Dear Members

Planning Committee

A meeting of the Planning Committee will be held in the Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford on Wednesday, 15 August 2018 at 6.30pm to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown in each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A. R. Well

Head of Law and Administration
PLANNING COMMITTEE - 15 AUGUST 2018

Chairman Councillor R M Sutherland
Vice-Chairman Councillor A S Harp

AGENDA

1 Minutes
2 Apologies
3 Declaration of Member's Interests/Lobbying
4 Delegated Applications
   Details of Delegated applications will be set out in Section 6 of Digest No. 247 due to be published on 5 October 2018.

   Page Nos

5 Planning Applications 3 - 36
6 Planning Appeals 37 - 41
7 Enforcement Matters 42 - 55

MEMBERSHIP

Chairman Councillor R M Sutherland

C A Baron       W J Kemp
G R Collier     D B Price
B M Cross       J K Price
I E Davies      G O Rowlands
M G Dodson      R M Sutherland
A S Harp        C V Trowbridge
E G R Jones

(Substitutes - F Beatty, R J Draper, A P Edgeller, J Hood, S Learoyd)
PLANNING COMMITTEE - 15 AUGUST 2018

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 APPENDICES:

<table>
<thead>
<tr>
<th>Plan No</th>
<th>Description</th>
<th>Page Nos</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/28296/FUL</td>
<td>Garages, West Way, Highfields, Stafford</td>
<td>5 - 20</td>
</tr>
<tr>
<td></td>
<td>This application was called in by Councillor V E M Jenkinson</td>
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<tr>
<td></td>
<td>Officer Contact - Richard Wood, Development Lead (Large Scale) - Telephone 01785 619342</td>
<td></td>
</tr>
<tr>
<td>18/28412/OUT</td>
<td>Land Near Junction of Drointon Lane, Drointon Road, Drointon</td>
<td>21 - 29</td>
</tr>
<tr>
<td></td>
<td>This application was called in by Councillor F Beatty</td>
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<td>Officer Contact - Richard Wood, Development Lead (Large Scale) - Telephone 01785 619342</td>
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</tr>
<tr>
<td>18/28709/ADV &amp; 18/28710/LBC</td>
<td>The Bear, Greengate Street, Stafford, ST16 2HP</td>
<td>30 - 36</td>
</tr>
<tr>
<td></td>
<td>This application was called in by Councillor C A Baron</td>
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<tr>
<td></td>
<td>Officer Contact - Sarah Poxon, Development Lead (Small Scale) - Telephone 01785 619507</td>
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</table>

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 18/28296/FUL  
Case Officer John Dolman  
Date Registered 18.04.2018  
Target Decision Date Extended To 13 June 2018  
Address Garages  
West Way  
Highfields  
Stafford  
Ward Highfield and Western Downs  
Proposal Demolition of garages and construction of 7 houses  
Applicant Stafford and Rural Homes  
Recommendation Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor V E M Jenkinson (Ward Member for Highfields and Western Downs) for the following reasons:-

"Object on the basis of the following:

1. Design not in keeping with adjacent conservation area.
2. Removal of wildlife habitat.
3. Requires removal of tree which grows on neighbouring land."

Context

This is a full application for the construction of seven houses on the site of 41 lock-up garages located on the southern side of West Way and bounded by three-storey apartments to the north-east (Hyde Court), dwellings on Burton Manor Road to the south-east, houses on Manor Square and Manor Court to the west/south-west and by allotment gardens on the opposite side of West Way to the north-west.

The site is somewhat restricted in width (20 - 25 m average), much narrower on its frontage onto West Way, where it has a single access point, but with a depth of approximately 95 m.

The existing garages that occupy the site are formed into two blocks of 20 (along the north-eastern boundary) and 21 (along the south-western boundary). The central area of the site between the two blocks provides access and manoeuvring space for the individual garages. The site also includes a rectangular area to the south-east of the garages used as a drying area for the Hyde Court apartments.
The existing site access onto West Way, which is on the inside of a sharp bend in the highway, also serves two existing houses numbers 1 and 2 Manor Court. The access to these properties runs along the northern edge of the garage block along the south-western boundary of the site.

The site adjoins the Burton Manor Village Conservation Area, with all properties to the south-west and south-east on Manor Court, Manor Square and Burton Manor Road within the Conservation Area.

The watercourse of Rising Brook runs in a south-west to north-west direction approximately 25 m to the north-west of the site.

This proposed scheme will be a 100% affordable housing development to be undertaken by Stafford & Rural Housing Association with capital grant funding from the Homes & Communities Agency (Homes England). All 7 units will be let and managed by Stafford and Rural Housing on an affordable rented basis.

The proposals include the construction of a roadway running north-west to south-east along the boundary with the Hyde Court apartments to serve a terrace of three houses along the west/south-western boundary close to the two dwellings on Manor Court and two pairs of semi-detached dwellings in the south-eastern section of the site, where the existing drying area is located.

The terrace will comprise three 2-bedroom dwellings (Plots 1 - 3). The pair of semi-detached dwellings (Plots 4 and 5) will both be two-bedroomed units, but the final pair will contain one 3-bedroom unit (Plot 6) and one 2-bedroom unit (Plot 7).

**Officer Assessment - Key Considerations**

1. **Principle of Development**

In the Plan for Stafford Borough the majority of future development is to be delivered through the Sustainable Settlement Hierarchy (SP3), which includes Stafford Town, with 70% of the annual target to be in Stafford Town (SP4). The application site and the surrounding area is within the Stafford Urban Area identified in Map 3 Stafford Town Key Diagram (MM25). SP7 states that housing proposals that are consistent with the delivery of the proportions of development intended by SP2, 3 and 4 will be supported within Settlement Boundaries. In Policy Stafford 1 - Stafford Town housing requirements are to be met in part through the development of strategic sites allocated to the north, west and east and also through sites within the urban area of Stafford, which have good accessibility to services and facilities by walking, cycling and public transport.

The application site is located in an existing residential area within Stafford Town, with residential development on three sides. It is close to a bus route and is within 2 km of Stafford Town Centre where a full range of services is available including a wide range of public transport links. The proposal is considered to constitute sustainable development in accordance with the core aims of the NPPF and specifically paragraphs 59 and 68. The Plan for Stafford Borough seeks to provide 500 dwellings per year, with 70% of housing development located in Stafford Town and designated sites around Stafford Town.
Consequently the current proposal is in accordance with Spatial Principles SP1, SP2, SP3 SP4 and SP7 and with Policy Stafford 1 in The Plan for Stafford Borough.

Polices and Guidance:-

National Planning Policy Framework
Paragraphs 59, 63, 68

The Plan for Stafford Borough
Policies: SP1 Presumption in favour of Sustainable Development, SP2 Stafford Borough Housing & Employment requirements, SP3 Stafford Borough Sustainable Settlement Hierarchy, SP4 Stafford Borough Housing Growth distribution, SP7 Supporting the Location of New Development, Policies Stafford 1 - Stafford Town, C1 Dwelling Types and Sizes

2. Character & Appearance

The proposed dwellings will comprise three small blocks, all of two-storey height with pitched tiled roofs to an eaves height of 5 m and a ridge level height of 8 m. All three blocks will include combinations of hipped roof and gable roof sections. In addition the terraced block (Units 1 - 3) will feature a small central two-storey projecting gable section on its eastern side elevation fronting onto the proposed roadway, with this eastern elevation forming the frontage elevation to Unit 1.

The two semi-detached blocks (Units 4/5 and 6/7) will be externally clad in facing brick up to the lower level height of first floor windows with render above. The terraced block will feature more facing brick, with the two-storey gable section wholly in facing brick together with the whole of the eastern elevation, apart from the upper section of central gable feature.

Windows and fascias will be white upvc with black rainwater goods.

The application site currently comprises two blocks of concrete sectional garages with a hard surfaced parking and manoeuvring area between the two blocks, with a further hard surfaced area to the south-east used as a drying area.

Existing surrounding development comprises two 3-storey apartment blocks to the north-east of the site, two modern detached houses (numbers 1 and 2 Manor Court) to the west and by older mixed detached and semi-detached dwellings with large rear gardens to the south-west and south-east.

All properties adjoining the site to the west, south-west and south-east are within the Burton Manor Village Conservation Area.

Clearly the proposed development will constitute a significant improvement on the existing development occupying the site.

Given the modest scale of the development, it is considered that considerable thought has been given to design details to introduce some variation in the design and appearance of the individual buildings. It is considered that the design and appearance compares
favourably with the three-storey apartment buildings to the north-east and with the two houses to the west.

The character of development within the adjoining Conservation Area, the two houses on Manor Court apart, is very different to that of the proposed development and of development elsewhere on West Way north and east of the application site.

In the Heritage Statement submitted with the application, it is recognised that Burton Manor is an interesting Conservation Area that recognises the special character and appearance of what is a small development designed around the Garden City concept. The buildings within the Conservation Area have a well defined form and appearance and the layout of dwellings facing onto small areas of open space is attractive and distinctive. The Statement recognises that preservation and enhancement of its special character is desirable and well established via the relevant legislation.

The Statement, however, also notes that the Conservation Area is tightly constrained and defined and that any special character is self contained within the designated boundary, pointing out that beyond its boundaries there is an extremely varied townscape comprised of mid-late twentieth century public and private sector housing ranging from bungalows to three storey flats that display no particularly attractive characteristics either in individual design or layout.

It is pointed out that there are 70 buildings in the Conservation Area, with the proposed development site adjoining seven of them. Of these, two are very recent buildings (Manor Court), constructed within the last ten years, which the Statement describes as being squeezed into the rear garden of one of the original houses. These two dwellings are identified in the Council’s Conservation Area Appraisal as negative buildings. It is pointed out that it is these two negative buildings that will be most directly affected by the proposed development. The Statement concludes that the significance of the Conservation Area as a designated heritage asset will not be affected in any way by the proposed development, the existing garages making a negative contribution to the setting of the Conservation Area, with their replacement by the proposed dwellings having a beneficial effect.

