

Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 21 July 2021** 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 – 21 JULY 2021

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

A G E N D A

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

Details of Delegated applications will be circulated separately to Members.

	Page Nos
5 Planning Applications	3 - 27
6 Planning Appeals	28 - 36
7 Enforcement Matters	37 - 42

MEMBERSHIP

Chairman - Councillor B M Cross

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

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

ITEM NO 5

ITEM NO 5

 PLANNING COMMITTEE – 21 JULY 2021

Ward Interest - Nil

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

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

		Page Nos
20/33243/FUL	Brookside Rest Home, 159 Eccleshall Road Stafford, ST16 1PD	4 - 17
	The application was called in by Councillor J K Price	
	Officer Contact – Richard Wood, Development Lead, Telephone 01785 619324	
21/33774/COU	Land Adjacent Rose Cottage, Alstone Lane, Haughton	18 - 27
	The application was called in by Councillor M J Winnington	
	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.

Application:	20/33243/FUL
Case Officer:	Craig Miles
Date Registered:	4 July 2019
Target Decision Date:	12 November 2020
Extended To:	4 January 2021
Address:	Brookside Rest Home, 159 Eccleshall Road, Stafford, ST16 1PD
Ward:	Holmcroft
Parish:	Nil
Proposal:	Proposed rear ground and lower ground floor extension together with associated parking to increase in capacity from 25 to 29 residents
Applicant:	Brookside Residential Care Ltd
Recommendation:	Refusal

REASON FOR REFERRAL TO COMMITTEE

The is application has been called-in by Councillor J K Price on the basis of concern relating to:

“Massing, Overshadowing and loss of privacy”.

Background

The Application Site (the Site) relates to an existing care home known as Brookside Rest Home at 159 Eccleshall Road, Stafford.

Planning permission was refused on 17 December 2019 under application reference 19/30794/FUL for a rear ground and lower ground floor extension associated parking and increased capacity from 25 to 35 residents and revised car parking arrangements for the following reasons:

- 1. The proposal fail to make adequate provision for on-site car parking and manoeuvring space resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway. The proposal is therefore contrary to policies T2 and C3 (c) (ii) of the Plan for Stafford Borough.*
- 2. Insufficient information has been provided to demonstrate that the proposal makes adequate provision for flood risk as part of the site falls within Flood*

Zone 3. The proposal is therefore contrary to paragraph 155 of the National Planning Policy Framework and policy N2 of the Plan for Stafford Borough.

3. *The proposed two storey extension would project 31 metres and when combined with previous extensions would have a total length of 64m from the rear elevation of the original two storey Victorian villa. The scale and particularly the excessive length of the proposal and resultant mass would therefore appear as a disproportionate addition to the original two-storey Victorian villa and would consequently form an incongruent and over dominant feature in the context of other smaller detached dwellings in the immediate locality and when viewed from those properties. The proposal is therefore contrary to paragraph 130 of the National Planning Policy Framework and policies N1 (g) and (h) and C3 (c) (i) of the Plan for Stafford Borough.*
4. *The proposed two storey extension by reason of its excessive length and orientation of bedroom windows towards 153 and 155 Eccleshall Road would result in an unacceptable level of overlooking and a consequent loss of privacy to the occupiers of those properties. The proposal is therefore contrary to policies N1(e) and C3(c) (iii) of the Plan for Stafford Borough*

The proposed development would appear as a continuation of the previous approved extension in 1997, that by way of conditions restricted the occupancy of the care home to 25 residents, together with the creation and retention of 7 off-street car parking spaces.

Context

The Site comprising 159 Eccleshall Road is an extended two-storey Victorian villa located on the south side of Eccleshall Road, Stafford, in a predominately residential area.

The frontage of the nursing home has the appearance of a detached red-brick dwelling. However, to the rear planning permission was granted for a small extension to the nursing home in 1989 (Application reference 89/23609/FUL) and subsequently a much larger extension in 1997 (Ref: 97/34535/FUL) protruding a total of 32 metres from the original rear elevation beyond the single storey rear extension. The land level of the garden to the Rest Home falls steeply towards the rear (i.e. west) boundary.

To the rear, the garden is enclosed by a timber panel fence and hedgerows and to the front and side of the property are areas for off-street car parking. There is an existing timber gate to the side (south) of the property that limits access to the rear car parking spaces. There are also two dilapidated sheds used for storage positioned along the south boundary.

To the north of the site is a converted dwelling used by the NHS, to the east is Eccleshall Road (A5013), to the south is the garden of three dwellings that abut the east boundary of the site, and adjacent to the west boundary is Doxey Marshes Nature Reserve which is also classified as a Site of Special Scientific Interest (SSSI).

The Site is within the settlement boundary of Stafford as shown in the inset Plan to The Plan for Stafford Borough 2011-2031.

Proposed development

The proposed development includes in effect a two-storey rear extension attached to the rear of the long extension approved in 1997. It would have a pitched roof and would measure a maximum of 20.00 metres in length, 11.00 metres in width and 9.30 metres in height (measured from the rear garden ground). In total, the extension would create a 52.00 metre long extension projecting from the main rear elevation of the original dwelling house. A small area of garden ground would remain.

There would be windows along each side elevation at both ground and lower ground floor. On the rear elevation of the proposed extension would be a balcony area enclosed by 1.50 metre high glass railings.

It is proposed that the walls would be facing brick, the roof comprises of matching roof tiles and the windows to be upvc. By replicating the design of the existing extension approved in 1997, each bedroom would have its own external window and en-suite bathroom.

The proposed extension would provide 7 additional en-suite bedrooms, 3 of which would replace double bedrooms which would not meet modern standards (according to the submitted Design and Access Statement). The net increase would therefore be 4 bed spaces. As a result, the overall capacity of the care home would increase from 25 to 29 residents.

The car parking arrangements are also proposed to be altered. The 7 existing spaces would be removed from the side (east) elevation of the original extension. The car parking would be reconfigured to create 12 off-street car parking spaces. 4 spaces would be positioned to the front of the property (including 1 ambulance space), 7 spaces would be located parallel to the southern boundary and there would be a turning head within the remaining garden ground with 2 further spaces included.

The Application Form indicate that the proposed development would require the addition of 2 full-time employees. At present there are 11 full-time employees and 16 part-time employees.

In support of the application the applicant has submitted an Ecological Appraisal, together with a Phase 2 survey for Bats.

OFFICER ASSESSMENT

Planning policy and material considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the development plan consists of Parts 1 and 2 of The Plan for Stafford Borough 2011-2031 (the PSB) adopted in 2014 and 2017 respectively.

Other material considerations include the Supplementary Planning Document on Design (the SPD) issued in 2018; and at the national level the National Planning Policy Framework (the Framework) and associated Planning Practice Guidance (the Guidance), as well as the National Design Guide (the Guide).

Policies and Guidance - The Plan for Stafford Borough 2011-2031

Policies

- ☐ SP1 Presumption in favour of sustainable development
- ☐ SP3 Stafford Borough sustainable settlement hierarchy
- ☐ SP7 Supporting the location of new development
- ☐ T1 Transport
- ☐ T2 Parking and manoeuvring facilities and Appendix B
- ☐ C3 Specialist housing
- ☐ N1 Design
- ☐ N2 Climate change
- ☐ N4 The natural environment and green infrastructure
- ☐ N5 Sites of European, National and local conservation importance
- ☐ N8 Landscape character
- ☐ Stafford 1 - Stafford Town

Guidance

- ☐ Supplementary Planning Document - Design

Main issues

The main considerations in this case are; firstly, the principle of the proposed development; secondly, whether the proposal in its detailed form harms the character and appearance of the area; thirdly effect of the proposal upon residential amenity; and fourthly, whether the proposed vehicular parking arrangements are satisfactory.

Principle of the proposed development

Spatial Principle 3 (SP3) of the PSB seeks to focus the majority of development within certain identified settlements via a hierarchy, with Stafford occupying the highest position.

Other overarching policies, such as SP1, SP7, N1, N4, N8 and the SPD support development provided, in part, it does not harm the character and appearance of the area, does not adversely harm residential amenity, and does not harm the natural environment. Policies T1 and T2 promote sustainable transportation, adequate parking provision, and development that does not materially impair highway safety or traffic movement. These objectives are also reflected within the Framework, the Guidance, and the Guide.

