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, 19 December 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 – 19 DECEMBER 2018

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

A G E N D A

1 Minutes
2 Apologies
3 Declaration of Member’s Interests/Lobbying
4 Delegated Applications
   Details of Delegated applications will be set out in Section 6 of Digest No. 250 published on 4 January 2019

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)
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:-

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<th>Application No</th>
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<td>Radfield House, Austin Friars, Stafford, Staffordshire</td>
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<td>This application was called in by Councillor C A Baron</td>
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<td>Officer Contact – Richard Wood, Development Lead (Large Scale) - Telephone 01785 619324</td>
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<td>18/29429/FUL</td>
<td>Adjacent to 18 Hunters Ride, Mosspit, Stafford</td>
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<td>This application was called in by Councillor G O Rowlands</td>
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<td></td>
<td>Officer Contact – Richard Wood, Development Lead (Large Scale) - Telephone 01785 619324</td>
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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
18/29526/OUT
Case Officer: Mark Alford

Date Registered 29 October 2018
Target Decision Date
Extended to 19 December 2018

Address Radfield House, Austin Friars, Stafford
Ward Forebridge
Parish -

Proposal Demolish building; outline application - eight apartments, access, parking and associated works

Applicant Mr Robert Hall

Recommendation Approve subject to conditions

REASON FOR REFERRAL TO COMMITTEE
This application has been called in by Councillor C A Baron (Ward Member for Forebridge) for the following reason:- Loss of much needed parking space.

Context
This is a resubmission of an application approved by the Planning Committee in October 2015. It is an outline application but with most matters of detail submitted for consideration at this stage except landscaping. The site currently comprises of a two storey flat roofed office building fronting Austin Friars and land used for car parking fronting Telegraph Street. It provides car parking for both the existing building on the site and the adjoining apartment building known as The Granary in Telegraph Street. It would also provide parking space for the new development.

This application proposes the demolition of the office building and erection of an apartment building with ground and first floors and a floor in the roof space. It would have a maximum height to roof ridge of 9m and an eaves height of 5.3m. Seven x 2-bedroom and 1 x 1-bedroom apartments would be created, and brick and roof tile finishes to the building are proposed.

The parking areas would be accessed via a new entrance off Telegraph Street and the existing access from Austin Friars would be closed. A bin store is shown to be created behind a new brick wall between 1m and 2m high along the frontage to Telegraph Street and using 1.8m high close boarded fencing internally. Some landscaping is indicated in the western corner of the site but the detail would be a reserved matter for susequent approval.

The immediate area is mixed in character with mainly residential development consisting of terraced houses and other buildings converted into apartments as well as business uses. The application site is also located within the Forebridge Conservation Area.
Officer Assessment – Key Considerations

1. Principle

The site lies within the Settlement Boundary of Stafford which is at the top of the Sustainable Settlement Hierarchy for residential development as defined in Spatial Principle (SP) 3 of The Plan for Stafford Borough (TPSB). The site is also previously developed land and the proposals are therefore acceptable in principle.

Policies and Guidance:

National Planning Policy Framework:
Paragraphs 11, 63, 67, 68, 117.

The Plan for Stafford Borough:
Spatial Principle (SP) 1 Presumption In Favour of Sustainable Development
SP 3 Stafford Borough Sustainable Settlement Hierarchy
Policy SB1 Settlement Boundaries

2. Character and appearance

The scale and mass of the building would not be excessive given that other buildings nearby are higher and have less spacious settings (i.e. three storey apartments, 38 to 43 Austin Friars to the north, and Friars Mill, Friars Terrace to the north west). It would also have a traditional appearance and the use of sympathetic materials would assist the structure in blending in with the surroundings. It is not clear how far the new brick wall would extend along the frontage but it would serve to enhance the locality and the conservation area. Further details would be secured under the landscaping reserved matters.

The Conservation Officer at the time of the previous application raised no objections but had concerns about the overlarge rooflights and dormer windows. This was addressed by an amended plan showing smaller versions which have been included in this application. The suggested conditions requiring the rooflights to have metal frames, and samples of the facing brick and roof tile to be submitted for approval by the local planning authority would be carried forward to a new decision.

The current Conservation Advisor observations are noted but it is considered that a consistent approach in relation to the previous decision should be taken and no objection should be raised.

It is therefore not considered that the proposals would harm the appearance of the street scene or the character of the conservation area.