The Conservation Advisor has commented that the existing lock-up garage development is of no architectural or townscape merit and that the removal of which will benefit the local environment. He raises no conservation objection in principle to redeveloping the site. Although noting that the proposed new houses are in an unusual asymmetric design, he points out that they are well separated from the nearest properties in the Conservation Area and consequently does not consider that the proposed development will have any impact on the significance or amenity of the Conservation Area.

The south-western and south-eastern boundaries of the site with properties on Burton Manor Road and Manor Square in the Burton Manor Village Conservation Area are at present marked by hedgerows and a number of individual trees. A number of concerns were raised regarding trees, hedgerows and boundary treatment when this application was first submitted as to which trees and hedgerows were to be removed and whether boundaries were accurately shown. Amended plans have now been submitted in an attempt to clarify these matters. The amendments include adjusting the application site boundary to show the trees within the gardens of the adjoining properties. Existing trees
and hedgerows are substantially shown to be retained except alongside the boundary with Manor Court, where number 1 has a side elevation close to the boundary.

A detailed landscaping scheme has been submitted as part of this application.

The Tree Officer has advised that the proposed development will not result in the loss of or significant detriment to, any existing arboricultural asset of value. He has commented on the detailed tree planting proposals included in the submitted landscaping scheme and has advised that it should be made the subject of a condition attached to any consent granted that all tree planting be carried out using container grown stock of Selected Standard or Heavy Standard size, to be planted using two stakes and appropriate straps but no crossbar.

He has requested that an informative also be attached to any approval advising that all development works should be carried out giving due care and consideration not to damage the existing trees located within the grounds of neighbouring properties, including the structural root systems.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs 124, 127, 128, 130, 175, 184, 189, 190, 192, 195, 196

The Plan for Stafford Borough
Policies: N1 Design, N8 Landscape Character, N9 Historic Environment
Supplementary Planning Document (SPD) - Design

3. Amenity

The Council's Design Supplementary Planning Document (SPD) and Policy N1 Design Form (e) of the Plan for Stafford Borough require the design and layout to take account of noise and light implications, together with the amenity of adjacent residential areas or operations of existing activities.

The proposed development fully satisfies the Design SPD guidelines with regard to minimum separation distances between proposed dwellings. Private amenity space requirements are also satisfied.

With regard to minimum separation distances between proposed and existing dwellings, the front north-eastern facing elevation to Unit 1 will be at its closest point only 19 m from the rear elevation of apartments on Hyde Court, where the Design SPD may indicate 21 m to be appropriate. This distance, however, is considered to be acceptable in this case, with satisfactory levels of residential amenity being provided for both existing and proposed occupiers. Although this will be the front entrance elevation to Plot 1, including windows to four main living rooms, this is a multi-aspect dwelling with the front facing openings being only secondary principal windows, less than 1 m in width. All four rooms will have larger principal main aspect openings on north-west or south-east facing elevations. In addition, the adjacent apartments on Hyde Court also have detached outbuildings and an intervening screen wall along their south-western elevation facing the proposed dwelling.
Minimum separation distances are comfortably exceeded between existing dwellings on Manor Square, Burton Manor Road and dwellings on the application site. Only one dwelling on Manor Square directly faces a side elevation of one proposed dwelling at a distance of 34 m and three dwellings on Burton Manor Road will face rear elevations of four proposed dwellings at a minimum distance of at least 30 m.

The Environmental Health Officer has requested a condition be attached to any approval to safeguard nearby residential occupiers from undue disturbance during development to include: hours of work and deliveries; delivery vehicles to not park on access highways to the site; no burning on site during development; all demolition materials to be removed from site and properly disposed of; facilities for damping down to prevent excessive dust; road sweeping if necessary to be carried out at regular intervals to prevent excessive dust; any equipment which must be left running outside the allowed working hours to be inaudible at the boundary of occupied residential dwellings; and if necessary, screening to be provided to the site to protect residential dwellings from exposure to excessive noise. Given the proximity of the site to existing residential properties, it is considered that such a condition would be appropriate apart from the requirement that delivery vehicles not park on access highways to the site, as parking of vehicles on a public highway cannot be controlled by the local planning authority.

Policies and Guidance:-
National Planning Policy Framework
Paragraphs 127, 180

The Plan for Stafford Borough
Policy N1 Design,
Supplementary Planning Document (SPD) - Design

4. Parking and Access

The existing site access onto West Way will be utilised to serve the proposed development, and will continue to serve the two existing neighbouring dwellings 1 and 2 Manor Court.

A total of 14 parking spaces will be provided, with two parking spaces for each dwelling together with two visitor parking spaces. The Council’s Car Parking Standards require 12 spaces in total for this level of accommodation.

The highway authority has raised no objections to the proposal subject to a number of conditions. These include a requirement that prior to commencement a detailed scheme for alterations to the junction onto West Way be submitted and approved to include provisions for visibility splays, road width and radii, with the approved scheme to be fully implemented prior to first occupation of any of the dwellings.

Conditions are also requested to require that all proposed access, parking, servicing and turning areas be provided prior to the development being brought into use and that a Construction Environmental Management Plan (CEMP) be submitted and approved prior to the commencement of any construction, including demolition, with all site operations
then to be undertaken in accordance with the approved CEMP for the duration of the
construction programme.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs 102, 103, 109, 110

The Plan for Stafford Borough
Policies: T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B - Car Parking
Standards

5. Other Matters

As the site lies within Flood Zone 2 of the Rising Brook, following the initial submission of
the application a Flood Risk Assessment has subsequently been submitted. The
Environment Agency, however, considers the current application to be a lower risk
development proposal where flood risk issues can be dealt with under their Flood Risk
Standing Advice rather than by direct consultation.

The Flood Risk Assessment submitted covers the issues set out in the Standing Advice
and concludes that with the implementation of mitigating measures, specifically ensuring
that the lowest finished floor level on the site is a minimum of 600 mm above the 1 in 1000
year flood level in the Rising Brook and ensuring that a suitable maintenance regime is
applied to the new drainage system, the site is considered to be suitable for the type of
development proposed.

The Lead Local Flood Authority when originally consulted advised that as there will be no
significant change to the impermeable area, there will be little change to the surface water
runoff generated by the site and consequently had no further comments. When
reconsulted following submission of the Flood Risk Assessment, they commented only
that details of surface water draining to a Seven Trent Water sewer, including discharge
rates, should be authorised separately by Severn Trent Water.

Consequently, it is considered that the proposed development is acceptable in this
location and will not be at increased risk of flooding or give rise to potential increased
flooding elsewhere subject to the implementation of the mitigation measures set out in the
Flood Risk Assessment submitted with the application.

Policies and Guidance:-
National Planning Policy Framework
Paragraphs 149, 150, 153, 155, 157, 158, 163, 164

The Plan for Stafford Borough
Policies: N2 Climate Change

6. Conclusion

The proposed development is acceptable in principle being in accordance with relevant
Spatial Principles and with Policies Stafford Town 1 and C1 of The Plan for Stafford
Borough. The design details of the proposed development are satisfactory and consequently the proposed development will not impact adversely on the character and appearance of the area in general or that of the adjoining Burton Manor Village Conservation Area in particular, consistent with Policies N1, N8 and N9. Adequate levels of residential amenity for both proposed occupiers will be provided and maintained for existing neighbouring occupiers. Access and parking considerations and flood risk can be appropriately dealt with by conditions, consistent with Policies T1, T2 and N2.

**Consultations**

**Highway Authority (initial consultation):**
No objections subject to the following conditions being included on any approval:
The development not to be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans;
Prior to commencement a detailed scheme for alterations to the junction, onto West Way, be submitted and approved to include provisions for a visibility splay, road width and radii, with the approved scheme to be fully implemented prior to first occupation;
Prior to the commencement of any construction, including demolition, a Construction Environmental Management Plan (CEMP) to be submitted and approved to include details relating to construction access, hours of construction, routing of HGV’s, delivery times and the location of the contractors compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. It should also include a method of demolition and restoration of the site, with all site operations then to be undertaken in accordance with the approved CEMP for the duration of the construction programme.

**Highway Authority (re-consultation):**
Response awaited.

**Environment Agency (initial consultation):**
The site lies within Flood Zone 2 of the Rising Brook according to the Environment Agency’s Flood Map for Planning (Rivers and Sea). We have produced a series of standard comments for LPAs and planning applicants to refer to on “lower risk” development proposals where flood risk is an issue to replace direct case by case consultation with us. As the proposed development is within Flood Zone 2, as defined by the Planning Practice Guidance of the National Planning Policy Framework, this planning application sits within this category.
These standard comments are known as Flood Risk Standing Advice (FRSA). Please refer the applicant to our standing advice on our website at [https://www.gov.uk/guidance/flood-risk-assessment-standing-advice](https://www.gov.uk/guidance/flood-risk-assessment-standing-advice). We have no comments to make on this application.

**Environment Agency (re-consultation):**
The application falls under our Flood Risk Standing Advice as it is Flood Zone 2. Please follow the guidance to inform your decision on this application.

**Lead Local Flood Authority (initial consultation):**
The site is not within the uFMfSW 1 in 100 year outline and there are no recorded flooding hotspots within 20 m or Ordinary Watercourses within 5 m. There is a surface water flow route shown through the site for a 1 in 1000 year event. The applicant may wish to
consider flood resilience measures. As there will be no significant change to the impermeable area, there will be little change to the surface water runoff generated by the site. The Flood Team therefore have no further comments to offer on this application. The site is within the Environment Agency Flood Zone 2, with fluvial flood risk from the Rising Brook. As the EA are the statutory consultee upon all proposed developments within Flood Zones 2 and 3, it is envisaged that the Environment Agency will comment on the flood risk vulnerability, flood depths and suitability of the proposal in flood risk terms.

Lead Local Flood Authority (re-consultation):
As a non-statutory proposal, we have no comments to make.
Details of surface water draining to a Seven Trent Water sewer, including discharge rates, should be authorised by Severn Trent Water.