PSB Policy Stafford 1 – *Stafford Town* under the heading of *Housing* seeks an increase in the range and type of housing including a greater number of specialist houses and extra care provision for the elderly.

Policy C3 of the PSB addresses specialist housing and encourages the provision of a range of types and tenures of additional extra care bed units. Part (c) specifically supports the extension of existing residential / nursing homes and conversion of existing sheltered accommodation provided that: (a) the development is compatible with the character of the local area, (b) there is adequate and well-located car parking and the site is accessible by both public and private transport.

The Application property currently operates as a residential/nursing home located within the built-up area of Stafford occupying a highly sustainable location. It is recognised that the Applicant has outlined a general need for the development, and re-configuration of the existing home would meet modern standards. Therefore, it is considered that the principle of the proposed development is deemed acceptable to the above policies and other relevant policies of the PSB, together with national guidance.

The effect of the proposal upon the character and appearance of the area

Part of the purpose of design is to consider context and respond accordingly. This position is reflected within policy C3 - *that the extension of existing residential / nursing homes is only acceptable if: the development is compatible with the character of the local area*; Stafford 1 – *development is sympathetic to the landscape character that inter alia includes townscapes*; SP7 – *is of an appropriate scale to the existing settlement*; N1 new development, aside from demonstrating high design standards shall take into account local character, context, density and landscape; whereas, policy N8 provides *that new development should reinforce and respect the character of the settlement...*

At the national level, the Framework at paragraph 127 (section 12 – Achieving well-designed places) requires that planning decisions should ensure that developments...*are sympathetic to local character...including surrounding built environment...while preventing or discouraging appropriate innovation or change*. The Guidance in addressing design critically notes at Paragraph: 001 Reference ID: 26-001-20191001:

As set out in paragraph 130 of the National Planning Policy Framework, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The Guide also references the same considerations at paragraph 52 under the heading of *Respond to existing local character and identity*.

As noted above, the character of the area is broadly residential in nature with large detached and semi-detached Victorian villas fronting onto the Eccleshall Road, together with small areas of historic infill and backland development on both sides of Eccleshall Road. In this instance there are two residential properties facing directly towards the rear garden boundary of the application site where the two-storey extension is proposed. The neighbouring property at 157 Eccleshall Road would have views towards the proposed two-story extension and at a greater distance there are other residential properties facing towards the proposed extension from a three-storey flatted development to the west.

The proposal is in effect a two-storey rear extension. Owing to a fall in land levels the proposed extension would appear as a continuation of the existing extension approved in 1997. The resultant built form would be an extension protruding some 52 metres from the original rear elevation of a two-storey Victorian villa. It would be visible by the occupiers of the neighbouring properties to the east of the application site and by distant views from the flatted development to the north and from Doxey Marshes.

Notwithstanding that the proposal is a reduction to that refused planning permission in 2019; the scale and massing of the proposed extension would still be completely disproportionate to the two-storey Victorian villa it would be ultimately adjoined to. It would also appear incongruent alongside other smaller detached dwellings when viewed from these properties.

Whilst there is an existing single storey extension, its design is not of a character that is dominant within the surrounding area. Substantially adding to it by means of a two-storey extension whereby it would protrude a further 20.00 metres and having a height of 9.30 metres above ground level is not considered to be a high standard of design or to represent an innovative design approach.

It is therefore considered that the design, form, massing and scale of the proposed development would harm the host building and also the character and appearance of the area contrary to the above quoted policies of the development plan, the SPD to the PSB, together with national guidance.

Effect of the proposal upon residential amenity

Sustainable development (paragraph 8 of the Framework) encompasses three overarching objectives, including a social objective, within which falls the consideration of amenity. Consequently, it is accepted that privacy and the protection of residential amenity constitutes a material consideration in the decision-making process and is an important design objective. However, it is not to protect private interests.

The need to consider developmental impact to the amenity of occupiers of neighbouring properties and indeed the occupiers of the development, aside from national guidance, is set within the PSB at policy SP7 – [development] *will not adversely affect the residential amenity of the area*; as a criteria to policy C – *the development does not have an adverse impact on the amenity of adjoining properties through excessive noise, light pollution, loss of privacy and excessive traffic movements*; N1 that the developmental design and layout to take account of.... *the amenity of adjacent residential areas*.

The SPD constitutes a material consideration in the determination of this matter as set out under paragraph 130 of the Framework, and also cited in the Guidance. The SPD under the heading of *General Design Principles* at paragraphs 8.7 and 8.8 states:

An important feature to consider is that not all properties are suitable for extension. In certain instances there will not be enough space or the design of the extension may damage the amenity of other or the street scene. Additionally, the cumulative effect of extensions must be considered when deciding whether or not to approve housing extensions.

The Site is positioned alongside three residential properties to the south. Two of them face directly towards the rear garden of the application site where the proposed two storey rear extension would be located. The properties facing towards the rear garden of Brookside Rest Home consist of a pair of semi-detached dwellings (153 and 155 Eccleshall Road). The rear elevation of these properties would be approximately 20.00 metres from the side elevation of the proposed two-storey extension.

The nature of rest homes means that occupants are mainly confined to their room for long periods of time. The proposed bedroom window serving each of these additional rooms would face directly towards the gardens of the adjacent properties. Whilst a degree of overlooking in urban areas is expected, the permanent nature and orientation of these windows would create an unacceptable level of direct overlooking.

Similarly, given the scale and mass of the proposed two storey extension, the proposal would also create an incongruent and over dominant built form when viewed from the rear elevations of 153 and 155 Eccleshall Road.

It is therefore considered that the proposed development will materially harm the amenity afforded to local residents in the area, both within and outwith their properties, contrary to policies SP1, SP7, C3, N1 and the SPD to the PSB, together with national guidance.

Whether the proposed vehicular parking arrangements are satisfactory

On-street car parking on Eccleshall Road in front of the Brookside Rest Home is restricted by way of a Traffic Regulation Order.

The submission indicates that there are 11 full-time and 16 part-time members of staff and that the proposal would create 2 new full-time members of staff (total 13 full-time and 16 part-time staff).

At present there are 7 existing off-street car parking spaces provided as part of the approved extension in 1997 (Application reference 97/34535/FUL). The spaces are located parallel to the southern extended part of the Brookside Rest Home. There is also informal parking and turning in front of Brookside Rest Home (towards the roadside boundary with Eccleshall Road).

The existing off-street car parking spaces approved as part of planning application reference 97/34535/FUL would be removed. Instead, it is proposed that car parking in front of Brookside Rest Home be formalised to create 4 car parking spaces (including 1 x ambulance space). 7 car parking spaces are also proposed along the southern side boundary to the rear. A vehicle access road is proposed alongside these spaces which would be 2.64m wide at its narrowest point. It would lead to a hardstanding area where a turning head would be formed together with 2 further spaces. This is based on amended plans received on 23 February 2021.

The car parking standards set out in Appendix B of the PSB for Residential Care Establishments state that 1 parking space is required per resident staff, plus 1 space per non-resident staff present at peak working times, plus 1 space per 3 bed spaces for visitors. An ambulance space should also be provided in a position which would not

impede site access but located as close as possible to the main entrance of the establishment.

Even though the existing car parking spaces would be re-located, the Highway Authority have advised that the car parking standards set out in Appendix B can only apply to the proposed extension, rather applying them to the site as a whole.

On the basis that the existing spaces would serve the development, the additional car parking would be for 3 car parking spaces – 1 for visitors and 2 for staff (plus 1 ambulance space). There is also a requirement for an ambulance space and a clear access for refuse vehicles. This application proposes a total of 12 spaces - 5 additional car parking spaces and 1 x ambulance space.

The Highway Authority do not object to the proposed layout or the level of car parking or the proposed layout as now proposed, subject to a condition requiring that the development shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.

Given that the overall amount of parking within the site would be in accordance with the parking standards as set out in Appendix B, and that the Highway Authority do not object to the proposed layout it is considered that the proposals accord with Policy T2 - Parking and Manoeuvring Facilities that require all new development to have safe and adequate internal circulation / turning arrangements for all modes of transport relevant to the proposal; and make provision for parking. As such this part of the proposals also complies (in part) with Policy C3 – Specialist Housing which requires there to be there is adequate and well-located car parking.

