

Dear Members

Special Planning Committee (Large Scale Major Application)

A special meeting of the Planning Committee will be held in the **Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford** at **6.30 pm** on **Wednesday 19 January 2022** 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

SPECIAL PLANNING COMMITTEE
(LARGE SCALE MAJOR APPLICATION)

19 JANUARY 2022

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

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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 3

ITEM NO 3

SPECIAL PLANNING COMMITTEE - 19 JANUARY 2022

Ward Interest - Nil

Planning Applications

Report of Head of Development

Purpose of Report

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

		Page Nos
21/33986/FUL	Former General Electric/ Alstom Premises Lichfield Road, Stafford	4 - 19
This application has been referred to the Planning Committee because the development is a large scale major application.		
This application has also been called-in by Councillor C A Baron.		
Officer Contact - Richard Wood, Development Lead Telephone 01785 619324		

Previous Consideration

Nil

Background Papers

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

Application:	21/33986/FUL
Case Officer:	Vanessa Blake
Date Registered:	9 March 2021
Target Decision Date:	8 June 2021
Extended To:	21 January 2022
Address:	Former General Electric/ Alstom Premises, Lichfield Road, Stafford
Ward:	Forebridge
Parish:	Stafford M B
Proposal:	Enabling works including demolition and clearance of existing structures (retrospective), remediation, restoration and reprofiling of land, opening and realignment of culvert, and associated works.
Applicant:	St Modwen Developments Ltd
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This is a large scale major development which is excluded from the scheme of delegation and therefore needs to be determined by Planning Committee.

This application has also been called in by Councillor C A Baron (Ward Member for Forebridge) for the following reason:-

"Impact on residential amenities due to noise, vibration and dust".

Context

This application relates to a 12.4 hectare site located approximately 1km southeast of Stafford Town Centre. The site is bound by Lichfield Road (A34) to the east, the West Coast main railway line to the south, The Hough retail park to the north and residential dwellings and a large industrial building to the west. The surrounding area is largely characterised by residential development, to the south of the West Coast Mainline is the Queens Retail Park.

The site is a historic factory site and has existing vehicle access from Lichfield Road and Ranshaw Drive. The demolition of the vacant factory building was completed in early 2021 and the site is currently vacant and covered in hardstanding. The culverted Spittal Brook runs through the southern portion of the site. The eastern boundary is lined by mature

trees and the north-eastern portion of the site is subject to an area Tree Preservation Order (TPO) (number 255 of 2002). The site is relatively flat and level with the neighbouring residential and commercial units, aside from the south-eastern portion of the site where the Lichfield Road raises to a bridge over the railway line.

The site is located within the designated settlement boundary of Stafford and within Flood Zone 1. The site is within 8km of Cannock Chase Special Area of Conservation (SAC) and within a Site of Special Scientific Interest (SSSI) impact risk zone. The site also lies within a historic landfill buffer zone. The Forebridge Conservation Area is approximately 130m to the northwest and to the north of the site is the Grade II Listed St Leonards school.

Background

A prior notification application for the demolition of the factory building was submitted in May 2020. In early June 2020 it was determined that prior approval was required for the demolition. The applicant subsequently submitted a prior approval application in July 2020 however, this had not been determined by the time demolition was commenced in late 2020.

As determined under the screening request (20/31702/ESS) the development, whilst meeting the thresholds for Environmental Impact Assessment (EIA) screening, is not considered to be EIA development and as such does not require an Environmental Statement to be submitted with the application.

A resolution to grant outline planning permission (20/32041/OUT) for the re-development of the site for up to 365 dwellings was agreed at the Special Planning Committee in October 2021. This resolution is subject to the signing of a legal agreement (S106) which is currently being completed.

Planning permission was also granted in December 2021 for modifications to the access off Ranshaw Drive under 21/34681/FUL.

Proposal

This application seeks permission for proposed enabling works including retrospective permission for the demolition of the structures on the site. The enabling works include the following:

- Removal of all slabs, remnant foundations and obstructions,
- Removal and infilling of basements,
- Removal of ducting and service corridors,
- Opening of a section of the culvert and realignment,
- Turnover and reprofiling of the ground.

The application is supported by the following technical reports:

- Remediation Strategy,
- Construction Environmental Management Plan,
- Flood Risk Assessment Technical Note,
- Archaeology Technical Note,
- Ecology Technical Note,
- Arboricultural Statement.

Whilst the proposed enabling works duplicate those within the outline scheme this would allow the site to be prepared for the residential development, prior to finalising the details of the scheme at reserved matters stage.

Officer Assessment – Key Considerations

1. Principle of Development

- a. The NPPF sets out a presumption in favour of sustainable development which is echoed in Spatial Principle (SP) 1 of The Plan for Stafford Borough (TPSB). Paragraph 12 of the National Planning Policy Framework (NPPF) states that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.” However, paragraph 182 states that “the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.” In this case the site falls within the catchment of the Cannock Chase SAC, therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the Cannock Chase SAC will not be adversely affected, having regard to avoidance or mitigation measures. This issue is addressed later under section 7 of this report.
- b. The principle of redeveloping this former factory site has already been established through the resolution to approve outline permission for housing development. This proposal would facilitate the delivery of that scheme by allowing the remediation works to be carried out prior to the development of the housing. On this basis the proposal is considered to be acceptable in principle.

Polices and Guidance:-

National Planning Policy Framework (NPPF)
Paragraphs 8, 11, 182

The Plan for Stafford Borough (TPSB) 2011-2031
Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Stafford Borough Housing and Employment Requirements), SP3 (Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development), Stafford 1 (Stafford Town)

The Plan for Stafford Borough: Part 2 (TPSB2) 2011-2031
SP3 (Sustainable Settlement Hierarchy), SP7 (Supporting the Location of New Development), SB1 (Settlement Boundaries)

2. Highway Safety, Access and Parking

- a. TPSB Policy T2 states that all new development must have a safe and adequate means of access and internal circulation and not have unacceptable highway safety impacts.

- b. The neighbours' concerns about highway safety matters are noted. The Highway Authority have raised no objections to the scheme subject to securing an Environmental Management Plan (EMP) via a condition. The plan should include details of access arrangements, routing of HGVs, construction and delivery hours, site layout arrangements, dust suppression and vehicle wheel wash facilities. Given the nature of the scheme and the surrounding area this condition is considered to be both necessary and reasonable.
- c. Overall, the proposal, subject to appropriate conditions, is not considered to have detrimental impacts upon highway safety. The scheme is therefore considered to be acceptable and adhere to the development plan and NPPF in this regard.