The site is within EA FZ2. PPS 25 - “Development and Flood Risk” states that all planning applications for development located within Flood Zones 2 and/or 3 must be accompanied by a Flood Risk Assessment - this is required by the Environment Agency, and as statutory consultee upon all proposed developments within Flood Zones 2 and 3, they will be best placed to comment on the FRA in relation to fluvial flood risk and flood resilience measures.

Conservation Advisor:
The application site immediately adjoins and overlooks properties in Burton Manor conservation area. It is currently occupied by semi derelict lock up garages of no architectural or townscape merit the removal of which will benefit the local environment.

There is no conservation objection in principle to redeveloping the site. Although the proposed new houses are in an unusual asymmetric design they are well separated from the nearest properties in the adjacent conservation area. It is not considered that the new development will have any impact on the significance or amenity of the conservation area. There is no conservation objection to the application.

Biodiversity Officer:
All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981. This means that vegetation clearance 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. It is recommended that two Schwegler 1B nest boxes be installed in appropriate locations on site.

Tree Officer:
The proposal which is the subject of this application will not result in the loss of; or significant detriment to; any existing arboricultural asset of value.

The landscaping scheme illustrated in drawing ADL218 does not include tree planting of an appropriate quality. The species choice can only be described as ubiquitous (with the exception of the Betula pendula ‘Dalecarlica’), and the nursery stock specification is wholly inadequate being of low quality with a high probability of premature mortality. Therefore it should be made the subject of a condition attached to any consent granted that all tree...
planting is carried out using container grown stock of Selected Standard or Heavy Standard size, to be planted using two stakes and appropriate straps but no crossbar.

Assuming the above points are given due consideration I have no objection to this application.

Condition:
All new tree planting carried out as part of the approved landscaping will use container grown stock only. Trees will be of Selected Standard or Heavy Standard size in containers with a minimum volume of 35 litres. Planting will utilise two stakes per tree with appropriate straps and no crossbar.

Informative:
All development works should be carried out giving due care and consideration not to damage the existing trees located within the grounds of neighbouring properties, including the structural root systems.

Environmental Health Officer:
Recommend condition(s) to safeguard any nearby residential occupiers from undue disturbance during development to include: all works, including demolition, site works and construction together with deliveries to only take place between the hours of 08.00 and 18.00 Monday to Friday, 08.00 to 14.00 Saturdays and not at all on Sundays or Bank Holidays; delivery vehicles not to park on access highways to the site; no burning on site during development; all demolition materials to be removed from site and properly disposed of; facilities to be provided at the site and used when necessary for damping down to prevent excessive dust; if necessary, road sweeping to be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust; any equipment which must be left running outside the allowed working hours to be inaudible at the boundary of occupied residential dwellings; and if necessary, screening to be provided to the site to protect residential dwellings from exposure to excessive noise, with details of such work being agreed and carried out before other works begin.

Neighbours (37 consulted):
Six responses (from five properties: initial consultation): Material planning considerations summarised below:
- The properties will be close to the Burton Manor Garden Village Conservation Area - it's impact on the rear of those properties needs to be thoroughly considered
- Closeness of the proposed dwellings to existing dwellings on Burton Manor Road is a major concern;
- Two of the proposed houses (Plots 6 & 7) would be close to the rear boundaries of two bungalows on Burton Manor Road and may have an obtrusive impact on these properties;
- Amenity of nearest property on Manor Court in particular likely to be impacted due to the proximity of the proposed dwellings;
- There will be a clear loss of privacy to numerous properties within the Burton Manor Conservation Area due to windows and gardens overlooking properties - this would be reduced if bungalows instead of houses were proposed;
- The layout and scale of the proposed development is oversized for the site;
- As there is a shortage of bungalows in Stafford and a shortage of properties to suit disabled people, bungalows would be a far better option;
While the existing garages can not be seen from the Conservation Area because of large trees on the boundary, the proposed houses will be considerably higher and will be seen, thereby harming the character of the neighbourhood by substantially affecting the aesthetics in terms of scenery, and also resulting in a loss of privacy for the residents of the Conservation Area;

- Any development should be within keeping of current houses to ensure they look like the existing properties in the Conservation Area;

- Removal of trees would impact the architectural interest of the Conservation Area both from the front and rear of existing properties by revealing existing flats;

- Although there is existing screening from trees/hedges to some boundaries, the development appears to be so close to some of these trees/hedgerows that it would be impossible to avoid any damage/loss of screening without re-designing the proposal. A different layout could be considered, moving proposed properties further from the site boundary, with no impact to trees and a reduced impact on neighbouring properties;

- All the mature trees and large conifers must remain - significant trees have already been lost over the years;

- The existing trees are of huge importance to the bird/wildlife in the area and any loss of these trees will undoubtedly have a detrimental impact;

- Proposals include felling of Cypress Hedges and a Willow Tree, which are on neighbouring land. Neighbouring property owners do not accept the felling, cutting or any damage to trees/hedges on their land;

- On some documents submitted, the boundaries are incorrect but in other reports correct boundaries are shown and accompanying documents refer to what is on “neighbouring land”;

- Removal of the garages could also disturb tree roots within the Root Protection Area which could cause dangerous and hazardous conditions to the trees/hedges on neighbouring gardens which could then potentially damage neighbouring properties;

- Root barriers will have to be implemented along with construction exclusion zones to protect neighbouring trees;

- Nesting birds of all species in neighbouring trees should not be disrupted for the proposed development;

- As numerous bats around gardens have been seen a survey should be undertaken to ensure these are not also nesting in the trees;

- The nearby local watercourse has an abundance of wildlife, including Great Crested newts;

- The trees and hedges that it is proposed to remove will result in the loss or deterioration of irreplaceable habitats as they inhabit some well established local wildlife which includes hedgehogs, many different varieties of birds and birds of prey;

- The proposed entrance is off a sharp bend on West Way - although this is an existing access, this proposal would see an increase in the amount of traffic using this entrance and an increase in the likelihood of accidents;

- Existing parking for the residents of the flats is limited - the proposed development will drastically reduce the parking area available, which then could potentially cause highway safety issues;

- With the removal of the garages, parking spaces will be reduced from 41 to 16, a reduction of 25 spaces. As there is currently a shortage of spaces for nearby residents - unsure how a reduction in spaces even with an increase in residents from the proposed houses will work without causing a problem with people parking elsewhere;
- The removal of the garages will create security issues for neighbouring properties providing direct access to gardens through the trees. If the garages are removed a tall secure fence would be needed along the whole boundary;
- The proposed 1.8m fence to be erected following the removal of the garages would be suitable for security reasons and would need to be taller or even of metal construction;
- Gardens of neighbouring properties are very quiet - concerned that a street and houses in the location proposed will increase noise pollution;
- The loss of the drying area to the flats should be reconsidered/or at least revised. Any loss of open space to dry washing will force residents to dry washing indoors with all the extra energy consumption this would involve. This will be expensive for residents and have a negative impact on the environment;
- Disagree with claim that the drying area is no longer fully utilised and that it is surplus to requirements as clothing drying can still be viewed and is shown in photographs in the Design and Access Statement;
- There are several mistakes in the submitted application; Section 5 Trees refers to a dead Willow tree, which is now in full leaf and clearly alive. The boundary of the conservation area is also shown incorrectly;
- The documentation for the proposed development has the boundary lines for the properties incorrect on some of the plans;
- An existing fence was erected within the boundary of a neighbouring property as a safety measure after a contractor employed by the applicant had trimmed back the hedge, without the owner’s permission to encourage new growth, resulting in an unsafe boundary.

No responses to re-consultation.

Site Notice: 10.05.2018
Expiry date: 31.05.2018

Newsletter Advert: 09.05.2018
Expiry date: 30.05.2018

**Relevant Planning History**

None

**Recommendation**

Approve, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

2. The development authorised by this permission shall be carried out in complete accordance with the submitted drawings numbers: 16007/1C; 16007/2C; 16007/4A; 16007/5; 16007/6A; 16007/7; 16007/8; 16007/9A; 16007/10; ADL218 A and the Landscape Schedule; K694-100 A; K694-101B; K694-102 B; K694-103 A; K694-104; K694-105; K694-106 A; K694-107; and K694-108, except insofar as may be otherwise required by other conditions to which the permission is subject.
3. Notwithstanding any description/details of external materials in the application documents, no development shall be commenced until precise details or samples of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the local planning authority.

4. All soft landscaping works shall be carried out in accordance with the approved landscaping scheme as set out in drawing number ADL218 A and the accompanying Landscaping Schedule, except that all new tree planting carried out as part of the approved landscaping shall use container grown stock only, with trees to be of Selected Standard or Heavy Standard size in containers with a minimum volume of 35 litres, to be planted utilising two stakes per tree with appropriate straps and no crossbar. All landscaping works shall be undertaken in accordance with a programme of implementation to be submitted to and approved in writing by the local planning authority prior to the commencement of development. If within a period of 5 years from the completion of the development any of the trees, plants or shrubs planted in accordance with the approved landscaping scheme are felled, uprooted, removed, destroyed, or in the opinion of the local planning authority die, become seriously damaged or defective, the local planning authority shall be notified as soon as is reasonably practicable; and another tree, plant or shrub of the same species and size shall be planted at the same location, at a time agreed in writing with the local planning authority, unless the local planning authority agrees in writing to dispense with or vary this requirement.

5. Prior to commencement of the development a detailed scheme for alterations to the junction onto West Way shall be submitted to and approved in writing by the local planning authority to include provisions for visibility splays, road width and radii. The approved scheme shall subsequently be fully implemented on site prior to the first occupation of any of the approved dwellings.

6. Prior to the commencement of any construction related works, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The approved management plan shall include details relating to: construction access; hours of construction; routing of HGV's; delivery times; the location of the contractors compounds, cabins, material storage areas and contractors parking; and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. It 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 CEMP for the duration of the construction programme.

7. 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.