Other Issues

Flood Risk

No Flood Risk Assessment has been submitted in support of the proposal, with a small proportion of the western part of the site lies within Flood Zone 3. The Applicant claims that the proposed development does not include any physical development. The Environment Agency have been consulted and have responses to state that they do not object to the proposals on the basis that *“the proposed extension and associated car park plots (8 and 9) are located outside of the 1 in 1000 year flood extent.”* They also state that the proposed development will only meet the requirements of the Framework (paragraphs 100-103 (inclusive)) in relation to flood risk if a condition is attached requiring that there be no ground raising within the floodplain (up to the 1 in 1000-year flood extent) as outlined on Drawing No. AP19017-66, Rev D, dated 05 October 2020.

The Sow and Penk Internal Drainage Board have also been consulted. They do not object to the proposals but recommended that a series of conditions are in place if surface water is draining into a nearby watercourse to the south of site and note that permission from them is required for any form of new drainage into this watercourse.

On this basis and subject to conditions, it is considered that the submitted information therefore addresses the potential for flood risk, in accordance with policies N2 and N4 that

require proposals must take particular account of the need to ensure protection from, and not worsen the potential for flooding.

Ecology

The Site is adjacent to Doxey Marshes which is a Local Nature Reserve (LNR) and also a SSSI.

An ecology appraisal and a phase 2 survey for bats has been submitted which concludes that subject to a range of mitigation measures in relation to nesting birds, bats, great crested newts and badgers that there would be “*no further ecological constraints to the development.*”

The Council’s Ecology and Biodiversity Officer has no objection to the proposals so long as the measures to manage the development are implemented in accordance with the submitted ecology appraisal. It is considered that the proposals would therefore comply with policy N4 of the PSB, together with advice in the Framework at Section 15 - Conserving and enhancing the natural environment, so long as suitable conditions were in place to protect existing protected species.

The planning balance and conclusion

It is accepted that the Applicant has outlined a general need for the development, the re-configuration of the existing home would meet modern standards and that the Site occupies a sustainable location. It is also acknowledged that a large single storey extension was granted permission previously for a similar design. However, these material planning considerations do not outweigh the planning policies set out in the development plan or national guidance.

In relation to the parking, flood-risk, ecology, it is considered that appropriate measures can be conditioned to secure a form of development that would have no harmful impact on these matters.

However; in relation to design, it is considered that the proposal to create a two-storey extension whereby it would protrude a further 20.00 metres and having a height of 9.30 metre above ground level would not be a high standard of design and would by reason of its design, form, massing, positioning and scale, harm the character and appearance of the area and adversely affect residential amenity contrary to the above cited policies of the development plan, together with national guidance.

As such, the application is recommended for refusal.

Consultations

Highway Authority:

30.04.2021

There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval: - The development is proposing an additional 3 parking spaces to accommodate the extra staff and bedrooms. This is within the Borough Councils parking guidelines for this size of extension. The developer is also proposing an ambulance bay at the front of the development. The access to the development off Eccleshall Road is not effected. Conditions: The development hereby permitted shall not be brought into use until the access, parking, servicing, and turning areas have been provided in accordance with the approved plans Drawing No - AP19017-08 Rev J. Reasons: To comply with The Plan for Stafford Borough 2014 and in the interest of Highway Safety.

21.01.2021

This application should be refused for the following reasons: The proposed development fails to make adequate provision for the parking of vehicles, including emergency vehicles, within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway. Note to planning officer: The required parking for this development is already considerably lower than that required in the Borough Council Standards. As this is an extension the parking standards for the proposed extension need to be met along with provision for emergency vehicles, a minimum of 3 additional bays with turning areas and also a dedicated area for area for an ambulance.

Environmental Health Officer

Please find below comments from the Regulatory Services Group regarding the above planning application.

1. All works, including demolition, site works and construction shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
2. No burning of rubbish on site during development.
3. All material or rubbish resulting from demolition work shall be removed and taken to a site licensed to receive such waste.
4. Ensure there is adequate surface and foul water drainage to the site and that this does not adversely affect any existing systems.
5. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
6. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.

Environment Agency

09.12.2020

Thank you for referring the above application which was received on 27 November 2020. We have reviewed the information submitted and have no objections to the proposed development. We have the following comments to make: The site is located in Flood Zone 3 according to our Flood Map for Planning (Rivers and Sea). We note Drawing No. AP19017-66, Rev D, dated 05 October 2020, shows the proposed extension and

associated car park plots (8 and 9) are located outside of the 1 in 1000 year flood extent. The proposed development will only meet the requirements of the NPPF in relation to flood risk if the following planning condition is included: Condition: Notwithstanding the information submitted, there shall be no ground raising within the floodplain (up to the 1 in 1000 year flood extent) as outlined in Drawing No. AP19017-66, Rev D, dated 05 October 2020. Reason To reduce the risk of flooding to the proposed development and future occupants.

Sow and Penk Internal Drainage Board

17.11.2020

The IDB as a Consultee give the following comments/recommendations: Our current guidelines for any increase in surface water discharge are as follows: - If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB. If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits. Should consent be required from the IDB as described above then we would advise that this should be made a condition of any planning decision. A surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board.

Biodiversity Officer

17/12/2020

Protected Species: Greenscape Environmental undertook an Ecological Appraisal and Bat survey during 2019. The recommendations made in the report should be carried out as stated and will include:

Badger: Prior to commencement of works a walk-over check should be undertaken for presence of badgers. Any trenches or excavations left open overnight should be provided with a means of escape.

Great Crested Newt: Contractors should follow the reasonable avoidance measures outlined in the report.

Bats: Recommendations for bats should be carried out as stated and will include: Method Statement on bats given to contractors, 2 x Schwegler 1FF bat boxes to be installed as directed on mature trees, 1x integrated bat brick/box to be installed within the new build as directed, External lighting designed to avoid light spill on bat boxes and commuting areas.

Nesting birds: All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981. This means that roofing and renovation works should

not be undertaken in the nesting season (March to August), unless it can be demonstrated by the developer that breeding birds will not be affected. This can be done by requesting a method statement for protection / avoidance of nesting birds as a condition – this may include timing of work, pre-work checks, avoiding nesting areas etc. The following nest boxes should be installed in appropriate locations: 2x Swift boxes to be installed on the building according to recommended height and aspect, 1x Sparrow terrace nest box, 1x Schwegler 1B bird box, 1x Schwegler open-fronted nest box.

Habitats: Landscaping planting proposals are welcomed however Spindle is not an appropriate species for Stafford. Doxey Marshes SSSI will not be significantly affected by the development providing the method statement for dust suppression is implemented. It is important that the southern boundary is maintained and enhanced to provide screening between the development and the SSSI. 2x Invertebrate “bug hotels” should be installed on a south facing aspect. Plans should be submitted indicating landscape planting and location of bird and bat boxes.

Natural England

17.12.2020

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Staffordshire Wildlife Trust

No response received.

Neighbours:

10 consulted - 35 separate representations have been made in relation to the proposals. 32 support the proposals on the basis that they are needed, that the care home is already well-run, it would provide additional amenities to the residents and the proposals would not have a harmful impact on amenity. 3 letters of objection have been received from adjoining neighbouring objection to the proposals on the basis that:

- ☐ The extra car parking space would use all available garden space and it would be dominant and visually intrusive
- ☐ The application site is only separated by a low hedgerow
- ☐ Neighbouring property would be directly overlooked
- ☐ That there is already a parking problem at visiting times when cars park on Eccleshall Road and proposed parking arrangement are insufficient
- ☐ The bottom of the garden is next to an area which heavily floods
- ☐ It is unclear about the further boundary treatment and existing hedgerows and trees.
- ☐ The development could affect the wildlife that use Doxey Marshes
- ☐ The scale of the extension is excessive and there would be almost no remaining garden ground
- ☐ It would be harmful to the character and appearance of the area
- ☐ It appears to be located within the flood zone
- ☐ It would be an eyesore and not blend in with anything

- ☐ It would create a loss of privacy and daylight
- ☐ It would be visible from neighbouring properties
- ☐ There would be limited space for larger vehicles to access the car parking spaces to the rear of the property.
- ☐ There would be an intensification of the use which would be harmful to neighbouring properties