Policies and Guidance:

National Planning Policy Framework:
Paragraphs 124, 127, 130, 184, 190, 192, 193, 194
The Plan for Stafford Borough:
Policy N1 Design
Policy N9 Historic Environment

3. Amenity

The principal frontage of the development would face the principal frontage of housing on the northern side of Austin Friars with a separation distance of 13.6m. Guideline 2b of The Supplementary Planning Document on design (SPDD) suggests a 21m separation distance between facing principal frontages. However, this section is followed by the statement that each proposal is judged on its own merits and that good design would not be achieved solely by adherence to the guidelines. In the context of the character of the area, such a relationship is typical of this part of Stafford, with numbers 2 and 6 Telegraph Street having a principal frontage separation distance of 12m for example. This relationship was also accepted with the grant of the previous permission with the same justification. There would also be a separation of 25m between the proposed rear elevation and facing elevation of The Granary to the rear, which exceeds 21m stated in Guideline 2a of the SPDD. Acceptable circumstances of privacy between buildings would therefore result.

A small area of landscaping is shown on the west side but this would not constitute private amenity space in terms of Guideline 3 of the SPDD.

The Environmental Health Officer has raised a concern over possible light glare and a condition would require details of any external lighting to be submitted for approval before it is constructed. Other suggested conditions would be added to a new consent. The previous permission also made provision for the installation of a ground membrane over the site that would give some protection from contamination. The condition would also be carried forward to a new consent.

Policies and Guidance:-

National Planning Policy Framework:
Paragraph 180.

The Plan for Stafford Borough
N1 Design
SPDD

4. Parking and access

The parking standard for developments with up to 2 bedrooms, as set out in the Plan for Stafford Borough, requires 1 space per dwelling plus 1 space per 4 dwellings for visitors. The scheme proposes 10 spaces which would comply with this standard.

The new site access would serve this parking area along with a further 8 spaces which serve the existing development of 7 apartments at The Granary, to the south, as approved under permissions 12/16913/FUL and 14/20080/FUL. The new access point would be about 9m in width and would result in the loss of two on street parking spaces. Whilst this provision serves local residents, given the sustainable location of the site for housing, it is
not considered reasonable to refuse permission on the basis of the loss of this modest number of parking spaces.

The Highway Authority raises no objections subject to conditions, and it is considered that there would be no undue impact from traffic on highway safety using the local highway network.

Policies and Guidance:-

National Planning Policy Framework:
Paragraphs 108, 109, 110.

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

5. Cannock Chase Special Area of Conservation

The site is within 8 km of the Special Area of Conservation (SAC) but the number of dwellings proposed is below the threshold for a separate contribution towards mitigation of visitor impact. Natural England has confirmed that contributions from schemes for 10 dwellings or more would provide for the mitigation of any likely significant effects on the SAC.

Policies and Guidance:-

National Planning Policy Framework:
Paragraph 170, 175, 177.

The Plan for Stafford Borough
N4 The Natural Environment and Green Infrastructure

6. Conclusion

The proposed development would represent a sustainable form of development, and would not significantly impact on visual amenity, highway safety, the character of the area or the setting of the Forebridge Conservation Area. There have been no significant changes in circumstances since the previous grant of permission.

Consultations

Highway Authority:
No objection subject to conditions to secure the construction of the new access, the parking areas and visibility splays, and the closure of the existing access from Austin Friars; the access to be built with a gradient not exceeding 1 in 10 for the first 4.5m rear of the highway boundary; details of surface water drainage and outfall; and the relocation of a lighting column.
Note to Planning Officer:
It was noted on the site visit that parking may be a problem for residents in this area. However, the development would meet the Borough Council’s parking standards, all of this parking will be within the curtilage of the development, and the Highway Authority is preparing a residential parking scheme for the area which, if implemented, would help with some of the existing concerns.

Conservation Advisor:
The application site lies with the Forebridge conservation area. It forms a corner site comprising a large open car park and a very modern flat roofed office building of no architectural distinction. Overall the current situation detracts from the appearance of the conservation area; its redevelopment offers an opportunity to enhance the appearance of the conservation area in accordance with the duty under S72(1). It is noted the current application is a resubmission of a scheme previously granted permission in 2015.

While there is no conservation objection in principle to the redevelopment of the site for residential use, the resubmitted scheme is disappointing in its failure to create a cohesive townscape by not responding to the corner location of the site and presenting frontages to both Austin Friars and Friars Terrace. I suggest that the views of the Urban Designer be obtained and an approach be made to the architect to revise the scheme to one better attuned to its corner location.