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

3. Residential amenity

- a. Policy N1 of TPSB requires the design and layout of development to take account of noise and light implications and the amenity of adjacent residential areas. The neighbours' concerns regarding impact upon amenity are noted.
- b. The development is likely to impact upon the amenity of existing residents through noise, lighting, dust, vibration and construction traffic. The submission is supported by a detailed Construction Environmental Management Plan (CEMP) which, during the consideration of the application, has been amended to meet the requirements of the Councils Environmental Health Protection Lead. The CEMP states in Section 7.2 that site working hours would be 08.00-18.00 Monday-Friday, 08.00-14.00 on Saturdays, with no works on Sundays or Bank Holidays. Section 11 of the CEMP includes numerous mitigation measures regarding noise and vibration, including the use of temporary noise screens and stock piling excavated materials to act as an additional temporary noise barrier. The CEMP also includes substantial dust control measures at Section 10.
- c. The Councils Environmental Health Protection Lead is satisfied with the CEMP, and a condition would therefore be attached to any forthcoming permission to ensure that the development is carried out in accordance with the CEMP in order to minimise the disturbance to neighbouring residents.
- d. The site has a historical industrial use and as such is likely to contain contaminated land. The submission includes a Remediation Strategy to which the Environmental Health Protection Lead has advised that the proposals for dealing with contamination are suitable and proportionate. A condition should be attached to ensure that the remediation strategy is adhered to.

- e. Overall, it is considered that the proposal, subject to securing further detail via conditions, is considered to be acceptable and adhere to the development plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework (NPPF)
Paragraphs 130, 183-185

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

Supplementary Planning Document - Design

4. 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. Policy Stafford 1 reiterates this and also states that development should not harm but enhance watercourses in the town. The neighbours' concerns regarding flooding and drainage are noted.
- b. The Lead Local Flood Authority (LLFA) is satisfied with the submitted information and have no objection to the scheme, subject to a condition to ensure that the development is carried out in accordance with the submitted information. This condition would be attached to any grant of permission.
- c. With regards to foul drainage, Severn Trent Water (STW) have raised no objections to the scheme and advise that it would have a minimal impact upon the public sewerage system. Whilst STW have not requested a drainage condition an informative is recommended to be added to any grant of permission.
- d. The Sow and Penk Internal Drainage Board have raised no objection to the scheme and recommend conditions regarding the delivery of a sustainable urban drainage system prior to occupation of dwellings and the securing of consent from the drainage board. However, these conditions are not considered to be necessary and would be better suited as an informative.
- e. The Environment Agency have raised no objections to the scheme and advise that the submitted contamination report sufficiently demonstrates that it would be possible to manage the risks posed to Controlled Waters by the development. The Environment Agency have requested that a detailed remediation strategy is secured via a condition which is considered to be both reasonable and necessary.
- f. It is considered that, subject to adhering to conditions, the development is acceptable with regards to flooding and drainage and adheres with the development plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework

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

The Plan for Stafford Borough

Policies Stafford 1 (Stafford Town), N1 (Design), N2 (Climate Change), N4 (The Natural Environment and Green Infrastructure)

5. Biodiversity, Ecology and Arboriculture

- 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 and biodiversity, the Council's Biodiversity Officer concurs with the findings of the submitted preliminary ecology survey and advises that the recommendations for mitigation and enhancement within the submitted surveys must be adhered to. A condition should be attached to secure this. The Biodiversity Officer also provides recommendations regarding bird nest boxes, however as the scheme relates to enabling works only this is not considered to be necessary. It is also noted that the residential development scheme would create additional habitat.
- c. The site lies within the impact risk zone of Baswich Meadows SSSI. Natural England have advised that the proposal will not damage or destroy the SSSI.
- d. The eastern portion of the site contains a number of trees, many of which are subject to a TPO. The Council's Arboricultural Officer has raised no objections to the development subject to securing an arboricultural method statement, tree protection measures and pruning and removal details. These are considered to be necessary and as such relevant conditions are recommended.
- e. Overall, it is considered that the scheme at this stage is acceptable and adheres to the development plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework

Section 15 (Conserving and enhancing the natural environment)

The Plan for Stafford Borough

Policies N1 (Design), N2 (Climate Change), N4 (The Natural Environment and Green Infrastructure), N5 (Sites of European, National and Local Nature Conservation Importance)

6. Impact upon Heritage Assets

- a. TPSB Policy N9 states that development which affects the significance of a heritage asset will not be accepted, and that development is expected to sustain the significance and setting of a heritage asset. The policy also states that development should take into consideration archaeological remains and potential. Policy Stafford 1 states that development should not harm the significance of the town's heritage assets.
- b. When considering proposals which affect the character of a Conservation Area and the setting of a Listed Building regard is to be made to Sections 66 (1) and 72 (1) of the Planning (Listed Building and Conservation Area 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.
- c. The site is in close proximity to the Forebridge Conservation Area and a number of listed buildings. Due to the nature of the proposal it is considered that the development would have a neutral impact upon the surrounding heritage assets.
- d. With regards to archaeology, the County Archaeologist advises that there is potential for underground remains to be present on the site and therefore recommends that an archaeological scheme of investigation be secured via condition. This is considered reasonable and necessary and should be attached to any permission granted.
- e. Overall, it is considered that subject to adhering to conditions the proposal is acceptable with regards to impact upon heritage assets and adheres to the development plan and NPPF in this regard.

Policies and Guidance:-

National Planning Policy Framework (NPPF)
Section 16 (Conserving and enhancing the historic environment)

The Plan for Stafford Borough (TPSB) 2011-2031
Policies Stafford 1 (Stafford Town), N1 (Design), N8 (Landscape Character), N9 (Historic Environment)

7. Cannock Chase SAC:

- a. Policy N6 of TPSB states that development which has a direct or indirect adverse impact upon the integrity of the Cannock Chase SAC, and the effects cannot be mitigated, will not be supported.