Site Notice: Wider Publicity

Expiry date: 16.12.2020

Relevant Planning History

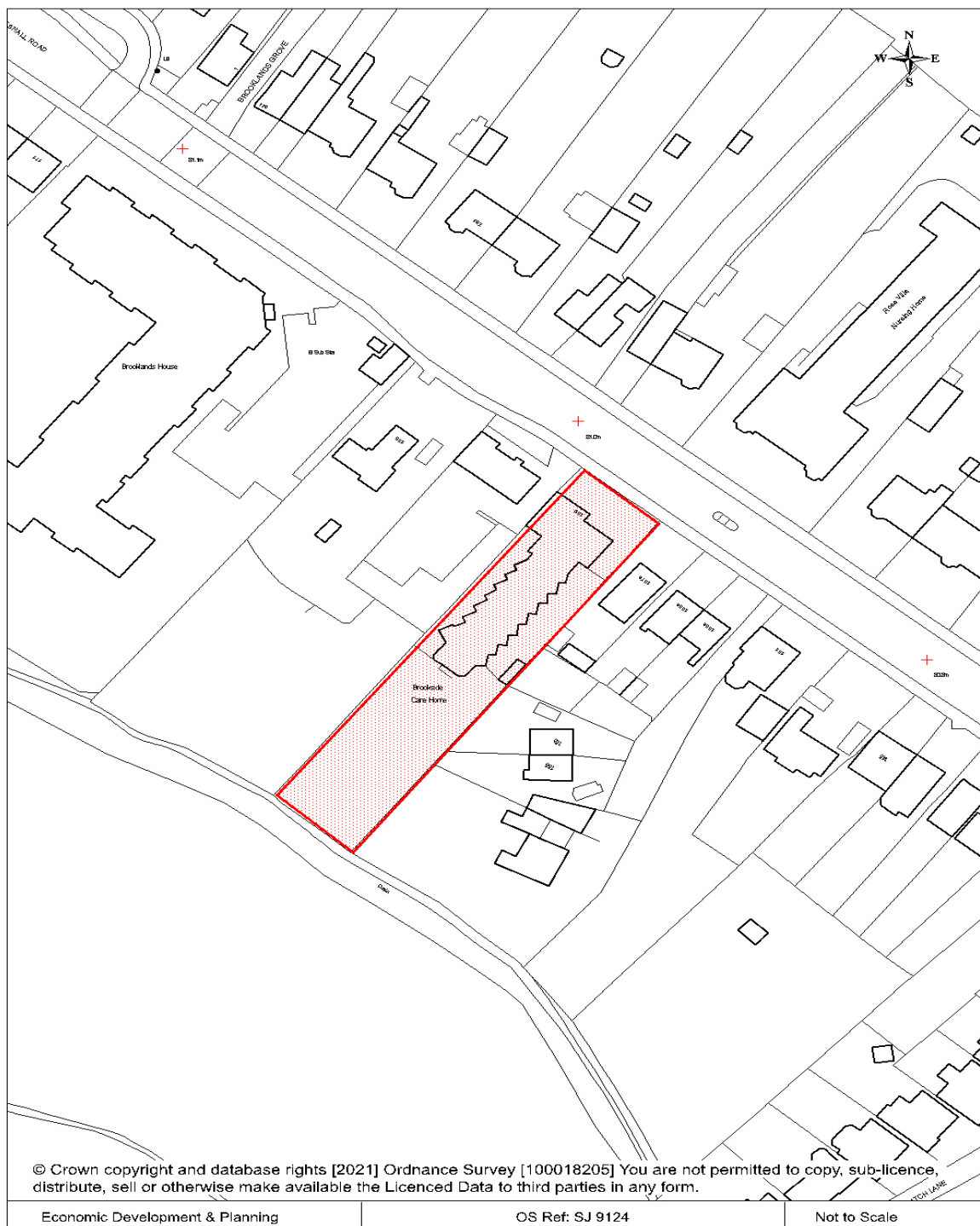
- 19/30794/FUL - n extension to increase the capacity of the existing care home from 25 to 35 residents. Refused 17.12.2019
- 97/34535/FUL – Extensions. Approved 30.07.1997
- 89/23609/FUL – Extension to Improve Facilities. Approved 09.08.1989

Recommendation

Refuse due to the following reasons:

1. The proposed two storey extension would project 20 metres and when combined with previous extensions would have a total length of 52m from the rear elevation of the original two storey Victorian villa. The design, form, scale and particularly the excessive length of the proposal and resultant massing would therefore appear as a disproportionate addition to the original two-storey Victorian villa and would consequently form an incongruent and over dominant feature in the context of other smaller detached dwellings in the immediate locality and would materially harm the character and appearance of the area contrary to policies SP1, SP7, C3, N1, N8, and the Supplementary Planning Document on Design to The Plan for Stafford 2011-2031, together with national advice contained in the National Planning Policy Framework, Planning Practice Guidance, and the National Design Guide.
2. The proposed two storey extension by reason of its excessive length, scale, massing, design, and orientation of bedroom windows towards 153 and 155 Eccleshall Road would result in an unacceptable level of overlooking and a consequent loss of privacy to the occupiers of those properties thereby harming residential amenity, contrary to policies SP1, SP7, C3, N1 and the Supplementary Planning Document on Design to The Plan for Stafford Borough 2011-2031, together with national guidance.

20/33243/FUL
Brookside Rest Home
159 Eccleshall Road
Stafford



Application:	21/33774/COU
Case Officer:	Paul Barber
Date Registered:	19 February 2021
Target Decision Date:	16 April 2021
Extended To:	9 July 2021
Address:	Land Adjacent Rose Cottage, Alstone Lane, Haughton, Stafford
Ward:	Church Eaton
Parish:	Haughton
Proposal:	Change of use from chemical treatment and processing agricultural seed to farmers (Class B8) to storage and supplying bulk aggregates direct to the construction industry (Sui Generis)
Applicant:	S&S Grab Hire and Aggregates Ltd
Recommendation:	Approve, subject to conditions

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

Concerns from Haughton Parish Council and local residents about extra, large vehicular traffic generation, recycling and processing of materials on the proposed site, hours of operation and the need for a travel plan due to the rural nature of the road.

Context

The Site

The application site (The Site) is located in a rural location off Alstone Lane which is off the main A518 road in Haughton and comprises a large hard surfaced yard, a portal frame workshop and a small detached storage and office buildings. The site is relatively flat throughout. Vehicular entrance is from Alstone Lane through security gates.

The Proposal

Planning permission is sought for the removal of the office and a storage buildings and for the change of use from providing chemical treatment and agricultural seed to farmers (Class B8) to storage and supplying bulk aggregates direct to the construction industry (Sui Generis). No additional building works are proposed.

The site would be used for the open storage of aggregates such as sand, gravel, hardcore etc before being delivered in bulk to the construction industry. The submitted Design and

Access Statement states that aggregates will be delivered to site by rigid 8-wheel HGV tipper lorries direct from the quarries and stored in separate bays formed with pre-cast concrete panels. The material would then be loaded into a rigid grab lorry either bagged or loose and delivered direct to construction sites for trade only. No private sales and individual customer collections will take place.

The proposal would see 2 staff, 2 rigid 8-wheel lorries, 1 forklift and 1 digger based at the site. The applicant has confirmed that there will be a maximum of one quarry delivery of material to the site per day, and an anticipated 3 outbound and return journeys per day for each lorry supplying material to construction sites.

All existing landscaping and boundary treatments are to be retained.

Officer Assessment – Key Considerations

Planning policy framework and material considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of parts 1 and 2 of The Plan for Stafford Borough 2011-2031 (the PSB) adopted in 2014 and 2017 respectively.

Other material considerations include, albeit not limited to, the National Planning Policy Framework (the Framework) and associated Planning Practice Guidance (the Guidance), together with the National Design Guide (the Guide).

Main issues

The main issues in determining this application are firstly; the principle of the proposed development; secondly, whether the proposed development in its detailed form harms the character and appearance of the area; thirdly, the impact upon residential amenity; and fourthly, highways issues. These issues are considered as follows:

1. Principle of Development

The National Planning Policy Framework (NPPF) under paragraph 83 requires that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Furthermore, Paragraph 84 recognises that in order to meet local business needs in rural areas, sites may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport. The NPPF also advises that in such circumstances it is important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.