8. The development permitted by this planning permission shall be carried out in accordance with the mitigation measures detailed within Section 7 Conclusions of the Flood Risk Assessment submitted with the application (Keytech Development Design Limited: 28 June 2018 Reference: K694 REV A)
9. Two Schwegler 1B nest boxes shall be installed in appropriate locations within the application site.

10. Works to hedgerows and trees shall not be undertaken in the bird nesting season (March to August) unless it can be demonstrated that breeding birds will not be affected, through the submission, approval in writing by the local planning authority and subsequent implementation in accordance with the approved details of a method statement for the protection/avoidance of nesting birds. This may include timing of work, pre-work checks, avoiding nesting areas.

11. Prior to the commencement of development a gas and groundwater monitoring programme shall be completed and a final gas risk assessment undertaken. Details of the findings including any recommendations shall be submitted in a report for the written approval of the local planning authority. Any mitigation measures recommended shall subsequently be undertaken in full accordance with the approved recommendations.

12. Before the dwellings are first occupied the boundary walls retaining walls fences and other means of enclosure shall be constructed in accordance with the details shown on the approved plan and shall thereafter be retained.

13. All site works and construction works together with deliveries to the site shall only take place between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and between 08.00 and 14.00 on Saturdays and not at all on Sundays and on Bank Holidays and other Public Holidays. In addition: all demolition materials shall be removed from site; any equipment that must be left running outside the permitted hours of work shall be inaudible at the boundary of occupied residential properties; facilities shall be provided for damping down to prevent excessive dust; road sweeping shall be carried out both on the site and on the access highway to prevent excessive dust; there shall be no burning on site during development; and if necessary, screening shall be provided to the site to protect residential dwellings from exposure to excessive noise, with details of such work to be agreed with the local authority in writing and carried out before other works begin.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To define the permission.

3. To ensure the satisfactory appearance of the development (Policies N1 (g) and (h) of The Plan for Stafford Borough).

4. To safeguard the character and appearance of the area. (Policies N4 and N8 of The Plan for Stafford Borough).
5. In the interests of the safety and convenience of users of the highway. (Policy T1(c) of The Plan for Stafford Borough).

6. In the interests of the safety and convenience of users of the highway. (Policy T1(c) of The Plan for Stafford Borough).

7. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2 (d) of The Plan for Stafford Borough).

8. To prevent the increased risk of flooding both on and off site. (Policy N2 of The Plan for Stafford Borough).


12. To ensure the satisfactory appearance of the development (Policies N1 (g) and (h) of The Plan for Stafford Borough).

13. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1 (e) of The Plan for Stafford Borough).

Informative(s)

1 The local planning authority considers the proposal to be a sustainable form of development and therefore complies with the provisions of the National Planning Policy Framework.

2 The applicant's attention is drawn to the comments of the highway authority, the Lead Local Flood Authority and the Borough Tree Officer as submitted in response to consultations on this application. All comments received can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).
Application 18/28412/OUT  Case Officer: Ed Handley
Date Registered 24 April 2018  Target Decision Date 19 June 2018
Address Land near junction of Drointon Lane, Drointon Road, Drointon Ward Milwich
Parish Stowe-by-Chartley
Proposal One equine manager's dwelling with access. All other matters reserved
Applicant Mr P Wardle
Recommendation Refuse

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor F Beatty (Ward Member for Milwich) for the following reasons:-

- For the committee to consider whether the application conforms with policies for development in the rural area set out in the NPPF and Local Plan;
- Whether displacing the existing business from one hamlet, Gayton, to another, Drointon, fulfils the criteria of Policy E2 to enhance rural sustainability;
- To consider whether operational need requires the business to move to a remote greenfield site without services or buildings; and
- Whether there is a necessity for a substantial new dwelling at this site when there is, within 200m, a site being developed for housing which would be in close proximity to the animals at the site.

Context

This is an outline application (including details of access only) for a new detached dwelling and garage for an equine manager at an existing equestrian business operating from the Drointon site.

The applicant currently lives at a farm in Gayton, 3.5 miles to the west, where he currently has access to some buildings.

The application site comprises part of a field adjacent to a large modern building and manège south of Drointon. It is in the open countryside outside of any settlement boundary and is within 8km of the Cannock Chase Special Area of Conservation (SAC). It forms one of the areas into which the field is currently subdivided.
The complex comprises a large modern building, outdoor manège, and grazing land. The building was erected under 08/09847/FUL for agricultural purposes and under 13/19220/FUL half of this building was converted to provide stables and a tack room. Since then, the manège has been developed under permission 14/20620/COU and the second half of the building was converted to provide additional stables, foaling boxes and a feed store under 16/23824/FUL.

**Officer Assessment – Key Considerations**

1. **Principle of Development**

Paragraph 59 of the NPPF outlines the Government’s objective of significantly boosting the supply of homes whilst paragraph 68 continues this thread stating that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that the benefits of development of suitable sites within existing settlements should be given great weight. Whilst the NPPF encourages use of previously developed land it does not exclude the development of greenfield sites.

Paragraph 79 provides for the development of homes in the countryside where there is an essential need for a rural worker to live permanently at or near to their place of work. Although this is the basis on which the applicant seeks permission for a new dwelling it is not considered, for the reasons set out in this report, that a case has been sufficiently demonstrated for a rural worker’s dwelling in this instance.

Policy E2 of The Plan for Stafford Borough provides for development in rural areas outside the sustainable settlement hierarchy, and outside of the Green Belt, by encouraging certain development including provision for the essential operation needs of agricultural businesses where the criteria outlined in E2 is met.

The Council has commissioned an independent desktop assessment, by a specialist consultant, who has confirmed that there is an essential need for a worker to reside at, or very close to, the enterprise, in particular the place where horses are kept at night when close supervision is required. However, it was considered unclear whether the only accommodation for horses is at the application site, or if there is also horse accommodation at the Gayton site where the applicant currently resides. Providing that the application site is the most appropriate location for a worker’s dwelling connected to this enterprise it is considered that the proposal is well-sited to offer increased security to the site and to oversee the enterprise.

The information originally provided demonstrated a requirement of 8.8 full time worker equivalents for the business, which is well established. However, it was considered unclear, on the basis of the financial information submitted, how the business would sustain the cost of the workers employed and the annual cost of a new dwellinghouse.

Following the submission of further information relating to the operation of the business further comment was received by the independent assessor which stated that although there is an essential need for a worker to reside at, or close to, the site concern is raised about the ability of the business to sustain the cost of the workers referred to in the submission and given that the applicant currently resides close by in Gayton the
application for a new dwelling on this site is premature. A suggestion to prevent any
development until the termination of the agricultural tenancy of the applicant’s parents at
Gayton is not considered to meet the 6 tests of the National Planning Practice Guidance
with regard to the use of planning conditions.

Should the application be approved, it would be appropriate to attach a condition tying the
occupancy of any dwelling to a person employed (or last employed) solely for agricultural,
forestry, or equestrian purposes.

Furthermore, whilst an indicative site plan has been submitted no detailed consideration is
given to layout and scale at this point. Given the justification for such a dwelling would
relate to the requirements for an equine worker to live on the site it is considered that it
would be appropriate to attach conditions to restrict the size of any dwelling and to remove
permitted development rights for extensions to prevent any dwelling increasing in size to
such an extent as to render any condition restricting occupation obsolete.

Notwithstanding the above, Spatial Principle 3 of The Plan for Stafford Borough sets out
where the majority of future development should be delivered within the Borough in terms
of a sustainable settlement hierarchy, consisting of Stafford, Stone, and 11 Key Service
Villages (KSVs).

The site is outside of any defined settlement boundary and is, therefore, in the open
countryside.

Policy C5 provides for new development outside of the sustainable settlement hierarchy
where it meets the following criteria:

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

No evidence has been submitted to demonstrate that a single dwelling cannot be
accommodated within the settlement hierarchy and the applicant has not submitted a
Parish based Local Housing Needs Assessment. Furthermore, there is no detailed
appraisal of the scheme which proves that it would meet any defined need.

The applicant, therefore, has not met the criteria in Policy C5.

Policies and Guidance:-

National Planning Policy Framework – paragraphs 14, 59, 68, 79 & 118

The Plan for Stafford Borough – Policies SP3 Stafford Borough Sustainable Settlement
Hierarchy, SP4 Stafford Borough Housing Growth Distribution, SP7 Supporting the
Location of New Development, E2 Sustainable Rural Development, C5 Residential
Proposals outside the Settlement Hierarchy
The Plan for Stafford Borough: Part 2 – Policy SB1 Settlement Boundaries

2. **Character & Appearance**

Whilst this application does not relate to matters other than the principle of development and access to the site, consideration can be given to the likely impacts of the proposal.

The surrounding area generally comprises open, irregular fields with trees and hedges along boundaries. Although relatively close (140m south) the site is visually isolated from, and clearly outside of, Drointon, a small settlement comprising a small number of farm buildings and what appear to be associated dwellings.

It is considered that a new dwelling in this location is likely to result in some harm to the character of the area through the erection of the building, setting out of residential curtilage, and associated development pressures from the presence of a dwellinghouse.

Notwithstanding this, the National Planning Policy Framework provides for development essential to a rural business. Should the applicant sufficiently demonstrate that the proposed dwelling is essential for the operation of the business it is considered that the site is the most appropriate for such a dwelling, being in close proximity to the stables and utilising the existing access point. It is, therefore, considered that any harm is kept to a minimum and the benefits to the local economy in support of a sustainable rural business would outweigh this harm.

Appropriate appearance, landscaping, layout, and scale would be considered at the reserved matters stage should this application for outline consent be approved.

Further to this, the application site covers an area of 1,995sqm. It is considered that this would amount to an excessive residential curtilage for a single dwelling required for the essential operation of a rural business and, therefore, a condition should be attached to any approval to ensure that the whole of this site does not become associated with the residential use of the proposed dwelling.

Policies and Guidance:–


The Plan for Stafford Borough – Policies N1 Design, N8 Landscape Character, E2 Sustainable Rural Development, C5 Residential Proposals outside the Settlement Hierarchy, Design SPD 2018

3. **Amenity**

It is considered likely that a dwelling could be erected within the application site without resulting in any harm with regard to amenity.