- b. Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority (LPA) as the competent authority, must have further consideration to the impact of this development. In this case, due to the relative proximity on the Cannock Chase SAC. The LPA have completed a Habitats Regulation Assessment which concludes that given the nature and scale of the proposal the development is not considered have an adverse effect upon the integrity of the Cannock Chase SAC. Natural England concur with this conclusion, but recommend that the paragraph regarding NOx be removed from the HRA. This has subsequently been completed. 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.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs 179-182

The Plan for Stafford Borough
N6 (Cannock Chase Special Area of Conservation (SAC))

8. Other

- a. This site is adjacent to the West Coast Mainline and as such Network Rail have been consulted. Network Rail have raised no objections to the scheme subject to a number of conditions relating to a method statement, boundary fencing, scaffolding, vibration, demolition, drainage and vehicle safety protection. A number of these recommended conditions are not considered necessary or relevant as they either relate to the demolition of the building or the future housing development. It is noted that Network Rail did not include these recommended conditions in their previous consultation response to the outline application for the residential development, where they only provided limited comments. Where appropriate the conditions should be attached. An informative should also be included to ensure that the applicant reviews Network Rails comments in full.

9. Planning balance and conclusion

In conclusion, the proposal is considered to be acceptable in principle and would facilitate the redevelopment of the site. The scheme is considered to be acceptable with regards to residential amenity and highway safety. The proposal is not considered to impact upon arboriculture, ecology or protected sites. The development is considered to adhere to the development plan and NPPF and is recommended for approval subject to conditions.

Consultations

Environmental Health Officer:

(15.11.21)

The environmental construction methodology is suitable and compliance with the methodology should be conditioned.

(10.9.21)

The proposed preparatory groundworks are likely to be less impactful than the demolition phase although there are still large areas of foundations to be processed and levelled and we should not underestimate the potential noise, vibration and dust risks. Satisfied with the contamination proposals. Recommend phasing, materials stockpiles to be used as noise barrier, dust control, noise control, additional vibration monitoring location, lighting, site wind/weather station, work and delivery hours.

Biodiversity Officer:

(15.9.21)

The recommendations for mitigation and enhancement within the submitted surveys must be adhered to. Integral swift boxes should be the main choice for nest boxes, with smaller numbers of other designs/types.

Arboricultural Officer:

(27.8.21)

No objection subject to condition to adhere to submitted arboricultural report and to secure an arboricultural method statement, tree protection and retention plan, schedule of tree pruning and removal. Also recommend conditions for tree retention and timing around bird nesting season.

Highway Authority:

(7.10.21) (2.12.21)

No objections subject to an environmental management plan being secured via condition.

Lead Local Flood Authority:

(15.9.21)

No objection subject to a condition to ensure adherence to the submitted documents.

Archaeology:

(13.9.21)

No objection, there is potential for underground remains to be present on the site. Generally in agreement with the submitted Heritage Statement and Archaeological Technical Note. Recommend condition to secure suitable archaeological investigation.

Natural England:

(30.9.21)

No objection, the proposal will not have significant adverse impacts on designated sites, including Cannock Chase SAC and Baswich Meadows SSSI. Recommend that the LPA's HRA is amended.

Environment Agency:

(8.9.21)

No objection, agree with the conclusions of the submitted reports. Recommend a condition to secure a detailed remediation strategy. Recommend an informative.

Network Rail:

(25.8.21)

No objection subject to conditions regarding fencing, scaffolding, vibro-impact risk assessment and method statement, demolition, drainage, ground levels and excavations, vehicle safety protection measures. Also advise that a Basic Asset Protection Agreement with Network Rail is required.

Severn Trent Water:

(6.9.21)

No objection and do not require a drainage condition as the proposal has a minimal impact upon the public sewerage system. Recommend an informative.

Sow and Penk Drainage:

(31.8.21)

No objection subject to condition regarding delivery of SuDS.

Cadent:

(23.8.21)

No objection. Recommend an informative.

Neighbours (377 consulted):

10 responses: Material planning considerations summarised below:

- Impact upon residential amenity - disturbance due to noise, vibration, dust, site lighting
- Increased congestion
- Poor air quality
- Implications of infill development
- Increased pressure on utilities – sewerage, gas
- Diversion of culvert could impact neighbouring houses
- An additional bridge into the Queensville retail park would be beneficial

Comments regarding housing development:

- New housing must have high specification insulation, heat pumps, solar panels and electric/hybrid vehicle charging points
- Stafford does not need more houses
- Stafford does not have the infrastructure to support more houses
- Site could be utilised as public green space with outdoor amenities instead

Site Notice expiry date: 16.09.2021

Newsletter Advert expiry date: 22.09.2021

Relevant Planning History

20/31702/ESS - Screening Opinion request – Not EIA development 09.03.2020

20/32308/NDEM - Prior Notification - Demolition of all existing buildings (c. 60,000 sq m of floorspace) on the former General Electric / Alstom site – Prior approval required 09.06.2020

20/32041/OUT - Outline application for ground remodelling, drainage infrastructure, and development of up to 365 dwellings with landscaping, access and associated works (outline, all matters reserved save for means of access to the site). – Resolution to approve subject to signing a legal agreement (S106) 29.10.2021

21/34681/FUL - Full planning application for proposed modifications to site access off Ranshaw Drive – Approved 01.12.2021

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 listed below, except insofar as may be otherwise required by other conditions to which this permission is subject:

M90205_001_Location_1-2500 B Location plan
 19561-RLL-20-SK-DR-C-0100 P3 Proposed open water course sections
 19561-RLL-20-00-DR-C-0101 P3 Proposed open water course
 19561-RLL-20-00-DR-C-0200 P3 Contour plan
 18560-RLL-20-00-DR-C-1000 P3 Earthworks cut and fill
 P18-560 200 P1 General arrangement
3. Notwithstanding any description details within the application submission, no further development shall be commenced, including any remaining demolition or site clearance works, unless and until an Environmental Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The approved EMP shall include details relating to:
 - A) construction access,
 - B) hours of construction,
 - C) routing of HGV's,
 - D) delivery times,
 - E) the location of the contractors' compounds, cabins, material storage areas and contractors parking
 - F) a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. The EMP shall also include a method of demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved EMP for the duration of the construction programme.
4. A) No further development shall be commenced unless and until a written scheme of archaeological investigation ('the Scheme') has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the

programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

B) The archaeological site works shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under (4A).

C) The site investigation and post-excavation assessment shall thereafter be completed within six months in accordance with the written scheme of archaeological investigation approved under (4A). Provision shall also be made for analysis, publication and dissemination of the results and archive deposition being secured.