Policies SP6, E1 and E2 in The Plan for Stafford Borough (TPSB) support sustainable rural development.

Spatial Principle (SP) 6 looks to promote the appropriate re-use of redundant buildings. SP7 continues this support for rural sustainability where a proposal is also consistent with the objectives of policy E2.

Policy E2 supports sustainable rural development outside settlements, in circumstances including: (ii) provision for the essential operational needs of rural businesses; and (v) diversification of the agricultural economy. Development, however, is subject to a number of safeguards including making use of suitable existing buildings, appropriate designs and not being detrimental to the amenity or landscape of the area.

Policy E2 of TPSB also supports developments that provide for the sustainable use and re-use of rural buildings for appropriate uses where, inter alia, it satisfies the following relevant criteria: (a) priority is given to economic before residential uses; (c) it is complementary to and does not prejudice any viable agricultural operations; (d) the building is structurally sound and capable of conversion without the need for extension or significant alteration or rebuilding; (e) the form, bulk and general design of the building is in keeping with its surroundings and will not harm the character of the countryside and the landscape setting; (f) the building is well related to an existing settlement; and (h) the building is large enough to be converted without the need for additional buildings, new extensions or significant alterations

Policy E1 of TPSB provides for, amongst other things, encouraging farm/rural diversification for employment or service generating uses, to promote sustainable rural communities, preferably by re-using existing buildings, which are appropriate in size and scale, in or adjacent to villages, do not lead to significant traffic generation and are not detrimental to the local environment, landscape, heritage or residents (E1.f).

The application does not propose any major structural changes with the existing office building and a storage building to be demolished.

The proposal therefore relates to an existing rural site which would be re-used, without extension or significant alteration and, the use of the surrounding agricultural land would not be impacted upon by the proposal. In addition the proposal would not conflict with paragraph 83 of the NPPF which in (a) supports the sustainable growth and expansion of all types of businesses in rural areas both through conversion of existing buildings and well-designed new buildings and (b) the development and diversification of agricultural and other land-based rural businesses.

The proposal is therefore acceptable in principle, subject to all material considerations being met.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 83 and 84

The Plan for Stafford Borough - Policies:
SP6 Achieving Rural Sustainability,
SP7 Supporting Location of New Development,
E1 Local Economy,
E2 Sustainable Rural Development

2. Impact on the character and appearance of the area

The site is located within the open countryside and is predominantly screened from the road by a combination of mature hedgerow and outbuildings that make up Rose Cottage. The site is, therefore, seen in association with this existing development.

The proposed development seeks to change the use of the site to storage and supplying bulk aggregates direct to the construction industry (Sui Generis). No additional building works are proposed with an existing office and storage building to be removed to facilitate a large area of hardstanding to accommodate the turning and manoeuvring of HGV's in association with the proposed operations. The site would be used for the open storage of aggregates such as sand, gravel, hardcore etc. for which a series of 9 storage bays are proposed, 6 of which measure 3.05m wide by 4.57m deep, whilst the bay at the north east corner of the site is larger at 6.1m wide by 6.1m deep. The bays are proposed to be formed with 1.2m high precast concrete bund walls. The proposed storage bays are not considered to impact on the character and appearance of the area to such an extent as to warrant a refusal, particularly given the existing nature of the site.

All existing landscaping and boundary treatments are to be retained along with the existing access subject to Highways approval.

As such, in context of character and appearance, the development would not lead to an unacceptable level of visual changes, given its rural siting, over and above the existing situation.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 124, 127, 128 and 130

The Plan for Stafford Borough - Policies:
N1 Design;
N8 Landscape Character;

Supplementary Planning Document (SPD) – Design

3. Residential amenity

The proposal involves the introduction of a new commercial use to land and buildings in a rural location and Policy E2 specifically requires that development should not be detrimental to the amenity of the area.

Along with existing commercial uses, there are a scattering of residential properties in the area with the closest being Rose Cottage and associated outbuildings, the main property is approximately 10 metres to the south/southwest.

The application submission states the following proposed hours of operation: 7:30am – 5.30pm on Mondays to Fridays, 8:00am – 3:00pm on Saturday with no hours of operation on Sundays and Bank Holidays. These hours are considered acceptable by the

Environmental Health Officer and can be controlled, in order to protect amenity, through the imposition of a planning condition. The Environmental Health Officer has no objection to the proposal, subject to pre-commencement conditions requiring the submission of a noise survey and dust assessment. The applicant has confirmed their acceptance of these pre-commencement conditions.

Based on the proposed parking/staffing levels, it is considered that a maximum of 2 tipper lorries, 1 forklift and 1 digger to be operated by 2 employees represents a significant reduction on the current situation (12 full time equivalent employees). It is acknowledged that vehicle movements and comings and goings associated with storage and distribution can generate noise and general disturbance.

It is also noted that the application is supported by a small transport statement from the developer, outlining their use of the site, vehicular numbers and proposed vehicular routes. The Local Highways Authority (LHA) have assessed the proposal and have concluded that due to the previous use of this site this proposal must be classed as not increasing the impact on the surrounding highway network.

Overall subject to the conditions, it is considered that the proposed use can be undertaken without having any significant harm on the amenities of neighbouring residents, consistent with the provisions of Policies E2 (g – amenity) and N1 (e) of The Plan for Stafford Borough.

The Plan for Stafford Borough
Policies: N1 Design, E2 Sustainable Rural Development
Supplementary Planning Document (SPD) – Design

4. Highways

The existing access to the site will be utilised and it is proposed to use the existing hardstanding area for parking, turning and manoeuvring in conjunction with the storage of materials.

The LHA do not raise any objections following the production of a transport statement from the applicant which demonstrates that the number of additional vehicles generated by the development will have no major impact on the surrounding Highway network. Therefore, it is not considered that the proposal would generate unacceptable levels of traffic to and from the site,

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 105 and 106

The Plan for Stafford Borough - Policies:
T1 Transport;
T2 Parking and Manoeuvring Facilities;

Appendix B – Car Parking Standards

5. Other Matters

The Parish Council have raised concerns about the proposed development not being appropriate for the existing rural use of the site. The concerns regarding the highways impacts of commercial vehicles movements on the road in this location are noted and addressed in the relevant parts of the report above. Concerns relating to trading hours and storage of waste are noted and are addressed in the report above and by appropriate planning conditions as recommended by the Council's Environmental Health team.

Concluding comments and the planning balance

The proposed change of use is considered to be acceptable having regard to Local Plan policy and the NPPF, subject to appropriate conditions. Whilst the objections relating to highway safety concerns are noted, the Highway Authority does not raise any objections and there are no substantive grounds to refuse the application in this regard.

Consultations

Highway Authority (8 June 2021):

Recommendations: There are no objections on Highway grounds to this proposal.

This application is for a change of use from a class B8 to a storage and supply of bulk aggregates to the construction industry. The existing access to the site is off Alstone Lane and is suitable for large HGV's. Alstone Lane itself is a typical narrow county lane, used by various farms for deliveries but is not designed to handle large number of HGV vehicles. However, in this case the, number of potential HGV vehicles proposed for this development is less than used under the previous use. Due to the previous use of this site, the Highways Department, therefore, must class this proposal as not increasing the impact on the surrounding highway network. The developer has supplied a small transport statement, outlining their use of the site, will vehicular numbers and proposed vehicular routes.

Environmental Health Officer (17 March 2021):

No objection is made to this application subject to the following conditions made in order to safeguard nearby residential occupiers from undue disturbance during development:

1. No development shall take place until an assessment on the potential for noise from the development affecting residential or commercial properties in the area has been submitted to and been approved in writing by the Local Planning Authority. If the assessment indicates that noise from the development is likely to affect neighbouring affecting residential or commercial properties, then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of the NPPG: The national planning policy guidance, BS4142: 2014. "Method of rating industrial noise affecting mixed residential and industrial areas", WHO Guidelines for community noise and BS 8233:2014 "Sound Insulation and Noise Insulation for Buildings -

Code of Practice" where applicable. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

2. No development shall take place until the applicant has assessed the potential for nuisance arising from dust. Following this the applicant should put in place control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

Haughton Parish Council (1 March 2021):

After consultation with our County Councillor we now understand that this application has been "called in".

The Parish Council's questions and objections to this Planning Application are as follows:-

1. There is concern regarding the passage of heavy goods vehicles on a regular basis along Alston Lane which is at best a single-track country road with issues about the degradation of the verges of the lane and the space available to turn into the yard. It was felt that Alstone Lane is a country lane and is not designed for the volume and size of the traffic of hgvs, this together with the heavy traffic to Wells Farm would put an extra strain on the local network.
2. What is acceptable in the size of the vehicles?
3. Could there be a weight limit put in place?
4. What would be the trading hours of the company involved?
5. Can the prescribed number of deliveries a day be kept to and who will police this and the above measures if the company do not keep to the agreement?
6. Is the waste to be stored or will there be some processing involved?
7. If we are looking at aggregate this is abrasive in nature. It then follows that any dust which may be blown on the wind will also be abrasive and it is known to be both a respiratory irritant and potentially carcinogenic. It is possible, therefore, that there is a potential public health risk to the residents of Haughton.

The Parish Council are extremely concerned about this application on the health and safety of Haughton residents and would be grateful for some answers to the above questions or for these to be considered by the Planning Authority.

Neighbours (6 consulted):

One objection received on the grounds of increased traffic / highway safety concerns.
One letter in support of the proposal received.

Site Notice Expiry: 26th March 2021.

Relevant Planning History

13/18601/FUL – Replacement Office building – Approved 17th June 2013

10/13643/FUL – Office building – Approved 28th June 2010

01/40282/FUL – Erection of storage building – Approved 02nd July 2001

01/40505/FUL – Retention of portacabins as use of offices in connection with existing seed processing business – Approved 02nd July 2001

01/40504/FUL – Retention of use of caravan/mobile home – approved 28th June 2001

Recommendation

Approve subject to the following conditions:

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

Location Plan Drawing No.01

Proposed Site Plan Drawing No.02 Rev A

Proposed Aggregate Bay Layout Drawing No. 03

Design & Access Statement

Transport Statement contained in letter dated 06/04/21 from Andrew Martin Associates

3. No development shall take place until an assessment on the potential for noise from the development affecting residential or commercial properties in the area has been submitted to and been approved in writing by the Local Planning Authority. If the assessment indicates that noise from the development is likely to affect neighbouring affecting residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of the NPPG: The national planning policy guidance, BS4142: 2014. "Method of rating industrial noise affecting mixed residential and industrial areas", WHO Guidelines for community noise and BS 8233:2014 "Sound Insulation and Noise Insulation for Buildings - Code of Practice" where applicable. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.
4. No development shall take place until the applicant has assessed the potential for nuisance arising from dust. Following this the applicant should put in place control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
5. The premises shall only operate between the hours of 07:30 and 17:30 Monday to Friday; 08:00 to 15:00 Saturdays and not at all on Sundays or Bank Holidays.

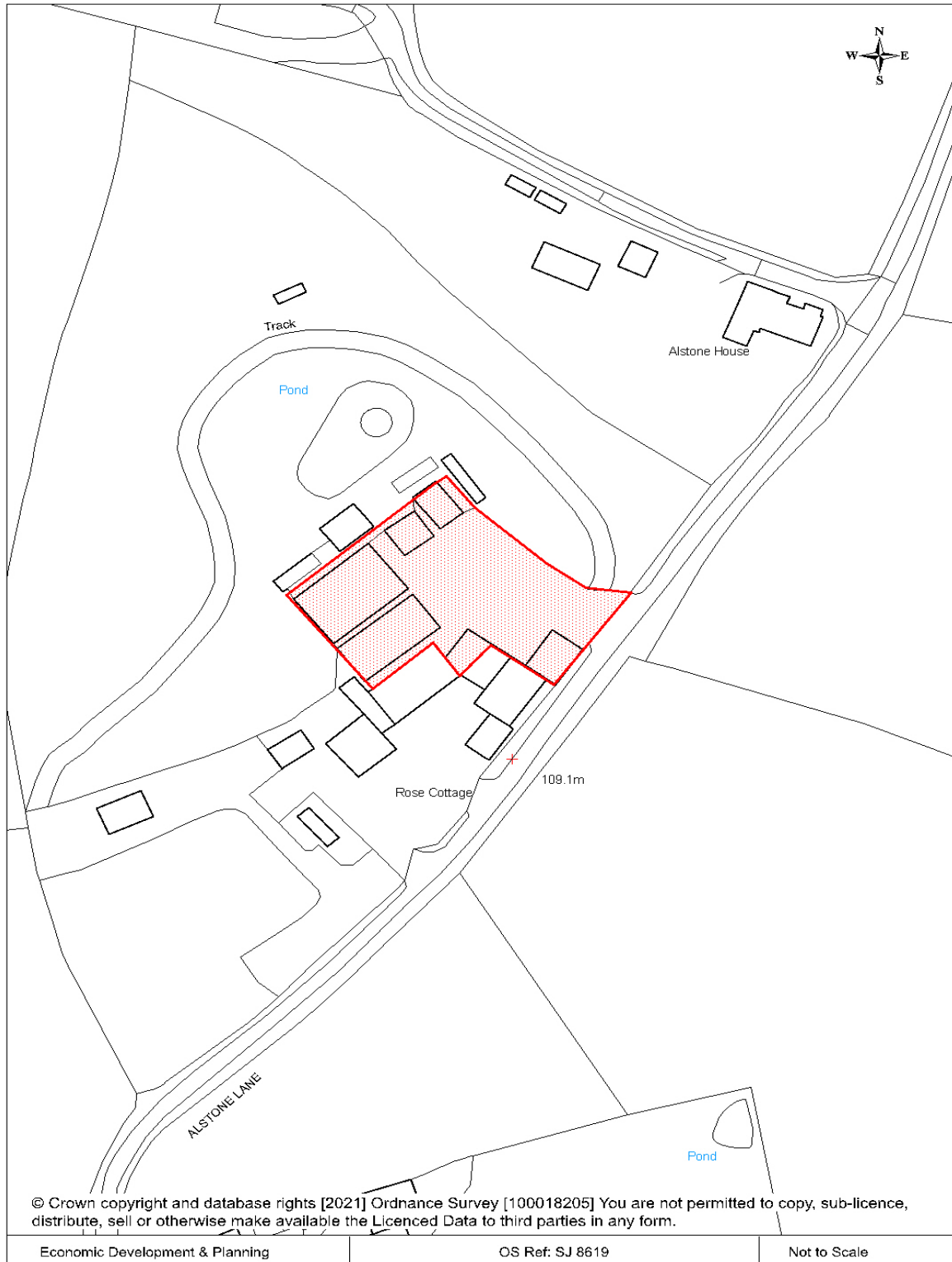
The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To prevent the use of the premises for purposes which would detract from the amenities of the occupiers of nearby residential properties. (Policy N1e of the Plan for Stafford Borough).
4. To prevent the use of the premises for purposes which would detract from the amenities of the occupiers of nearby residential properties. (Policy N1e of the Plan for Stafford Borough).
5. To safeguard the amenities of the area (Policy N1e 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 2019, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

21/33774/COU
Land Adjacent Rose Cottage
Alstone 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
20/33592/HOU Committee refusal	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)

Decided Appeals

Application Reference	Location	Proposal
20/32775/OUT Appeal Dismissed	Land At Dell Close Trinity Fields	Outline planning permission for two new dwellings two storey high - all matters reserved
20/32605/FUL Appeal Dismissed	Redundant Cowshed Manor Farm Barns Well Lane	Change of use from storage building into single person retirement accommodation, and alterations to vehicular access.
20/33438/FUL Appeal Allowed	Green Gable Summerhill, Milwich	Retention of a single-storey implement store building

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 25 May 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/Y3425/W/21/3266638

Land at Dell Close Trinity Fields, Stafford, ST16 1RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Russell Hansen against the decision of Stafford Borough Council.
 - The application Ref 20/32775/OUT, dated 25 July 2020, was refused by notice dated 4 December 2020.
 - The development proposed is described as outline planning permission for 2x new dwellings two story high.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The submitted plans indicate the position of the proposed dwellings and designated parking spaces. I have taken the indications into account. However, as the appellant has applied for outline planning permission with all matters reserved (ie access, scale, layout, appearance, and landscaping) I have taken such indications to be illustrative; the proposal is simply for 2 dwellings, two-storeys high. I have made my decision on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including its effect on protected trees.

Reasons

4. The appeal site consists of a section of open space between Dell Close and Crab Lane, located within a residential estate. The wider residential area comprises several open space areas, some formally designated as play/recreation areas, and many that are not. I consider each of them, however, to make a positive contribution to the character and appearance of the housing estate. Some provide sport and recreation opportunities; others provide relief between the mass of built form, as well as providing green, spacious, open areas for residents and visitors to enjoy in other ways. The benefits of green, open spaces and trees to health and well-being are well documented.
5. The open space which the appeal site forms part of is one of the larger open space areas within the strip of the estate located towards its north-western boundary. The space is essentially a mown grassed area with 7 or 8 mature

trees, of very good quality, sited within it, which I understand to be protected by Tree Preservation Orders. There are footpaths around its perimeter, and one that cuts through it diagonally, providing pedestrian links between Dell Close and Crab Lane.

6. The proposal consists of erecting two, two-storey dwellings with associated gardens within the central section of the open space adjacent to Crab Lane. Associated car parking spaces are shown to be potentially located where there is currently a small area of incidental open space on Dell Close.
7. I consider the proposed dwellings and associated gardens would erode an open space that currently makes a significant, positive contribution to the character and appearance of the area. The proposal would divide up the green space and partially fill the existing spacious gap between the properties either side of the land on Crab Lane and Dell Close. At present, people visually enjoy an uninterrupted, open, grassed area with high quality mature trees set within it. The green space is experienced whilst passing it, or passing through it, along/between Crab Lane and Dell Close, and/or whilst sitting on the benches sited at the edge of its southern boundary on Dell Close (although I accept one of these was damaged at the time of my site visit).
8. The appellant points out that the land is privately owned. Although this is the case, I note that in general the courts have concluded that planning is concerned with land use in the public interest, rather than the protection of purely private interests. I have reached my decision based on this principle.
9. The appellant also points out that the site is not listed, has never been nominated as an asset of community value and use of the space for sports is prohibited. Although I appreciate these points, neither of them means that the space cannot be appreciated, enjoyed, and valued for other reasons, or that the space does not contribute positively to the character and appearance of the area.
10. The appellant is of the view that the area of land was not designed as a formal open/amenity/recreation space when the estate was developed; it is suggested this has evolved by virtue of circumstance rather than design. However, regardless of how the space has come to be there, the fact is that it exists.
11. The appellant contends that most of the open space would be retained, that none of the trees would be affected and that all of them would still be visible following the development. As such, it is asserted that the retained space and trees would still be available for the public to enjoy; furthermore, to ensure that the remaining space is retained as open space in the future, the appellant has suggested that ownership of these areas could be transferred to the Council.
12. I accept that areas of open space would be retained. I also accept that it may be possible, technically, to construct the dwellings using specific techniques and materials so that the tree routes are not significantly damaged, and all existing trees are retained. However, I do not have the substantive evidence before me that clearly demonstrates that this could be achieved. Even if this can be achieved, due to the size of the trees and their proximity to the proposed dwellings (regardless of where they are sited), it is possible that future occupants of the dwellings would seek to have the trees removed or seriously pruned due to them, for example, blocking light or preventing full

enjoyment of garden areas. However, more importantly, I consider the sub-division of the space, the introduction of built form within its central area and the loss of space around the trees, would not provide the quality of open, green space that currently exists. I appreciate that all homes in the area have private, outdoor amenity space; and, as noted above, that there are other areas of outdoor space within the wider residential area. However, I do not consider these factors justify the harm that would result from the proposal in respect of eroding the existing quality of the open space and the detrimental effect this would have on the character and appearance of the area.

13. I note the points outlined by the appellant in respect of the proposal adhering in some respects to various local planning policies. However, due to the significant harm to the character and appearance of the area I have found, on the whole, I consider the proposal does not accord with policies SP7, C7, N1 and N4 of The Plan for Stafford Borough:2011-2031, (2014), guidance in the Design Supplementary Planning Document (2018), or paragraph 127 of the National Planning Policy Framework. Collectively, and among other things, these policies require new development to be sympathetic to, take account of and preserve, enhance and reinforce the character of the area and not to adversely affect it, including its open spaces; to protect green infrastructure; and to add to the overall quality of the area, to create places that promote health and well-being.

Conclusion

14. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR



Appeal Decision

Site Visit made on 8 June 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Appeal Ref: APP/D3450/W/21/3269038

**The Cowshed, Manor Farm Barns, Well Lane, High Offley, Stafford
ST20 0ND**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Georgina Key against the decision of Staffordshire County Council.
- The application Ref 20/32605/FUL dated 29 June 2020, was refused by notice dated 28 October 2020.
- The development proposed is change of use from storage building into single person retirement accommodation and reduce the existing vehicular access from 18m wide to 3m.

Decision

1. The appeal is dismissed.

Main Issue

2. These are whether the proposal would be in a suitable location, having regard to relevant local planning policies and the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is outside of the Sustainable Settlement Hierarchy identified in Policy SP3 of the Local Plan (2014) and is therefore within the open countryside. Policies SP6 and SP7 of the Local Plan support rural sustainability and of particular relevance to the appeal proposal, support the re-use of redundant buildings and development that is consistent with Policy E2. Policy E2 lists criteria (a)–(i) as the means to decide the acceptability of the use and re-use of rural buildings. The Council refused the proposal on the grounds of Policy E2(a) and (f).
4. There is little evidence before me to demonstrate that a suitable commercial re-use of the building cannot be achieved. The appeal building, like the stables to which it adjoins, have become separated from the original farm and as a result occupy a modestly sized plot of land. I have no doubt that this has made it increasingly difficult to sustain a farm in the way it originally operated. However, I have no evidence of other agricultural and rural practices being unworkable or unviable. Furthermore, whilst I appreciate the difficulties associated with bringing an antique/café type property or workshops forward, I have no financial evidence before me that corroborates the appellant's view that the upfront costs could not be retrieved in rent/increased property value.

Policy E2(a) states that 'every attempt' should be made to secure a commercial re-use and in light of my findings, this has not been the case. I cannot conclude, therefore, that priority has been given to an economic use before residential.

5. Policy E2(f) relates to the location of development. The development would be outside of an existing settlement and unsupported by public transport. Access to local services and facilities would, therefore, be limited to a car or taxi which would not be a sustainable mode of travel. Whilst the appellant expresses a willingness to travel by taxi, this might not be the case for future occupiers, if planning permission was given.
6. Included within the Council's reasons for refusal is reference to the design of the building and the effect of the proposal on the character and appearance of the area, with reference to Policy E2(d) and (e).
7. Whilst I can surmise that the alterations would not be proposed if the building could not sustain them, I have no evidence of the building being structurally sound to say confidently that the development would comply with E2(d) in this regard.
8. Policy E2(e) requires that the design of the building is assessed through an appraisal of character and significance of the building and has regard to the West Midlands Farmsteads and Landscapes Project or successor documents. I have no evidence before me of the development being appraised in this way.
9. Although the appeal site is within proximity of other residential buildings, it is physically and visually separate from them. The site's immediate context is rural in character, owing to the sense of openness borne out of open fields and the rural character of the site itself. Whilst the overall form and mass of the building would remain unchanged and the external alterations minimal, domesticating the building and creating an enclosed parking area and garden would be a visual intrusion into the countryside, particularly given the comings and goings that would be associated with the site in residential use. On this basis, and in the absence of any visual appraisal to suggest otherwise, I find that the proposal would be harmful to its rural setting and contrary to Policy E2 and N1 which, amongst other things, seek to ensure that new development respects local character and enhances surroundings.
10. All in all, when having regard to relevant local planning policies and the effect of the proposal on the character and appearance of the area, the proposal would not be in a suitable location and therefore would be contrary to Policies SP6, SP7 and E2 of the Local Plan.

Conclusion

11. For the reasons given and having regard to all other matters raised, I conclude that the development would be contrary to the development plan when taken as a whole. There are no material considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is dismissed.

R Walmsley

INSPECTOR



Appeal Decision

Site visit made on 8 June 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2021

Appeal Ref: APP/Y3425/W/21/3271586

Green Gable, Summerhill, Milwich, Stafford, ST18 0EL

- 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 Andy Plant against the decision of Stafford Borough Council.
 - The application Ref 20/33438/FUL, dated 16 November 2020, was refused by notice dated 5 February 2021.
 - The development proposed is retention of a single-storey implement store building.
-

Decision

1. The appeal is allowed and planning permission is granted for retention of a single-storey implement store building at Green Gable, Summerhill, Milwich, Stafford, ST18 0EL in accordance with the terms of the application, Ref 20/33438/FUL, dated 16 November 2020, and the plan submitted with it.

Main Issues

2. The main issues are, firstly, whether the development would be consistent with local planning policy for rural areas and, secondly, the effect of the development on the character and appearance of the countryside.

Reasons

Planning policy for rural areas

3. Policy E2 of the Plan for Stafford Borough (2014) relates to new development in the rural areas. Whilst generally a restrictive policy, it encourages provision for the essential operational needs of agriculture, forestry, or rural businesses, and proposals which help to conserve or improve the rural environment.
4. The appeal site adjoins around 2.6 hectares of open land that is in the same ownership and is maintained as wildflower meadows and grazing land. These fields are largely surrounded by attractive mature trees and boundary hedgerows, and the appeal building houses tools and equipment that are used to maintain this land. It is a relatively small structure, with a built footprint of around 10 square metres, that is proportionate in scale to the management of this area of land. Whilst it is unclear whether the land forms part of a rural business, Policy E2 encourages "*provision for the essential operational needs of agriculture*" and does not require that such proposals form part of an agricultural trade or business. Moreover, the maintenance of the wildflower meadows, and the mature trees and hedges that surround them, clearly assists in conserving and improving the rural environment, as per part vi of Policy E2.

5. At the time of my site visit, the building contained various tools, equipment, and herbicide and pesticide containers. The Council assert that these could be stored in the adjacent dwelling rather than requiring a separate building. However, it is agreed that the appeal building is on agricultural land outside of the residential curtilage to Green Gable. Moreover, given the nature of these chemicals, it may not be appropriate to store them within a family dwelling.
6. For the above reasons, I conclude that the development would be consistent with local planning policy for rural areas. It would accord with the relevant sections of Policy E2 of the Plan for Stafford Borough (2014) in this regard.

Character and appearance

7. The appeal building is a small shed that is constructed in profiled metal sheeting. It is green in colour and has a plain, functional appearance that is not dissimilar to other agricultural buildings in the vicinity. Moreover, it has only limited visibility from the surrounding area, being sited next to a mature tree and hedgerow, and is partly screened in views from the road by a covered reservoir to the west. It is also positioned near to an existing group of buildings, and it does not appear out of keeping with its rural surroundings in my view.
8. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the countryside. It would therefore accord with the relevant sections of Policies N1 and E2 of the Plan for Stafford Borough (2014). These policies seek to ensure, amongst other things, that new development is appropriately designed and respects the built vernacular character of the area.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

ITEM NO 7

ITEM NO 7

PLANNING COMMITTEE – 21 JULY 2021

Ward Interest - Nil

Enforcement Matters

Report of Head of Development

Purpose of Report

To consider the following reports.

	Page Nos
(a) COND/00228/EN19 Blacksmiths Cottage, Abbeylands, Weston	38 - 41
(b) Enforcement Quarterly Report	42 - 42

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)

ITEM NO 7(a)

PLANNING COMMITTEE - 21 JULY 2021

Ward – Milwich

COND/00228/EN19 – The Orchard, Abbeylands, Weston

Report of Head of Development and Head of Law and Administration

Background

1. In May 2020 Planning Committee considered an enforcement report in respect of the failure to comply with condition 11 on planning permission 15/22092/FUL to remove a gate within the southern boundary of the site and replace it with a solid non-opening panel(s), thereby blocking a pathway from the site onto Green Road, and resolved that It is not expedient to take enforcement action and therefore no further action is undertaken by the Local Planning Authority.

Purpose of Report

2. This report is submitted to consider condition 9 of planning permission 15/22092/FUL and the s106 agreement dated 16 November 2018, referred to in the May 2020 report to Committee, which requires a footpath to be provided to Furlong Close.

Detail

Site background and Breach of Planning Control

3. Planning permission was granted in June 2013 under application reference 12/17152/FUL for 4 detached dwellings on the site. This application was conditional upon the completion of a section 106 agreement ("the 2013 agreement") However, the dwellings were not built in accordance with that planning permission and as such this permission was not lawfully implemented. Following an enforcement investigation, a further application was submitted which resulted in planning permission 15/22092/FUL being issued in November 2018, following completion of a further s106 Legal Agreement, to regularise the realignment of a number of dwellings during the construction phase as approved under application 12/17152/FUL.
4. The 15/22092/FUL application was approved subject to the provision and retention of a pedestrian access onto Furlong Close that was secured by way of a s106 Agreement dated 16 November 2018 ("the 2018 agreement") and

condition (i.e. condition 9 on application 15/22092/FUL). Those parties to the 2018 agreement were the Owner, Stafford Borough Council as the Local Planning Authority, and Staffordshire County Council as the Local Highway Authority.

5. Condition 9 of planning permission 15/22092/FUL states:

No dwelling shall be occupied until the footpath link to Furlong Close as shown on drawing PL110C has been provided with the route clearly delineated and signed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The footpath link shall thereafter be retained.

6. The footpath link to Furlong Close was never provided by the developer and therefore the development was occupied in breach of condition 9 of planning permission 15/22092/FUL and the 2018 agreement.

Detail

7. Whilst the May 2020 resolution dealt with the breach of condition 11 in respect of resolving not to take enforcement action in relation to an alternative footpath link to Green Road, which an Inspector considered was acceptable, it did not deal with the outstanding requirement in the planning permission by means of condition 9 to provide a footpath link to Furlong Close.
8. As a result of the May 2020 Planning Committee resolution a footpath link from the site to Green Road remains, which enables any pedestrians to enter or exit the site of the 4 detached houses without walking along the vehicular access to the site to or from Stafford Road (the A518) where there is no footpath.
9. There is therefore no need for an additional footpath link to be provided to Furlong Close for any pedestrians to enter or exit the site, as required by condition 9 of planning permission 15/22092/FUL and the 2018 agreement.
10. The 2018 agreement provides only for the construction of the footpath link from the site to Furlong Close and its retention for the lifetime of the development

Conclusion and the planning balance

11. In considering whether to pursue enforcement action, regard is had to paragraph 58 of the Framework, which under the heading of Enforcement states...*Enforcement action is discretionary, and local planning authorities should act proportionately in response to suspected breaches of planning control.*
12. Having regard to the May 2020 Planning Committee resolution which resolved not to take enforcement action against the footpath link provided, it is not

considered expedient for the Local Planning Authority to take enforcement action to require a further footpath link to be provided.

Recommendation

13. It is not considered expedient to take enforcement action in respect of the failure to comply with condition 9 of planning permission 15/22092/FUL and it is therefore recommended that no further action is undertaken by the Local Planning Authority.
14. With regard to the 2018 agreement, in line with the above recommendation and to be consistent, it is recommended that the planning obligation which requires the footpath link is not enforced.
15. Given that the development was not built out in accordance with planning permission 12/17152/FUL and as such this permission was not lawfully implemented, the 2013 agreement ceases to have effect; consequently, it is also recommended that this agreement is also removed from the Council's Land Charges Register.

COND/00228/EN19
The Orchard
Abbeylands
Weston



ITEM NO 7(b)

ITEM NO 7(b)

PLANNING COMMITTEE – 21 JULY 2021

Enforcement Quarterly Report

ENFORCEMENT RESULTS SECOND QUARTER 2021			
Enforcement Cases April, May, June 2021	April	May	June
Number of outstanding cases at start of month	165	186	192
Number of new cases received	26	19	11
Number of cases determined	5	13	32
Number of cases at end of month	186	192	171
ENFORCEMENT NOTICES			
Formal Action Authorised		0	
Enforcement Notices Served in Quarter		2	
Breach of Condition Notices Served in Quarter		2	
Planning Contravention Notices Served in Quarter		1	
Section 215 Notices Served in Quarter		0	
Temporary Stop Notices Served in Quarter		0	
List Building Notices Served in Quarter		0	
Stop Notices Issued in Quarter		0	
Prosecution Proceedings Initiated in Quarter		0	
ENFORCEMENT APPEALS			
Received in Quarter		1	
Determined in Quarter		0	