Policies and Guidance:–

The Plan for Stafford Borough – Policies N1 Design, Design SPD 2018
4. Parking and access

The Highway Authority raise no objection to the proposal, subject to conditions to secure additional information on the basis that the development would increase the use of the existing junction.

It is considered appropriate to attach a condition to any approval to secure these details.

There is a public right of way running parallel to the western boundary of the field within which the application site lies. It is not considered that the proposal would result in any impact on the public right of way given that the site is 38-51m east of the field boundary along which the right of way runs.

Policies and Guidance:

National Planning Policy Framework – paragraphs 105 & 106

The Plan for Stafford Borough – Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Parking Standards Guidance

5. Other

The site is within 8km of the Cannock Chase Special Area of Conservation (SAC). The Council can evidence that any increase in the number of dwellings within this 8km radius would result in an impact on the SAC. Development should not be permitted where it would lead directly or indirectly to an adverse impact on the Cannock Chase SAC and where those effects cannot be mitigated.

The applicant has not provided any detail of how the impacts on the SAC could be mitigated. On this basis, the proposal is considered to be contrary to the provisions of paragraphs 175 (c) and 176 of the NPPF.

Policies and Guidance:

National Planning Policy Framework – paragraphs 118, 171, 174, 175, 176, 177

The Plan for Stafford Borough – Policies N4 The Natural Environment and Green Infrastructure, N6 Cannock Chase Special Area of Conservation (SAC)

6. Conclusion

Whilst the applicant has demonstrated that there is a need for a full-time worker to reside at, or in close proximity to, the equestrian enterprise it is not considered that evidence has been submitted to demonstrate that the enterprise could sustain the cost of the workers employed as well as the annual cost of a new dwellinghouse.

Furthermore, accommodation and facilities are currently available to the applicant at Gayton, where his parents have an ongoing tenancy.
It is, therefore, not considered that the applicant has sufficiently demonstrated a case that the proposed dwelling would be essential to the needs of a rural business at the current time.

The applicant has not provided any detail of how the impacts on the SAC could be mitigated. On this basis, the proposal is considered to be contrary to the provisions of paragraphs 175 (c) and 176.

Consultations

Independent Assessment (Mid West Planning):
(Response dated 27 June 2018):
The additional information provided answers many question raised in my initial desk-based assessment, dated 24 May.
- Clearly the land, buildings, and residential accommodation at Gayton is important to the equestrian business and contributes significantly to its financial sustainability.
- I remain cautious about the ability of the business to be able to sustain the cost of the 3 full-time workers and 4 part-time workers referred to. The accounts submitted do not show sufficient wages paid for this level of employment and do not cover even a single full-time worker’s wage.
- The additional information submitted confirmed that the house, stables, and land at Gayton is available currently, until such time as the applicant’s parents give notice to terminate their agricultural tenancy. We have no evidence that this would occur in the near future and therefore the application for a new dwelling may be premature.
- Such notice to quit would be at least 12 months from the end of the then current tenancy years and therefore any notice period would be anywhere between 12 and 24 months long. Given that Moat Farm is let commercially by a private landlord it may well be offered for rent again and could be made available to the applicant.
- If permission is to be granted, a condition requiring the applicant to provide evidence that the notice to quit the tenancy at Moat Farm has been served before any development commences as the facilities are suitable and available to the applicant at this time and this precautionary measure is not likely to impact on the applicant too much given the timescales required for the notice involved.
(Response dated 24 May 2018):
These comments are based on the information provided by the applicant, with observations and referral to published standard labour information contained within the Equine Business Guide 2015.
- There is an essential need for a worker to reside at, or very close to, the enterprise and in particular the place where horses are kept at night when close supervision is required.
- However it is unclear whether the only accommodation for horses is at the application site or if there is further accommodation at the Gayton site where the applicant currently resides. If there is horse and manager accommodation at the Gayton site it would be useful to know why this is no longer available for continued use by the applicant.
- The standard labour requirement for this equestrian enterprise including an allowance of 15% for management, etc. is approximately 8.8 full time worker equivalents. Therefore, there is a full time worker requirement for this business.
- The business is well established, having been operated by the applicant at this site for 11 years. In terms of the business being sustainable it is unclear, from the financial
information submitted, how the applicant’s business sustains the cost of the workers employed and the annual cost of a new dwellinghouse.

- The position of the proposed dwelling directly to the northwest of the buildings is well-sited to offer increased security to the site and to oversee the enterprise.

Highway Authority:
No objection, subject to conditions to secure the following:
- Provision of parking, turning, and servicing areas;
- Means of surface water drainage;
- Surfacing materials;
- Junction visibility splays; and
- Access road widths.

Tree Officer:
No objection.

Rights of Way Officer:
Public footpath No.18 Stowe-by-Chartley Parish runs to the west of the application site. It does not appear from the application documents that this right of way will be affected by the proposal.

Environmental Health Officer:
No objection, subject to conditions to secure the following:
- Restriction of hours of works;
- No burning on site during development;
- Adequate surface and foul water drainage; and
- Sufficient refuse and recycling bin storage facilities.

Stowe-by-Chartley Parish Council:
Objection.
- The proposal comprises unjustified development in open countryside;
- There is no essential operational need for the current operation when these needs are being met at the site in Gayton;
- Such a large dwelling is not required for the manager of this unit;
- There are rarely more than a couple of horses grazing the land;
- There is no demonstration to why the operation at Gayton is no longer viable;
- Any economic advantage at Drointon would be lost at Gayton;
- Good agricultural land would be lost to a large house and garden;
- The proposed dwelling would harm the rural environment;
- The proposal would obstruct a right of way; and
- The applicant has already obstructed the public right of way.

Hixon Parish Council:
The Parish Council supports the objection raised by Stowe-by-Chartley Parish.

Neighbours:
(2 consulted): No representations received.
Relevant Planning History

08/09847/FUL – Proposed general purpose agricultural building and re-siting of existing access – Approved 7 May 2008
13/19220/FUL – Change of use of part of an agricultural building to equestrian use – Approved 23 October 2013
14/20620/COU – Change of use of land for the creation of a manège (horse sand paddock) – Approved 3 September 2014
16/23824/FUL – Change of use of an agricultural building to equestrian use – Approved 29 April 2016

Recommendation

Refuse due to the following reasons:

1. Insufficient information has been submitted to demonstrate, particularly given the current circumstances of the applicant who resides and operates an equestrian facility at Gayton, that there is an essential need for an equestrian managers dwelling at the application site, or that the enterprise can sustain the cost of a new dwellinghouse on the site. The proposal therefore represents an unsustainable form of development contrary to paragraphs 8, 11, and 79 of the National Planning Policy Framework and Policies SP1, SP3, SP6, SP7, E2, and C5 of The Plan for Stafford Borough.

2. It has not been demonstrated that the proposal would not result in harm to the Cannock Chase Special Area of Conservation contrary to the provisions of Policy N6 of The Plan for Stafford Borough.

Informative(s)

1 The Local Planning Authority has acted in a positive and proactive manner in dealing with this application and advised the applicant that the principle of such development in this location is unsustainable and does not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome these concerns.
18/28412/OUT
Land Near Junction Of Drointon Lane
Drointon Road
Drointon

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Economic Development & Planning
OS Ref: SK 8226
Not to Scale
REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor Baron (Ward Member for Forebridge) for the following reasons:-

‘Out of keeping with listed building’

Context

The Bear is a Grade II listed premises on Greengate Street within Stafford Conservation Area. It is in a very prominent location on Stafford’s main street opposite The Ancient High House, which is Grade II* listed, and adjacent to 6 Greengate Street, a Grade II listed shop. This makes the premises highly sensitive to any proposed development works, particularly to the principal elevation given the prominence of the site on both the streetscene and Stafford Conservation Area.

Advertisement consent is sought for the following signage:

- Replacement of existing fascia signage with timber fascia with decorative frame decorated with signwritten text and bear motifs:
  - ‘Light Ivory’ background with ‘Dusty Grey’ signwritten text and bear motifs.
  - Fascia to measure 5225mm x 640mm x 50mm.
  - Text to measure 310mm high.
  - 3000mm above ground level.
  - Replacement LED pelmet to illuminate the sign.

- Replacement of panels to existing projection sign:
  - ‘Light Ivory’ background with ‘Dusty Grey’ signwritten text and bear motif.
  - Timber panels measuring 900mm x 1100mm x 10mm.
- Text to measure 90mm high.
- 4400mm above ground level.

The hanging sign will be illuminated to the same luminance level as the fascia sign by existing projecting lanterns already installed.

The scheme has been amended from a black aluminium fascia with “The Bear” in colour changing LED letters to traditional timber fascia with decorative frame and painted decoration. The aluminium hanging sign with “The Bear” and “Beers, Burgers, Cocktails For Every Occasion” has been changed to a timber panel with painted decoration.

This report deals with two applications – firstly the listed building consent application for the aforementioned replacement signage, and secondly the associated advert application for that signage. Consequently this report will have three sections. The advert application can only be assessed under visual amenity and public safety, whereas the Listed Building Consent (LBC) application can include specific reference to character and appearance.

**Officer Assessment – Key Considerations**

1. **Character & Appearance**

   The size and scale of both proposed signs is acceptable because they are direct replacements of existing signage, and do not represent any increase over the dimensions of the signs currently in situ.

   Both signs may appear as more prominent within the streetscene due to the change in dominant colour from black to light ivory. This is not deemed harmful to the character and appearance of the property as the colours proposed do not deviate from an acceptable palette for the premises and restore the signage to a colour scheme approximately resembling the white fascia with black text on the property in the 1950s.

   The style of the signage changes from individual lettering to a signwritten fascia board. That said the style of the text proposed is traditional and appropriate to the character and appearance of the premises and the Stafford Conservation Area.

   The introduction of bear motifs to both the hanging and fascia sign is not a traditional design element, however the scale and design of the motifs proposed is appropriate, and ties in to the branding of the premises, complementing the trademark carved bear installed above the hanging sign.