5. A) Notwithstanding any description details within the application submission, no further development shall be commenced unless and until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- i) A detailed risk assessment, options appraisal and remediation strategy based on the results of the previous site investigations giving full details of the remediation measures required and how they are to be undertaken.
- ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

B) The remediation works shall thereafter be implemented in full in accordance with the strategy approved under condition (5A).

C) Within three months of the approved remediation being completed, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

6. Before any further development commences, including any site clearance works or any equipment, machinery or materials are brought onto site, full details of protective fencing and/or other protective measures to safeguard existing trees on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall thereafter be provided in accordance with the approved details and retained for the duration of construction (including any site clearance works). 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. 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.
7. Before any further development commences, including any site clearance works or any equipment, machinery or materials are brought onto site, an Arboricultural

Method Statement (covering all aspects of development that are within the root protection areas of retained trees, or that have the potential to result in damage to retained trees) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved Arboricultural Method Statement.

8. Before any further development commences, including any site clearance works or any equipment, machinery or materials are brought onto site, a comprehensive schedule of works for tree pruning and removal shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of works and no tree removals or pruning of any kind shall be carried out except as prescribed in the approved schedule of works.
9. No further development shall be commenced unless and until the following details relating to the adjacent West Coast Main railway line have been submitted to and approved in writing by the Local Planning Authority.
 - A) Details of appropriate vehicle safety protection measures and trespass proof fencing along the boundary with the railway.
 - B) Details of scaffolding works within 10m of the railway boundary.
 - C) A risk assessment and method statement of any vibro-impact works.
 - D) Details of the disposal of both surface water and foul water drainage to be directed away from the railway.
 - E) Full details of ground levels, earthworks and excavations to be carried out near to the railway boundary.
The development shall thereafter be carried out in accordance with the approved details.
10. The development shall be carried out in accordance with the following documents, except insofar as may be otherwise required by other conditions to which this permission is subject:
 - CEMP - Construction Environment Management Plan -18560-RLE-20-XX-RP-O-0020,
 - Technical Note - Culvert Capacity and Flood Risk - 19561-RLL-21-XX-TN-C-001,
 - Flood Risk Assessment Summary Note,
 - Proposed Open Watercourse Cross Section - 19561-RLL-20-SK-DR-C-0100 P3,
 - Proposed Open Watercourse Plan 19561-RLL-20-00-DR-C-0101 P3,
 - Remediation Strategy -18560-RLE-20-XX-RP-O-0011.
11. The development shall be carried out in strict accordance with the recommendations for mitigation and enhancement as detailed within the submitted 'Technical note - land off Lichfield Road, Stafford. Ecological information to advise application for enabling works' and Ecological Impact Assessment, produced by SLR Consulting Limited.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. In the interests of the highway safety (Policies T1 and T2 of The Plan for Stafford Borough).
4. In order to afford proper archaeological investigation recording and protection. (Policy N9 of The Plan for Stafford Borough).
5. To ensure that all contaminated land issues on the site have been adequately addressed to protect the water environment. (Policies N2 and N4 of The Plan for Stafford Borough).
6. To protect trees which are to be retained in order to safeguard the character and appearance of the area. (Policies N1h and N4 of The Plan for Stafford Borough).
7. To protect trees which are to be retained in order to safeguard the character and appearance of the area. (Policies N1h and N4 of The Plan for Stafford Borough).
8. To ensure the satisfactory appearance of the development. (Policies N1 f and N4 of The Plan for Stafford Borough).
9. To protect the adjacent West Coast Main railway line. (Paragraph 104 (a) of the National Planning Policy Framework).
10. To ensure the satisfactory form of development. (Policy N1 of The Plan for Stafford Borough).
11. To protect the ecological interests of the site. (Policy N4 of The Plan for Stafford Borough).

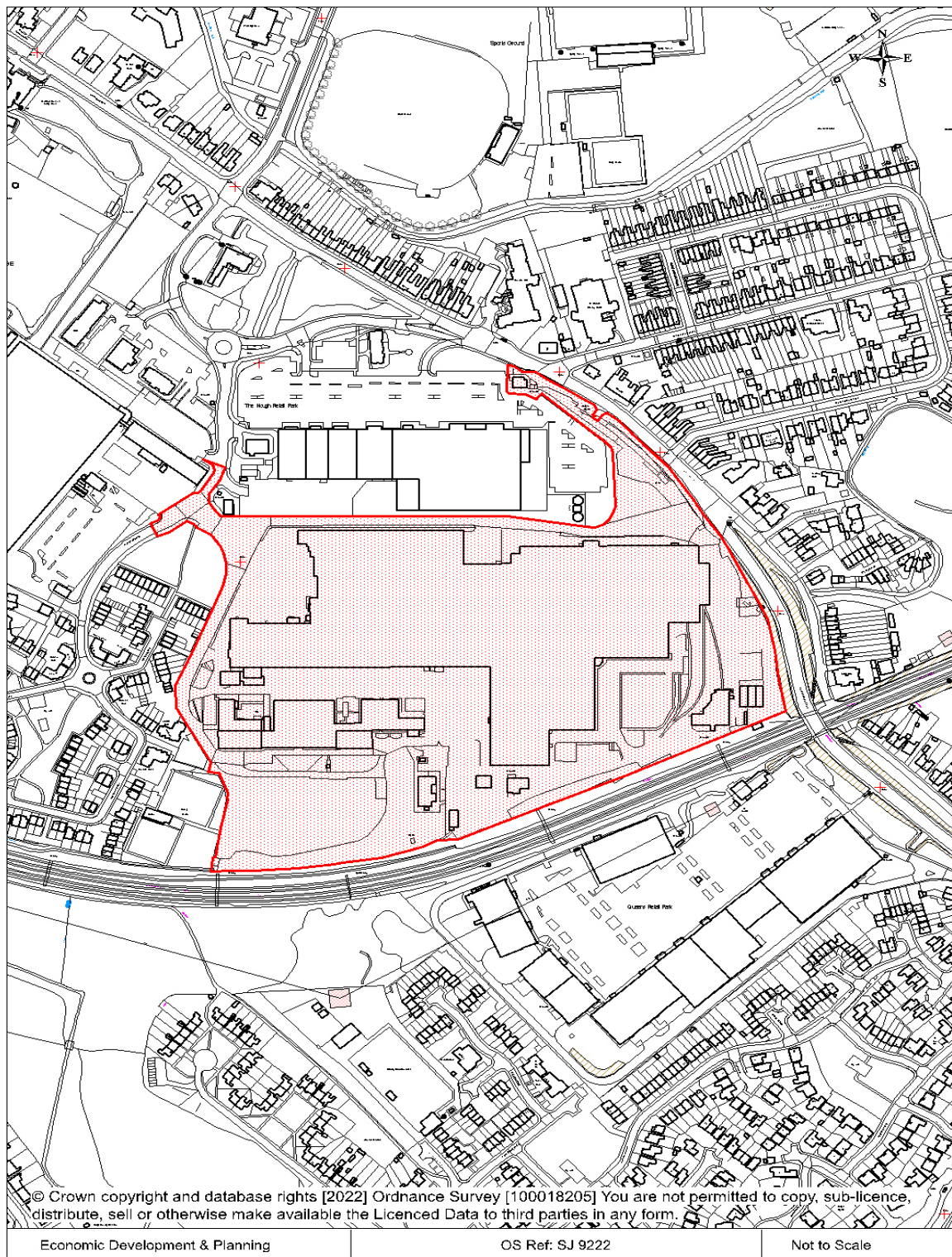
INFORMATIVE(S)