Environmental Health Officer:
Any lighting should not cause a nuisance and glare should be kept to a minimum; conditions relating to hours of site works and related deliveries, no burning on site, remove demolition material, facilities to damp down dust, sweep roads, equipment left running should not be audible at the boundary of occupied residential dwellings, screening around the site to mitigate the effects of construction and site works.

Natural England:
Cannock Chase Special Area of Conservation(SAC) - No objection
Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal (relevant extract below) in accordance with Regulation 63 of the Regulations:

“The development lies within the 0-8km zone of payment but is for less than 10 (net) new dwellings. Via the SAMMM scheme the impact of the development is mitigated for by contributions arising from developments of 10 or greater (net) new dwellings from within the 0-8km zone. The development would not significantly alter the scale of development currently planned for within the 0-15km zone of influence.”

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the site in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.
Neighbours
(49 notified): 12 responses received from 9 addresses raising the following material concerns –
- Loss of on-street parking space for Telegraph Street and Wolverhampton Road residents and business customers with new access shown.
- No on-site parking provision in scheme for Telegraph Street residents
- Current on-site parking for apartments and dwelling conversions is inadequate
- Scheme would result in overdevelopment
- Reduced quality of life for Telegraph Street residents
- Development not in keeping with character and amenity of the area
- Further residential development in the area would add to the traffic congestion and reduce highway safety.
- Roads and pavements too narrow for servicing and safety.

Site Notice:
Expiry date 30 November 2018

Advert:
Expiry date 28 November 2018

Relevant Planning History

15/22789/OUT – Same as current proposal – approved by the Planning Committee on 27 October 2015; not implemented; expired 26 October 2018.

Recommendation

Approve, subject to the following conditions:

1. This is a grant of outline planning permission only and notwithstanding any information in the application, before any above ground construction commences, details of the landscaping of the site including the new brick wall to the site frontage (the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the reserved matters.

4. The approved plans are drawings nos. 1696/11; /12; /13; /14 and the 1:1250 scale location plan.

5. Notwithstanding any details in the application, no above ground construction shall be commenced until named samples of the bricks and roof tiles to be used on the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter, only the approved materials shall be used unless alternatives have been agreed in writing with the local planning authority.
6. The roof lights shall be of a metal framed construction and shall fit flush with or be recessed below the external surface of the roof and shall be retained as such thereafter.

7. All site works, demolition and construction 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 or Bank Holidays.

8. No burning is to take place on site during development and all demolition materials shall be removed from site. Facilities shall be provided at the site and used for the damping down of dust. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings. Screening shall be provided to the site to protect residential dwellings from exposure to excessive noise. Details of such work shall be agreed with the local authority and carried out before other works begin.

9. No external illumination shall be constructed or erected without the prior written permission of the local planning authority.

10. Prior to first occupation of the proposed residential units the new site access shall be completed within the limits of the public highway as a vehicular dropped crossing.

11. Prior to first occupation of the proposed dwellings the parking area broadly indicated on the submitted Site Plan shall be completed and surfaced in a porous bound material with the individual parking bays clearly delineated which shall thereafter be retained for resident parking only for the life of the development.

12. Prior to first use of the new site access a 2.0 x 43m visibility slay to the south shall be provided in accordance with details to be first submitted to and approved in writing by the local Planning Authority with nothing placed or retained forward of the splay and the public highway exceeding 600mm in height above the level of the adjacent carriageway.

13. Concurrent with the construction of the new site access the existing site access from Austin Friars, made redundant as a consequence of the proposed development, shall be permanently closed with the access crossing reinstated as a footway.

14. The access to the parking area shall be constructed with a gradient not exceeding 1 in 10 for the first 4.5m rear of the highway boundary.

15. Prior to the commencement of development details shall be submitted to and approved in writing by the local Planning Authority indicating surface water drainage and outfall from the proposed parking area. The surface water drainage shall thereafter be provided and retained in accordance with the approved details prior to first use of the proposed development.
16. Prior to commencement of the development the lighting column located within the development site shall be relocated to the satisfaction of the Highway Authority.

17. A membrane shall be installed in accordance with the details submitted under Visqueen GX Geomembrane dated 8.4.2015 as part of planning application 15/22789/OUT before the development is first occupied and shall be retained for the lifetime of the development unless otherwise agreed in writing.