   The illumination proposed is replacement/maintenance of existing lighting and these installations are not over bearing on the streetscene. They are coloured to blend in to the façade, and the levels of illumination are appropriate given the context of the signage and the sensitivity of the Conservation Area.

   Overall the two signs proposed integrate well with the host property and the wider Conservation Area. The design of the scheme is appropriate given the sensitivity of the location and there is minimal harm to the listed building or the historically important setting. It is therefore recommended that listed building consent be granted.
Policies and Guidance:
Revised National Planning Policy Framework – Sections 12 Achieving well designed places, 16 Conserving and enhancing the historic environment
The Plan for Stafford Borough – Policies N1 Design, N8 Landscape Character, N9 Historic Environment
Supplementary Planning Document (SPD) – Shopfronts and Advertisements

2. Visual Amenity

The signage scheme proposed integrates well within a retail-dominated area and is appropriately designed to avoid being over dominant on the streetscene. For this and for the reasons clarified in more detail in section one, it is recommended that there is little reason to refuse advertisement consent on visual amenity grounds.

Policies and Guidance:
Revised National Planning Policy Framework (NPPF) – Section 12 Achieving well designed places,
The Plan for Stafford Borough (2011-2031) – Policies N1 Design
Supplementary Planning Document (SPD) Shopfronts and Advertisements

3. Public Safety

Both proposed signs are on a frontage of the property facing the mixed pedestrian and vehicular use Greengate Street.

In being replacements of existing signage the location and scale of the fascia and hanging signs proposed is acceptable in regards of public safety.

The design of the signs is important to avoid being distractions for highway users. With regard to this matter the local Highway Authority (HA) was consulted and found the design acceptable.

Additionally, illumination has the potential to distract highway users also. Again the local HA was consulted and found the proposed luminance levels of 200 candelas per metre (cd/m) acceptable.

Considering the above, the proposal is not thought to pose any significant risk to public safety.

Policies and Guidance:
Revised National Planning Policy Framework (NPPF) – Section 9 Promoting sustainable transport
The Plan for Stafford Borough (2011-2031) – Policy T2 Parking and Manoeuvring Facilities

4. Conclusion

The proposed signage on the front elevation of The Bear is of an acceptable design in terms of character and appearance, having little negative impact on Stafford Conservation Area, the important historic setting of the premises, and the listed building itself.
The scheme is not believed to harm the visual amenity of the area, and does not pose any significant risk to public safety as per the comments of the local Highway Authority.

As such it is recommended that both listed building consent and advertisement consent are granted, subject to conditions.

Consultations

Conservation Officer:
The amended proposals –revision E – are acceptable from the conservation point of view.

Original Response:
The Bear PH is a 19th century building with a distinctive half timbered façade with jettied gables redolent of 17th century construction. Although not containing any early material it is unclear if the property is copy of an earlier building on the site. The premises occupies a sensitive position in Greengate Street in the centre of Stafford conservation area immediately opposite the grade II* listed Ancient High House, a building of outstanding national significance and adjacent to the grade II listed 6 Greengate Street. The existing fascia sign is of deep proportions but subdued in colour consistent with the elevation of the building and its position in the conservation area: the projecting bracketed sign with model bear is both a notable feature in the streetscene and of discrete colouring.

The application to replace the advertisement with an aluminium box sign with projecting internally illuminated individual letters will be harmful to the character and appearance of the public house, cause substantial harm to the significance of the conservation area and the setting of the nearby grade II* listed building. The box sign is visually unrelated to the existing fascia line and distracts from the decorative detailing of the façade. The applied 425mm tall letters are out of proportion to the scale of the building and in an undistinguished modern typeface. The variable colour scheme is garish and wholly out of keeping with this setting in the historic main street of the conservation area.

The proposed metal replacement hanging sign is not co-ordinated with the new fascia sign, introduces a colour palette unsuited to the building and contains advertising material unnecessary for identifying the property. This sign will cause harm to the appearance of The Bear and to the streetscene in the conservation area. It is assumed the existing projecting spotlights are to be retained.

The proposals are contrary to policies N1 and N9 of the PFSB; fail to conserve or enhance the character and appearance of the conservation area (S72(1) of the P(LB&CA)Act 1990; cause harm to the setting of the grade II* listed High House (S66 of the same act); and contain no justification to show there is an overriding public benefit to justify the harm (NPPF para 134). In all these circumstances I strongly recommend that the application be refused.

Highway Authority:
30/07/2018 Surgery: No objections

Stafford Historic & Civic Society:
I am writing on behalf of the Society to object to the application for a new sign at The Bear. The proposed sign may have been appropriate for a brand-new development in the suburbs, but is completely unsuited for this prominent, historic building in the centre of the county town.
I hope that the Borough Council will reject this application and demand from the owners that a sign fully in keeping with the building will be used; Marstons could well use a similar format to the existing excellent signage installed by the Lewis Partnership.

Neighbours (16 consulted twice):
1 response received in objection to the original submission: summarised as:
- Inappropriate design for historic and iconic building
- Not in keeping with the existing frontage in either font or colour.
No responses received regarding the current proposal.

Site Notice:
Expiry date: 17.07.2018

Newsletter Advert:
Expiry date: 25.07.2018

Relevant Planning History
- 03/01260/LBC – Signage – Permitted 04.12.2003

Recommendation

18/28709/ADV

Approve, subject to the following conditions:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2. No advertisement shall be sited or displayed so as to:-
   (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
   (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
   (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

6. This consent shall expire on 15 August 2023

7. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:

   - Location Plan at scale 1:1250
   - Block Plan at scale 1:500
   - Job No. 129236/Planning Rev. E

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

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

7. To define the permission.

**Recommendation**

**18/28710/LBC**

Approve, subject to the following conditions:

1. This Listed Building Consent is granted subject to the condition that the works to which it relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

2. This Listed Building Consent relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:

   - Location Plan at scale 1:1250
   - Block Plan at scale 1:500
   - Job No. 129236/Planning Rev. E

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

1. The time limit condition is imposed to comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. To define the permission.
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

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Location</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/28490/HOU</td>
<td>7 Barnes Croft Hilderstone Stafford</td>
<td>Extension of detached garage to form triple garage and new habitable room with toilet facilities on new first floor</td>
</tr>
</tbody>
</table>

Decided Appeals

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Location</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>17/27512/FUL and 17/27678/FUL Appeal dismissed</td>
<td>Land Rear Of Trubshaw House Main Road Little Haywood</td>
<td>Residential development of 4 No. two bedroom apartments, with associated parking for new build and existing flats at Trubshaw House and Proposed fire escape and retention of existing balcony.</td>
</tr>
</tbody>
</table>

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

Mr John Holmes, Development Manager Tel 01785 619302
Appeal Decisions
Site visit made on 26 June 2018
by Beverley Wilders BA (Hons) PgDurp MRTPI
an Inspector appointed by the Secretary of State
Decision date: 24 July 2018

Appeal A Ref: APP/Y3425/W/18/3198403
Trubshaw House, Main Road, Little Haywood, Stafford ST18 0TU
• 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 G Stubbs against the decision of Stafford Borough Council.
• The application Ref 17/27512/FUL, dated 6 November 2017, was refused by notice dated 1 February 2018.
• The development proposed is residential development of 4No. two bedroom apartments, with associated parking for new build and existing flats at Trubshaw House.

Appeal B Ref: APP/Y3425/W/18/3198424
Trubshaw House, Main Road, Little Haywood, Stafford ST18 0TU
• 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 G Stubbs against the decision of Stafford Borough Council.
• The application Ref 17/27678/FUL, dated 6 December 2017, was refused by notice dated 12 February 2018.
• The development is balcony and fire escape to rear of apartment.

Decisions

Appeal A
1. The appeal is dismissed.

Appeal B
2. The appeal is dismissed.

Procedural Matters

3. The application form for Appeal B states that the development was started in August 2017 and at the time of my site visit a rear balcony had been erected though no stairs were in place. However as I cannot be certain that the works that have been carried out on site are fully in accordance with the submitted plans, I have assessed the development as shown on the submitted plans.

4. The Council’s decision notice for application reference 17/27678/FUL (Appeal B) refers to the Council’s Supplementary Planning Guidance: Extensions to Dwellings (SPG). However after the application had been determined, the SPG was replaced by the Council’s Design Supplementary Planning Document dated 24 March 2018 (SPD). The SPD was referred to by the Council in its statement of case and as the appellant has had the opportunity to comment on it, in reaching my decision I have had regard to the SPD and not to the SPG.
Main Issues

Appeals A & B

5. The effect of the proposals and the development on the character and appearance of the Colwich & Little Haywood Conservation Area.

Appeal B

6. The effect of the development and proposal on:
   - the character and appearance of the host building;
   - the living conditions of the occupiers of adjacent properties having regard to outlook, daylight and sunlight.

Reasons

7. The appeal site is located in a prominent corner and roadside position in the Colwich & Little Haywood Conservation Area (CA). The CA is characterised by, amongst other things, a mixture of building types from several eras; a well preserved street pattern; a visual connection to the agricultural roots of the villages and to Cannock Chase. Trubshaw House (TH), though not a listed building, is identified in the Council’s Conservation Area Appraisal as a positive building described as a grand Victorian house which marks the beginning of the historic core of the buildings in Little Haywood. The detailing of the building, such as the fish scale roof, dormers and cast iron casement windows add interest to the street scene and create a welcoming introduction into Little Haywood.

8. The appeal site is on the corner of Main Street and Hawkesmore Drive, with the latter comprising a modern housing estate located outside of the CA boundary. TH is located in the corner of the site adjacent to the row of buildings fronting Main Street, with a large area of open land to the rear and side of it forming garden and parking areas bounded by a mixture of brick walling and hedging adjacent to the roads. There are clear views of the site and of TH from both Main Street and Hawkesmore Drive and the open character of the site provides an appropriate setting for TH and contributes positively to the character and appearance of the CA.