- 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 The applicant is advised to note and act upon, as necessary, the comments of the Environment Agency dated 8.9.21; Network Rail dated 25.8.21; Sow and Penk Independent Drainage Board dated 31.8.21; and Cadent dated 23.8.21 as submitted in response to consultations on this application. All comments can be viewed online through the planning public access pages of the Council's website at (www.staffordbc.gov.uk)
- 3 Severn Trent Water advise that there may be a public sewer located within the application site. Although statutory sewer records do not show any public sewers

within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

- 4 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting <http://cadentgas.com/diversions>. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
- 5 All nesting birds are afforded protection under Part 1, section 1 of the Wildlife and Countryside Act 1981 (as amended 2016), making it an offence to: disturb, injure or kill a nesting bird; disturb, take or destroy their nest; or damage, take or destroy their eggs. As such, any site clearance works should occur outside of bird nesting season (March-September inclusive). If site clearance outside of bird nesting season cannot be achieved then the site must be checked to be free of nesting birds, by a suitably experienced ecologist, immediately prior to commencement of any site clearance works.

21/33986/FUL
Former General Electric/ Alstom Premises
Lichfield Road
Stafford



Ward Interest - Nil

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

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

Decided Appeals

Application Reference	Location	Proposal
21/33783/FUL Appeal Dismissed	Downside Garshall Green Lane Garshall Green	Erection of a detached dwelling
20/32391/FUL Appeal Dismissed	203 Prospect Road Stafford	Change of use from grass land to residential to form domestic garden area. Side and rear two storey extension, single storey kitchen extension, new boundary fence with gates and driveway
20/32679/FUL Appeal Dismissed	6 Mill Farm Barns Mill Street	Retrospective application for the retention of existing fence and the erection of fence adjacent to Redhill Road
21/33855/FUL Appeal Dismissed	Adjacent To Stallington Grange Farm, Grindley Lane	Demolition of existing redundant outbuildings and erection of new dwelling.
20/33592/HOU Appeal Dismissed	The Croft Church Lane Gayton	Alterations and extensions to a single storey dwelling to form a two storey dwelling (resubmission of withdrawn application 20/33176/HOU)

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302



Appeal Decision

Site Visit made on 9 November 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/Y3425/W/21/3275446

Downside, Garshall Green Lane, Garshall Green, Stafford ST18 0EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Williams against the decision of Stafford Borough Council.
 - The application Ref 21/33783/FUL, dated 29 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issue

3. The main issue is whether the proposed development would be consistent with local policies relating to the location of new housing development.

Reasons

4. The appeal site comprises a residential caravan sited within a largely open plot located in the hamlet of Garshall Green. The settlement includes a number of dwellings either side of the lane all of differing designs and forms. Garshall Green is located within and surrounded by open countryside and is not classed as a settlement in the Sustainable Settlement Hierarchy (SSH). The site is located within 15km of the Cannock Chase Special Area of Conservation.
5. The Plan for Stafford Borough (2014) (PSB) Spatial Principle 3 sets out the spatial strategy for the borough and indicates that the majority of future development will be directed through the SSH to the towns of Stafford and Stone and Key Service Villages.
6. For areas outside these settlements PSB Policy C5, at criterion A, set out that proposals will be required to demonstrate that housing cannot be accommodated within the SSH; proposals will need to meet a need as identified by a Parish based Local Housing Needs Assessment and is of high-quality design that reflects the setting, form and character of the locality and surrounding landscape. The policy states that all criteria must be met.

7. I have not been provided with any evidence that the proposed dwelling could not reasonably be located within a settlement outlined in Spatial Principle 3 or that there is an identified local need.
8. The existing caravan has a temporary low-key appearance and occupies a small area of the site with the land around it largely free from development. The proposed development would, in contrast, introduce considerable built form resulting from the scale of the dwelling and an extensive amount of hardstanding in the form of the driveway and parking area.
9. The dwelling, associated infrastructure and domestic paraphernalia would be dispersed over a greater area of the site. This urbanisation of the site and encroachment into countryside would adversely harm the character and appearance of the area which is largely undeveloped. Consequently, the proposed development conflicts with PSB Policy C5(A).
10. Whilst the proposed development would not be isolated, it would be located within open countryside and is not well connected to the nearest Key Service Village. Future occupiers would be overwhelmingly reliant on private vehicles to access services and facilities to meet their day-to-day needs. There are no realistic alternative modes of transport or footpaths that would be available for future occupiers.
11. In terms of a fallback position, I note that a Certificate of Lawful Development¹ has been issued that establishes the siting of a residential caravan on site for more than 40 years and for its replacement with a twin caravan, as defined by the Caravan Sites Act 1968 (the Act).
12. I acknowledge that the appellant has purchased the plot with a view to safeguard their investment and that a residential caravan has been on the site for a significant period of time. However, the floor area and the scale of the dwelling would be substantially larger than the existing caravan or the replacement one, where its size is limited by the Act. The proposed development would have a greater impact on the character and appearance of the area, resulting from its size and the urbanisation of the site compared to the existing or replacement caravan.
13. Despite the appellant's comments, I have not been provided with any substantive evidence that the land immediately around the caravan could be used for domestic purposes similar to a residential garden associated with a dwelling.
14. Consequently, in my judgement a legitimate fallback position does not exist that would outweigh my findings in respect of the conflict with the development plan.
15. As such, the proposed development would be contrary to Spatial Principles 3 and 7 and Policy C5(A) of the PSB which, amongst other things, seek to direct new housing to sustainable settlements through the sustainable settlement hierarchy unless it can be demonstrated that it cannot be accommodated within it or that there is an identified local need.

¹ Application Reference 18/28838/LDCP

Other Matters

16. I accept that the proposal would add to the general availability of housing in the Borough. However, I have not been made aware of any pressing housing need that would justify a different overall conclusion that the appeal should be dismissed.
17. I acknowledge that the proposed development would incorporate green technology and biodiversity improvements. I also note that it is unlikely to significantly increase vehicle movements. However, these individually or cumulatively would not outweigh the harm that I have identified.
18. The appellant has drawn my attention to paragraphs in the Framework that promote high quality, innovative and sustainable design. I acknowledge the Framework is a consideration in planning decisions. However, in this particular case, it is not justification to allow inappropriate development.

Conclusion

19. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR



Appeal Decision

Site Visit made on 9 November 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/Y3425/W/21/3277759

203 Prospect Road, Stafford, Staffordshire ST16 3NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mirosław Florek against the decision of Stafford Borough Council.
 - The application Ref 20/32391/FUL, dated 2 November 2020, was refused by notice dated 23 March 2021.
 - The development proposed is change of use of grass land to form domestic garden area. Side and rear two storey extension, single storey kitchen extension, new boundary fence with gates and driveway.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. The appeal property is an end terrace dwelling located on an 'open-plan' estate where the majority of frontages are absent from boundary treatments and generous green verges and open spaces around and in-between houses are notable features. This results in an overwhelming sense of openness that makes a positive contribution to the character and appearance of the area.
4. I acknowledge that the open space is not used for leisure purposes and may not be considered to be a 'locally important open space'. However, it has significant value through its contribution to the spatial characteristics and distinctiveness of the locality. The introduction of built form and the enclosure of the land would unacceptably result in the loss of an open space that positively contributes to the area.
5. Despite the appellants contention the height of the fence and its close spatial relationship with the footpath would result in a visually intrusive feature. Irrespective of retaining a garden area, the proposed development would diminish views through the estate and would significantly erode the current sense of openness that exists, being completely out of keeping with the established character of the area.
6. Whilst the design of the proposed extension would be sympathetic to the host property and would not unduly affect the living conditions of nearby occupiers, neither of these things are sufficient to justify the loss of the open space.

7. I acknowledge that the proposal may reduce incidents of anti-social behaviour. However, this factor would not outweigh the harm that I have identified in relation to the main issue.
8. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies SP7 (i) and N1 (g, h and i) of The Plan for Stafford Borough (2014) which, amongst other things, seek to prevent the loss of locally important open space; require high quality design that takes into account local character and preserve and enhance the character of the area and strengthens the continuity of street frontages.

Conclusion

9. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR



Appeal Decision

Site Visit made on 9 November 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/Y3425/D/21/3278427

6 Mill Farm Barns, Mill Street, Stone ST15 8BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Gwydion Rhys against the decision of Stafford Borough Council.
 - The application Ref 20/32679/FUL, dated 9 July 2020, was refused by notice dated 26 May 2021.
 - The development is described as the retention of existing fence and the erection of fence adjacent to Redhill Road.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of the site visit I noted that a section of fencing has been installed. The application has been submitted part retrospectively and I have dealt with the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon pedestrian safety; and
 - The effect of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Moddershall Valley Conservation Area (CA).

Reasons

Pedestrian safety

4. The Council contend that the fence unduly affects pedestrian safety due to its height and position next to a dwelling known as "Brook View" which sits on Redhill Road and neighbours the appeal site. However, no credible evidence to substantiate this has been provided. I also note that the highways authority did not object to the application.
5. It is evident that adequate visibility in both directions can be achieved and taking into consideration the low number and low speed of vehicles that enter and exit the dwelling's driveway it is unlikely to result in a conflict with pedestrians.

6. Based on my observations at my site visit and taking into account the evidence before me including the advice of the highways authority, I am therefore satisfied that the development does not adversely affect pedestrian safety. It accords with Policy T2 of The Plan for Stafford Borough (2014) (PSB) which amongst other things, requires adequate parking for all new developments to have safe and adequate means of access and egress and to not materially impair highway safety or traffic movement.

Character and appearance including impact on heritage assets

7. The position of the fencing sits on top of an embankment on Redhill Road where the land slopes down to Mill Farm Barns. The embankment forms part of the CA which is defined by the valley and watercourse below and derives its significance from its distinct natural and verdant landscape and the remains of historic industrial build forms.
8. A section of timber fencing has been installed along the embankment with the remainder of the boundary largely comprising trees and planting. The appellant advises that a length of approximately 35m of fencing has been installed and in total the fence would extend for a total of around 85m along Redhill Road.
9. Redhill Road in contrast to the CA has the appearance of a suburban street made up of two storey dwellings. However, the set back of houses, long front gardens and low boundary treatments gives the road a pleasant appearance and contributes to the open character of the area.
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.
14. I note the Council have referred to PSB Policies N8 and N9(v) in the reason for refusal, however, I find that with specific regard to this appeal I have given them negligible weight in coming to my decision.

Other Matters

15. The appellant contends that the proposed development accords with parts (i), (j) and (k) of PSB Policy N1. Whilst the proposal would enclose space and define public and private spaces it would be detrimental to the character and appearance of the area. In addition, I have not been provided with any credible evidence that the appellant experiences overlooking from Redhill Road. As such, I have given these matters limited weight in coming to my decision.
16. Whilst the fencing materials may well be found in the area, this is not justification to allow inappropriate development and does not alter my conclusion.
17. I acknowledge that the proposal may reduce incidents of trespassing and anti-social behaviour. However, these factors do not outweigh the harm that I have identified in relation to character and appearance.
18. The support of local residents counts neither for nor against the proposal and does not lead me to reach a different conclusion on the matter.
19. The appellant contends it would be possible to construct a 1m fence along the embankment and a 2m fence set back from the highway utilising permitted development rights. I am not aware that a Certificate of Lawful Development has been approved for any such development. As such, based on the evidence before me I am not persuaded that there is a reasonable likelihood that the appellant would opt to construct the fences if planning permission for the appeal development was to be refused, or that this would have a similar or greater impact. I therefore afford this matter only limited weight in coming to my decision. Moreover, I have determined this appeal on its own individual planning merits.