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

1. To define the permission.

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

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

4. To define the permission.

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

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

7. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).

8. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).

9. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).

10. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

11. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

12. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

13. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

15. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

16. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).

17. The site is located in an area with the potential to be affected by contaminants (Paragraph 178 of the National Planning Policy Framework)

Informative(s)

1 The Local Planning Authority consider the proposal to be a sustainable form of development and therefore it complies with the provisions of the National Planning Policy Framework.

2 The attention of the applicant is drawn to the observations of the Highway Authority submitted in response to consultation on the application. All comments received can be viewed online through the planning public access pages of the Council’s website (www.staffordbc.gov.uk)
Application 18/29429/FUL  
Case Officer Sian Wright  
Date Registered 25/10/2018  
Target Decision Date Extended To 20 December 2018  
Address Adjacent To  
18 Hunters Ride  
Mosspit  
Stafford  
Ward Manor  
Parish Stafford MB  
Proposal Erection of single two storey dwelling  
Applicant Mr Whiting  
Recommendation Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor G O Rowlands (Ward Member for Manor) for the following reason:

"Neighbour concerns with access and overlooking their properties"

Context

This is a full application for a single dwelling on land which currently forms part of the garden to 18 Hunters Ride.

The site measures approximately 35m in length to the shared access Drive and between 8-10m wide for the majority of the site before tapering out to a maximum width of 14m to the front boundary.

The application proposes a 2-storey detached 3-bedroomed dwelling with maximum dimensions of 10.2m deep x 6.4m wide x 7.6m high to the ridge. Two parking spaces are proposed to the front of the dwelling.

Officer Assessment – Key Considerations

Principle of development

The site is in a sustainable location within Stafford, which is at the top of the Sustainable Settlement Hierarchy as set out in Spatial Principle 3 of the Plan for Stafford Borough. Furthermore, outline permission has previously been approved for a single dwelling on this site under 16/24517/OUT. The outline permission approved access, layout and scale.
The principle of development on this site is therefore already established and permission 16/24517/OUT remains extant.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 117, 122

The Plan for Stafford Borough
Policies: Spatial Principle 3 – Stafford Borough Sustainable Settlement Hierarchy; Spatial Principle 4 – Stafford Borough Housing Growth Distribution; Spatial Principle 7 – Supporting the Location of New Development.

The Plan for Stafford Borough: Part 2
Policies: SB1 Settlement Boundaries

Character and appearance

The siting and scale of the proposed dwelling is similar to that approved under permission 16/24517/OUT. Careful consideration was given to the siting and scale to application 16/24517/OUT and the case officer stated that a dwelling on the application site would not be out of keeping with the established pattern of development in the area and that a dwelling would not appear cramped within the plot. In comparison to the previous outline application, the height of the proposed dwelling is just 0.1m higher and the siting differs only slightly in that there is now a front gable which projects approximately 1.0m forward of number 18 Hunters Ride.

The design of the proposed dwelling which features a front gable and canopied front door is considered to be acceptable in terms of the general character of the area and the street scene.

It is proposed to erect a 1.8m high close-boarded fence at the boundary with no. 18 and to extend the existing front gravelled driveway.

The proposed materials comprise a London Heather brick and a Marley Ludlow concrete tile in Antique brown. However, the proposed brick appears darker/redder than the bricks used in the adjacent dwellings and therefore an alternative brick type will be requested via a condition. The roof tile proposed is acceptable.

Policies and Guidance:-

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

The Plan for Stafford Borough
Policies: N1 Design;
Supplementary Planning Document (SPD) – Design
Residential amenity

The previous application was assessed against the Council's Space About Dwellings (SAD) and Extensions To Dwellings (ETD) guidance which has now been replaced by the Council's Supplementary Planning Guidance on Design. The proposal does not breach any guidance in the Design SPD. An adequate rear garden area would be provided for the proposed dwelling and an ample garden retained for number 18.

The immediate neighbour has raised concern about the 3 side windows to the south elevation. These windows are all non-principal windows which serve a downstairs toilet, landing and bathroom. It is not considered therefore that there are any issues relating to overlooking or loss of privacy.

Environmental Health Officer raises no objections subject to conditions. In this instance conditions relating to timing of site works and deliveries, burning on site and demolition materials are considered appropriate and were also attached to outline permission 16/24517/OUT. Given the scale of the proposal suggested conditions relating to damping down, screening and road sweeping are not considered to be reasonably necessary. Preventing delivery vehicles from parking on the access highways to the site is also outside the control of this application.

The Plan for Stafford Borough
Policies: N1 Design
Supplementary Planning Document (SPD) - Design

Access and parking

The submitted plan shows provision for two parking spaces on the site frontage, which would meet local plan standards. Three spaces are retained for number 18 Hunters Ride which, also meets parking standards in the local plan. The Highway Authority raise no objections.

Significant concern has been raised about the use of the private driveway. Access to the proposed dwelling would be via an existing private driveway currently used by numbers 5 and 18 Hunters Ride. The use of this land to access the proposed dwelling is however a private/legal matter between numbers 5 and 18.

Policies and Guidance:

National Planning Policy Framework
Paragraphs: 105 & 106

The Plan for Stafford Borough
Policies: T1 Transport; T2 Parking and Manoeuvring Facilities; Appendix B – Car Parking Standards
Trees

The site is in close proximity of an off-site tree belonging to number 18 Hunters Ride, which is the subject of tree preservation order TPO No.6 of 1968. This tree is a mature giant Redwood tree and is in close proximity to the proposed dwelling.

The Tree Officer has no objections to the proposal subject to the same conditions being attached as those to outline permission 16/24517/OUT; tree protection, landscaping & means of enclosure.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 170

The Plan for Stafford Borough
Policies: N4 The Natural Environment & Green Infrastructure;

Other

The site falls within 8km of the Cannock Chase Special Area of Conservation (SAC). Natural England raise no objections.

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

Conclusion

The proposal is similar to the scale and siting of the dwelling approved under outline permission 16/24517/OUT. It is not considered that the proposed dwelling would have a detrimental impact on the character and appearance of the area, residential amenity, highway safety or trees.

Consultations

Highway Authority:
No objections

Environmental Health Officer:

1. All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.

2. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.

3. No burning on site during development.
4. All demolition materials shall be removed from site and properly disposed of.

5. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.

6. Road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.

7. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.

8. Screening shall be provided to the site to protect residential dwellings from exposure to excessive noise. Details of such work shall be agreed with the local authority and carried out before other works begin.

Natural England: 
No objection

Tree Officer: 
No objections subject to conditions

Neighbours

(13 consulted): 8 letters of representation received (from 4 separate addresses) raising the following objections (summarised):

- Site is too small
- Hunters Ride will become more congested with traffic
- Inadequate parking
- Proposal is out of keeping
- Increased run-off of ground water
- The proposed dwelling is forward of no. 18
- Issues raised relating to the shared driveway / ownership issues
- 3 side facing windows
- Detrimental impact upon the character of the area

Site notice expiry date: 04.12.2018

Newsletter advert expiry date: N/A

Relevant Planning History

16/24517/OUT - Erection of a single two-storey dwelling – permitted 2016
Adjacent site: 14/21092/FUL - Construction of a new 3 bedroom house at land adjacent 3 Hunters Ride, Stafford (resubmission of 14/20414/FUL) – refused and allowed on appeal

Recommendation

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

2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-
   - Location Plan at 1:1250 (received 20.11.2018)
   - Floor Plans and Elevations at 1:100 (received 08.10.2018)
   - Block Plan and Landscape Details at 1:200 (received 21.11.2018)
   - Street Scene plan at 1:100 (received 08/10.2018)

3. All works, including demolition, site works, construction and associated deliveries shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.

4. All demolition materials shall be removed from site.

5. There shall be no burning on site during the construction phase.

6. No above ground works shall take place until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The approved landscaping works shall thereafter be provided within eight months of the dwelling first being occupied.
   Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

7. All trees, shrubs, hedges and bushes which are to be retained in accordance with the approved plans and particulars shall be protected in accordance with BS 5837: 2012 "Trees in Relation to design, demolition and construction" recommendations for tree protection. This shall include establishing a Root Protection Area (RPA) around each tree, shrub, hedgerow or bush, in accordance with the recommendations of BS 5837: 2012.

   All RPA's must be enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing by the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. No works or alterations to existing ground levels or surfaces shall be undertaken within the RPA's without the prior written approval of the local planning authority.

   No materials, equipment or vehicles are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained. All tree protection measures shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained...
until all equipment, machinery and surplus materials have been removed from the site.

8. The proposed car parking as shown on the submitted block plan (received 21.11.2018) shall be provided prior to occupation of the dwelling and retained as parking for the lifetime of the development.

9. Notwithstanding any description/details of external materials in the application documents, no above ground works shall be commenced until precise details or samples of the materials to be used in the construction of the external walls have been submitted to and approved in writing by the Local Planning Authority.

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

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

2. To define the permission.

3. To safeguard the occupiers of surrounding residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).

4. To safeguard the visual amenities of the area. (Policy N1 of The Plan for Stafford Borough).

5. To safeguard occupiers of nearby residential properties from nuisance caused by fumes, smoke and smells (Policy N1e of The Plan for Stafford Borough).

6. To safeguard the character and appearance of the area. (Policy N1 of The Plan for Stafford Borough).

7. To safeguard the amenities of the area and to protect the natural features that contribute towards this and that are important in the appearance of the development (Policies N1 g and h and N4 of The Plan for Stafford Borough).

8. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).

9. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).

Informative(s)

1. The Local Planning Authority consider the proposal to be a sustainable form of development and therefore complies with the provisions of the National Planning Policy Framework.
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

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<th>Application Reference</th>
<th>Location</th>
<th>Proposal</th>
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<td>18/27839/FUL and 18/28042/MPDO plus enforcement Committee Decision</td>
<td>Church View House Millian Brook Road Seighford Stafford</td>
<td>Retention of change of use of land to residential (Class C3) and extend drive and To modify planning obligation relating to 12/17192/EXTF</td>
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Decided Appeals

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<th>Application Reference</th>
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<td>17/27761/PAR Appeal Dismissed</td>
<td>Land Adjacent Mount Pleasant Farm Sandon Road Sharpley Heath</td>
<td>Prior approval of change of use from agricultural to a dwellinghouse (Class C3)</td>
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Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

Mr John Holmes, Development Manager Tel 01785 619302
Appeal Decision

Site visit made on 13 November 2018

by Kevin Savage BA MPlan MRUPI
an Inspector appointed by the Secretary of State

Decision date: 7 December 2018

Appeal Ref: APP/Y3425/W/18/3209124
Barn at Land adjacent to Mount Pleasant Farm, Mount Pleasant, Hilderstone, Staffordshire ST15 8SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
- The appeal is made by Mr Robert Gerrard against the decision of Stafford Borough Council.
- The application Ref 17/27761/PAR, dated 15 December 2017, was refused by notice dated 12 February 2018.
- The development proposed is conversion of an existing barn into a dwelling house.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above is taken from Section E of the appeal form, as it was not otherwise clearly described on the application form.

Main Issue

3. The main issue in this case is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

4. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order1 and any building operations reasonably necessary to convert the building.

5. Schedule 2, Part 3, Paragraph X of the GPDO defines “agricultural building” as a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and “agricultural use” refers to such uses. The Council refused the application on the basis of insufficient evidence to confirm whether the building is an agricultural building and whether it forms part of an established agricultural unit for the purposes of Class Q.


https://www.gov.uk/planning-inspectorate
6. However, I am mindful of the further definition under Paragraph X of "curtilage", which is applicable to development under Class Q. Curtilage is defined as (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser (my emphasis).

7. Therefore, if the proposal fails to meet the definition at Paragraph X, it would not amount to permitted development, irrespective of compliance with other parts of Class Q. The submitted plans, including 01 Location Plan and 02 Site Plan, clearly identify the area enclosed by the red line as ‘domestic curtilage’, and also includes the route of a proposed access to the dwelling from the highway. The application form confirms the area of the building is 105 sqm, and the area of curtilage which is proposed to change use is 400 sqm. The curtilage, therefore, clearly exceeds the land area occupied by the agricultural building, that being the relevant measurement in this case. It follows that the proposal would not meet the definition at Paragraph X.

8. Therefore, the proposal before me is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. Consequently, I conclude the proposal is development for which planning permission is required. An application for planning permission would be a matter for the Local Planning Authority to consider in the first instance.

9. Although I have had regard to the evidence before me, including the appeal decision cited by the appellant, in light of my findings above it is not necessary for me to further consider whether the proposal would comply with the various requirements of Paragraph Q.1 and the prior approval matters set out in Paragraph Q.2.(1) of Class Q of the GPDO, as this would not affect the outcome of the appeal.

Conclusion

10. For the reasons given, the appeal is dismissed.

Kevin Savage
INSPECTOR