Effect on Conservation Area and host building

9. The proposed two storey building would be set back from and front onto Hawkesmore Drive. It would be sited perpendicular to TH and its rear elevation would be broadly in line with the side/front elevation of TH meaning that it would be positioned forward of that elevation. The building would be relatively modern in design and appearance and would feature a central forward projecting cat slide roof. It would be clearly visible from both Main Road and Hawkesmore Drive and would result in the loss of the existing open and spacious character of the site to the rear and side of TH.

10. Though I note that there is some disagreement between the main parties as to the distance between TH and the proposed building, having regard to the submitted plans and from my observations on site, I consider that the siting of a two storey building of the design and scale proposed in the position shown would be significantly harmful to the setting of TH and to the character and appearance of the CA. The building would have an awkward relationship with
TH and whilst I acknowledge that it would be lower in height than TH and that there has been an attempt to replicate some of the materials and design features of TH and of dwellings on Hawkesmore Drive, the resultant building would nevertheless be out of keeping with the character and appearance of TH and surrounding buildings. I do not agree with the appellant that it would provide a suitable transition between TH and dwellings on Hawkesmore Drive. In addition the proposal would result in the provision of further areas of hardsurfacing and the loss of soft landscaping within the site and surrounding TH.

11. As stated, TH is a grand house identified as a positive building in the CA. Though the rear elevation of the building faces towards the rear garden, the position and orientation of it is such that it is visible from various vantage points particularly from Hawkesmore Drive. The rear elevation has a varied but nevertheless traditional form. The first floor rear balcony is large in scale both in terms of width and rear projection and its form and means of construction utilising non-traditional utilitarian materials together with its relationship in relation to an existing oriel window means that it is harmful to the traditional character and appearance of the host building. The proposed galvanised steel stairs would similarly be out of keeping and would add to the incongruous appearance of the balcony. The balcony and stairs would be harmful to the character and appearance of both the host building and the CA and indeed the appellant accepts that they would not be particularly attractive.

12. The fact that some of the elements of the rear balcony and stairs are stated by the appellant to be necessary to satisfy building regulations and would provide improved access and a covered area for the ground floor flat below does not justify the harm that would be caused and there is no evidence to suggest that alternative and more sympathetic solutions are not available. Similarly there is no substantive evidence regarding the inadequacy of the existing arrangements. Though the appellant has stated a willingness to consider the use of alternative materials if required, I am not aware that any alternative proposals have been submitted.

13. I consider that the harm to the significance of the CA that would result from each appeal proposal would be less than substantial. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the CA in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Paragraph 134 of the National Planning Policy Framework (the Framework) states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the proposal the subject of Appeal A would provide four additional dwellings in an accessible location and would provide some modest economic and social benefits, these would not outweigh the great weight to be given to the harm to the heritage asset. There are no public benefits associated with the scheme the subject of Appeal B.

14. Taking the above matters into consideration, I conclude that the development and proposal the subject of Appeal B would have a significant adverse effect on the character and appearance of the host building and would together with the proposal the subject of Appeal A, have a significant adverse effect on the character and appearance of the area, would fail to preserve the character and appearance of the CA and would not meet the requirements of section 72 of
the Act. For the same reasons they would not accord with paragraph 132 of the Framework or with policies SP7 and N8 (Appeal B), N1 and N9 (Appeals A & B) of The Plan for Stafford Borough 2011-2013 (PFSB), policies CC3 and CE1 of the Colwich Neighbourhood Development Plan 2011-2031 (Appeal A) and relevant paragraphs of the Framework (Appeals A & B). These policies seek, amongst other things, development to be well designed, to respect local character and to preserve heritage assets including Conservation Areas.

**Living conditions**

15. The first floor rear balcony and proposed stairs are located in close proximity to a number of neighbouring properties. In particular the height, position and rear projection of the rear balcony and stairs would result in an overbearing impact on and a significantly reduced outlook from the rear elevation of the ground floor flat below the balcony within TH and from the ground and first floor windows within the adjoining dwelling at Poachers Cottage. In addition the size, position and orientation of the balcony and stairs relative to Poachers Cottage means that there would be a loss of daylight to that property and the ground floor flat and a loss of sunlight to and overshadowing of Poachers Cottage.

16. Whilst I note that the appellant states that the occupants of the ground floor flat in TH requested a solid floor for the balcony to provide them with a covered sitting out area, I have seen no evidence that this is the case and in any event this would not justify the harm to living conditions that I have identified nor would the need to comply with building regulations.

17. Taking the above matters into consideration, I conclude that the rear balcony and proposed stairs would have a significant adverse effect on the living conditions of the occupants of adjacent properties having regard to outlook, daylight and sunlight. The development and proposal therefore conflict with Policy N1(e) of the PFSB, paragraph 56 of the Framework and relevant guidance contained within the SPD. These policies and this guidance seek to ensure, amongst other things, that development takes account of the amenity of adjacent residential areas.

**Conclusion**

18. The proposal which is the subject of Appeal A and the proposal and development the subject of Appeal B would have significant adverse effects on the character and appearance of the area and would fail to preserve the character and appearance of the CA. In additional the proposal and development the subject of Appeal B would be significantly harmful to the character and appearance of the host building and would have an adverse effect on the living conditions of the occupiers of adjacent properties having regard to outlook, daylight and sunlight.

19. For the above reasons and having regard to all matters raised, I conclude that the appeals should be dismissed.

*Beverley Wilders*

INSPECTOR
Ward Interest - Nil

Enforcement Matters

Report of Head of Development

Purpose of Report

To consider the following reports.

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Page Nos</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Land at Grove Hill Farm, Wharf Road, Adbaston, Stafford</td>
<td>43 - 45</td>
</tr>
<tr>
<td>(b) Woodland View Cottage, Stafford Road, Ranton, Stafford</td>
<td>46 - 48</td>
</tr>
<tr>
<td>(c) Little Haywood General Store, Main Road, Little Haywood</td>
<td>49 - 55</td>
</tr>
</tbody>
</table>

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302
Ward - Gnosall and Woodseaves

USE/00311/EN17 Land at Grove Hill Farm, Wharf Road, Adbaston, Stafford

Report of Head Development and Head of Law and Administration

Purpose of Report

To consider the introduction of a static caravan and vehicles to land at Grove Hill Farm without planning permission.

1  Detail

1.1 A report was received on 18/10/2017 concerning the introduction of a static Caravan.

1.2 A site visit on 24/10/2017 confirmed a static caravan and vehicles had been introduced onto the land. A land registry search was submitted to clarify the ownership of the land.

1.3 On the 10/11/2017 a telephone conversation with the owner of the vehicles confirmed that a caravan had been purchased and introduced onto the land at the farm with the intention of renovating the farm building and residing in the caravan during the renovation. The owner was aware that planning permission was required for the temporary accommodation. It was clarified that the storage of vehicles and the caravan on the land would not be an acceptable use of the land and the vehicles and caravan would need to be removed.

1.4 Correspondence from the owner on 20/12/2017 requested further time to arrange for the removal of the vehicles from the land.

1.5 A site visit on 21/01/2018 confirmed that some vehicles appeared to have been removed from the land. However a large number still remained.

1.6 At another site visit on 11/05/2018 the owner of the vehicles explained that he wanted to apply for planning permission to build a dwelling on the land and live in the caravan temporarily whilst the building work was underway. It was explained that this required planning permission, therefore the caravan would need to be moved from the land. It was evident that 2 further vehicles had been removed, but about 30 vehicles remained on site. It was stated that the vehicles and caravan needed to be removed.
1.7 At a further site visit 26/07/2018 it was in evidence that more vehicles had been removed from the land. However, 26 vehicles remained at various points on the land and the caravan still remained on the land.

2 Policies

2.1 The Plan for Stafford Borough - Policy Spatial Principle 7 - Supporting the Location of New Development; Policy N1 - Design.

2.2 National Planning Policy Framework- Paragraph 170 Conserving the natural environment, 58 Enforcement

3 Conclusion

3.1 The caravan and vehicles have been introduced onto the land for storage. The caravan and vehicles are being stored on agricultural land. No planning application has been received for the storage of the caravan or vehicles and an application would not be supported by the Council. Paragraph 170 of the NPPF seeks to contribute and enhance the natural environment. The proposal also conflicts with Policy E2 of the plan for Stafford Borough.

4 Recommendations

4.1 That appropriate action be authorised to include all steps, including the instigation of court proceedings and any work required to secure the removal of the unauthorised caravan and vehicles from the land.

Background Papers and History

USE/00311/EN17 - Unauthorised storage of caravan and vehicles – under consideration

00/39123/OUT - Rebuild Dwelling House. Refused 16/06/2000

Contact Officer

Mrs Eiryl McCook- Development Lead - Direct No 01785 619732
USE/00311/EN17
Land at Grove Hill Farm
Wharf Road
Adbaston
Stafford
COND/00083/EN18 - Woodland View Cottage, Stafford Road, Ranton, Stafford.

Purpose of Report

To consider the unauthorised use and the breach of condition (2) associated with planning permission 13/19017/COU. A sand ménage which should not be used for any commercial purpose, including, special events.

1 Detail

1.1 A report was received by planning enforcement on 23/04/2018 regarding an alleged breach of condition, and intensification of the commercial use of the ménage, at the above site.

1.2 At a site visit on 18/05/2018, evidence was received from a complainant which identified that the Ménage has been leased by the owner to a third party, to run as “Fairfield Riding School”.

1.3 On the 24/05/2018 a letter was sent requesting that the use as a commercial riding school should cease or a retrospective application to regularise the situation be submitted, emphasising that an application would unlikely to be supported. Within the letter, the condition subject of the breach was outlined verbatim.

1.4 On 07/06/2018 correspondence was received from solicitors challenging the integrity of the above document. A copy of the decision notice, clarifying the description of Condition 2, was emailed to the solicitor.

1.5 The access to the site is off a narrow road and has recently been gated. The gate is of a sufficient distance from the carriageway to be considered permitted development.

1.6 No planning application has been received to vary the conditions on the original planning permission, and the use has not ceased.
2 Policies

2.1 The Plan for Stafford Borough – Policies E2 Sustainable Rural Development; N1 Design and T2 Parking and Manoeuvring Facilities


3 Consultations

3.1 Staffordshire County Council Highways: There would be no objections to the continuation of the ménage for personal use as per the 2013 planning permission. However, there are concerns over the traffic movements to and from the site should the site be used for commercial use.

4 Conclusion

4.1 Planning permission was granted in 2013 for a ménage for personal use of the occupiers of the adjoining property Woodland View Cottage. This condition was attached primarily to protect the amenity of neighbouring properties. The commercialisation of this site to a riding school will create an unacceptable detrimental impact on the neighbouring properties and as such would not be supported by the local planning authority.

4.2 The use of the ménage as a commercial riding school has a detrimental impact on the amenity of adjacent residential areas. The commercial use is not considered sustainable rural development. As such, the proposal is contrary to policy E2, N1 and T2 of the Plan for Stafford Borough 2011- 2031.

5 Recommendation

5.1 That appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the cessation of the use of the ménage as a riding school.

Background Papers and History

13/19017/COU - Change of use of land to all weather sand ménage – approved subject to conditions 30 September 2013

COND/00083/EN18 – Breach of planning condition 2 and 3 on 13/19017/COU – Pending consideration.

Contact Officer

Mrs Eiryl McCook - Development Lead - Direct No 01785 619 732
PLANNING COMMITTEE – 15 AUGUST 2018

Little Haywood General Store, Main Road, Little Haywood

Report of Head of Development and Head of Law and Administration

Purpose of Report

This report is supplemental to a previous committee report, as a result of which committee resolved to take enforcement action (copy of that report is attached as an APPENDIX). Following that resolution, the Council has received a complaint that the notice requirements did not reflect the decision of the Committee. The unauthorised development has now been in situ since around June 2016 and the Council has also received further representations from the Highways Authority. It is therefore considered appropriate for the Committee to consider what further enforcement action may be appropriate going forward.

1 Detail

1.1 At its meeting on 5 October 2016, Planning Committee resolved to approve the officer recommendation set out in the attached report.

1.2 Legal Services were instructed to draft a planning enforcement notice. When drafting an enforcement notice it is crucial that any requirements specified within the notice (eg to carry out works etc.) are certain and unambiguous. Failure to do so can leave a notice open to challenge. Part of the officer recommendation, adopted by the Planning Committee, referred to “appropriate repairs to the footpath with the installation of iron grills to cover the apertures remaining at ground level to provide a measure of safety on the footpath”. In order to be clear on what “iron grills” would be acceptable for use on a pedestrian highway, the Highways Authority were further consulted.

1.3 Unfortunately, the Highways Authority was unable to provide a specification that would be acceptable. On the advice of legal services, it was considered that a general reference to “iron grills” would not be clear, particularly if the resultant grills proved unsafe for highway purposes. It is common practice, when drafting enforcement notices, to require land to be re-instated to the condition it was in before the unauthorised development took place. From the response to the Planning Contravention Notice, served on the owner, and images found on “Google Maps”, it was clear that the lightwells had previously been capped and tarmacked over at some point.

1.4 An Enforcement Notice was issued on 17 February 2017. In the interests of highways safety, and to ensure that the requirements of the notice were clear
and certain, the notice required the occupier to “restore the land to its condition before the breach took place by tarmacking the area commensurate with the adjacent footpath, as shown in Photograph A”. It did not allow for the installation of iron grills.

1.5 In accordance with their statutory rights, the occupiers appealed against the notice to the Planning Inspectorate. The inspector refused the appeal, and upheld the notice, by decision dated 13 October 2017. With regard to the lightwells the inspector commented, “the appellants state that these were original lightwells which rose up onto the pavement with pedestrian grills over. The grills were subsequently tarmacked over. The onus is on the appellants to show that there has not been a breach of planning control and the standard of proof is the balance of probabilities. The appellants have stated that although tarmacked over, the original lightwells did not cease to exist but have not pointed me to evidence that would indicate this to be the case. Furthermore, it is not clear from my own observations what existed previously”.

1.6 Since then, the occupiers have submitted numerous correspondence to the Council. They claim that the notice departs from the resolution of the Planning Committee and is thus invalid. They also put forward representations that the Council has already authorised use of part of the building as residential accommodation and that the guard rail, floor level brickwork and lightwells are necessary for this use to comply with Building Regulations. They claim that open lightwells are needed to ensure proper ventilation of the basement level. They therefore urge the Council to reconsider its decision.

2 Validity of Notice

2.1 Section 285 of the Town and Country Planning Act 1990 makes it clear that issues that could have been raised on appeal cannot be used as a defence to prosecution. The House of Lords have also held in *R v Wickes* [1998] A.C. 92, that a defendant would not generally have the right to question the validity of a notice as a defence in prosecution proceedings. The proper route to challenge would be by way of judicial review.

2.2 However, as the difference between the wording of the committee resolution and the final wording of the notice has been raised as an issue, it is considered that Committee should consider whether they endorse the approach taken in the notice.

3 Further Highway Comments

3.1 In February 2018 Staffordshire County Council confirmed that the pavement is highway maintainable at the public expense. As such, the surface of the land is vested in the highway authority pursuant to s263 of the Highways Act 1980. However, the County Council does not own the freehold of the land.

3.2 In August 2018 Staffordshire County Council Highways confirmed that they want the footpath reinstated to its previous width, but have not provided a specification for a grill.
4 Conclusion

4.1 This matter has now been going on for over two years. The Highway Authority (Staffordshire County Council) has confirmed that they still want the footpath reinstated to its previous width. In the absence of a specification for a grill to cover the lightwells, provided either by Staffordshire County Council, or by the owners of Little Haywood General Store, who have carried out the unauthorised work to the pavement, it is considered that the action taken by legal services in drafting the Enforcement Notice was reasonable.

5 Recommendation

5.1 That Planning Committee endorse the wording of the Enforcement Notice as drafted by legal services and issued on 17 February 2017.

Background Papers


Planning History

13/18639/COU - Change of one room of shop on ground floor to reception room. Revert two ground floor shop areas once used as original reception areas back to domestic area – approved 25 July 2013

Contact Officer

Name – Mrs Eiryl McCook - Development Lead - Direct No 01785 619732
PLANNING COMMITTEE – 5 OCTOBER 2016

Little Haywood General Store

Report of Head of Economic Development and Planning and Head of Law and Administration

Purpose of Report

To consider the railings and associated floor level brickwork introduced on the footpath to the shop front without the benefit of planning permission.

1 Detail

1.1 Following the receipt of complaints in respect of the erection of railings and associated floor level brickwork introduced on the footpath to the shop front and the removal of a layer of tarmac and ground level cellar lights; a planning enforcement investigation was undertaken. The investigation found that operation undertaken would require the benefit of planning permission. A retrospective planning application has not been requested to retain the railings and associated brickwork due to the opinion that such a planning application would unlikely to be approved.

1.2 The railings and associated brickwork sit 1.4 metres high on the footpath which has been identified by the Highways Department of Staffordshire County Council as being land under ownership or control by Staffordshire County Council. This matter of ownership is in dispute by the property owners; however this matter of ownership is out of the remit of the planning department.

1.3 It was claimed by the owners that the works undertaken were required to implement the planning application approved on 25 July 2013 for the ‘Change of one room of shop on ground floor to reception room. Revert two ground floor shop areas once used as original reception areas back to domestic area’, (ref 13/18639/COU). However; the introduction of railings and brickwork and the removal of a layer of tarmac and ground level cellar lights were not included in the description or plans submitted for this planning application.

1.4 A planning contravention notice was served on 19 August 2016. The planning contravention notice was completed and returned on 24 August 2016 and is therefore considered complied with.

1.5 If the railings were to be reduced in height to 1 metre then the railings would be considered permitted development. However, the railings currently stand
1.4 metres high and are considered necessary to be that height by the property owner in order to present a safety barrier against pedestrians colliding with the windows when the street level bow windows are in the open position. The bow windows were previously screwed shut and therefore unable to open onto the street. The owner admits that the screws, fastening the windows shut, were recently removed. The owner claims the railings had a secondary function to prevent pedestrians from falling into the apertures at ground level which were created by the owner when the tarmac and cellar lights were removed.

2 Policies

2.1 The Plan for Stafford Borough 2014: – N1 Design

2.2 National Planning Policy Framework: - Section 12 - conserving and enhancing historic environment, Paragraph 17 – core principles; Paragraph 56 – 68 – requiring good design; Paragraph 207 – enforcement.

3 Consultations

3.1 Staffordshire County Council Highways – work has been undertaken on Highways land and the removal of the railings and the reinstatement of the full and unobstructed width of the footway have been requested.

3.2 Conservation Officer – The introduction of railings is not appropriate within a conservation area and would not be supported.

4 Conclusion

4.1 The proposed railings and brickwork would be considered to harm the visual character of the Colwich and Little Haywood Conservation Area and as such would be contrary to policy N9 of the plan for Stafford Borough, policy 126 of the NPPF, and section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.2 As the railings and associated brickwork have been erected without the benefit of planning permission, it is appropriate to consider the impact on amenity in order to determine whether it is expedient to take enforcement action. In this case there is identified harm to a conservation area and it would be in the public interest to pursue enforcement action.

5 Recommendation

5.1 That appropriate enforcement action be authorised to include all steps including the issue and service of any appropriate notice and instigation of court proceedings, together with any other associated works as required to secure the removal of the railings, associated brickwork and to undertake appropriate repairs to the footpath with the installation of iron grills to cover the apertures remaining at ground level to provide a measure of safety on the footpath.
Background Papers


Planning History

13/18639/COU - Change of one room of shop on ground floor to reception room. Revert two ground floor shop areas once used as original reception areas back to domestic area – approved 25 July 2013

Contact Officer

Name – Mrs Eiryl McCook - Development Lead - Direct No 01785 619732