Conclusion

20. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR



Appeal Decision

Site Visit made on 16 November 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/Y3425/W/21/3280959

**Adjacent to Stallington Grange Farm, Grindley Lane, Blythe Bridge,
Stoke-On-Trent ST3 7TA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Scriven against the decision of Stafford Borough Council.
 - The application Ref 21/33855/FUL, dated 12 February 2021, was refused by notice dated 13 July 2021.
 - The development proposed is the demolition of existing redundant outbuildings and erection of new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 20 July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the relevant development plan policy
 - whether or not the proposal would provide a suitable location for housing
 - the effect of the proposed development on the living conditions of prospective occupiers with particular regard to land contamination and noise
 - if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

4. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework makes it clear that

new buildings are inappropriate in the Green Belt. However, a number of exceptions are made, of which, the appellant draws my attention to the provision of limited infilling in villages.

5. Policy SP7 of the Plan for Stafford Borough 2011-2031 [2014] (PSB) states that development in the Green Belt will only be supported where it is consistent with national policies for the control of development.
6. The site lies within a small cluster of about 8 residential properties washed over by the Green Belt. The dwellings are accessed via an unmade track off the southern side of Grindley Lane (B5029) and are bordered by open fields to south, east and west. A large commercial shed lies beyond a paddock area to the north of the site.
7. At my site visit I saw that the group appears detached from the main settlement area. The combined distance of the site from Grindley Lane and the wide landscape buffer on the northern side of the road, providing a strong edge to the main housing area, results in a clear degree of separation between the areas of development. This is emphasised in the contrast between the informal arrangement, the diversity of the ages and the appearances of the houses within the isolated group against the planned estate layouts to the north. The group setting and appearance give it a distinctly rural character.
8. Aside from the unlit access track, there are no shared community facilities or services to indicate that the small assemblage of buildings forms a distinct 'village', either in itself or as part of a wider dispersed settlement. In support of the development, the appellant contends that the location has some historical association with the village of Stallington. However, there is a significant degree of separation between those developed areas. The intervening rolling open fields and convoluted road linkage ensure they appear as visually and functionally separate places.
9. The limited number of buildings and absence of local services or community amenities within or directly linked to the group, leads me to the conclusion that the location of the infill would not be within a 'village' for the purposes of Paragraph 149 e). The proposal therefore would not be an exception under this provision.
10. The 1½ storey scale of the proposed building would have significantly greater height and massing than the group of small single-storey buildings presently on the site. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The dwelling would have a greater visual presence and exceed the combined scale of existing development. This would reduce the spatial and visual openness of the Green Belt.
11. I note that a previous outline application for a detached dwelling on the site was submitted as an exception under Paragraph 149 g) (then Para.145 g) of the Framework. However, permission was refused and dismissed at appeal. Although those decisions are not provided in evidence, pursuant to my finding in relation to the harm to the openness of the Green Belt, I conclude that the proposal falls outside the other exceptions listed in Paragraph 149.
12. For the reasons set out above, I conclude that the development would constitute inappropriate development within the Green Belt that would erode its

openness. It would not fall within the exceptions outlined in the Framework and would be contrary to Policy SP7 of the PSB which seeks to restrict development in the Green Belt in accordance with national policy.

Locations for Housing

13. Policies SP3 and SP7 set out the Council's spatial strategy for the delivery of new development. New housing is directed to the main towns and settlements within the borough. Policy C5 of the PSB requires proposals for market housing development in rural areas, which lie outside of the defined settlements listed in Policy SP3, to demonstrate a local housing need and that that need could not be met within the relevant settlements.
14. There is little before me to demonstrate a specific need in the locality. Although the appellant indicates that the proposal would be well-connected to public transport and close to local facilities and services, a matter which is not contested by the Council, I am not persuaded that this justifies a departure from policies seeking to control rural housing to that meeting a demonstrated need.
15. For those reasons, the proposal would conflict with the Council's spatial strategy and detailed policies for housing delivery. It would be contrary to Policies SP1, SP3, SP7 and C5 of the PSB as they seek to achieve the sustainable distribution of development by directing it to areas best served by infrastructure, facilities and services and ensuring easy accessibility to them, now and in the future.

Living conditions

16. The site lies near to some industrial units to the north and east. At the time of my site visit, albeit only a snapshot in time, no significant noise was being generated by those premises such that any significant adverse impacts on the living conditions of future occupiers would arise. I acknowledge that this may not always be the case. However, there is little substantive evidence provided by the Council, such as noise measurements or details of complaints made, for example, to indicate that those premises are sources of concerns to existing nearby residential occupiers.
17. In the absence of information to demonstrate that significant noise concerns exist, or that they could not be mitigated by measures secured through planning condition/s, I find there is little basis to conclude harm would arise to the living conditions of prospective occupiers through existing noise pollution.
18. According to the Council, the site is also close to a former landfill area. Alongside the proximity to the industrial sites, this is identified as a possible source of site contamination. Given the size of the plot, that it is currently situated between residential buildings and is partly covered by hard surfaces, I find the extent of contamination from off-site sources is unlikely to be preventative to the safe development of the site. In the circumstances, a contamination assessment and, if necessary, site remediation could be secured through planning condition/s to achieve a safe form of development.
19. For those reasons and having regard to the provisions in Paragraph 55 of the Framework in relation to the use of planning conditions, I find that the proposal could deliver a development that was not at unacceptable risk from noise or ground pollution sources. It could thereby achieve a suitable standards of living

conditions for prospective occupiers to align with Paragraph 174 of the Framework, as it seeks those aims.

Other Considerations

20. In support of the development, the appellant highlights that the proposal would be in compliance with Policies E2 and N1 of the PSB relating to sustainable rural development and the design of development respectively. It would include the redevelopment of land currently accommodating buildings and hard standings in a manner to conserve or improve the rural environment. This could be achieved without detriment to the amenity of the area.
21. The design and scale of the building would assimilate with the mixed nature of development in the locality and address the street frontage. It would be constructed to a high standard and incorporate energy conservation techniques in its modern design. The layout would use a relatively small proportion of the plot and the building would be finished in materials used in the area. However, as requirements of the development plan, these are not benefits in favour of the development.
22. The appellant contends that the proposal would replace timeworn development to provide an overall visual improvement in the locality. Whilst the proposal would provide a new building on the site, the poor condition of buildings or land is not a strong argument in favour of an alternative development that would cause harm to the Green Belt. It is therefore a matter of limited weight.

Conclusion

23. The building would be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The scale of the building would also cause harm to the openness of the Green Belt, which is one of its essential characteristics. The location of the proposal would also conflict with the Council's spatial strategy for sustainable development.
24. The considerations presented by the appellant, or my finding in favour of the appellant in relation to the living conditions of prospective occupiers, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist and the development is contrary to Policies SP1, SP3, SP7 and C5 of the PSB and the Framework taken as a whole.
25. I have noted the objections from third parties to the proposal. However, in the light of my findings on the main issues of the appeal, my decision does not turn on these matters.
26. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR



Appeal Decision

Site visit made on 30 November 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 21st December 2021

Appeal Ref: APP/Y3425/D/21/3274615

The Croft, Church Lane, Gayton, Stafford ST18 0HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M Stevens against the decision of Stafford Borough Council.
 - The application Ref 20/33592/HOU, dated 18 December 2020, was refused by notice dated 17 March 2021.
 - The development proposed is alterations and extensions to a single storey dwelling to form a two storey dwelling (resubmission of withdrawn application 20/33176/HOU).
-

Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. An earlier planning application (ref 20/31977/HOU) for alterations and extensions to a single storey dwelling to form a two storey dwelling was refused and it was dismissed on appeal. The appeal proposal differs from the refused scheme including through a reduction in the width of the frontage, removal of a chimney and front dormers, and its external materials. A subsequent planning application (ref 20/33176/HOU) was withdrawn. An application (ref 20/33619/POTH) for prior approval – additional storey (Class AA) total height of dwelling 7.45m was granted in February 2021.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The Croft is a single storey detached dwelling set back from the road in a large plot. It is in the village of Gayton, which is a dispersed settlement with a village hall, church, farmsteads and residential dwellings. There are a limited number of modern dwellings in a cluster near to the church, but elsewhere the red brick and simple slate roof dwellings impart a traditional and harmonious character and appearance. It is in the open countryside for planning purposes.
5. The proposal would be a large 2 storey dwelling with prominent roof gable extensions, single storey rear extensions and a tall attached double garage. It would be finished in red brick with a tile roof. It would have 6 en suite bedrooms, including an assisted living ground floor bedroom.

6. The evidence indicates that the proposal would result in an increase of roughly 115% in the floor area of the existing dwelling. However, the existing conservatory and the side and rear extensions are not original. As such, the Council estimates the proposal would increase the floor area of the dwelling as originally built by over 250%. On this basis, it would be a substantial and disproportionate increase in the size of the dwelling. In this regard, the appellant acknowledges that the proposal, which would increase the length of the building and it would roughly double its height, would be over dominant to the existing single storey dwelling.
7. The existing dwelling is of little architectural merit and it is not in keeping with neighbouring 2 storey dwellings. Nevertheless, it is a low and relatively simple building set back in its plot and partially screened by planting. In contrast, while the proposal would be similarly set back from the road, the significant increase in the bulk of the building would be readily visible and it would be prominent in the street scene. Its red brick finish would be in keeping, but even so the proposal would be markedly dissimilar to the more unassuming and traditional surrounding built environment. By virtue of its overly large size and scale and its modern design, it would be a dominant feature that would erode local distinctiveness and sense of place. It would not be proportionate to the type or character of the existing dwelling and the surrounding area.
8. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policies SP7, C5, N1 and N8 of The Plan for Stafford Borough 2011-2031 Adopted June 2014. These require that extensions and alterations should not result in additions of more than 70% to the dwelling as originally built unless the design and appearance of the proposal is proportionate to the existing dwelling and the surrounding area. Development is required to be appropriate in scale and appearance, taking into account local character and context and it should reinforce and respect the character of the settlement and its landscape setting. It would also conflict with the National Planning Policy Framework in relation to being sympathetic to local character and history and contributing to sense of place.

Other Considerations

9. The prior approval scheme would be a 2 storey dwelling with approximately 330sqm of floor area. This would be greater than a 70% increase in the original dwelling, but less than the roughly 465sqm provided by the proposal.
10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. I have no reason to think that the prior approval scheme would not be constructed if the appeal should fail. As it is a valid fallback position, it is a material consideration. However, even if the prior approval scheme had been implemented, it would not be the original building for the purposes of planning policy and it is not a justification to set aside the development plan.
11. The fallback would be finished in red brick with a tile roof to match the existing dwelling. It would have a simple pitch roof and front elevation. It would be relatively well-proportioned, and it would not be visually obtrusive. The existing single storey rear and side extensions and the conservatory would be retained as subservient extensions. While it might not be the same design quality as the proposal, it would be less imposing and less dominant in the street scene. The

materially smaller size, and the less harmful visual impact, of the fallback scheme does not provide a justification for the appeal proposal.

12. The scheme has been amended in an attempt to address the reasons for refusal and dismissal on appeal of the earlier planning application. I have considered the appeal scheme on its own merits. The previously refused scheme does not weigh in favour of the proposal.
13. The appellants are seeking to create a larger dwelling for their growing family and to provide care for parents. Notwithstanding the assisted living bedroom, there is little before me in relation to the size of the family or the needs of the parents. Moreover, it has not been demonstrated that the fallback position, which would be a large family home with bedrooms and bathrooms at ground and first floor levels, would not meet the extended family's needs. Therefore, the personal circumstances carry limited weight in favour.
14. The proposal would not harm the living conditions of the neighbours. There were representations in support of the proposal, including by the Ward Member, and no third parties objected to it. However, the avoidance of harm and the acceptability of the scheme to the neighbouring residential occupiers and the Ward Member do not outweigh the harm that I have found.
15. My attention has been drawn to planning permissions for large extensions elsewhere. Full details have not been provided. Permission ref 16/23553/HOU is a 150% increase in the original floor area but only a subservient side extension is visible in public views and it does not obviously add to the bulk of the existing house. Permission ref 17/27586/HOU is a 150% increase but the side extension is the same height as its host, the rear extension is subservient, and it is proportionate to its surroundings. Permission ref 17/27105/HOU is less than a 90% increase in the original dwelling which, irrespective of any similarities, is a far smaller increase than the proposal. On the basis of the evidence before me, I cannot be certain that they are directly comparable to the proposal or its context and they do not provide a justification for it.

Conclusion

16. For the reasons set out above, the proposal would conflict with the development plan and there are no considerations, including the permitted development rights, that would outweigh that conflict.
17. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR