

Dear Members

### **Planning Committee**

A meeting of the Planning Committee will be held on **Wednesday, 2 March 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 - 2 MARCH 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.

	<b>Page Nos</b>
<b>5 Planning Applications</b>	<b>3 - 52</b>
<b>6 Planning Appeals</b>	<b>53 - 53</b>
<b>7 Enforcement Matters</b>	<b>54 - 63</b>

### **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

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 PLANNING COMMITTEE – 2 MARCH 2022
 

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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
<b>21/34168/FUL</b>	<b>Land on the Site of the Old Cottage Almshouse Croft, Bradley</b>	<b>5 - 18</b>
	The application was called in by Councillor R M Sutherland	
	Officer Contact – Richard Wood, Development Lead, Telephone 01785 619324	
<b>21/34338/FUL</b>	<b>Dans Motorcycle Showroom, The Fillybrooks Stone</b>	<b>19 - 37</b>
	The application was called in by Councillor J Hood	
	Officer Contact – Richard Wood, Development Lead, Telephone 01785 619324	
<b>21/34339/ADV</b>	<b>Dans Motorcycle Showroom, The Fillybrooks Stone</b>	<b>38 - 43</b>
	The application was called in by Councillor J Hood	
	Officer Contact – Richard Wood, Development Lead, Telephone 01785 619324	
<b>21/34722/HOU</b>	<b>Willowdene, Rectory Lane, Haughton Stone</b>	<b>44 - 52</b>
	The application was called in by Councillor	

R M Sutherland

Officer Contact – Sian Wright, Interim Development Lead,  
Telephone 01785 619528

### **Previous Consideration**

Nil

### **Background Papers**

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

<b>Application:</b>	21/34168/FUL
<b>Case Officer:</b>	Jessica Allsopp
<b>Date Registered:</b>	13 April 2021
<b>Target Decision Date:</b>	8 June 2021
<b>Extended To:</b>	n/a
<b>Address:</b>	Land on the site of The Old Cottage, Almshouse Croft, Bradley, Stafford
<b>Ward:</b>	Seighford and Church Eaton
<b>Parish:</b>	Bradley
<b>Proposal:</b>	Proposed detached dwelling and access following planning permission 18/29029/FUL
<b>Applicant:</b>	Mr R Tonks
<b>Recommendation:</b>	Refuse

This application has been called in by Councillor R Sutherland (Ward Member for Seighford and Church Eaton) for the following reason:-

*“To allow the members of the committee to discuss what seems to be the excessive ridge height of the dwelling and to review if a balcony is appropriate in this Conservation Area”*

## Context

The site:

The application site comprises a parcel of land measuring approximately 507 square metres within the settlement of Bradley and the Bradley Conservation Area. The site holds a prominent corner plot location at the junction of Chapel Lane and Barton Lane and forms the western part of the former residential curtilage to The Old Cottage which is a grade II listed building to the south east.

To the west of the site lies open countryside with residential properties to the north and south. The grade II listed Red Lion Public House lies to the east on the opposite side of Almshouse Croft.

Whilst ground levels fall from Almshouse Croft to the east to Chapel Lane to the west the application site has been levelled with the east and southern boundaries now forming steep embankments

### Background:

The application site has an extensive planning history dating back to 2005 when an application for two detached dwellings on a larger site was refused under 05/04777/FUL.

Subsequent applications then included planning permission for a single dwelling on this site under 09/11559/FUL. The application was approved in the context of the previous local plan (Stafford Borough Local Plan 2001) where Bradley had a defined residential settlement boundary and within which the principle of residential development was accepted. The scheme approved under 09/11559/FUL was a modest two storey, two bedroom cottage style dwelling that was considered to be in keeping with the surrounding area.

In 2014, a larger dwelling was refused under 14/21346/FUL on the basis of the site not being within the Sustainable Settlement Hierarchy and a local need for a dwelling in this location not been demonstrated under policies of the current local plan.

However, in allowing the subsequent appeal the Inspector considered a fallback position in that a Certificate of Lawful Proposed Development had been granted on 8 December 2015 by the Council in respect of a material commencement being made to permission 09/11559/FUL. The material commencement related to the access and excavation works being carried out before the expiry of 09/11559/FUL on 13 May 2012 and all pre-commencement conditions being discharged under 12/17135/DCON

In 2018 a further application was approved on the same site as permission 09/11559/FUL under application reference 18/29029/FUL. The application was for a dwelling that resulted in a 94% increase in floor area over the original 2009 permission.

In 2019 a discharge of conditions application was submitted in relation to permission 18/29029/FUL under 19/30214/DCON to discharge pre-commencement conditions 3 and 4 as stated below:

#### *“Condition 3*

*Notwithstanding any description/details of external materials in the application documents, no development shall be commenced until precise details or samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building(s) have been submitted to and approved in writing by the Local Planning Authority.*

#### *Condition 4*

*No development shall take place until details and specification of the following have been submitted to and approved in writing by the local planning authority:*

- i. Surface material of the driveway.*
- ii. Sill and lintel treatment to the door and window openings.*
- iii. Gates, walls, fences and means of enclosure.*
- iv. Full specification for the joinery, including sections and elevations and recess within openings (elevations at 1:20 or 1:10 and sections at 1:1 or 1:2) and including details of finished paint colour.*

*v. Full specification of rainwater goods to include half round gutters on rise and fall brackets without the use of fascia boards. Rainwater goods to be coloured black.*

*The development shall be carried out in accordance with the approved details and shall be retained thereafter.”*

Discharge of condition application 19/30214/DCON was however refused due to insufficient information being submitted in relation to conditions 3 and 4. Furthermore, no application was received to discharge condition 6 in relation to landscaping.

Whilst the applicant contends that planning permission 18/29029/FUL is extant this is contested on the basis of conditions 3 and 4 not being discharged and taking into consideration the case of *Meisels and Anor High Court* which determined that pre-commencement conditions that fundamentally control the final appearance of a building and its relationship to its surroundings should be considered as going to the heart of the planning permission.

It is therefore considered that planning permission 18/29029/FUL has lapsed and consequently the only extant permission for residential development on this site relates to that granted in 2009.

In view of the above, the current application therefore needs to be considered as an amended scheme to that approved in 2009 which remains extant and to no other subsequent approvals.

The proposal:

This proposal is for a single dwelling that is sited within the same application site as 09/11559/FUL. The dwelling would be a large two storey, 4 bedrooomed property with an integral garage. The overall scale and design of the dwelling would be significantly different from the extant permission. The dwelling would have a two storey central element with one and a half storey projections to either side of varying heights and an integral garage.

Access into the site would be from Chapel Lane with the east and southern boundaries having gabion retaining features to the embankments.

Planning policy framework

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

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

## Officer Assessment – Key Considerations

### 1. Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development which means that development proposals which accord with an up-to-date development plan should be approved without delay.

Paragraph 12 of the NPPF further states that development which conflicts with the provisions of an up-to-date development plan should be refused unless other material considerations indicate otherwise.

The application site is located within the settlement of Bradley. Bradley is not however listed as a settlement in the Sustainable Settlement Hierarchy under Spatial Principle (SP) 3 of The Plan for Stafford Borough (TPSB) with the defined settlement boundaries set out under Policy SB1 and as shown on the associated Inset maps. In policy terms the site is therefore located within the countryside.

In turn, Policy E2 of TPSB provides support for sustainable rural development where, amongst other things, residential development accords with Policy C5.

Policy C5 (A) provides for residential development outside of the sustainable settlement hierarchy where it meets the following criteria:

- It is demonstrated that provision cannot be accommodated within the settlement hierarchy.
- A Parish based local housing needs assessment, and an appraisal of the scheme, shall accompany any planning application, proving that it will meet the defined needs; and
- The development is of a high-quality design that reflects the setting, form and character of the locality and the surrounding landscape.

However, no evidence has been submitted to demonstrate that the proposal cannot be accommodated within the settlement hierarchy, or that the dwelling is required in order to meet a specific local need identified through a Parish based housing needs assessment.

On this basis the proposal is clearly contrary to Policy C5 (A) and in policy terms for new houses in the countryside is unacceptable in principle. However, consideration needs to be given to extant planning permission 09/11559/FUL. Because there is a planning permission for a dwelling on the site which is capable of being implemented there is a fallback position, and an application to replace the extant permission with a different dwelling could be acceptable.

Whilst the dwelling approved under 09/11559/FUL has not been built, policy C5A is considered to be relevant to the circumstances of this application in providing parameters of development which could be acceptable over and above that which already has approval.

Therefore, taking the dwelling approved under 09/11559/FUL as the starting point, policy C5 allows for extensions to dwelling in the countryside where these do not result in additions of more than 70% to the dwelling as originally built (in this case approved under 09/11559/FUL), unless at provision (Cii), the design and appearance of the proposed



extension is proportionate to the type and character of the existing dwelling and the surrounding area.

When comparing the dwelling approved under 09/11559/FUL the current proposal results in a 141% increase in floor area. Furthermore, for the reasons set out in Section 2 of this report the design and appearance of the proposal is not considered to be proportionate to the type and character of the dwelling approved under 09/11559/FUL, or the surrounding area whereby the principle of development is not considered to be acceptable.

It is not relevant to take into consideration the scale of the dwelling approved under 18/29029/FUL as that permission has now lapsed and cannot be implemented and therefore does not set a precedent.

Polices and Guidance:-

National Planning Policy Framework (NPPF) - Paragraphs 11 and 12

The Plan for Stafford Borough 2011-2031 - Spatial Principle 1 (Presumption in Favour of Sustainable Development, Spatial Principle 3 (Sustainable Settlement Hierarchy), Spatial Principle 4 (Stafford Borough Housing Growth and Distribution), Spatial Principle 7 (Supporting the Location of New Development), E2 Sustainable Rural Development, C5 Residential Proposals outside the Settlement Hierarchy.

The Plan for Stafford Borough Part 2 - SB1 (Settlement Boundaries)

## **2. Character, Appearance and Impact Upon Heritage Assets**

Notwithstanding the provisions of policy C5A design criteria are also set out in policy N1 of TPSB, which includes the requirement for design and layout to take account of residential amenity and local context, and have high design standards. Policy N8 also states that new development should respect the character of the settlement and landscape setting through design, layout and materials.

Given the setting of the site within the Bradley Conservation Area and being adjacent to the grade II listed Old Cottage policy N9 of TPSB requires development which affects the significance of a heritage asset to sustain the significance and setting of a heritage asset.

Policy N9 further requires that all potential loss of, or harm to the significance of a heritage asset, including its setting, will require clear justification, taking account of amongst other things at provision ii, the scale form and massing of buildings and structures.

When considering proposals which affect the character of a Conservation Area and the setting of a Listed Building regard also needs to be made to Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990, which require the Local Planning Authority to have special regard to the desirability of preserving listed buildings and their settings and preserving and enhancing conservation areas.

The application site forms a parcel of land on the corner of Chapel Lane and Barton Lane on a prominent plot in the centre of Bradley. The site has been excavated under the extant permission and is currently a construction site of mainly excavated soil.

The application site is viewed within the context of the Barton Lane and Chapel Lane streetscene. Dwellings within the immediate surrounding area are generally of a traditional

style with the area being characterised by dense natural boundary treatments and a large expanse of open fields to the west.

The proposed dwelling would be sited towards the south east corner of the plot with landscaping predominantly to the northwest and south east, and a car parking area in front of the dwelling with Chapel Lane.

The dwelling now proposed is significantly different in relation to its scale, massing and design to that approved under the extant permission. The table below provides a comparison of the two schemes.

	Footprint	Total Floor Area	Ridge Height	Length	Depth
09/11559/FUL	62.68sqm	112.12sqm	7.2m	9.9m	7.9m
21/34168/FUL	140.17sqm	270.49sqm	8.5m	17.8m	8.7m (Excluding balcony)

The dwelling approved under 09/11559/FUL is a modest two storey building with a single storey rear element and front porch. The dwelling is of a relatively simple cottage style design and is located in the north west portion of the site.

In contrast, the dwelling now proposed has a two storey central element with one and a half storey projections to either side of varying heights. The scale and massing of the dwelling is consequently significantly greater as well as its overall footprint within the plot. The footprint results in a 123% increase from the extant permission and the total floor area results in a 141% increase. The length of the dwelling would also be increased by 80% and its depth by 10%.

The design and particularly the large expanses of glazing and first floor front balcony with glass balustrade also give the dwelling a modern appearance to surrounding properties. Further to this, the Conservation Officer considers that the bulk and massing of the dwelling makes it appear too large for the plot and out of keeping with the scale of cottage style dwellings in the area.

The Conservation Officer also considers that the additions to the dwelling proposed under this application results in an unacceptable level of bulk and massing to the dwelling making it appear too large for the plot and out of keeping with the character of the surrounding conservation area and the setting of the adjacent grade II listed building.

Overall, the Conservation Officer considers that the dwelling would harm the setting of the Bradley Conservation Area and the adjacent grade II listed cottage due to its excessive massing and inappropriate design which, given the prominent location of the site, would appear as a domineering feature.

Policies and Guidance:-

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

Section 16 – Conserving and enhancing the historic environment  
 The Plan for Stafford Borough (TPSB) 2011-2031 – N1 (Design), N8 (Landscape Character), N9 (Historic Environment)  
 Supplementary Planning Document (SPD) – Design

### **3. Amenity**

Policy N1 of TPSB requires the design and layout of new development to take account of the amenity of adjacent residential areas whilst the Design SPD provides further guidance on separation distances.

Whilst Guideline 6 in the Design SPD is not strictly relevant to this application as it deals with extensions and alterations to dwellings it still provides a benchmark in suggesting a separation distance of 12m between a principal window when it faces the blank wall of a two-storey elevation.

The application site lies adjacent to The Old Cottage which has a number of principal windows that would directly face the southern blank gabled elevation of the dwelling at a distance of 21m. As such, the Council's amenity guidelines are far exceeded in this instance.

The neighbouring dwelling at New House has a forward-facing principal window that serves a bedroom and which directly faces the northern side elevation of the dwelling which has a first floor 0.9m wide secondary kitchen window at a distance of 17m. On the basis of the kitchen window not being defined as a principal window no technical breaches of the Council's amenity guidelines result.

Guideline 3 in the Design SPD suggests a private amenity area of 65 square metres is provided for dwellings with three bedrooms or more bedrooms. The proposed dwelling would have four bedrooms with a useable garden area of approximately 190sqm which far exceeds the guidance.

The Environmental Health Officer has suggested a range of conditions relating to construction works. Whilst conditions relating to construction hours of operation including associated deliveries, no burning on the site, damping down facilities to prevent excessive dust and any equipment which must be left running outside the allowed working hours being inaudible at the boundary of occupied residential dwellings are considered appropriate the provision of foul and surface water is better controlled under separate legislation.

Policies and Guidance:-

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

#### **4. Parking and Access**

The proposal dwelling would have four bedrooms for which local plan car parking standards require the provision of three spaces. It is clear from the layout plan that at least two car parking spaces can be provided on the driveway and one in the integral garage.

The Highway Authority raise no objection to the parking and access arrangement subject to conditions which include the relocation of the surface water interceptor off highway land

Policies and Guidance:-

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

#### **5. Cannock Chase Special Area of Conservation (SAC)**

Policy N6 of TPSB states that development which have 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 stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's Appropriate Assessment, 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 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.

#### **6. Conclusion and planning balance**

Whilst the site benefits from an extant permission for a single dwelling from 2009 there has since been a change in planning policy both nationally and locally with the introduction of the NPPF and the adoption of TPSB.

Therefore, in relation to the dwelling approved in 2009 the current proposal is considered to be of an excessive scale and to have an inappropriate modern design when considered against the parameters of how the dwelling approved under the extant permission could be built and extended under current development plan policies.

Consequently, the proposal is considered to harm the visual amenities of the locality given its prominent location at the junction of Chapel Lane and Barton Lane and would therefore

appear as an over dominant feature in relation to the size of the plot and as an incongruous feature given its inappropriate modern design which would also harm the setting of the Bradley Conservation Area and the adjacent grade II listed Old Cottage. Furthermore, the less than substantial harm caused to the significance of the heritage assets is not considered to be outweighed by public benefits.

## Consultations

### Highway Authority:

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

A site visit was carried out on 22/04/2021.

### Personal Injury Collisions:

Current records show that there were not any Personal Injury Collisions on Chapel Lane or Barton Lane within 50 metres either side of the property accesses for the previous five years.

### Background:

Chapel Lane (Road No. D4584) is an unclassified road with a speed limit of 20mph. There is a grass verge on either side of the carriageway. Barton Lane (Road No. D4584) is an unclassified road with a speed limit of 20mph with a of grass verge either side.

It is noted that there has been a previous application for this site under reference 18/29029/FUL which was accepted by Highways.

### Description of Proposal:

The proposal is for the erection of a 4-bed detached dwelling.

### Comments on Information submitted:

I note in the Design and Access statement this application wants to alter slightly the granted planning permission on application 18/29029/FUL to amend the approved carport to a garage and extend a bedroom on the first floor. It is noted the number of bedrooms and car parking spaces will not alter. According to Stafford Borough Parking Standards the property requires x3 car parking spaces for a 4- bed dwelling. I have measured the car parking area on Drawing No 1875/1/1 (Site plan) and there is ample space to park x3 vehicles. I have also measured the garage on Drawing No 1875/1/1 (Ground floor plan) which exceeds the required standards. I note on Drawing No 1875/1/1 (Site plan) the visibility splays were accepted under the previous application 18/29029/FUL and I would again require the visibility splays to be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

I note there is an existing gated site access off Barton Lane. This will be required to be made redundant as a consequence of the development hereby permitted and the access crossing reinstated as verge/hedge.

Finally, Drawing No. 2112/6 (Site Plan) indicates that the driveway will now be of gravel rather than the bound driveway as shown within the 2018 application. Also, this latest application is proposing a drainage interceptor across the vehicular access. The

proposed location of the drainage interceptor is within adopted highway which is not acceptable. The applicant should be aware that the Highway Authority will not allow any water collected from the private drive within the interceptor to connection into a highway drain. Also, given that the proposed driveway surfacing is to be of gravel, I will require a gravel retaining strip to also be provided in order to prevent loose material being carried onto the public highway.

#### Recommendations:

There are no objections on Highway grounds to the proposed development subject to the conditions relating to the relocation of the surface water drainage interceptor, surfacing of the access, closing up of the existing access off Barton Lane, provision of visibility splays and parking and turning areas.

#### Conservation Officer:

The application site is within the curtilage of the grade II listed Old Cottage, Bradley; an attractive timber framed building of 17th century origins, retaining a thatched roof. The site is located at the centre of the Bradley Conservation Area, opposite the grade II listed Red Lion public house and grade I listed St Mary and All Saints Church.

Planning permission was originally granted in 2007 for a single dwellinghouse on this site, since then several reiterations of that scheme have been submitted in 2014 and 2018 with the current proposal being the latest rendition.

The current application seeks an increase in the overall height of the dwelling by approximately 1m in addition, the previously approved timber framed carport has been substituted for a two-storey element with an integrated garage at ground floor and a bedroom at first floor. The proposal also includes a new projecting balcony to the first floor of the front elevation and several alterations to the fenestration.

The footprint of the dwelling as approved was already substantial, especially when considering the size of the plot and the focal location in the Bradley Conservation Area. However, elevationally the massing was broken up by different ridge heights and the single storey carport. The replacement of the carport with a two-storey addition increases the bulk and massing of the dwelling to an unacceptable degree, making it appear too large for the plot on which it is situated and out of keeping with the scale of the cottage style dwellings in the area. In addition, no clear and convincing justification has been provided for the increase in the overall height of the dwelling by an additional 1m – the one and half storey form originally approved is gradually being lost with each new application for amendments.

The proposed balcony to the front elevation is also out of keeping with the character of the conservation area and nearby residential properties. It would project by 1.8m and have a glass balustrade and would be prominently visible in views from Barton Lane and Chapel Lane. The balcony should be omitted from the proposals or substituted for a Juliet balcony design without a projection.

It is noted that many of the previously approved windows have been increased in size, as has the feature glazed gable to the front elevation. There is also the addition of a feature glazed full height window to the east facing side elevation. The modest cottage style character of the original development is lost in these latest amendments with the

architectural detailing as a whole 'scaled up'; for this reason, the proposed alterations to the fenestration are also unacceptable from a conservation perspective.

The addition, of two roof lights to the east facing roof slope is acceptable in principle subject to these being spaced out more evenly across the roof as they appear cramped and awkward in their current configuration. All rooflights should be of a flush conservation type (this can be adequately secured by condition should consent be granted).

In summary, the proposed development by virtue of its excessive massing and inappropriate design would appear as a domineering feature in this highly prominent location within the Bradley Conservation Area. Subsequently the proposed dwelling is contrary to policies N1, N8 and N9 of the Plan for Stafford Borough and is considered to cause less than substantial harm to the setting of the grade II listed cottage and the Bradley Conservation Area under paragraphs 194 and 196 of the National Planning Policy Framework 2019. Furthermore, the proposal fails to satisfy the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places emphasis on preserving and enhancing the character and appearance of conservation areas.

There is a strong conservation objection to the proposed development and the application should be refused.

Note to case officer: In determining the level of harm to the heritage assets it should be noted that 'substantial harm' is a very high test and is often reserved for where significance has been diminished to such a degree that it is almost lost. Less than substantial harm can range from negligible harm to serious harm.

Whilst I have identified that 'less than substantial harm' will be caused by the proposed development I do consider this to be at the higher scale of 'less than substantial harm' in the realms of what could be described as serious harm.

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

No objection subject to conditions relating to construction hours of operation including associated deliveries, no burning on the site, provision of foul and surface water drainage, damping down facilities to prevent excessive dust and any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings

#### **Parish Council:**

The Old Cottage site in Bradley is a rare development opportunity in the centre of the village. It forms part of a conservation area and as such the Parish Council would have expected the application to contain much more detail to demonstrate how the proposal complies with the high standards of design expected of a site so important to our village. As you know this application has been debated for many years in its many different forms. This further amendment is yet another proposal to add to the list.

There seems little analysis to demonstrate the impact upon the many adjoining premises. It states that there will be no effect on the heritage of the existing area or the listed building which is a hollow statement to make without demonstrating why that is the case.

Incredibly the document makes no reference to the conservation area appraisal for the village that the site sits in. It states that the design reflects the traditional cottages within Bradley without giving examples to demonstrate that, or how the materials to be incorporated preserve the heritage of the area.

It states what the changes to the previous permitted proposal are but does not provide any analysis to demonstrate the effect of these and the impact it has upon the setting of its surrounding, in particular the adjoining cottage which will be forced to overlook the new property. The new garage and extended bedroom having a greater impact than the previous application especially with the potential of reduced light capacity within their garden. We also have concerns regarding the proximity of the new property to the boundary of the Old Cottage.

The Parish Council also has concerns regarding both the front and rear of the new property. There is an added window and a balcony overlooking houses along Barton Lane and Chapel Lane, which in our opinion is intrusive. The rear of the property will now have a much larger window which has the potential to overlook properties along Church Lane and Smithy Lane.

In conclusion the Parish Council feels that these amendments should not be considered minor, and the amended plan should not be granted for the reasons we have stated in this email.

### **Neighbours:**

(6 consulted): 7 responses received: Material planning considerations summarised below:

- Massing and height
- Privacy issues raised with the addition of a balcony on the principal elevation.
- Impact upon the conservation area
- Lack of outdoor amenity space
- Impact to the adjacent listed building's setting

Site Notice:

Expiry date: 19.05.2021

Newsletter Advert:

Expiry date: 26.05.2021

### **Relevant Planning History**

- 05/04777/FUL - Proposed development consisting of two detached dwellings, garages, access and associated works. - Refused 18.08.2005
- 07/08809/FUL - Proposed timber framed detached dwelling, demolition of existing garage and swimming pool enclosure, access and associated works. - Approved 11.01.2010
- 08/09946/FUL - Proposed detached half-timbered house, garage, access and associated works - Refused 17.12.2008
- 09/11559/FUL - Detached dwelling/garage, access and associated works - Approved 14.05.2009



- 14/21169/FUL - Proposed timber framed detached dwelling, demolition of existing garage and swimming pool enclosures and associated works to existing access - Refused 19.10.2015
- 15/22840/LDCP - The proposed use will be a residential dwelling. Completion of the construction of a detached dwelling and garage, creation of access and associated works under the planning permission 09/11559/FUL. – Certificate granted 08.12.2015
- 18/29029/FUL - Proposed detached dwelling, access and associated works - Approved 27.09.2018
- 19/30214/DCON - Discharge of conditions 3 and 4 on application 18/29029/FUL - Refused 07.04.2021

## Recommendation

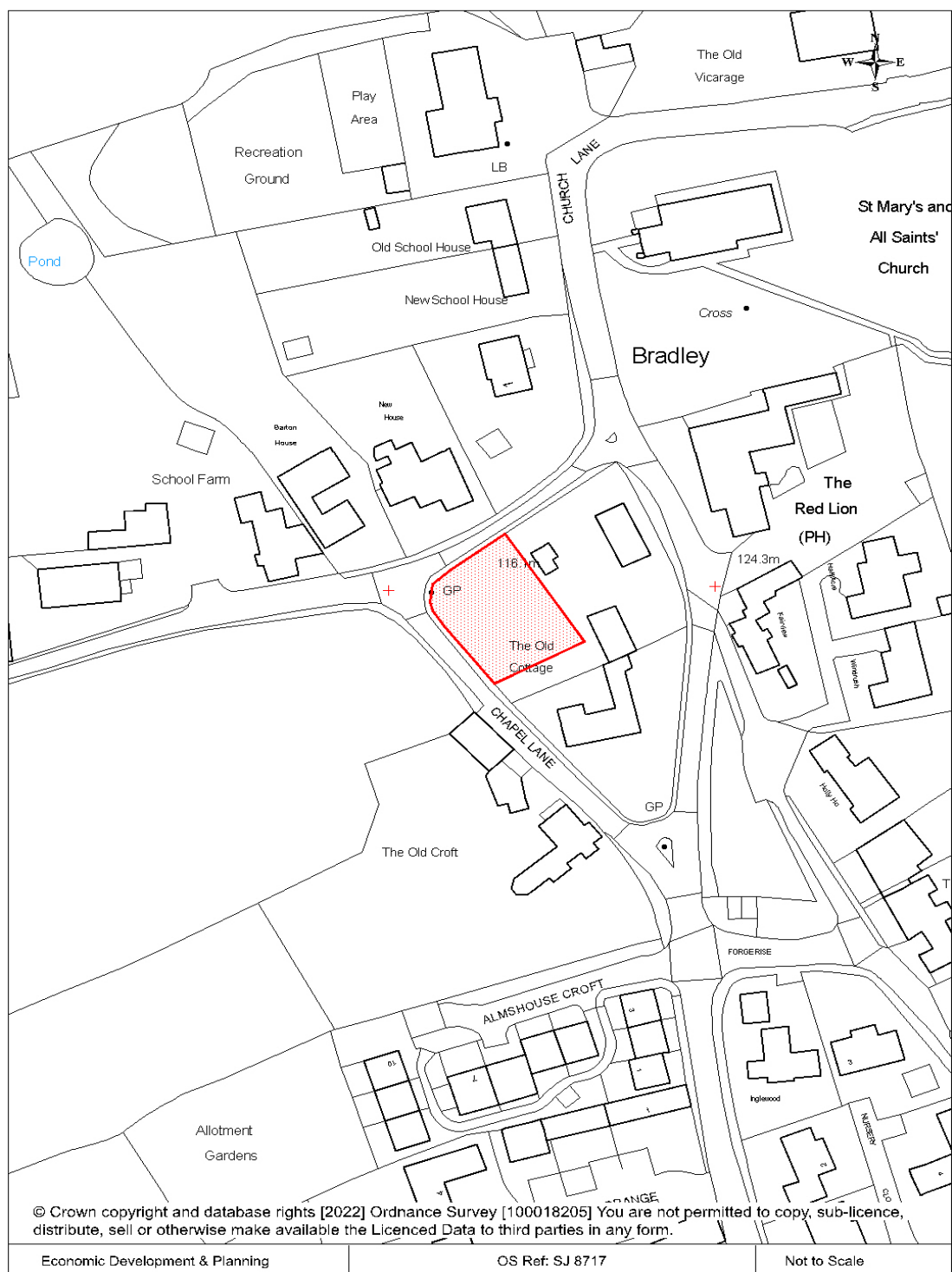
Refuse due to the following reasons:

1. The proposed development, by reason of its prominent location at the junction of Chapel Lane and Barton Lane, excessive scale and inappropriate modern design would appear over dominant in relation to the size of the plot and as an incongruous feature which would harm the visual amenities of the locality and the setting of the Bradley Conservation Area and the adjacent grade II listed Old Cottage. Furthermore, the less than substantial harm caused to the significance of the heritage assets is not considered to be outweighed by any public benefits. The proposal is therefore contrary to paragraphs 199 and 202 of the National Planning Policy Framework and policies N1, N8 and N9 of the Plan for Stafford Borough.

## INFORMATIVE(S)

- 1 In dealing with this application, Stafford Borough Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the period for determining the application, having regard to the policies of the development plan, paragraph 38 of the National Planning Policy Framework 2021 and other material planning considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development.

**Land on the site of The Old Cottage,  
Almshouse Croft,  
Bradley,  
Stafford**



<b>Application:</b>	21/34338/FUL
<b>Case Officer:</b>	Vanessa Blake
<b>Date Registered:</b>	17 August 2021
<b>Target Decision Date:</b>	12 October 2021
<b>Extended To:</b>	4 March 2022
<b>Address:</b>	Dans Motorcycle Showroom, The Fillybrooks, Stone, ST15 0PT
<b>Ward:</b>	Walton
<b>Parish:</b>	Stone Town
<b>Proposal:</b>	Alterations and refurbishment to convert existing showroom to a Starbucks Drive Through, including external layout alterations, new signage and landscaping. In conjunction with 21/34339/ADV.
<b>Applicant:</b>	Burney Estates Ltd
<b>Recommendation:</b>	Approve, subject to the applicant first entering into a Planning Obligation to secure a financial contribution towards a Travel Plan monitoring fee and conditions

This application has been called in by Councillor J Hood (Ward Member for Walton) for the following reasons:

*"I wish to call in Planning Applications 21/34338/FUL in conjunction with 21/34339/ADV on the grounds of Highways safety and the potential detrimental visual impact of design of the building on the residential amenity of those properties facing the site."*

## Context

### The site

This application relates to a property sited to the west of The Fillybrooks (A34) in Stone Town Parish. The site contains a building and large area of hardstanding and was previously used as a motorcycle/car show room. The show room closed in September 2021. Historically the site was a service station prior to the show room being built.

Immediately to the north, west and south of the site is an ancient woodland (Trent Wood), beyond which is the River Trent and open fields. The eastern side of the A34 is residential beyond which is the Whitebridge Industrial estate. To the northeast there is a service station. The site is relatively flat however land levels drop to the rear (west) of the building.

The site is located outside of the designated settlement boundary of Stone and is within the North Staffordshire Green Belt. The adjacent woodland and the site are subject to a

Tree Preservation Order (TPO) (1 NSU of 1952). The site is within a Site of Special Scientific Interest (SSSI) impact risk zone and a Coal Authority low risk area. The site is also partially in a landfill site buffer zone.

#### The proposal

This application is for the change of use of the site to a coffee shop with drive through (Sui Generis) to be occupied by Starbucks. The proposal seeks to utilise and refurbish the existing building. The rear extension would be demolished and the mezzanine floor removed. The east elevation would have a new glazed and clad façade. A rear extension to create a serving kiosk would be erected to the west elevation and would measure 1.5m by 3m, with a flat roof of 2.6m. A fenced utility yard would be created to the north elevation measuring 2.4m by 9.5m.

Parking areas would be created to the north and south of the building and a drive-through would wrap around the rear of the building. Seventeen car parking spaces would be provided, including 2 accessible spaces and 2 with electric charging points. The existing vehicle accesses would be utilised as separate entrance and exit points.

The application proposes the creation of a pedestrian footpath along the western side of the A34 between the site and the traffic lights to the south. The scheme also includes landscaping.

An application for associated adverts is currently under consideration (21/34339/ADV).

The application is supported by the following technical reports:

- Design and Access Statement,
- Sequential Test of Town Centre Sites,
- Transport Statement,
- Arboricultural Report,
- Preliminary Ecological Appraisal,
- Bat Survey Report,
- External Lighting Assessment,
- Ventilation/extraction Statement,
- Desk Study Report (contamination),
- Flood Risk Assessment and Surface Water Drainage/SUDS Strategy.

#### Planning policy framework

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

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

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

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

- 1.1 The application site is located outside of a defined settlement boundary under Spatial Principle (SP) 3 of TPSB whereby SP7 sets out four criteria for development outside

of settlement boundaries. Criteria 1 relates to Green Belt which is assessed below, however Policy E5 is not relevant to this proposal. The second criterion is not considered relevant to this proposal. Regarding criteria 3 and 4, as discussed later in this report, the development is not considered to conflict with any environmental and nature conservation policies and provides suitable mitigation/compensation.

- b. Whilst drive-through restaurants now fall under a Sui Generis use the National Planning Policy Framework (NPPF) definition of main town centre uses still includes drive-through restaurants. Drive-through restaurants, particularly drive-through coffee shops, do not fall within a definite use class as the operation includes ancillary elements of a shop, hot food takeaway and café. The hot food takeaway element is also particularly limited in this instance as the proposed occupier (Starbucks) does not undertake any onsite cooking, the hot food preparation only consists of reheating and toasting.
- c. Policy E8 states that planning permission will be granted for restaurants and cafés, drinking establishments and hot food takeaways by applying two criteria, which broadly state that the development is within a town, local or other centre and that it would not cause unacceptable disturbance to nearby residents. The impact upon residential amenity is assessed below in section 3. With regards to the locational criterion, the policy states that such uses will be supported in town, local or other centres defined within the hierarchy with adequate provision and access to public transport, walking and cycling. In this case the site is located outside the designated settlement boundary of Stone and outside of any designated centre.
- d. Policy E8 states that Impact Assessments are required for development providing greater than 500m<sup>2</sup> of town centre uses outside of the designated Stone town centre. In this case the development would provide a floorspace of approximately 200m<sup>2</sup> and as such does not require an Impact Assessment.
- e. Regard is had to the recent appeal decision for a KFC drive-through at Beaconside Business Park in Stafford (19/31094/FUL). This scheme also proposed a drive-through restaurant located outside of a designated centre, which the Inspector subsequently approved. Within the appeal decision the Inspector discussed the application of Policy E8 and concluded at paragraph 16 that:

*“To my mind while this policy says such uses would be granted planning permission in those centres, it does not expressly state that such uses would not be permitted outside of those 2 criteria.”*

The Inspector further stated at paragraph 17 that:

*“From the supporting text to the policy, it appears that its aim is to promote competitive town centre environments through vitality and viability, provide local services and minimise car trips.”*

- f. For completeness, the applicant has also undertaken a Sequential Test in accordance with paragraph 87 of the NPPF. The Sequential Test demonstrates that there are no appropriate alternate sites within the town centre nor in edge of centre locations. It is

therefore considered that the sequential test has been satisfied, and as such the use is acceptable in this location.

- g. It is therefore considered that the proposal, due to its nature as a drive-through, would not compromise the vitality or viability of the Stone town centre. Given the site's location adjacent to the A34 it is anticipated that the majority of its custom would be drawn from passing motorists. The proposal would utilise a vacant site and provide 10 full time and 15 part time jobs, which would subsequently positively impact the local economy.

### *Green Belt*

- h. The application site is located within the North Staffordshire Green Belt and outside of a defined settlement boundary and is therefore subject to a stricter degree of control in order to ensure that any development preserves the openness and permanence of the Green Belt.
- i. Whilst the TPSB does not have a specific policy which deals with the green belt SP 7 of TPSB supports development where if located within the Green Belt it is consistent with national policies for the control of development and Policy E5. Whilst Policy E5 is not relevant to this proposal, as it deals with major developed sites in the green belt, paragraphs 147-149 of the National Planning Policy Framework (NPPF) set out relevant national green belt policy for this proposal.
- j. The decision making process when considering proposals for development in the Green Belt is in three stages and is as follows:
  - a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
  - b) If the development is appropriate, the application should be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- k. The NPPF states in paragraph 147 that:

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

Paragraph 148 further states that LPA's should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 149 then states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt, but then lists exceptions to this and in paragraph 150 lists other forms of development in the Green Belt that are not inappropriate.

- l. This application has been assessed against exemptions under paragraphs 149 c and 150 d which are quoted below respectively:

149 c “...*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*”

150 d “... *the re-use of buildings provided that the buildings are of permanent and substantial construction.*”

- m. With regards to the extension of the building, the existing extension of 62.8m<sup>2</sup> would be removed and an extension of 4.5m<sup>2</sup> erected. The proposed building would represent approximately a 13% decrease in volume and 23% decrease in footprint when compared to the current building. As such, the proposed extension is considered to be a proportionate addition to the original building and complies with the exemption at paragraph 149 c.
- n. The proposal seeks to reuse the current building which has been on the site since 2004 and on visual inspection is in a good state of repair. The building is considered to be of permanent and substantial construction. Paragraph 150 also requires development to preserve the openness and not conflict with the purposes of the Green Belt. The development would reduce the amount of hard surfacing on the site by approximately a third and is considered to preserve the openness of the Green Belt. With regards to the purposes of the Green Belt, as the site is previously developed and bound by woodland and the A34 the proposal is not considered to result in urban sprawl, the merging of towns, encroachment on the countryside, nor impact upon the setting and special character of historic towns. The proposal would therefore not conflict with the first four purposes of the Green Belt. The final purpose seeks to ‘*assist in urban regeneration by encouraging the recycling of derelict and other urban land*’. In this case, whilst outside the designated settlement boundary of Stone, the proposal seeks to utilise a previously developed site adjacent to an urban area, and as such is considered to not conflict with this purpose of the Green Belt. The proposal is therefore considered to comply with exemption paragraph 150 d.
- o. The proposed development, whilst sited outside of the designated settlement boundary and town centre, is considered to be acceptable in principle with regards to the location of the proposal and the impact upon the Green Belt.

Policies and Guidance:-

National Planning Policy Framework (NPPF)

Paragraphs 8, 11, Sections 6, 7 and 13

The Plan for Stafford Borough (TPSB) 2011-2031

Policies SP1 (Presumption in Favour of Sustainable Development), SP3 (Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development), E1 (Local Economy), E5 (Major Developed Sites in the Green Belt), E8 (Town, Local and Other Centres)

The Plan for Stafford Borough: Part 2 (TPSB2) 2011-2031

SP3 (Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development), SB1 (Settlement Boundaries)

Stone Neighbourhood Plan  
No relevant policies

## **2. Layout, Design and Appearance**

- a. TPSB Policy N1 sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and have high design standards. Policy N8 states that new development should respect the character of the landscape setting, through design, layout and materials.
- b. The proposed layout is fairly typical for a drive-through facility and is considered to be suitable given the site constraints and context. The development would reduce the amount of hard surfacing on the site whilst providing additional landscaping which is welcomed.
- c. The proposed external alterations to the building are considered to be acceptable and the facade to the east elevation would modernise the appearance of the building. The proposed design is fairly typical for such facilities and Starbucks' corporate image. The development would provide additional landscaping which would soften the appearance of the development. A condition should be attached to secure the exact material details to ensure they are high quality.
- d. Whilst the proposed block plan shows the location of the signage the suitability of which is to be considered under the separate advertisement consent application.
- e. Overall, the proposed layout and design is considered to be acceptable and accord with the Development Plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework (NPPF)  
Section 12

The Plan for Stafford Borough (TPSB) 2011-2031  
Policies N1 (Design), N8 (Landscape Character)

Supplementary Planning Document (SPD) – Design

Stone Neighbourhood Plan – No relevant policies

## **3. Amenity**

- a. Policy N1 requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas. The Design SPD provides guidance on amenity standards and separation distances.
- b. The neighbours' concerns regarding the impact upon amenity are noted. The closest dwelling is 30m from the site to the east of the A34. The Environmental Health Officer has reviewed the proposal and advises that they have no objections to the scheme.



- c. The neighbours' concerns regarding odour and fumes are noted. The submission includes a ventilation and extraction statement which states that appropriate extraction systems would be installed within the north elevation in the utility yard. Given the nature of the future occupiers limited food provision, which does not involve any on site cooking, there is no requirement for other extraction systems. The Environmental Health Officer has raised no concerns regarding odour. A condition should be attached to ensure that the ventilation and extraction statement is adhered to, subject to this the proposal is therefore considered to be acceptable with regards to odour.
- d. The neighbours' concerns regarding external lighting are noted. The submission includes an external lighting assessment and proposed lighting scheme, which the Environmental Health Officer has reviewed and raised no concerns over. However, as explained in paragraph 5.2 below, a condition should be attached to secure a detailed external lighting scheme.
- e. The neighbours' concerns regarding noise and disturbance are noted. The proposed opening hours are 05.00 to 23.00 daily. The Environmental Health Officer has raised no concerns regarding these opening hours. The proposed opening hours are considered to be appropriate for the proposed use and are not considered to result in a significant detrimental impact upon the amenity of neighbouring residential properties. A condition should be attached to ensure the stated hours are complied with. A condition should also be attached to prevent any public address equipment being installed (except in connection with the customer order speaker system).
- f. The Environmental Health Officer has recommended conditions regarding construction and delivery hours, lighting, dust dampening and burning. The majority of these are not considered to be necessary to the proposal and are covered by other legislation (e.g. Environmental Protection Act). The condition regarding construction and associated delivery hours is considered to be necessary and should be attached.
- g. The Environmental Protection Lead Officer has reviewed the submitted contamination report and advised that it is sufficient. No objection is raised subject to a condition to secure a further contamination investigation and any necessary mitigation measures. This is considered to be reasonable and necessary and should be attached.
- h. Overall, whilst a number of neighbour objections have been received in relation to residential amenity impacts the LPA are satisfied that subject to adhering to the recommended conditions the proposal would not result in significant detrimental impacts upon residential amenity and is therefore acceptable in this regard.

#### Policies and Guidance:-

National Planning Policy Framework (NPPF)  
Paragraph 130

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

Supplementary Planning Document (SPD) - Design

Stone Neighbourhood Plan – No relevant policies

#### 4. Access, Parking and Highway Safety

- a. Policy T2 states that all new development must have a safe and adequate means of access and internal circulation; not have unacceptable highway safety impacts and provide sufficient parking provision. The neighbours' concerns regarding highway safety implications and pedestrian safety are noted.
- b. With regards to access, the proposal would utilise the sites existing vehicle accesses to create an entrance and exit. The Highway Authority have advised that these are acceptable. With regards to pedestrian access, amendments were sought during the course of the application in order to provide a pedestrian footpath along the western side of the A34 between the site and the traffic lights to the south. The Highway Authority have advised that this is acceptable, subject to the footpath being 2m wide and further details being secured via conditions. These details relate to surfacing materials, relocation of signage and drainage. A condition is also recommended to ensure that these details are secured and that the footpath is delivered prior to the first use of the development. The proposed access arrangements are therefore considered to be acceptable.
- c. Whilst the primary purpose of the site would be as a drive-through the development would also have an indoor and outdoor seating area. Appendix B of TPSB states that cafes should provide 1 space per 2 staff employed at peak operating times, plus 1 space per 5m<sup>2</sup> for customers. TPSB states that the individual circumstances of each proposal will be judged and that it is a basic requirement that no traffic hazard or nuisance should be caused. Whilst peak employee levels have not been provided, the proposal would require 23 customer parking spaces and 1 staff parking space.
- d. The development would provide 17 parking spaces including 2 accessible spaces and 2 spaces with electric charging points. The proposal would also provide cycle parking. Whilst the proposed parking provision is below that required by TPSB the Highway Authority have raised no objection to the parking provision. During the consideration of the application amendments and further information was sought with regards to the delivery vehicle space. Subsequently, the Highway Authority are satisfied that suitable provision is made for delivery vehicles within the site. Given that the primary purpose of the site would be as a drive-through the reduced parking provision is considered to be acceptable in this instance. A condition should be attached to secure the exact details of the cycle parking and to ensure that all the parking is provided prior to first use of the development.
- e. The Highways Authority have requested that in order to promote sustainable travel modes a travel plan is secured via condition and a monitoring fee is secured via a legal agreement. This request is considered to be reasonable given the nature of development and that a lower level of parking provision is proposed.
- f. The development, subject to conditions, is considered to adhere with the development plan and NPPF in this regard and is acceptable with regards to parking, access and highway safety.

Policies and Guidance:-

National Planning Policy Framework (NPPF)  
Section 9

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

Stone Neighbourhood Plan – No relevant policies

## 5. Ecology and Landscaping

- a. TPSB Policy N4 states that the natural environment will be protected and that new development where damage to the natural environment is unavoidable must provide appropriate mitigation. Policy N1 requires development to retain significant biodiversity and landscaping features and create new biodiversity areas. To comply with the guidance contained within the NPPF and the Council's biodiversity duty new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- b. With regards to ecology the submission includes a Preliminary Ecological Appraisal and a Bat Survey Report. The surveys found no evidence of protected species utilising the building or site. The Council's Biodiversity Officer accepts the submitted reports and recommends adherence to the reports methods of working and recommendations. A condition should be attached to ensure this. In order to provide a net gain, conditions are recommended to secure the provision of bat and bird boxes and a suitable landscaping scheme which uses native species. Whilst a lighting scheme has been provided this is not considered sufficient as it shows there would be light spill towards the woodland to the south, as such a condition should be attached to secure a revised lighting scheme.
- c. Whilst the site does not contain any trees it is adjacent to an ancient woodland which is subject to a TPO. During the consideration of the application a tree survey has been submitted in order to assess any impact upon the woodland. The Council's Tree Officer has raised no objections to the scheme subject to providing tree protection measures and adhering to the recommendations of the tree report. Conditions are recommended to secure this. As advised by the Biodiversity Officer a Construction Environment Management Plan (CEMP) should be secured via condition in order to protect the adjacent woodland.
- d. Subject to adhering to conditions the proposal is considered to be acceptable with regards to ecology and landscaping and adheres to the development plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework  
Section 15

The Plan for Stafford Borough  
Policies N1 (Design), N4 (The Natural Environment and Green Infrastructure)  
Stone Neighbourhood Plan – No relevant policies

## **6. Flooding and Drainage:**

- a. TPSB Policy N1 states that development should not be located in areas of flooding or contribute to flooding elsewhere. Policy N2 requires developments to provide sustainable drainage systems.
- b. The site lies within Flood Zone 1 which is at the lowest risk of flooding. The development includes the installation of soakaways for surface water and a commercial sewage treatment plant for foul water. The development is considered to be acceptable regards to flooding and drainage and adheres to the development plan and NPPF in this regard.

Policies and Guidance:-  
National Planning Policy Framework  
Sections 14 and 15

The Plan for Stafford Borough  
Policies N1 (Design), N2 (Climate Change), N4 (The Natural Environment and Green Infrastructure)

Stone Neighbourhood Plan – No relevant policies

## **7. Conclusion**

In conclusion, the proposal would support the local economy, create additional jobs, and would not compromise the vitality or viability of the town centre of Stone. The proposal is considered to be acceptable development within the Green Belt and would utilise a vacant site. The scheme is considered to be suitably designed and would not have a detrimental impact upon residential amenity nor highway safety. The development is also considered to be acceptable with regards to ecology and arboriculture. Overall, the proposal is considered to comply with the development plan and NPPF and is recommended for approval subject to conditions and securing a legal agreement.

## **Consultations**

### **Highway Authority:**

Further comments 04.02.2022:

No objections subject to conditions to ensure access parking, servicing and turning areas are provided before first use, secure further details of the proposed footpath link, to secure a travel plan. A travel plan monitoring fee of £6,430 is required via S106 agreement.

Provide an informative regarding Highways Works Agreement.

The access and egress are within the guidelines. The application has been amended to include a footpath link and alternative swept paths for the delivery vehicles.

Surgery 10.11.2021:

Discussed the draft plans and the potential to create additional footpath within highway land. HA advised that there is potential for this. Further information required prior to formal consult, including revised red line, notice served on HA and tracking plan for the delivery vehicle space.

Initial comments 21.10.2021:

Further information required regarding pedestrian and cyclist connectivity, usability of delivery and parking spaces, control of entrance/exits.

**Parish Council:**

No comment responses - 06.10.2021 and 06.01.2022

**Tree Officer:**

Further comments 07.01.2022:

No objection based on the information within the submitted arboricultural report. A condition to ensure compliance with the submitted tree protection plan and arboricultural method statement is required.

Initial comments 23.09.2021:

Further information is required, an arboricultural impact assessment to BS5837:2012.

Biodiversity Officer:

No objections, subject to conditions regarding adherence to the ecology report recommendations. Including provision of bat and bird boxes, securing a construction environment management plan, suitable lighting, landscaping and litter control. (07.10.2021)

**Environmental Health Officer:**

Further comments 14.01.2021: Accept the submitted lighting scheme.

Initial comments 08.10.2021: No objections, subject to conditions regarding construction and delivery hours, lighting, dust dampening, burning.

**Environmental Protection Lead Officer:**

No objection subject to securing a phase two intrusive ground investigation and any necessary mitigation. The submitted ground contamination risk reports are satisfactory for our purposes. (07.02.2022)

Neighbours (55 consulted):

62 responses from 57 addresses: Material planning considerations summarised below:  
2 impartial responses

43 representations in objection, stating:

- Design in rural area
- Poor parking layout
- Implications of infill development
- Inappropriate impact on Green Belt
- Bright, incongruous signage
- Loss of light

- Additional noise impacts on residents
- Excessive opening hours
- Opening hours will encourage people to congregate late into the evening, creating more noise and nuisance
- Anti-social behaviour
- Additional traffic on an already busy road
- Highway safety issues
- There have been several accidents on this stretch of road
- Unsafe entrance and exit from A34
- Create a backup of traffic on the A34
- Road into residential estate at traffic lights will be used as unsafe turning point
- No pedestrian pavement or crossing
- No cycle parking
- Unsuitable location for a drive through
- Set precedent for other fast food restaurants
- Light pollution
- Fumes, air pollution
- Stone doesn't need a chain, should be supporting local independent businesses
- Detract from/impact upon Stone town centre
- Stone doesn't need more coffee shops
- No need for more jobs
- Litter issues
- Impact upon wildlife – litter, fumes, lighting

17 representations in support, stating:

- Reuse of a vacant site
- Additional jobs
- Additional facilities
- Good to have larger brands/companies in Stone
- Appropriate development on a main road
- Won't impact Stone town centre
- Won't have any further impact on residential amenity than the existing busy road
- Won't create more traffic

Site Notice expiry date: 14.10.2021

### **Relevant Planning History**

04/01981/FUL – Take down existing service station and construct new motorcycle showroom/workshop – Approved 19.04.2004

05/04847/FUL - Extension to existing garage to form workshop, toilets and mess room – Approved 28.09.2005

06/07161/COU - To sell food from existing kitchen to staff and customers – Approved 29.01.2007

19/31091/FUL - Construction block work and timber service workshop and open hand car wash facility with jet washers including welfare shelter – Refused 21.02.2020

21/34339/ADV - 4 No. fascia sign, 1 No. totem pole (other 1), 2 No. directional signs (other 2 and 3), and 2 No. menu boards (other 4 and 5). In conjunction with 21/34338/FUL – Pending consideration

## Recommendation

Approve, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed below, except insofar as may be otherwise required by other conditions to which this permission is subject:
  - 4160 PL01B, Site location plan
  - 4160 PL04J, Proposed site plan
  - 4160 PL05B, Proposed elevations
  - 4160 PL06, Proposed floor plan
  - 4160 PL08C, Proposed signage plan
  - 4160 PL10, Proposed ventilation and cooling layout
  - 4160 PL11, Proposed elevations
  - 4160 PL13A, Proposed pedestrian public footpath extension layout
  - 4160 PL14.1B, Proposed site plan - Vehicle tracking (lorry in)
  - 4160 PL14.2B, Proposed site plan - Vehicle tracking (lorry out)
  - 113/211/01 B, External works layout
  - 001\_01 F, Equipment elevations
  - 001\_08-02 D, Equipment elevations
3. A) Before any part of the development is commenced, the site shall be subjected to a phase II intrusive ground investigation expanding upon the submitted 'Desk Study Report', produced by Geotechnical and Environmental Associates Limited and a report shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the findings of the investigation and any necessary mitigation measures.  
 B) Any necessary mitigation measures shall thereafter be implemented in full in accordance with the details approved under (A) above.  
 C) Within 1 month of the completion of any necessary mitigation a verification report shall be submitted to and for approval in writing by the Local Planning Authority.
4. Before the development is commenced, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved CEMP.

5. Notwithstanding any description / details in the application documents and before the development is first brought into use, a 2m wide footpath on the western side of the A34 between the site and the existing pedestrian crossing facilities on the A34 at Cauldon Way shall be provided in accordance with details to have first been approved in writing by the Local Planning Authority. Furthermore, no development shall be commenced unless and until the details of the 2m wide footpath have been submitted for approval in writing by the Local Planning Authority and which shall include the surface material, the relocation of signs and drainage. The footpath shall thereafter be retained for the life of the development.
6. Before the development is commenced, including any site clearance works or any equipment, machinery or materials are brought onto site, the tree protection measures detailed within the Arboricultural Report, dated 3rd December, shall be provided. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment, machinery and surplus materials have been removed. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas.
7. No above ground construction works shall commence until samples or named photographic images of the external materials to be used in the refurbishment / extension of the drive-thru coffee shop building together with the charging apparatus cabinet have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details
8. Before the development is first brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes. The travel plan shall be implemented in accordance with the timetable set out in the approved travel plan. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first use of the development permitted by this consent.
9. Before the development is first brought into use, details of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be installed prior to the development first being brought into use and thereafter retained as such.
10. Before the development is first brought into use, a detailed landscape and planting scheme shall be submitted to and approved in writing by the Local Planning Authority and shall include native species. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development first being brought into use. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and 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.



11. Notwithstanding any description / details in the applications documents and before the development is first brought into use, details of the location, design, intensity and light spread of all artificial external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter be installed and maintained in accordance with the approved details. No additional external lighting shall be installed within or on the boundaries of the site without the prior written approval on application of the Local Planning Authority.
12. Before the development is first brought into use, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall thereafter be provided before the development is first brought into use and thereafter retained.
13. Before the development is first brought into use, details of the location of all public litter bins in association with the development shall be submitted to and approved in writing by the Local Planning Authority. The public litter bins shall thereafter be provided in accordance with the approved details before the development is first brought into use and shall thereafter be retained.
14. Before the development is first brought into use, the ventilation and extraction equipment shall be provided in accordance with the details within the Ventilation/ Extraction Statement, dated August 2021. The ventilation and extraction equipment shall be retained as such for the life of the development and shall not be amended or altered without the prior written approval on application to the Local Planning Authority.
15. Before the development is first brought into use, the access, parking, servicing and turning areas shall be provided in accordance with the approved plans and shall thereafter be retained as such for the life of the development.
16. All construction works, including demolition, site works and associated deliveries shall only take place between the hours of 08.00 and 18.00 Monday to Friday; 08.00 to 14.00 Saturdays and not at all on Sundays or bank holidays.
17. The development shall be carried out in strict accordance with the recommendations, methods of working and mitigation measures, as detailed within the submitted:  
  
Arboricultural Report, dated 3 December 2021, produced by Andrew Day  
Arboricultural Consultancy,  
Preliminary Ecological Appraisal, dated May 2021, produced by Betts Ecology,  
Bat Survey Report, dated June 2021, produced by Betts Ecology.
18. The development shall only operate between the hours of 05:00 and 23:00 on any day.
19. No external tannoy or public address system shall be used with the operation of the development, except in connection with the customer order speaker system.

20. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the application site shall only be used for the purposes described in the application submission and for no other purposes.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls or other means of enclosure shall be erected without the prior permission on application 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 that all contaminated land issues on the site have been adequately addressed. (Paragraph 183 of the National Planning Policy Framework).
4. To protect the ecological interests of the adjacent ancient woodland. (Policies N1 f and N4 of The Plan for Stafford Borough).
5. In the interests of the safety and convenience of pedestrians. (Policy T1 and N1o of The Plan for Stafford Borough).
6. To protect the adjacent ancient woodland. (Policies N1 f and N5 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 promote sustainable travel and in the interests of highway safety. (Policy T1 of The Plan for Stafford Borough).
9. In order to encourage enhancements in biodiversity and habitat. (Policies N1 f, g and N4 of The Plan for Stafford Borough).
10. In order to encourage enhancements in biodiversity and habitat, and to ensure the satisfactory appearance of the development. (Policies N1 f, g and N4 of The Plan for Stafford Borough).
11. To protect the amenities of the locality and the ecological interests of the adjacent ancient woodland. (Policies N1 e and f and N4 of The Plan for Stafford Borough).

12. 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).
13. To safeguard the amenities of the area. (Policy N1 e of The Plan for Stafford Borough).
14. To safeguard the occupiers of residential properties from undue noise and odour. (Policy N1 e of The Plan for Stafford Borough).
15. To ensure the provision of adequate parking and access, in the interests of the convenience and safety of users of the highway. (Policy T2 of The Plan for Stafford Borough).
16. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
17. In the interests of ecology and biodiversity. (Policy N4 of the Plan for Stafford Borough).
18. The applicant has applied for such operating times and to safeguard the occupiers of nearby residential properties from undue noise and general disturbance (Policy N1 e of the Plan for Stafford Borough).
19. To safeguard the occupiers of nearby residential properties from undue noise. (Policy N1e of The Plan for Stafford Borough).
20. To define the permission.
21. To safeguard the character and appearance of the area. (Policy N1 h of The Plan for Stafford Borough).

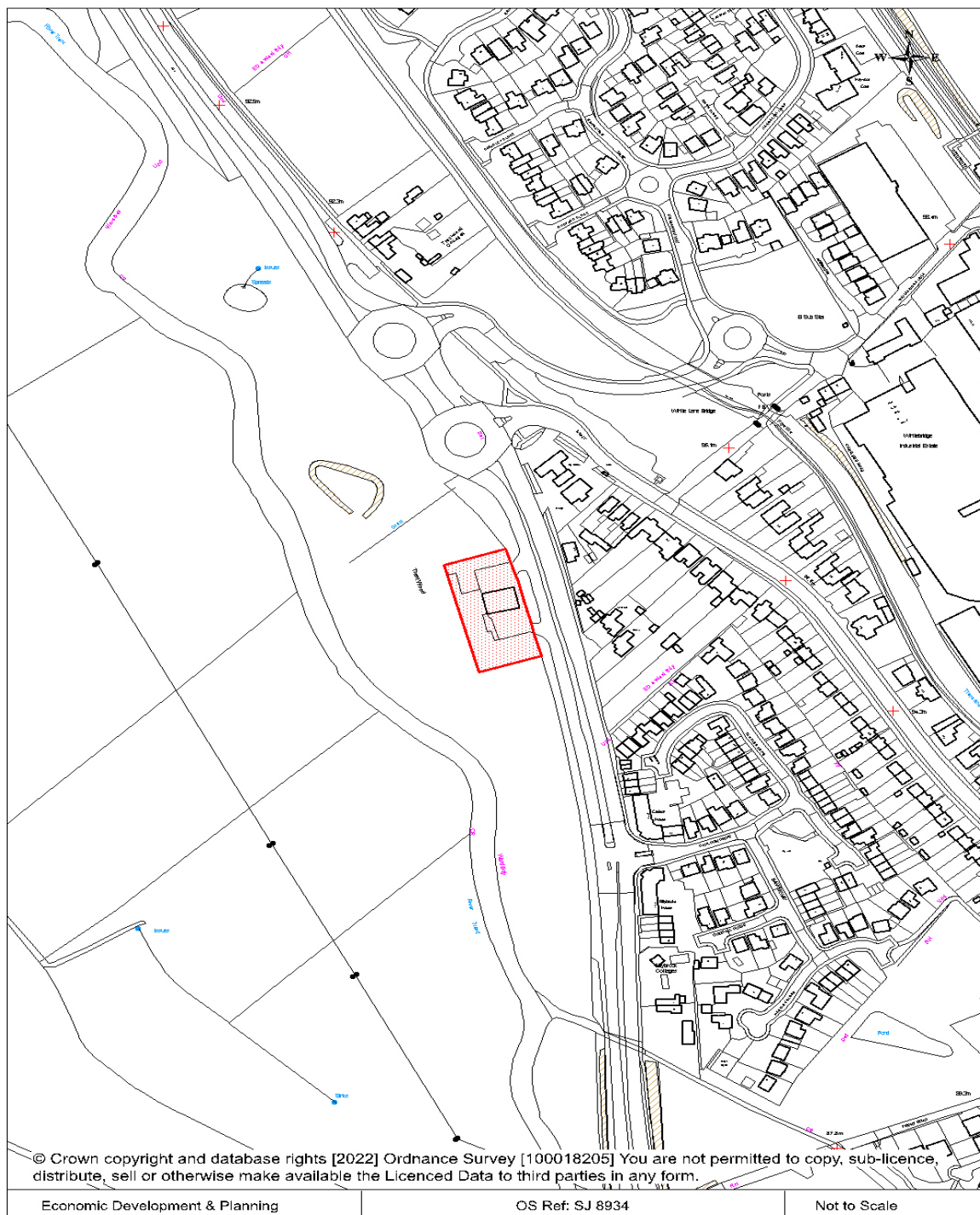
#### INFORMATIVE(S)

- 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.
- 2 This permission does not grant or imply consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or subsequent legislation.
- 3 The conditions requiring off-site highway works require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to

(nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.  
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

- 4 The Applicant/Developer is advised to take note of the legal agreement required in relation to this planning permission.

**21/34338/FUL**  
**Dans Motorcycle Showroom**  
**The Fillybrooks**  
**Stone**



<b>Application:</b>	21/34339/ADV
<b>Case Officer:</b>	Vanessa Blake
<b>Date Registered:</b>	17 August 2021
<b>Target Decision Date:</b>	12 October 2021
<b>Extended To:</b>	4 March 2022
<b>Address:</b>	Dans Motorcycle Showroom, The Fillybrooks, Stone, ST15 0PT
<b>Ward:</b>	Walton
<b>Parish:</b>	Stone Town
<b>Proposal:</b>	4 No. fascia sign, 1 No. totem pole (other 1), 2 No. directional signs (other 2 and 3), and 2 No. menu boards (other 4 and 5). In conjunction with 21/34338/FUL.
<b>Applicant:</b>	Burney Estates Ltd
<b>Recommendation:</b>	Approve, subject to conditions

## REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor J Hood (Ward Member for Walton) for the following reasons:

*“I wish to call in Planning Applications 21/34338/FUL in conjunction with 21/34339/ADV on the grounds of Highways safety and the potential detrimental visual impact of design of the building on the residential amenity of those properties facing the site.”*

## Context

This application relates to a property sited to the west of The Fillybrooks (A34) in Stone Town Parish. The site contains a building and large area of hardstanding and was previously used as motorcycle/car show room. The show room closed in September 2021. Historically the site was service station prior to the show room being built.

Immediately to the north, west and south of the site is an ancient woodland (Trent Wood), beyond which is the River Trent and open fields. The eastern side of the A34 is residential beyond which is the Whitebridge Industrial estate. To the northeast there is a service station with various illuminated advertisements, including two internally illuminated totem signs, canopy signs and building fascia signs. The site is relatively flat however land levels drop to the rear (west) of the building.

The site is located outside of the designated settlement boundary of Stone and is within the North Staffordshire Green Belt. The adjacent woodland and the site are subject to a

Tree Preservation Order (TPO) (1 NSU of 1952). The site is within a Site of Special Scientific Interest (SSSI) impact risk zone and a Coal Authority low risk area. The site is also partially in landfill site buffer zone.

## Proposal

The application seeks advertisement consent for the following signage:

- 4 x fascia signs to the east and south elevations, with static internal illumination at 300cd/m<sup>2</sup>,
- 1 x totem pole with static internal illuminated logo at 300cd/m<sup>2</sup> with a maximum height of 9m,
- 2 x directional signs with static internal illumination at 300cd/m<sup>2</sup> with a maximum height of 1.5m,
- 2 x menu boards with static internal illumination at 300cd/m<sup>2</sup>.

Whilst other signage is shown on the proposed site plan these do not form part of this application as they do not require express consent.

An application for the associated change of use and development of the site and building is currently under consideration (21/34338/FUL).

## Officer Assessment – Key Considerations

Control over the proposed advertisements can only be exercised in relation to visual amenity and public safety, taking account of cumulative impacts.

### 1. Visual Amenity

- a. The neighbours' comments with regards to the visual impact of the advertisement are noted. The proposed signage is a typical design found at drive through facilities and would be consistent with the corporate branding/image of the end user. Whilst it is noted that the totem sign would be 9m in maximum height, the proposed design is relatively lightweight and is not considered to appear incongruous within the streetscene given the site's context and the presence of tall streetlights along the A34. The proposed illumination is also considered to be visually acceptable given the site's location adjacent to the dual carriageway.
- b. The Environmental Health Officer has raised no objections to the scheme subject to the stated illumination levels being adhered to. The proposal is not considered to result in significant detrimental impacts upon the amenity of nearby residential properties.
- c. Whilst it is noted that the submission includes an external site lighting scheme, which the Environmental Health Officer has commented on, this does not form part of the advert consent consideration. The acceptability of external site lighting, and any cumulative impact of illuminated adverts, would be considered under the full planning application (21/34338/FUL) within discharge of the relevant condition.
- d. Overall, the proposal is considered to be acceptable with regards to visual amenity.

**Polices and Guidance:-**

National Planning Policy Framework (NPPF) – Paragraph 136

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

Supplementary Planning Document - Shopfronts and Advertisements

Stone Neighbourhood Plan – No relevant policies

**2. Public Safety**

- a. The neighbours' comments with regards to the highway safety impacts of the advertisements are noted. The proposed signage is a typical design found at drive through facilities and would be consistent with the corporate branding/image of the end user. The Highway Authority have raised no objections to the signage and advise that the illumination levels are acceptable. The proposed illumination level is in accordance with the Highway Authority's standing advice of 600cd/m<sup>2</sup> for E2 zones (Low district brightness areas, eg rural or small village locations). The proposed illumination is therefore considered to be acceptable given the sites location adjacent to a dual carriageway. Overall, the proposal is not considered to detrimentally impact upon public safety.

**Polices and Guidance:-**

National Planning Policy Framework (NPPF) – Paragraph 136

The Plan for Stafford Borough (2011-2031) – Policy T2 (Parking and Manoeuvring Facilities)

Stone Neighbourhood Plan – No relevant policies

**Conclusion**

In conclusion, the proposal is considered to be acceptable with regards to visual amenity and public safety. The scheme complies with the requirements of the development plan and NPPF and is recommended for approval subject to conditions.

**Consultations****Highway Authority:**

No objections, all the signs are within the intensity of illumination levels required. (04.02.22)

**Environmental Health Officer:**

The submitted 'external lighting assessment' and luminance levels must be adhered to in order to prevent light nuisance to nearby occupants. (27.10.21)

Recommend conditions relating to construction and associated delivery hours, burning on site, lighting and dampening down. (08.10.21)

**Parish Council:**

No comment response. (06.10.21)

**Neighbours:**

(55 consulted) 6 responses: Material planning considerations summarised below:

- Inappropriate design in rural area



- Highway safety impacts
- Totem is excessively tall
- Light pollution
- Impact upon residential amenity
- Submitted images are incorrect
- Various comments about proposed use of site

### **Relevant Planning History**

04/01981/FUL – Take down existing service station and construct new motorcycle showroom/workshop – Approved 19.04.2004

05/04847/FUL - Extension to existing garage to form workshop, toilets and mess room – Approved 28.09.2005

06/07161/COU - To sell food from existing kitchen to staff and customers – Approved 29.01.2007

19/31091/FUL - Construction block work and timber service workshop and open hand car wash facility with jet washers including welfare shelter – Refused 21.02.2020

21/34338/FUL - Alterations and refurbishment to convert existing showroom to a Starbucks Drive Through, including external layout alterations, new signage and landscaping. In conjunction with 21/34339/ADV. – Pending consideration

### **Recommendation**

Approve, subject to the following conditions:

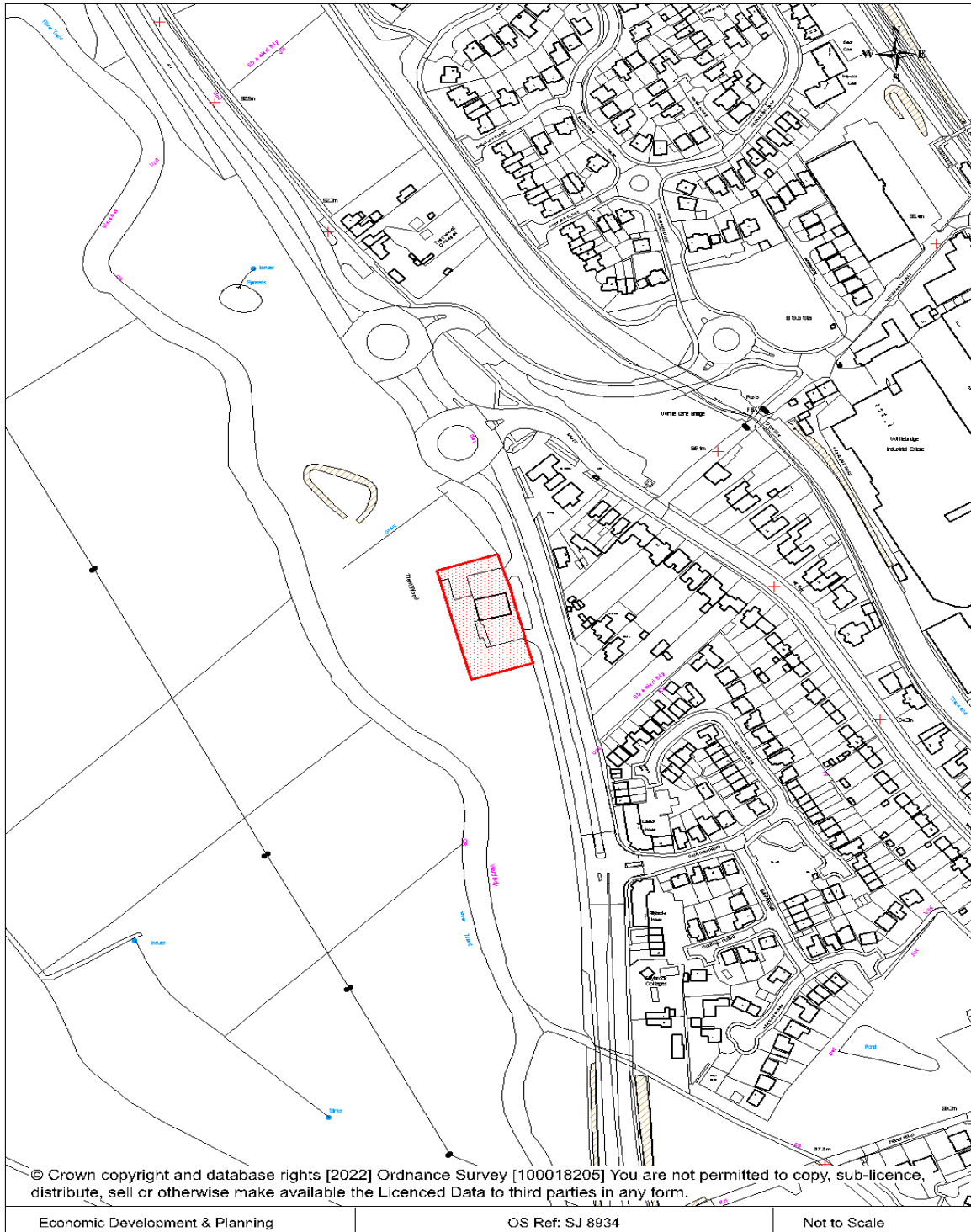
1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:-
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall expire on 3 March 2027
7. The approved drawings are:
  - Site location plan, 4160 PL01A
  - Proposed elevations, 4160 PL05B
  - Proposed elevations, 4160 PL11
  - Proposed signage plan, 4160 PL08A
  - Directional sign A, ##/SBS.A
  - Preview menu board, ##/SBS.C
  - Five panel menu board, ##/SBS.E
  - Totem pole, ##/SBS.F5.

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

- 1-6 Conditions 1 to 6 are imposed in order to comply with the requirements of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007.
7. To define the permission.

**21/34339/ADV**  
**Dans Motorcycle Showroom**  
**The Fillybrooks**  
**Stone**



**Application:** 21/34722/HOU  
**Case Officer:** Teresa Dwight  
**Date Registered:** 28 May 2021  
**Target Decision Date:** 23 July 2021  
**Extended To:** 4 March 2022  
**Address:** Willowdene, Rectory Lane, Haughton, Stafford, ST18 9HU  
**Ward:** Seighford And Church Eaton  
**Parish:** Haughton  
**Proposal:** Construct single storey detached double garage within front garden to be linked to existing hard surfaced drive and all surrounding hedges and shrubs to be retained to screen new garage  
**Applicant:** Mr G Neupauer  
**Recommendation:** Refuse

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### Reason for referral to Committee

This planning application has been called in by Councillor R M Sutherland (Ward Member for Seighford and Church Eaton) for the following reasons:-

‘To allow the committee the opportunity to discuss and consider if there are any detrimental effects on neighbouring properties or on the street scene.’

### Context

The applicant property is a detached dwelling situated in the key service village of Haughton.

The application is for the construction of a single storey detached double garage within the front garden of the existing dwelling, to be linked to existing hard surfaced drive, and all surrounding hedges and shrubs to be retained to screen the new garage

The application is a resubmission of previous application 18/29012/HOU, which was refused for the following reason:

*‘The proposed detached garage by reason of its scale and forward siting in relation to the existing dwelling and in close proximity to the frontage boundary with Rectory Lane would appear as a prominent and incongruous feature in this part of the Rectory Lane streetscene which would harm the visual amenities of the locality. The proposed*

*development is therefore contrary to Policy N1 (g), (h) and (i) of The Plan for Stafford Borough and the Council's Design Supplementary Planning Document.'*

The current application shows the same footprint (approximately 5.1m x 5.1m) and the same eaves (2.45m) as the refused application 18/29012/HOU, but a lower roof ridge height of 3.25m (was 3.6m) due to a shallower roof pitch. The current scheme has also omitted a side door.

The applicant for this current application also refers to a Planning Committee decision that granted consent for a garage to the site frontage of 62 Castle Bank, Stafford, planning reference 19/30880/HOU, citing the permission as the reason for applying again.

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. PRINCIPLE OF DEVELOPMENT**

The application site is located within Haughton 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 Haughton.

The principle of development is therefore considered to be acceptable given that the property is located within a sustainable location in the Haughton 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 2021 (NPPF)  
Paragraphs 8 and 11

The Plan for Stafford Borough 2011-2031 (TPSB)

Part 1 – Spatial Principle 1 (Presumption in Favour of Sustainable Development, Spatial Principle 3 (Sustainable Settlement Hierarchy), Spatial Principle 7 (Supporting the Location of New Development)

Part 2 – SB1 (Settlement Boundaries)

Neighbourhood Plan – n/a

## 1. Character and Appearance

The proposed double garage would be sited in the front garden of the property, immediately against the front boundary of the site which borders the highway.

Policy N1 Design requires amongst other things, and under (g) and (i) in particular, that development takes account of local character, context, density, and strengthens the continuity of street frontages.

In addition to the requirements of Policy N1 Design, guidance within the Council's Design Supplementary Planning Document (SPD) states that, amongst other things:

*'Garages should be designed to ensure they do not dominate the property or street scene, and they should be sympathetic with the scale, form, materials and architectural style of the existing dwelling....A detached garage will only be permitted forward of a principal elevation in exceptional circumstances, where the building's frontage is either sufficiently deep, or sufficiently wide, so as not to impact on the setting of the dwelling, the character and appearance of the street scene or impinge on the amenity of neighbours. Where garages are sited in front of a property, particularly those of double width, it is always preferable that the entrance doors are positioned at 90° to the dwelling so that they do not dominate the front elevation',*

And that:

*'In areas where there is a well-defined building line, extensions or garages should not project beyond this, as it would damage the street scene.'*

It is not considered that the proposal meets the above requirements and exceptional circumstances have not been demonstrated.

Planning permission 19/30880/HOU, which has been presented as a precedent, was approved by Planning Committee against the officer recommendation to refuse. The recommendation to refuse was in accordance with the relevant local plan policies and design SPD. Notwithstanding that decision this application site is not, in any case, considered to be in a comparable location.

62 Castle Bank fronts the main Newport Road out of Stafford, whilst Rectory Lane is a residential lane in the village of Haughton, considerably off the main road, with Willowdene being one of several properties opposite the village primary school. The residential streetscene along this short expanse part of Rectory Lane is visually more concise than the properties forming the ribbon development along Newport Road (Caste Bank).

The site specifics are not comparable; 62 Castle Bank has a site frontage of some 18m in depth, whilst Willowdene has a site frontage of approximately 12.85m in depth;

The siting of the proposal is not comparable; the approved garage at 62 Castle Bank (along with any conditioned landscaping/screening as stipulated by committee) is set back from the highway and positioned to one side. It is not immediately on the highway

boundary and central along it (falling between the two accesses), as is proposed at Willowdene.

The marginal reduction in ridge height is noted, however, there is no decrease in eaves height, which has the greater visual impact in terms of massing by creating a blank wall along the highway boundary.

As with the previous refused application, the proposal would not appear well related to the existing dwelling or the established streetscene, given the relatively uniform front building lines that do not benefit from significantly deep site frontages. It is not considered that any existing or enhanced soft boundary treatments, as suggested by the applicant, (the garage is 3.25m high) could provide adequate, permanent screening from the highway and wider public views, and the proposal would appear as a prominent and incongruous addition forward of the established line of development.

Materials would be facing bricks to match the existing house for the walls and interlocking tile concrete roof tiles, colour to match the existing house, however, this in itself would not be sufficient mitigation to justify the proposal and in any case the front elevation of the existing dwelling currently shows upper gable ends of horizontal timber boarding.

The main dwelling has been previously extended which has resulted in the loss of previous garaging facilities. The works proposed under planning permission 15/22923/HOU were not considered to have a significant detrimental impact on the character or appearance of the surrounding area to such an extent that would justify the refusal of the application, however, it is considered that, in addition to any other design and siting considerations, cumulative impacts as a result of further development that affects the site frontage also need to be considered. In this case, the cumulative impacts of development continue to add to the argument for refusal. More so, the Highway Authority, as discussed later in the report, consider the double garage to be of insufficient dimensions for the parking of vehicles, which would appear to be its' proposed intended use.

It is therefore considered that the proposal would result in harm to the character and appearance of the surrounding area, and in particular the streetscene, contrary to Policy N1 (g), (h) and (i) of The Plan for Stafford Borough and the Council's Design Supplementary Planning Document (SPD).

Policies and Guidance:-

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

The Plan for Stafford Borough 2011-2031 (TPSB) – Policy N1 Design  
Supplementary Planning Document (SPD) – Design

## **2. 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 proposal would not result in any technical breaches of the Council's Design Supplementary Planning Document (SPD) 2018 in context of residential amenity (privacy and light and outlook).

Policies and Guidance:-

National Planning Policy Framework 2021 (NPPF)  
Paragraph 130

The Plan for Stafford Borough 2011-2031 (TPSB) – Policy N1 Design  
Supplementary Planning Document (SPD) – Design

### **3. Highways and Parking**

There would be no adverse impacts to the existing parking provision or a requirement for any additional parking provision as a result of the proposal. The proposal would not impact on the existing highways accesses.

It is stated in the submission that the garage will provide two internal parking spaces.

It is unclear if the existing detached single garage at 62 Castle Bank (which was proposed to be used as storage upon the granting of 19/30880/HOU) was substandard by modern standards for the parking of a vehicle, however, there were no apparent concerns from the Highways Authority in respect of the dimensions of the detached double garage approved under that planning permission. From the stated external dimensions of 5.1m x 5.1m it is considered that the garage which is the subject of this application would provide one internal parking space.

In respect of this current application at Willowdene, the Highway Authority comment that proposed garage is substandard in that it does not meet current national standards with regards to providing sufficient space to park a modern vehicle. Manual for Streets requires internal measurements of 6m x 3m for a single garage and 6m x 6m for a double garage to be a useable space. However, in the HA's professional judgement there is enough room for up to x4 vehicles to park on the existing driveway.

The HA also comment that the driveway surface will remain as block paved and the garage access will also be surfaced with block paving to link in with the existing driveway which is acceptable to the Highway Authority.

Policies and Guidance:-

National Planning Policy Framework 2021 (NPPF)  
Paragraphs 110 and 111

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



## 4. Conclusion

The proposed detached garage by reason of its scale and forward siting in relation to the existing dwelling and in close proximity to the frontage boundary with Rectory Lane would appear as a prominent and incongruous feature in this part of the Rectory Lane streetscene which would harm the visual amenities of the locality. The proposed development is therefore contrary to Policy N1 (g), (h) and (i) of The Plan for Stafford Borough and the Council's Design Supplementary Planning Document.

It is not considered that a revised scheme, or any reliance on screening, can override the Council's objection to the proposal in this forward siting.

## Consultations

Highway Authority:

There are no objections on Highway grounds to this proposal.

A site visit was carried out on 29/07/2021

Personal Injury Collisions:

Current records show that there were not any Personal Injury Collisions on Rectory Lane within 50metres either side of the property accesses for the previous five years.

Description of Proposal:

The proposal is for the construction of a single storey detached double garage within front garden to be linked to existing hard surfaced drive and all surrounding hedges and shrubs to be retained to screen new garage.

Background:

Rectory Lane (Road number D2290) is a lit unclassified road with a speed limit of 30mph. There is a footway on the property side with a grass verge adjacent to the property boundary wall, there is also a footway on the opposite side of the carriageway with grass verge. Haughton St Giles primary School is located opposite to the property.

Comments on Information submitted:

The proposal is for the construction of a single storey detached double garage with a roller shutter door within front garden which is to be linked to the existing block paved driveway. Whilst on site I noted the property has an in and out access. Between the entrance and the exit is a 1m high boundary wall which is central to the property, at the rear of the wall is an existing hedge and shrubs beyond that is a horse shoe shape grassed area, this is where the proposed detached double garage is going to be sited.

I note on Drawing No Oct:20/GN100 (Garage Plan) shows the proposed garage, I have measured the internal space of the proposed double garage at a scale of 1:50 which measures approx. 4.65m width and approx. 4.57m in depth which is substandard in that it does not meet current national standards with regards to providing sufficient space to park a modern vehicle. Manual for Streets requires internal measurements of 6m x 3m for a single garage and 6m x 6m for a double garage to be a useable space. However, in my professional judgement there is enough room for up to x4 vehicles to park on the existing driveway.

I note within the application that the driveway surface will remain as block paved and the garage access will also be surfaced with block paving to link in with the existing driveway which is acceptable to the Highway Authority.

The submitted application does not provide any visibility splays however this is an existing in / out access and no alterations are to be made to the driveway.

#### Recommendations:

I have no objection (on Highway grounds) to the proposed development as it will have no detrimental impact on the highway.

#### Parish Council:

With regard the above planning application, the Parish Council object to the proposed development as it is in front of the building line and they consider it too high to be next to the front boundary and footpath.

The Parish Council raised the objections below (in red) when the previous application was submitted and the Council feel that the objections made last time are still applicable.

From: Haughton Clerk [mailto:clerk@haughtonpc-staffs.org.uk] Sent: Saturday, August 18, 2018 11:35 AM To: planning SBC Subject: 18/29012/HOU at Willowdene, Rectory Lane, Haughton. Good morning, With reference to the above application the Parish Council have the following comments. The siting of the proposed garage within the plot is detrimental to the street scene because it is directly in front of the house and the back wall of the garage is too close to the boundary and too high, forming a high solid wall adjacent to the footpath. It would have an impact on the surrounding area because all the other houses face the road with gardens and low walls and hedges forming the boundary. It could set a precedent for other such proposals.

Neighbours (8 consulted):  
No representations received.

Site Notice:  
None

### Relevant Planning History

97/34904/FUL Extensions to form new lounge diner, create extended bedrooms and ensuite. Approved 08.07.97.

02/41928/FUL Change of use of domestic garage to granny flat. Approved 03.04.02.

15/22923/HOU Loft conversion, rear extension and open porch to existing dwelling. Approved at Committee 12.11.15.

18/29012/HOU Construct single storey detached double garage within front garden of existing dwelling. Refused 19.09.18.

## Recommendation

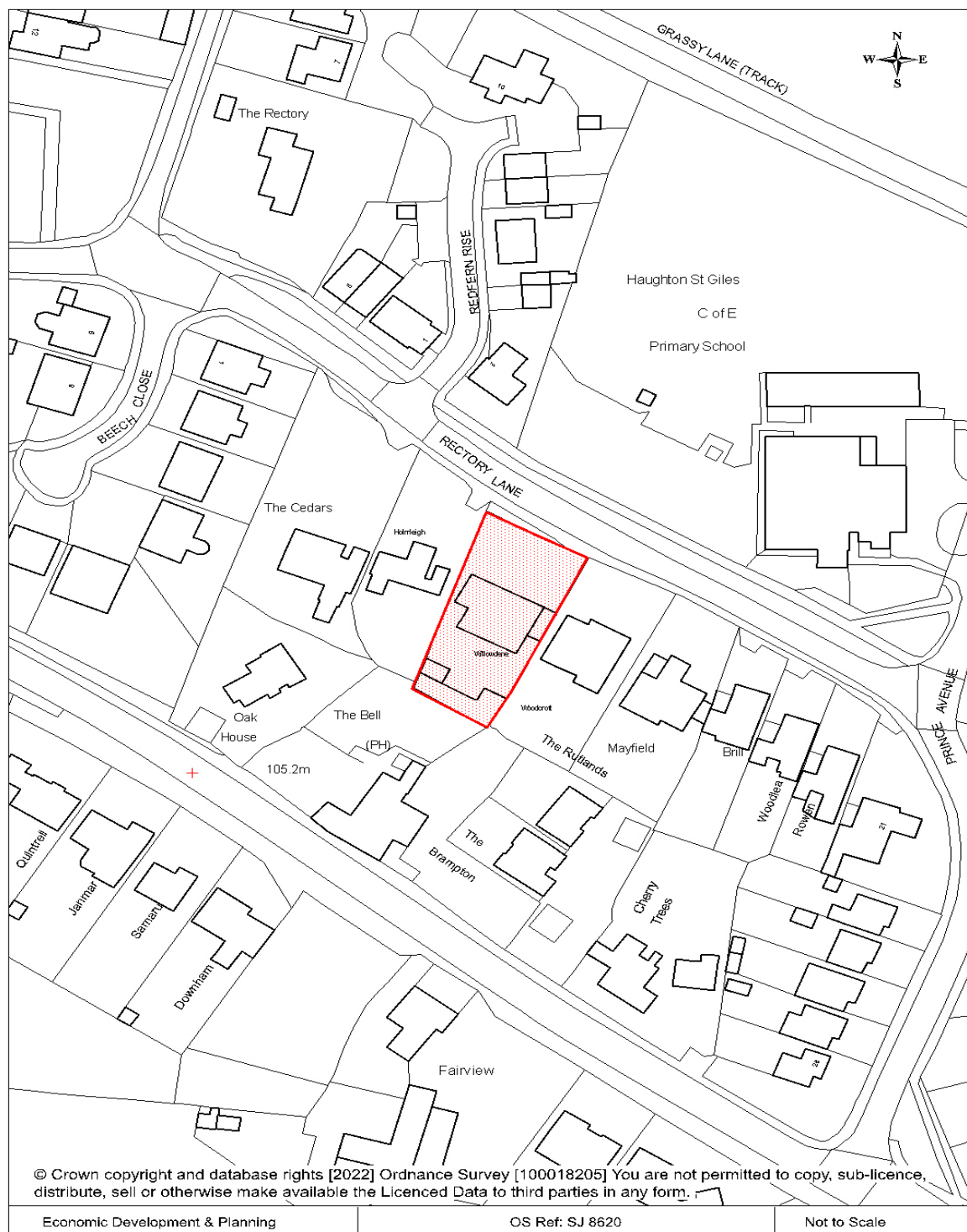
Refuse due to the following reasons:

1. The proposed detached garage by reason of its scale and forward siting in relation to the existing dwelling and in close proximity to the frontage boundary with Rectory Lane would appear as a prominent and incongruous feature in this part of the Rectory Lane streetscene which would harm the visual amenities of the locality. The proposed development is therefore contrary to Policy N1 (g), (h) and (i) of The Plan for Stafford Borough and the Council's Design Supplementary Planning Document.

## INFORMATIVE(S)

- 1 In dealing with this application, Stafford Borough Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the period for determining the application, having regard to the policies of the development plan, paragraph 38 of the National Planning Policy Framework 2021 and other material planning considerations, and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development.

**21/34722/HOU**  
**Willowdene**  
**Rectory Lane**  
**Haughton**



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
<b>21/34390/FUL Delegated Refusal</b>	The Hough Retail Park Foxearth Sports Prestige Lichfield Road	Retrospective application for proposed amendments to site layout to allow for additional gravelled vehicle display areas and proposed grassed area.
<b>21/34448/HOU Delegated Refusal</b>	6 Manor Farm Barns Shebdon Road High Offley	Single-storey rear extension
<b>20/33100/FUL Non-Determination</b>	The Old Rectory Fradswell Lane Fradswell	Removal of condition 1 on application 86/19678/REM

**Decided Appeals**

Application Reference	Location	Proposal
<b>Nil</b>		

**Previous Consideration**

Nil

**Background Papers**

File available in the Development Management Section

**Officer Contact**

John Holmes, Development Manager Tel 01785 619302

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PLANNING COMMITTEE – 2 MARCH 2022

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**Ward Interest - Nil**

**Enforcement Matters**

*Report of Head of Development*

**Purpose of Report**

To consider the following reports.

	<b>Page Nos</b>
(a) <b>WKS3/00187/EN21</b> 15 Old Road, Stone	<b>55 - 58</b>
(b) <b>WKS2/00096/EN20</b> Land at Redhill Road, Stone	<b>59 - 63</b>

**Previous Consideration**

Nil

**Background Papers**

File available in the Development Management Section

**Officer Contact**

John Holmes, Development Manager Tel 01785 619302

ITEM NO 7(a)

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PLANNING COMMITTEE - 2 MARCH 2022

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**Ward** - St Michael's and Stonefield

**WKS3/00187/EN21 15 Old Road, Stone**

*Report of Head Development and Head of Law and Administration*

**Purpose of Report**

To consider the erection of a raised structure approximately 3.66m high attached to a garden shed which provides a privacy screen to block views from a neighbouring property which has been erected without the benefit of planning permission.

**1 Detail**

- 1.1 A report was received in Planning Enforcement on 8 September 2021 regarding the erection of a structure attached to the shed to the rear of 15 Old Road, Stone.
- 1.2 Properties 11 to 17 (odd) Old Road have staggered rear gardens resulting in the view from their rear first floor windows looking at their neighbours' garden as well as their own.
- 1.3 At an initial site visit in September 2021, the owners of the property were not available and the structure was only viewed from the complainants' property.
- 1.4 A second visit was carried out on 8 October 2021, where measurements of the privacy screen were taken. The owners said that the structure had been erected as their neighbour at No. 13 works from home in the rear bedroom which overlooks their garden and they wanted to be able to use their garden with privacy. They also alleged that No. 13 had cameras inside the rear bedroom looking down onto their garden. No. 15 were advised that cameras inside a property are not enforceable by SBC.
- 1.5 The property owners were written to on 26 October 2021 advising them that the privacy screen is too high to be permitted development and it either needed to be removed or planning permission sought.
- 1.6 The owners emailed on 10 November 2021 advising that the structure had been lowered and they were planning to plant a tree in its place.
- 1.7 The Complainant emailed on the same day to say that the original structure had been removed and had been replaced with a larger structure.

- 1.8 The owners were contacted by email on 12 November 2021 asking for clarity regarding the structure and were also asked for clarification regarding the planting of the tree and were contacted again on 24 November 2021 asking for an update.
- 1.9 The complainant emailed on 20 December 2021 to say that a third version of the privacy board had now been erected. This has been measured and is 3.66m high.
- 1.10 On the same day the owner emailed Enforcement asking how to submit a planning application and the costs involved and were provided with an email response with link on 21 December 2021.
- 1.11 The owners were written to on 11 January 2022 asking for removal of the structure or a submitted planning application by 25 January 2022. No application has been received and at the time of writing the structure remains in place.
- 1.12 The structure has been erected to the rear of the property, and because the owners' and complainants' property form part of a row of terraced housing the structure is not visible from the front of the property and has no impact on the streetscene. Whilst the structure undoubtedly has an impact on the outlook and light to a window in the complainant's property, it does not have a wider impact on the amenity of the area.

## **2 Policies**

- 2.1 The Plan for Stafford Borough - Policy Spatial Principle 1 - Presumption in favour of sustainable development; Policy N1 - Design, and of the Plan for Stafford Borough.
- 2.2 National Planning Policy Framework (NPPF);  
Section 4; Decision Making - Paragraph 59 (enforcement),

## **3 Conclusion**

- 3.1 The structure is not mobile as it is fixed to a shed, and is therefore considered to be a permanent structure.
- 3.2 As a permanent structure which exceeds 2.5m within 2m of the boundary of the curtilage, planning permission is required for the retention of the structure.
- 3.3 The owners have been given guidance to either remove the structure, lower the height of the structure, or submit a planning application for the retention of the structure.
- 3.4 The structure has been erected to the rear of the property, thus having limited impact other than to the complainant. Whilst that in itself does not mean that it is not expedient to take enforcement action, paragraph 59 of the NPPF



advises that local planning authorities should act proportionately in responding to suspected breaches of planning control. As such there will be circumstances where the impact of an unauthorised development on a single person or property is such that it is expedient to take enforcement action. However in this case it is considered that the main impact is on outlook, with the impact on daylight being limited, as such it is not considered expedient to take enforcement action.

#### **4 Recommendations**

- 4.1 That it is not expedient to take enforcement action to secure the reduction in height of the structure.

#### **Background Papers and History**

WKS3/00187/EN21- Unauthorised structure

#### **Contact Officer**

John Holmes - Development Manager - 01785 619302

**WKS3/00187/EN21**  
**15 Old Road, Stone**



ITEM NO 7(b)

ITEM NO 7(b)

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PLANNING COMMITTEE - 2 MARCH 2022

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**Ward** - St Michael's and Stonefield

**WKS2/00096/EN20 Land at Redhill Road, Stone**

*Report of Head Development and Head of Law and Administration*

**Purpose of Report**

To consider the erection of a fence, approximately 38m in length and 1.8-1.9m in height, adjacent to Redhill Road which was erected without the benefit of planning permission.

**1 Detail**

- 1.1 A report was received in Planning Enforcement on 20 May 2020 regarding the erection of a fence adjacent to Redhill Road.
- 1.2 A site visit ascertained that the fence was in excess of 1.0m in height adjacent to the highway and as such required planning permission. A letter was sent to the owner of the land on 3 June 2020.
- 1.3 A site meeting was held between the owner and Enforcement officer on 11 June 2020, when it was explained that due to the fence being 1.8 metres in height and with the position of the fence being adjacent to the highway, planning permission is required if it is intended to retain the fence in its current position. It was further explained that if the fence was reduced to 1 metre in height, then it would be permitted development.
- 1.4 The owner advised that the fence was erected to stop trespassers using the land, and that he proposed to erect a further length of fence to continue along Redhill Road.
- 1.5 A planning application was received on 10 July 2020 for 'Retrospective application for the retention of existing fence and the erection of fence adjacent to Redhill Road', however, the application was invalid on receipt.
- 1.6 The planning application was called in to Planning Committee by Councillor I Fordham, and subsequently presented to Planning Committee on 26 May 2021. The application report acknowledged the permitted development rights of this section of land which allows for the erection of a fence of up to 1m in height adjacent to the highway or 2m when set back from the highway.

- 1.7 Whilst the application was on balance recommended for approval subject to conditions, the Committee resolved to refuse the application for the following reason:

Due to its excessive length and prominent location, the fence forms a hard and dominating feature which is harmful to the street scene and to the character of Moddershall Valley Conservation Area. Furthermore, due to its height and proximity to "Brook View", the fence also adversely impacts pedestrian safety. The proposal is therefore contrary to Policies N1 (h), N8, N9 (v) and T2 of The Plan for Stafford Borough.

- 1.8 The owner appealed against the Committee's decision, but the appeal was dismissed on 19 November 2021, with the Inspector concluding in paragraphs 10-13 of the appeal decision that:

"10. I acknowledge that the fencing does not unduly affect key views in and out of the CA when taking into consideration the existing planting along the embankment and the dramatic change in land levels. However, the fence positioned on a curve and its tall close board appearance would run for a considerable length along the road. Given its height, length and prominence, it would form a large, obtrusive and incongruous feature in the street scene at odds with the prevailing open character creating an unduly hard and urban edge to the verdant CA.

11. In light of the above I conclude the proposal would lead to less than substantial harm to the significance of the heritage asset. This harm should be weighed against the public benefits of the proposal, which I now turn to.

12. Based on the evidence before me no public benefits have been presented and taking into consideration the points above the harm to the CA would clearly outweigh the public benefits of the proposal. The proposed development would fail to preserve or enhance the character and appearance of the CA. It would also adversely affect the appearance of the street scene.

13. Subsequently, the proposal would be contrary to PSB Policy N1(h) which, amongst other things, requires new development to have regard to local context including heritage assets and to preserve and enhance the character of the area."

- 1.9 Following the appeal decision the fence remains in situation. The complainant disputes that permitted development rights apply in a conservation area, however there is no order to restrict the permitted development rights, so the situation remains that permitted development rights apply to this section of land which allows for the erection of a fence of up to 1m in height adjacent to the highway.

- 1.10 Therefore Committee need to consider whether it is expedient to take enforcement action to require the approximately 38m long fence to be reduced in height by 0.8-0.9m to a height not exceeding 1.0m.
- 1.11 Whilst the 0.8-0.9m reduction in height may not seem a large amount, it is approximately 45% of the fence, and the Inspector concludes that “the proposed development would fail to preserve or enhance the character and appearance of the CA. It would also adversely affect the appearance of the street scene”. Therefore it is considered that it is expedient to take enforcement action to require the approximately 38m long fence to be reduced in height by 0.8-0.9m to a height not exceeding 1.0m, to reduce the less than substantial harm to the significance of the heritage asset (the Conservation Area) and the harm to the appearance of the street scene.
- 1.12 On 10 February 2022 a planning application was received for ‘Erection of 1.8m High Black Powder Coated Steel Railings (Part Replacement of Existing Fence) and Replacement of Existing Galvanised Steel Gates with Timber Gates’. The application is currently being checked for validation. When valid the application will be subject to consultations and neighbour notification and will be determined on its merits. As the application is not understood to include retention of any part of the currently unauthorised fence, it is not considered necessary to defer consideration of enforcement action on the current fence pending determination of the application.

## **2 Policies**

- 2.1 The Plan for Stafford Borough - Policy N1 - Design, N8 Landscape Character and N9 Historic Environment of the Plan for Stafford Borough.
- 2.2 National Planning Policy Framework;  
Section 4; Decision Making - Paragraph 59 (enforcement),  
Section 12; Achieving well-designed places - Paragraphs 126, 130, 132, 134,  
Section 16; Conserving and Enhancing the historic environment - Paragraphs 189, 195, 197, 199, 202, 203, 207

## **3 Conclusion**

- 3.1 The fence, approximately 38m in length and 1.8-1.9m in height, adjacent to Redhill Road requires planning permission which has not been granted.
- 3.2 Permitted development rights exist for the erection of a fence not exceeding 1.0m in height adjacent to the highway.
- 3.3 It is expedient to take enforcement action to require the fence to be reduced in height by 0.8m to a height not exceeding 1.0m, to reduce the less than substantial harm to the significance of the heritage asset (the Conservation Area) and the harm to the appearance of the street scene.

#### **4 Recommendations**

- 4.1 That appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the reduction in height of the unauthorised fence to not more than 1.0m in height.

#### **Background Papers and History**

Planning application 20/32679/FUL (6 Mill Farm Barns)  
Appeal Ref: APP/Y3425/D/21/3278427

#### **Contact Officer**

John Holmes - Development Manager - 01785 619302

# **WKS2/00096/EN20** **Land at Redhill Road** **Stone**

