with uPVC units. Whilst brochures for the type of windows proposed have been submitted, the detailed specifications of the windows have not been provided, such as cross sections, reveals and profile.
8. It is important to understand the detailed design of the uPVC windows and doors at this stage, as uPVC can have a very different appearance to timber such as wider frames. Unsuitable windows could unduly domesticate this converted agricultural building and fail to conserve the traditional agricultural form that has been retained through its conversion and which contributes significantly to its appearance. There is insufficient information before me to demonstrate that what is proposed would be consistent with the existing windows and doors in terms of dimensions, design and appearance. Therefore, the limited detail submitted with the appeal does not provide me with certainty that the proposed windows and doors would conserve this agricultural appearance.
9. The application sought permission to replace the windows and doors with windows in 'Irish Oak' colour, however samples of an 'Anteak' colour have also been provided. Both would be much lighter colours than the existing and would contrast sharply with the dark windows of the other dwelling, harming the appearance of this pair of dwellings and their contribution to the local area.
10. The appellant now states in their Grounds of Appeal that they would accept mahogany coloured windows and doors. This would potentially more closely match the existing windows and doors on both properties, however, the product brochures submitted do not include this colour option. Therefore, I cannot be certain that the appellant's proposal could be achieved with the specific types of windows and doors proposed.
11. Whilst in some circumstances these details could be secured through planning conditions, in this case such a condition would not be reasonable as it has not been demonstrated that an acceptable combination of window detailing and colour can be achieved within the product ranges proposed.
12. The appellant has identified a number of dwellings locally which have uPVC windows and doors of various colours, as well as other modern features such as solar panels. I have very few details of the circumstances that led to these being installed however, and therefore cannot be certain that they were comparable to the situation before me. Additionally, those dwellings are not necessarily part of a group where there was a clear benefit in retaining a consistent appearance as in this case. Furthermore, each scheme must be assessed on its own merits and having regard to the particular circumstances of the case. Therefore, the potential that the Council has granted planning permission for uPVC windows and doors elsewhere would not justify this proposal.
13. While the occupants of the other barn conversion may also wish to change their windows, there is no evidence before me that planning permission has been sought for this or which windows would be used. Therefore, I cannot rely on that property being altered in the same way as proposed here, so as to retain the consistent appearance of the dwellings.

14. Therefore, the proposed replacement windows and doors would harm the appearance of the dwelling and the area. Consequently, the proposal would be contrary to Policies E2 (e) and N1(h) of The Plan for Stafford Borough 2011-2031 (adopted 2014) which expects development in rural areas to be of a high-quality design that have regard to local context.

Other Matters

15. The appellant suggests that the proposed UPVC windows are designed to last longer than typical timber windows and would provide better insulation, reducing fuel use as well as providing better security. This would be a limited environmental benefit which is supported by local policies seeking to incorporate energy conservation techniques. Nevertheless, it has not been demonstrated that the same benefits cannot be achieved with other windows.

Conclusion and Recommendation

16. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above, the proposal would not accord with the development plan as a whole and, having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR