Dear Members

Planning Committee

A meeting of the Planning Committee will be held in the Oak Room, County Buildings, Martin Street, Stafford on Wednesday, 24 April 2019 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. Bell

Head of Law and Administration
AGENDA

1 Minutes
2 Apologies
3 Declaration of Member’s Interests/Lobbying
4 Delegated Applications

Details of Delegated applications are/will be set out in Section 6 of Digest No 256 published on 14 June 2019.

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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 P Cooke, A P Edgeller, J Hood, S Learoyd)
PLANNING COMMITTEE - 24 APRIL 2019

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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This application was called in by Councillor J A Barron.

Officer Contact - Richard Wood, Development Lead (Large Scale) - Telephone 01785 619324

This application was called in by Councillor F Beatty.

Officer Contact - Richard Wood, Development Lead (Large Scale) - Telephone 01785 619324

This application was deferred by Planning Committee on 2 April for the applicant to consider a less dense proposal.

Officer Contact - Richard Wood, Development Lead (Large Scale) - Telephone 01785 619324

This application was called in by Councillor A J Perkins.
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 18/29824/FUL  
Case Officer Ed Handley  
Date Registered 3 January 2019  
Target Decision Date 4 April 2019  
Extended To 26 April 2019  
Address Former Police HQ Cannock Road Stafford  
Ward Weeping Cross and Wildwood  
Parish -  
Proposal Variation of conditions 2 (plans), 7 (landscaping), and 27 (arboricultural assessment and method statement) on 18/27849/FUL and 18/28901/FUL  
Applicant Bellway Homes Ltd  
Recommendation Approve, subject to conditions and a Deed of Variation  

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor J A Barron (Ward Member for Weeping Cross and Wildwood) for the following reasons:-

“The correct planning procedure was not followed regarding the removal of this Lebanese Cedar Tree T134.

The removal of this tree was clearly not an absolute emergency.

The tree did not pose an imminent risk of structural collapse.

Therefore, consultation with local Ward Members and the general public should have gone ahead before this tree was removed rather than after the event.

Proposed replacement tree substandard.

This sets a precedent for the removal of further trees without going through the proper planning procedure.”

Context

The application site comprises the former Policy HQ at Weeping Cross which lies to the south of Stafford town centre within a primarily residential area. Houses and bungalows adjoin the site boundaries to the east on Knowle Road and the south along Cremorne Drive. The site is subject to a number of Tree Preservation Orders.
Permission 18/27849/FUL was granted 20 June 2018 for the construction of 141 dwellings on the site and was subsequently varied under 18/28901/FUL with regard to off-site highway works, the submission of a travel plan to promote travel by sustainable modes and the implementation of a traffic management scheme.

This application is for the variation of conditions 2, 7 and 27 on permission 18/28901/FUL. Condition 2 lists the approved plans to define the permission whilst condition 7 requires the submission of the species mix of tree planting and secures the ongoing retention of trees on site. Condition 27 relates to the arboricultural assessment of the site and method statement. The proposed variation of condition 2 relates to tree works and to an alteration to the proposed roofing materials across the site.

The application is retrospective in that a Lebanese Cedar tree which is identified to be retained on the approved plans has had to be removed with being a risk to public safety due to being in a badly decayed condition. The removal of the tree was instructed by the Council’s Tree Officer who was also present at the time of removal.

The Tree Officer has confirmed that on the basis of extensive investigations the tree needed to be removed on the grounds that its structural integrity had been compromised and the tree posed an imminent threat to public safety.

Visual inspections, as well as Resistograph testing and Sonic Tomography, concluded that there was significant decay at the base of the trunk and associated radial cracking which would result in imminent risk of structural collapse in the short term.

The tree had begun to shed large primary limbs (1 – 2.5 tonnes) adjacent to the A513 and a busy footpath and therefore the tree was considered to pose an immediate risk to public safety. Whilst the tree was subject to a tree preservation Order its removal was authorised as an exemption to the order on the grounds of public safety.

The other amendment relates to the proposed roof materials as follows:
- Forticrete Gemini Jacobean tiles would no longer be used;
- Plots 1, 2, 15, 18, 19, and 30 to be Forticrete Gemini Slate Grey tiles; and
- Plots 16 and 17 to be Forticrete Gemini Smooth Brown.

**Officer Assessment – Key Considerations**

1. Assessment

Conditions 7 and 27 now need to be varied as these specify the tree mix of plantings across the site and for the development to be carried out in accordance with the previously approved tree protection measures in the Arboricultural Assessment and Method Statement dated December 2017 and the addendum dated March 2018.

Clearly the removal of the Lebanese Cedar and its replacement with a compensatory tree require these details to be varied and for these to reflected on amended plans listed under condition 2.
The previously approved tree protection plans and landscaping drawings showed the Lebanese Cedar tree to be retained which was confirmed by the discharge of these conditions under 18/28889/DCON.

It is now proposed that a replacement Himalayan Cedar tree is planted in approximately the same position following the removal of an Ivy-clad Holly adjacent to the original Cedar.

The Tree Officer raises no objection to the proposed variation of conditions, subject to an additional condition to ensure that the felled Cedar is replaced with an appropriate tree of the Cedar genus. The applicant has proposed a Cedrus Deodara (Himalayan Cedar) of the following specification:
- 100L supply;
- 200-250cm size.

The Tree Officer states that this is acceptable subject to the tree being a container grown specimen.

The proposed mix of roof tiles would result in one fewer type of tile being used but a slightly greater degree of variation across the development. It is considered that this variation is acceptable as it would not result in any undue harm to the overall design of the scheme.

The Section 106 agreement relating to this development would require amending through a Deed of Variation with regard to this application should it be approved.

Whilst any approval would constitute a decision relating to a housing scheme within 8km of the Cannock Chase Special Area of Conservation (SAC) it is not considered that an appropriate assessment (Habitat Regulations) is required as this application relates only to a landscaping matter and would have no impact on the SAC. Any impacts would have been appropriately assessed during consideration of application 18/27849/FUL.

Polices and Guidance:-

National Planning Policy Framework
Paragraphs: 7, 8, 10, 11, 102, 103, 104, 108, 109, 110, 111

The Plan for Stafford Borough
Policies: N1 Design, N4 The Natural Environment and Green Infrastructure, T1 Transport; I1 Infrastructure delivery policy

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

2. Conclusion

The variation to conditions 2, 7, and 27 which the applicant proposes relate to the removal (and replacement) of a tree and the variation of proposed roof tiles. The proposed materials are considered to be acceptable and the Council’s Tree Officer raises no objection to the proposed replacement of the Cedar tree.
Consultations

Tree Officer:
(Comments dated 4 April 2019)
The specification for the proposed tree to replace the Cedar which was removed is appropriate. The tree should be a container grown specimen.
(Comments dated 12 February 2019):
No objection.
Following extensive investigations by myself, Rob Keyzor Tree Surgeons, Helen Kirk (FPCR), Reeve’s Tree Surgeons, and Ben Bennett (BB Trees Consultancy) the decision was taken by me to allow the tree to be removed on the grounds that its structural integrity was compromised and posed an imminent threat to public safety.
As well as visual inspection methods by qualified arboriculturists, the investigations included Resistograph testing and Sonic Tomography using a PiCUS Tomograph system. The investigations concluded that there was significant decay at the base of the trunk with associated radial cracking. This particular damage did not itself pose an imminent risk of structural collapse, but would certainly have reached that point in the short term. However, the tree had also started to shed very large primary limbs, each weighing in the region of 1 – 2.5 tonnes, adjacent a main road and busy footpath. Therefore the tree was deemed an immediate risk.
The tree is to be replaced with an appropriate tree of the Cedar genus; details of species, stock type, and location should be agreed in writing before planting.

Neighbours
(83 consulted) Four representations received in objection, raising the following points:
- The application is retrospective;
- There is a risk that other trees will be removed;
- The tree was not in danger of falling;
- The tree should be replaced with a large Cedar as proposed; and
- The application documents are unclear about what has happened

Site notice expiry date: 31 January 2019.
Newsletter advert expiry date: 6 February 2019.

Relevant Planning History

18/27849/FUL – Residential development of 141 dwellings, including balancing pond, play and open space, and associated infrastructure – Approved 20 June 2018

18/28889/DCON – Discharge of conditions 5, 7, 22, 23, 26, and 28 of 18/27849/FUL – Conditions discharged 29 January 2019

18/28901/FUL – Variation of condition on 18/27849/FUL to amend trigger points in conditions 13, 14, 15, and 16 to change them from prior to first occupation to prior 31st occupation – Approved 19 November 2018

18/29715/AMN – Non-material amendment to 18/27849/FUL and 18/28901/FUL to reposition plots 95/98, 116 and associated car parking. Footpath increased in width to the front of plots 37, 95, 105, 116, and 123 – Approved 25 January 2019
Recommendation

Approve, subject to the following conditions:

1. 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:-

   Drawing Number WC-RL-01 'Red Line Plan'
   Drawing Number 1000 rev X 'Planning Layout'
   Drawing Number WC/FEN/01B 'Boundary Treatments Plan'
   Drawing Number WC/MAT/01B 'Materials Layout - Bricks and Render'
   Drawing Number WC/MAT/02 revB 'Materials Layout - Roof Tiles'
   Drawing Number WC-SUB-01 'Proposed Sub-station Plans'
   Drawing Number WC/GFD/01 'Gate & Fence Details (Condition 5)'
   Drawing Number WC/PHAS/01 'Proposed Phasing Plan'
   Drawing Number GLO764 01L 'Soft Landscape Proposals (Sheet 1 of 3)'
   Drawing Number GLO764 02J 'Soft Landscape Proposals (Sheet 2 of 3)'
   Drawing Number GLO764 03H 'Soft Landscape Proposals (Sheet 3 of 3)'
   Drawing Number WC/CL/01 'Compound Location Plan'
   Drawing Number A/1550/v1/00/01 'Acacia (4b det) Planning Layouts'
   Drawing Number A/1550/v4/00/02 'Accacia (4b det) Planning Elevations'
   Drawing Number A/1550/v1/00/02 'Accacia (4b det) Planning Elevations'
   Drawing Number A/1550/v2/00/02 'Accacia (4b det) Planning Elevations'
   Drawing Number A/1550/v3/00/02 'Accacia (4b det) Planning Elevations'
   Drawing Number A/1591/v1/00/01 'Alder (4b Det) Planning Layouts'
   Drawing Number A/1591/v1/00/02 'Alder (4b Det) Planning Elevations'
   Drawing Number A/1591/v2/00/02 rev B 'Alder (4b Det) Planning Elevations'
   Drawing Number A/1591/v3/00/02 'Alder (4b Det) Planning Elevations'
   Drawing Number A/1591/v4/00/02 rev A 'Alder (4b Det) Planning Elevations'
   Drawing Number A/1290/v1/00/01 rev A 'Aspen (4b det) Planning Layouts'
   Drawing Number BWM/ASP/01 'Aspen (4b det) Planning Elevations'
   Drawing Number AYL/PLA/01- 'Aylesmore (5b Det) Planning Layouts Floor Plans'
   Drawing Number AYL/PLA/02- 'Aylesmore (5b Det) Planning Layouts Country - Brick'
   Drawing Number AYL/PLA/03- 'Aylesmore (5b Det) Planning Layouts Town - Render'
   Drawing Number AYL/PLA/03- 'Aylesmore (5b Det) Planning Layouts Country - Render'
   Drawing Number BAS/PLA/01- 'Bascote (4b Det) Planning Layouts Floor Plans'
   Drawing Number BAS/PLA/03- 'Bascote (4b Det) Planning Layouts Country - Render'
   Drawing Number BAS/PLA/04- 'Bascote (4b Det) Planning Layouts Country - Render 2 sides'
   Drawing Number BAS/PLA/05- 'Bascote (4b Det) Planning Layouts Country - Render 3 sides'
   Drawing Number BRA/PLA/01- 'Bransford (5b Det) Planning Layouts Floor Plans'
   Drawing Number BRA/PLA/02- 'Bransford (5b Det) Planning Elevations Country - Brick'
Drawing Number BRA/PLA/03- 'Bransford (5b Det) Planning Elevations Country - Render'
Drawing Number A/2349/v1/00/01 rev E 'CEDAR (5b det) Planning Layouts'
Drawing Number A/2349/v3/00/02 rev B 'CEDAR (5b det) Planning Elevations'
Drawing Number CED/PLA/01- 'CEDAR (5b det) Planning Elevations'
Drawing Number CHA/PLA/01- 'Chadwick (5b Det) Planning Layouts - Floor Plans'
Drawing Number CHA/PLA/02- 'Chadwick (5b Det) Planning Layouts Country - Brick (Ele 1)'
Drawing Number CHA/PLA/03- 'Chadwick (5b Det) Planning Layouts Country - Brick (Ele 2)'
Drawing Number A/802c/v1/00/01 rev B 'Cherry (3b semi/ter) Planning Layouts'
Drawing Number A/802c/v1/00/02 'Cherry (3b semi/ter) Planning Elevations'
Drawing Number A/802c/v1/00/02.1 'Cherry (3b semi/ter) Planning Elevations Town-Brick Front Gable Variant'
Drawing Number CHO/PLA/01- 'Chorley (3b Det) Planning Layouts'
Drawing Number CHO/PLA/02- 'Chorley (3b Det) Planning Elevations'
Drawing Number ELT/PLA/02- 'Elton (4bed) Planning Elevations'
Drawing Number ELT/PLA/02- 'Elton (4bed) Planning Elevations' [shows floor layouts]
Drawing Number HAZ/PLA/01- 'Hazel (3b det/semit) Planning Elevations'
Drawing Number A/948/v1/00/01 rev C- 'Hazel (3b det/semit) Planning Layouts'
Drawing Number A/986/v2/00/02 rev C 'Japonica (3b det) Planning Elevations'
Drawing Number A/986/v1/00/01 rev D 'Japonica (3b det) Planning Layouts'
Drawing Number BWM/KIN/01- 'Kineton (4b det) Planning Elevations' [shows floor layouts]
Drawing Number BWM/KIN/02- 'Kineton (4b det) Planning Elevations'
Drawing Number A/1087/v3/00/02 'Larch (3b semi/ter) Planning Elevations'
Drawing Number A/1087/v2/00/02 'Larch (3b semi/ter) Planning Elevations'
Drawing Number A/1087/v1/00/01 'Larch (3b semi/ter) Planning Layouts'
Drawing Number A/1336/v3/00/02 'Maple (4b det) Planning Elevations'
Drawing Number A/1336/v1/00/01 'Maple (4b det) Planning Layouts'
Drawing Number MAR/PLA/02- 'Marlbrook (5b det) Planning Layouts Country - Brick (Ele 2)'
Drawing Number MAR/PLA/03- 'Marlbrook (5b det) Planning Layouts Country - Render (Ele 2)'
Drawing Number MAR/PLA/01- 'Marlbrook (5b det) Planning Layouts Floor Plans'
Drawing Number MIL/PLA/01- 'Milverton (5b det) Planning Layouts Floor Plans'
Drawing Number MIL/PLA/02- 'Milverton (5b det) Planning Layouts Country - Render'
Drawing Number A/1199/v1/00/01 'Walnut (4b det) Planning Layouts'
Drawing Number A/1199/v3/00/02 'Walnut (4b det) Planning Elevations'
Drawing Number A/1199/v1/00/02 'Walnut (4b det) Planning Elevations'
Drawing Number BWM-SO2+-PLA02 'SO2+ Planning Layouts'
Drawing Number BWM-SO2+-PLA01 'SO2+ Planning Layouts'
Drawing Number BWM-SO3/PLA02 'SO3 Planning Layouts'
Drawing Number BWM-SO3/PLA01 'SO3 Planning Layouts'
Drawing Number BWM-SO9/PLA02- 'SO9 Planning Layouts' [showing elevations]
Drawing Number BWM-SO9/PLA01 'SO9 Planning Layouts' [showing floor plans]
2. The development shall be implemented in accordance with the approved phasing plan, Drawing Number WC/PHAS/01 'Proposed Phasing Plan', unless otherwise submitted to and approved in writing by the local planning authority.

3. The development shall be implemented in accordance with the recommendations of the approved Ecological Mitigation and Management Plan, reference 7356.EMMP.vf dated March 2018.

4. The vehicular access features, including flanking walls, railings, pillars or gates, as well as the internal site road gateways and boundary pedestrian (Weeping Cross) maintenance (Cannock Road) and lockable five bar (Cannock Road) access gateways, shall be implemented in accordance with drawing WC/GFD.01 'Gate & Fence Details (Condition 5)' and document WC/DOM/01 (as approved under 18/28889/DCON), unless otherwise agreed in writing by the Local Planning Authority.

5. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Planning (General Permitted Development) (England) Order 2015, as amended or any subsequent re-enactment of that Order or equivalent Order, no gates or barriers shall be provided within the external site boundaries or across internal estate roads or driveways, except as approved under this consent, without the prior written consent of the local planning authority.

6. The landscaping scheme shown in drawings GLO764 01L, GL0764 02J and GL0764 03H 'Soft Landscape Proposals' shall be implemented within 8 months of the completion of the development, or the relevant phase of that development.

   All tree plantings carried out as part of the approved landscaping shall use container grown nursery stock only. Each tree shall be planted using either a two stake and strap or ground anchor system. No use of single tree stakes or 'crossbar' supports shall be employed.

   Any failures, including specimens that are damaged, die or are otherwise lost, within five years of first planting shall be replaced with the same species and size of specimen in the first available planting season, unless otherwise previously agreed in writing by the local planning authority under the terms of this condition.

7. No development shall take place other than in accordance with the "Written Scheme of Investigation for Evaluation Trenching Baswich Park" prepared by...
Lanpro dated March 2018. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

8. The development, or any relevant phase of the development, shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the relevant approved plans.

9. The development hereby permitted shall not be brought into use until the access to that part of the site, or phase, within the limits of the public highway has been completed.

10. No dwelling shall be occupied until the associated driveway and/or parking space has been surfaced in a bound material and sustainably drained in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

11. The development hereby permitted shall not be brought into use until the visibility splays shown on Drawing Number 1000 rev S 'Planning Layout' have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

12. No more than 30 dwellings shall be occupied until the proposed signal controlled cycle/pedestrian crossing on Weeping Cross to the north of the site has been completed in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority.

13. No more than 30 dwellings on any phase of the development shall be occupied until the proposed upgrade of the existing Puffin Crossing on the A34, north of the site entrance, to a signal controlled cycle/pedestrian crossing, has been completed in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority.

14. No more than 30 dwellings shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this Consent.

15. No more than 30 dwellings on any phase of the development shall be occupied until a traffic management scheme, including Road Junction Box Markings on the A34 at Wildwood Drive and the proposed Site Entrance, has been completed in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority.
16. The development shall be implemented in accordance with the Construction Management Plan dated March 2018 and the accompanying Compound Location Plan, Drawing number WC/CL/01, received under email dated 22 March 2018 (scanned on 23 March 2018). The provisions of the Construction Method Statement and Compound Location Plan shall be adhered to throughout the construction period unless the development is implemented in accordance with alternative details previously submitted to and approved in writing by the local planning authority.

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

18. The construction and layout of the houses shall be in full accordance with the 'Recommendations' set out on page 11 of the submitted noise report by Hoare Lea Acoustics reference REP10/04619 - R4 -AM- Weeping Cross. Before construction of the houses begins details indicating the houses which will receive additional treatment together with the positioning of any acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

19. All construction works, including demolition, site works and associated deliveries or collections from the site 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.

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

21. Screening shall be provided to the site boundaries for the duration of development in accordance with drawing PFEN-01 (as approved under 18/28889/DCON) unless otherwise approved in writing by the Local Planning Authority.

22. The sub-station shall be constructed in accordance with drawing WC-SUB-01 and shall be screened in accordance with drawing GL0764 01 E unless otherwise approved in writing by the local planning authority. The approved hedgerow screen shall be planted within the first planting season following commencement of development of the sub-station.

23. No dwelling on any cul-de-sac or private drive served by a bin collection point, as shown on the approved plans, shall be occupied until the bin collection point for that cul-de-sac/private drive has been implemented in accordance with the details shown on the approved plans and as illustrated by the submitted photograph recorded as received on 23 March 2018.
24. The accommodation provided at first floor level in the Elite and Supreme detached garages shall be used for purposes wholly ancillary to the residential use of the dwelling on the corresponding plot and shall not be let, leased out, sold or otherwise occupied or disposed of separately from that dwelling.

25. Unless otherwise approved in writing by the local planning authority, the development shall be carried out in accordance with the detailed surface water drainage design and drainage plans for the disposal of foul and surface water flows approved under 18/28889/DCON as detailed within the following documents. The drainage scheme shall be implemented in accordance with the approved details before any previously approved phase of the development is first brought into use:

- Drawing No. 16061_100
- Drawing No. 16061_101
- Drawing No. 16061_102 B
- Drawing No. 16061_103 B
- Drawing No. 16061_200
- Drawing No. 16061_201
- Drawing No. 16061_202
- Drawing No. 16061_203
- Drawing No. 16061_204
- Drawing No. 16061_205
- Drawing No. 16061_206
- Drawing No. 16061_207
- Drawing No. 16061_400
- Drawing No. BASWICH STORM 09.02.18.MDX 1yr & 30yr
- Drawing No. BASWICH STORM 09.02.18.MDX 100yr +40%
- Drawing No. Permeable Paving Specification Footway
- Drawing No. Permeable Paving Specification
- Micro drainage Calculations

Any amended design shall be in accordance with the overall strategy and key design parameters set out in the Flood Risk Assessment and Drainage Strategy (References 16061 Rev A 06/12/17 and Drawing Number 3 revision D)

The design shall demonstrate:
- Surface water drainage system(s) designed in accordance with national and local standards, including the Non-statutory technical standards for sustainable drainage systems (DEFRA March 2015).
- SuDS design to provide adequate water quality treatment, which can be demonstrated using the Simple Index Approach (CIRIA SuDS Manual 2015).
- Limiting the discharge rate generated by all rainfall events up to the 100 years plus 40% climate change critical rain storm to 99.1 l/s to ensure that there will be no increase in flood risk downstream.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the design system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layouts and levels should provide safe exceedance routes and adequate access for maintenance.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

26. The development shall be implemented in accordance with the provisions of the Arboricultural Assessment and Method Statement dated December 2017, the Addendum to Arboricultural Method Statement dated March 2018, and the Addendum to Arboricultural Assessment (Removal of T134 Lebanese Cedar) dated December 2018.

All measures within the approved Tree Protection Plans [Drawing numbers 8175-A-06 and 8175-A-07 'Updated Tree Protection Plan Rev B - Phase 1 Fencing Positions' and drawing numbers 8175-A-08 and 8175-A-09 'Updated Tree Protection Plan Rev A - Phase 2 Fencing Positions] attached to the Addendum to Arboricultural Method Statement shall be implemented and maintained throughout the development process until completion of all construction related activity, unless otherwise agreed in writing with the Local Planning Authority.

27. Notwithstanding any other description/details within the application documents the boundary treatments detailed on drawing WC/FEN/01C shall be provided unless otherwise approved in writing by the local planning authority.

28. Notwithstanding any detail/description within the application documents, and before the end of the first planting season following the date of this permission, tree T134 (Cedar) shall be replaced in accordance with the following specification unless otherwise approved in writing by the Local Planning Authority and it shall thereafter be protected throughout any remaining period of development in accordance with BS 5837: 2012.

Cedrus Deodara (Himalayan Cedar)
100L supply (container grown specimen)
200-250cm size.

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

1. To define the permission.
2. To define the permission.
3. In order to ensure that biodiversity value and natural environment of the site is maintained and enhanced (Policy N4 of the Plan for Stafford Borough).
4. To safeguard the character and appearance of the area and ensure highway safety is maintained (Policies N1 and T2 of The Plan for Stafford Borough).
5. In the interests of local amenity and the safety of highway users (Policies N1 and T2 of the Plan for Stafford Borough).

6. To safeguard the character and appearance of the area and ensure protection and enhancement of the natural environment and biodiversity features (Policies N1 and N4 of The Plan for Stafford Borough).


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

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

10. 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).

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).

14. In the interests of encouraging sustainable transport methods and reduction in traffic generation (Policy T1b 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 and to protect residential amenity. (Policies T1c and N1 of The Plan for Stafford Borough).

17. To safeguard against pollution. (Policy N2 of the Plan for Stafford Borough).

18. To safeguard the occupiers of the approved dwelling(s) from undue noise. (Policy N1e of The Plan for Stafford Borough).

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

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

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

23. To safeguard the character and appearance of the development, protect highway safety and ensure that adequate facilities are available (Policies N1e and T2a of the Plan for Stafford Borough).

24. To define the permission and to ensure that adequate off-street parking is maintained to serve the development and protect residential amenity as harm could arise from subdivision of the plots. (Policies N1 and T2 of the Plan for Stafford Borough).

25. To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. (Policy N2 of the Plan for Stafford Borough)

26. In the interests of protecting and maintaining adequate natural landscape features and protected trees. (Policies N1 and N4 of the Plan for Stafford Borough).

27. To protect the character and appearance of the site and its setting within the local urban landscape. (Policy N1 of the Plan for Stafford Borough).

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

Informative(s)

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

2. The applicants attention is drawn to the comments of the Police Architectural Liaison officer, Environment Agency, Environmental Health Officer, Arboricultural Officer, Biodiversity officer, Severn Trent Water and the Highway authority with regard to application 18/27849/FUL. All comments can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).
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.

The application was deferred by Committee on 15 August 2018 to allow the applicant to provide clarification of the uncertainties identified by the Council’s consultant.

Since this time the application has been amended to comprise a full application for the temporary siting of a mobile home for a rural worker for a period of up to three years.

Cannock Chase SAC

As verbally presented to Committee on 15 August the applicant has provided a statement which identifies a number of accessible recreation areas in closer proximity to the application site than Cannock Chase. The previous recommended reason for refusal
which related to harm to the Cannock Chase SAC is therefore considered to be adequately addressed.

Furthermore, the Council has carried out an appropriate assessment in accordance with the Habitat Regulations. The latest evidence suggests that the SAMMMs (Strategic Access Management and Monitoring Measures) will deliver sufficient mitigation and avoidance measures to prevent any likely significant effect arising towards the Cannock Chase SAC from residential development in this area. As the scheme would result in fewer than 10 dwellings it is considered that any likely significant effects to the Cannock Chase SAC can be mitigated by financial contributions provided by developments of 10 or more dwellings within the 0-8km zone of influence. Natural England raise no objection to this approach.

Application site

The application site has been reduced in size from 1,995sqm to 1,440sqm but this is still considered to amount to an excessive residential curtilage for a dwelling required for the essential operation of a rural business. Consequently it is considered to be of inappropriate size for any amenity space associated with the temporary siting of a mobile home. It is therefore considered that a condition should be attached to any approval to ensure that the whole of this site does not become associated with the proposed residential use.

Functional need

As verbally presented to committee on 15 August the owner of the farm in Gayton, Harrowby Estates, has confirmed that the applicant would not be a suitable person to take on the tenancy of Moat Farm, should his parents terminate their tenancy.

Since the 15 August the applicant has also submitted an amended business appraisal complete with accounts to address the issues raised in the independent assessment commissioned by the Council. This appraisal provides additional information with regard to:
- Numbers of staff;
- The business supports the local economy and a chain of suppliers; and
- In the medium-term the applicant wishes to provide accommodation for an essential worker and gradually expand the breeding and training enterprise before moving into insemination.

The scheme has also been amended and now comprises the proposed siting of a mobile home for three years in order to allow the applicant to further consolidate his business.

Since this application being presented to committee in August 2018 limited additional information has been provided regarding the functional need or to resolve the concern that this application is premature whilst there is accommodation available at Gayton. Two further comments have been provided by the independent assessor commissioned by the Council which state the following:
- There is an essential need for a key worker to reside at or very close to the equestrian enterprise;
- There is a labour requirement for 8.8 full-time workers;
- Labour is provided by three full-time and four part-time workers whilst a large proportion of works is carried out by employees working beyond contract hours and family members working voluntarily;
- Whilst the PPS7 financial test should not be applied following the publication of the NPPF it is considered that a financial appraisal of the enterprise is important as it would assist in determining whether the business is sustainable;
- The business is considered to be well established and profitable, and has been for the past three years;
- There does not appear to be any other suitable accommodation within three miles of the site or any buildings within the site suitable for conversion;
- Cessation of the occupation of the Gayton equine facilities will no doubt, at that time, likely give rise to a need for on-site accommodation at the application site (based on the current enterprise details). Until that time it is considered that suitable and available accommodation already exists, and is currently available to fulfil the essential needs of the equestrian operation;
- Evidence should be provided of the proposed timescale for any termination of the applicant's parents' termination of tenancy; and
- Until such time as when the applicant’s parents given notice to surrender the Agricultural Holdings Act tenancy and the Estate confirms that the farm will not be re-let to Mr Philip Wardle, the Gayton farm is available and will continue to meet the needs of the equestrian unit.

The applicant has previously suggested a condition to restrict the occupation of any dwelling to that by the applicant only. Whilst a condition should be attached to any approval tying the occupancy of the mobile home to somebody working in agriculture it is not considered that such a condition would make the proposed development acceptable. There is no doubt that there is a functional need for a worker to live at or near to the equestrian business (Drointon), however, that need is currently, and continues to be, fulfilled by accommodation at the Gayton site.

Whilst it is acknowledged that temporary dwellings have, in other circumstances, been an appropriate solution to providing accommodation at or near to a place of work where there is an essential need this would have been to allow the applicant to demonstrate the viability of the business.

The case of Embleton & Ainsley v Northumberland & Gaston (2013), hereafter referred to as ‘Embleton’, determined that although in the past rural workers’ dwellings were dealt with using the advice of PPS7 (not up to date since the publication of the NPPF in 2012) the NPPF requires only a planning judgement as to whether there is an essential need for a worker to be on site or not. There is no requirement that the proposal is economically viable. The Embleton case makes it clear that the NPPF does not require a proposal to be economically viable, however it does not prevent financial evidence from being considered as part of a planning judgement with regard to whether the proposal constitutes sustainable development. Should the business not be sustainable it is considered very likely that there would be pressure to remove any occupancy conditions resulting in an isolated dwelling for which there is no justification.

It is not considered that the temporary nature of the proposal renders it acceptable. On this basis, it is not considered that one of the two previously recommended reasons for refusal has been satisfactorily resolved. It should, however, be amended to reflect the
temporary nature of the proposed development and to remove reference to the ability for the business to sustain the cost of the proposed development.

The application is therefore recommended for refusal for the following reason:

“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 residential accommodation at the application site, which cannot be met elsewhere near to 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.”

Consultation

Independent Assessment (Mid West Planning):
(Response dated 12 March 2019):
- There is an essential need for a key worker to reside at or very close to the equestrian enterprise as previously determined, based on the labour requirement of 8.8 full time workers;
- There are no dwellings on the application site and no buildings suitable for conversion;
- Philip Wardle lives in rented accommodation at Gayton where he has the use of an additional 44 acres of land and buildings;
- The time at which the Gayton site may become unavailable to Philip Wardle is unknown;
- Although Philip Wardle cannot meet the terms of his parent’s existing agricultural tenancy at Gayton he currently has the use of the land, buildings, and residential accommodation at the farm;
- It is presumed that Mr Wardle’s parents would be required to give between one and two years’ notice to terminate the agricultural tenancy. Until notice is served the existing arrangement fulfils the essential need; and
- It is unclear whether a new tenancy would be granted to Philip Wardle to allow his equestrian enterprise to continue at the Gayton farm following the retirement of his parents.

(Additional comment dated 29 November 2018):
- The letter from Harrowby Estates confirms that Philip Wardle cannot ‘take over’ the Agricultural Holdings Act Tenancy because he operates an equestrian business; although they seem quite happy for him to have used the land and buildings for the enterprise to this point.
- The uncertainty remains in when the applicant’s parents intend to terminate the tenancy as until that time Philip Wardle is likely to continue to use the Gayton farm for his business;
- The letter from Harrowby Estates does not explicitly state that Philip Wardle would not be granted a commercial tenancy on the unit to continue to operate his enterprise; and
- Until such a time as the applicant’s parents give notice to surrender the Agricultural Holdings Act tenancy and the Estate confirms that the farm will not be re-let to Philip Wardle, the farm is available and will continue to meet the needs of the equestrian unit concerned.

(Response dated 27 November 2018):
- The enterprise comprises the training, breeding, and rearing of horses for event competition by the applicant;
- The yard comprises 55 horses;
- There is an essential need for a key worker to reside at or very close to the equestrian enterprise;
- There is a labour requirement of 8.8 full time workers;
- The business has been profitable for at least the past three years;
- There are no dwellings, or buildings suitable for conversion, on the site;
- There are no suitable alternative properties available for rent within three miles of the site;
- The applicants parents will be terminating the tenancy at the Gayton site at an unspecified time in the future due to retirement; and
- It is unknown whether a new tenancy would be granted to Philip Wardle. If the land, buildings, and dwellinghouse are suitable and available to Philip Wardle they would continue to fulfil the essential needs of the equine operation.

Highway Authority:
(Comments dated 28 March 2019):
No objection, subject to a condition to secure the provision of the access, parking, servicing, and turning areas shown on the submitted plans.

Natural England:
No objection.

Environmental Health Officer:
No additional comment made.

Stowe by Chartley Parish Council:
The parish council are not convinced that the planning and financial case has been made for this proposal. It is said to be temporary but the claimed need is not of a temporary nature so there is an implication that the temporary dwelling would be replaced in the future.
The development boundary seems excessive given the size of the proposed dwelling. It is likely that accommodation will soon become available in Drointon (see 19/30275/PAR).

Hixon Parish Council:
The views of Stowe by Chartley Parish Council are supported.

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.
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 residential accommodation at the application site, which cannot be met elsewhere near to 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.
Previous report from committee on 15.08.2018

<table>
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<th>18/28412/OUT</th>
<th>Case Officer:</th>
<th>Ed Handley</th>
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<tr>
<td>Date Registered</td>
<td>24 April 2018</td>
<td>Target Decision Date</td>
<td>19 June 2018</td>
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<td>Address</td>
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<td>Ward</td>
<td>Milwich</td>
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<td>Proposal</td>
<td>One equine manager’s dwelling with access. All other matters reserved</td>
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<td>Applicant</td>
<td>Mr P Wardle</td>
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<td>Recommendation</td>
<td>Refuse</td>
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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:-
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.

End of previous report
Land Near Junction Of Drointon Lane
Drointon Road
Drointon
Application: 18/29754/FUL
Case Officer: Sian Wright

Date Registered: 14 December 2018
Target Decision Date Extended To: 15 March 2019
25 April 2019

Address: Land at Stafford Road, Eccleshall, Stafford
Ward: Eccleshall
Parish: Eccleshall

Proposal: Revised layout to include ten additional plots

Applicant: Bovis Homes

Recommendation: Approve, subject to conditions

Context

This application was deferred by Planning Committee on 2 April for the applicant to consider a less dense proposal.

The applicant has not made any amendments to the proposal but has provided a statement which seeks to address and respond to the points raised at the Committee meeting on the 2nd April.

The applicant has summarised the issues as follows:

1. Perceived flood risk arising from the additional development
2. Intensification of development having particular regard to the Eccleshall Neighbourhood Plan (including reference to bed spaces)
3. Delivery of the Play Area
4. Contribution to sports provision in terms of Section 106 contributions

Each of the issues are addressed and summarised below:

1. **Perceived flood risk arising from the additional development**
   - There is no objection to the application from any Statutory Consultees with responsibility for flood risk.
- The Outline Planning Application for this site was accompanied by a Flood Risk Assessment. Conditions 5 & 6 were imposed on the Outline Planning Permission. A Drainage Strategy Report was prepared and the relevant planning conditions were discharged by Stafford Borough Council.
- The approved strategy mimics the drainage arrangements of the undeveloped site.
- All on site surface water drainage pipework and control structures will be adopted by Seven Trent Water except for the surface water attenuation pond which will be maintained by a management company in perpetuity.
- The control system associated with the discharge of surface water from the attenuation pond actually delivers 36% betterment over the discharge rates from the previous un-attenuated greenfield run-off. The surface water calculations support the proposed re-plan inclusive of the additional units.
- Objections have been raised by the Parish Council concerning flooding of the Public Right of Way (PROW) to the north of the site. This footpath was prone to flooding prior to acquisition of the land by Bovis. Notably the Public Right of Way does not sit within our land title and because of the historical ponding of water along the route of that PROW a trodden path was formed which sits in our title. Bovis have no objections to the retention of this informal path but its existence is evidence of the pre-existing issues of ponding water in this area.
- Staffordshire County Council in their capacity as the Lead Local Flood Authority have powers under the Land Drainage Act to serve notice on any landowner to effect repairs as necessary to ensure the free flow of water along a watercourse including culverted sections. Bovis Homes would be prepared to contribute towards the costs of undertaking such investigations in the form of camera surveys for instance to establish the presence of any blockages which may assist in addressing any issues downstream from the site. I would invite an informative to be added to the planning permission to give effect to this offer.

2. Intensification of development having regard to the Eccleshall Neighbourhood Plan
- The gross area of the site currently being developed is 9.46 hectares. This means that the consented scheme would be developed at 14.6 dpha. The additional 10 dwellings proposed would increase this to 15.6dpha which is considerably less than the 25 dpha which is the figure referred to in the Neighbourhood Plan as being the average figure assumed for housing developments on sites outside of the Residential Development Boundary.
- It is notable that the Eccleshall Parish Neighbourhood Plan states that:

"6.10 The consultations undertaken for the Neighbourhood Plan identified a strong support for the provision of 3 bedroom houses and 2 bedroom bungalows, with a preference for houses to be available on the open market."

- This is then reiterated in the wording of Policy 2 – Housing Types.
- The current application responds to this by revising the private market mix to provide x 15, 3 bedroom homes in lieu of the x 1 single bedroom unit approved.

- It is understood that a question was raised at Committee regarding the number of bedrooms proposed compared with the consented scheme. As a consequence of the revised mix of housetype proposed the number of bedrooms have obviously changed. The consented scheme of this ‘parcel’ consists of 72 bedrooms of which 68 are within the private homes and 4 in the two affordable homes. The proposed application would increase the total number of bedrooms by 9 to 81 of which there would in fact be an increase of only 1 bedroom to 69 bedrooms in the private homes and an increase to 12 bedrooms from 4 in the 6 affordable homes now being provided.

3. Delivery of the Play Area
   - The Section 106 Agreement contains obligations to provide, lay out, equip and service the On Site Open Space (which shall include the Play Provision Scheme) prior to the occupation of 25% of dwellings. The MUGA which comprises the play provision is installed and subject to minor remedial works and ROSPA certification is ready for use. The entrance to this MUGA is currently within an active build zone and as such the opening of this facility at the current time would create an obvious and unacceptable health and safety risk to users of that facility. Bovis are aware of the obligations contained in the S106 Agreement and of the aspirations of our own purchasers and those of the neighbouring area to open up this facility as soon as is practicable and are expediting the completion of estate works in this area to enable this facility to be opened for public use. All areas of on-site open space including the MUGA will be transferred to a management company for ongoing maintenance. No liability will fall upon the Borough Council for this management.

4. Contribution to Sports provision in terms of Section 106 contributions
   - The extent of build development proposed with this application does not extend beyond the limits of the previously consented layout and the areas of open space remains in excess of the area required. The extant Section 106 Agreements makes no specific request for sporting provision or contributions in a financial form for such provision.

The applicant has reviewed carefully the representations and debate at the Committee of 2nd April and has reflected upon the concerns and points raised by elected Councillors and other consultees. Revisions to the layout and disposition of homes have previously been made following discussion with the Council’s Design Advisor and the applicant considers that the scheme now before Committee offers some material betterment to the scheme previously consented particularly in terms of the street scene at the entrance into the development. The improved housing mix is fully in accord with the aspirations of the Eccleshall Neighbourhood Plan and reflects the demand for smaller market homes whilst providing a material gain of an additional 4 affordable homes. The applicant appreciates the concerns raised with respect to perceived flood risk and has proposed funding for further investigations to assist in addressing this concern.
Officer Assessment

Whilst the number of proposed dwellings remains as previously considered by Committee on 2nd April 2019, issues raised by Members have been addressed by the applicant.

The proposal is considered to be acceptable in terms of layout and design having regard to the Design SPD.

The Design Advisor has also provided clarification of his comments in the report presented to Committee on 2 April which are set out below.

Consultation

Design Advisor

Comments dated 9.4.19
Further to Planning Committee Members request, I have provided additional clarification of my previous comments (these are shown in bold).

I am not inherently adverse to a slight densification of a development as long as the proposed changes have either a neutral or positive impact on the overall character and quality of the approved development and its wider context.

Given that the overall form and structure of the development block remains essentially unchanged it would be easy to assume that any change to the finer grain of this block wouldn’t necessarily impact severely on the quality and character of the overall development; however, this is not the case as in some of the modifications do bring a deleterious impact to the design qualities of the approved layout, and I would characterise the main issues to be addressed as follows, but it is also recognised that the latest scheme has also brought about some improvement to the more public facing aspects of the layout;

- The modification to the urban form of the layout adjacent the principle site entrance is considered to create an awkward and visually jarring relationship between the repositioned buildings and the roundabout. The most recent layout resolves this issue (and is in fact considered a substantive improvement to the approved scheme), by introducing almost a mirror of the “splayed” arrangement of the development block to the other side of the principle entrance road.

- The frontage (and building line) to Stafford Road has been pushed forward and results in a loss of private front garden areas to properties fronting Stafford Road. This parcel/location is the first point of transition between the urban environment and the wider landscape setting and it is generally considered that this new frontage treatment is too urbanised in comparison with the approved layout to articulate this transition in as sensitive and appropriate a manner. The most recent layout resolves this issue by introducing a
mix of house types that is far more reflective and aligned with the mix of properties that was present on the approved scheme.

- The character of Road 6 will be substantively intensified by these proposals; with the frontages and street scene becoming inappropriately dominated by hard paved parking areas rather than the visually softer provision of private front garden space of the approved layout.

While we are prepared to accept some intensification of this development parcel, we consider the current layout does not strike an appropriate balance between densification and the retention of important design aspects of the approved layout. To this end we attach a sketch plan to articulate a possible solution in respect to how we consider an additional 6 units could be achieved while retaining the key design qualities of the approved layout that we consider are being diminished too much to accept.

The applicants response to the suggestions made in response to their original request to modify the layout and mix of properties within this development block due to poor marketability of the approved layout/mix is generally considered as having a neutral impact on the overall character and quality of the scheme and I would characterise the changes as follows; 1) the design of the sites principal entrance has been improved by these changes, 2) the two main public frontages of the development block are considered to have had a neutral impact, 3) the intensification of development fronting road 6 is considered deleterious to the previous scheme.

Overall, and on balance, I consider that the improvement to the principal entrance and the neutral impact of the redesign of the two public frontages just outweighs the impact of the intensification of the internal Road 6.

Recommendation

Approve subject to the following conditions:

0. Subject to the applicant first entering into a Deed of Variation to the Section 106 Agreement to outline planning permission 14/20665/OUT within one month of the Committee resolution, or an alternative period to be otherwise first agreed in writing by the Local Planning Authority to secure further financial contributions towards open space and education provision, together with affordable housing, permit 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:-

ECCL- XO2-001 - Location Plan
ECCL- O2-002P rev C - Planning Layout
ECCL- XO2-003 - rec C External works
ECCL- O2-004P rev C - Materials layout
ECCL - 05-505 rev I - Road and sewer arrangement
ECCL - 05-506 rev I - Road and sewer arrangement
AAJ5146-RPS-XX-O-DR-L-9001 - Landscape proposals
Type S241 P
Type S241 E
Type X305 E
Type X305 P
Type M307 E
Type M307 P
Type X308 - E
Type X308 - P
Type X413 - E
Type X413 - P
Type X414 - E
Type X414 - P

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

4. Proposed materials shall be fully in accordance with the following plan unless alternative materials are otherwise first agreed in writing with the Local Planning Authority: ECCL- O2-004P rev C - Materials layout

5. All garages shall be retained for the parking of vehicles and shall not be used as or converted to habitable accommodation at any time.

6. The development shall be carried out in accordance with the approved landscaping schedules. 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. 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. Prior to first occupation of the development hereby approved, all private parking and vehicle access areas, shall be hard surfaced in a porous material and drained in accordance with a scheme to be first submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall thereafter be retained for such purposes in perpetuity.

9. No part of the development permitted by this consent shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary, for a period of five years, from first occupation of the development permitted by this consent.

10. Works shall be undertaken in accordance with the Highways Construction Method Statement approved under discharge of condition application 15/22984/DCON.

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 amenities of the area. (Policy N1e of the Plan for Stafford Borough).

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

5. 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).

6. In the interests of amenity and to ensure a satisfactory form of development (Policy N4 The Natural Environment and Green Infrastructure).

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

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

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.
Previous report from committee 02.04.2019

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<tr>
<th>Application</th>
<th>18/29754/FUL</th>
<th>Case Officer</th>
<th>Sian Wright</th>
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<tr>
<td>Date Registered</td>
<td>14 December 2018</td>
<td>Target Decision Date Extended To</td>
<td>15 March 2019</td>
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<tr>
<td>Address</td>
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<td>Ward</td>
<td>Eccleshall</td>
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<td>Proposal</td>
<td>Revised layout to include ten additional plots</td>
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<td>Applicant</td>
<td>Bovis Homes</td>
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<td>Recommendation</td>
<td>Approve, subject to a Section 106 Agreement to secure open space, affordable housing and education contributions.</td>
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**REASON FOR REFERRAL TO COMMITTEE**

This application has been called in by Councillor P W Jones (Ward Member for Eccleshall) for the following reason:

"Concerns that the physical infrastructure of the site with additional homes to the original plan will prove inadequate. Over massing of site. Eccleshall already has four sites of new homes changing the physical size of the small country town".

**Context**

This is a full planning application which follows on from the approval of 130 dwellings on the site off Stafford Road in Eccleshall under permissions 14/20665/OUT and 15/22533/REM, together with a subsequent permission, 16/23729/FUL, which approved a further 8 dwellings.

This application details a red edge which lies wholly within the original development site and following the approval of application 16/23729/FUL currently has permission for a total of 17 dwellings. This application seeks to accommodate a further 10 dwellings.
The total number of dwellings across the application site would be 27 and 148 across the entire development site.

The mixture of dwellings as previously approved comprises the following:
- 2 x 2 bed dwellings
- 1 x 3 bed dwelling
- 5 x 4 bed dwellings
- 9 x 5 bed dwelling

The mixture of dwellings proposed by this current application is as follows:
- 6 x 2 bed dwellings
- 15 x 3 bed dwellings
- 6 x 4 bed dwellings

The reasoning behind the replacement housing mix is to remove the 5 bed units from this part of the site due to lack of marker demand. An additional 4 affordable homes are to be provided, totalling 6 affordable units within this part of the site. Overall this amounts to the 40% as required by Local Plan policy. 40% of the already approved 138 dwellings on the site amounts to 55 affordable dwellings. 40% of the 148 dwellings now proposed amounts to 159 (ie. a difference of 4).

**Officer Assessment – Key Considerations**

1. **Principle of development**

   The principle of residential development has already been established on this site under permissions 14/20665/OUT & 15/22533/REM. A large proportion of the site is already built and dwellings are occupied.

   The main consideration for this current proposal is whether the site can adequately accommodate the additional 10 dwellings proposed having regard to local plan policy and the Council’s Supplementary Planning Document on Design (SPD).

   **Polices and Guidance:-**

   **National Planning Policy Framework**
   Paragraphs: 117, 122, 123

   **The Plan for Stafford Borough**
   Policies: Spatial Principle 1 – Presumption in favour of Sustainable Development; 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
2. Character / Appearance & Residential amenity

The red edge contains a total of 27 houses. This amounts to a total of 148 dwellings across the entire site. A total of 10 additional dwellings are proposed which have been achieved within the red edge essentially by substituting larger house types for smaller ones.

Since the previous application for additional plots on the site the Councils’ Design SPD has been adopted. The proposed layout has been revised since the original submission to improve the two development edge frontages in line with comments raised by the Council’s Design Advisor. Plots 140 and 141 now mirror the opposite plots (Plots 2 and 3) and a 3 bedroom dwelling on plot 131 has replaced the previously approved semi-detached dwelling and the earlier proposal (of this application) of 3 x 2-bedroom properties. This ensures that the entrance to the development via road 1 remains spacious and in character with the rest of the site.

In relation to the latest layout the Design Advisor comments that whilst the proposal now increases the intensification of the street scene to Road 6 this layout is preferable to previous options which impacted upon the two development frontages which, would have had a greater impact on the character of the overall development.

All properties have private gardens however plots 127 and 128 fall short of the 50sqm as suggested in Councils design SPD (approximately 40sqm). Whilst these gardens do not meet Guideline 3 in the SPD it should be noted that this is a guideline only and that individual requirements for private garden areas do vary. Other garden sizes are all appropriate to the size of the dwellings proposed.

Frontages distances within the proposed site are acceptable having regard to the Design SPD.

A mixture of the following bricks and tiles are proposed across the application site:

- Ibstock Audley red mixture
- Ibstock Betley Cottage
- Ibstock Weston Red Multi
- Russell Lothian Slate Grey colour
- Sandtoft 20/20 Tuscan Colour

These materials tie in with the rest of the wider development site. A mixture of 1.8m high close boarded fencing, 1.8m high timber larch lap fencing, 1.8m high brick screen walls, 1.2m high estate fencing and 450mm high timber knee rail fencing are proposed
throughout the application site. Again this accords with the rest of the wider development site.

The Environmental Health Officer does not raise any objections subject to a condition relating to hours of work and on site and deliveries (inline with the original outline permission).

Policies and Guidance:-

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

The Plan for Stafford Borough
Policies: N1 Design; N8 Landscape Character
Supplementary Planning Document (SPD) – Design

3. Access and Parking

A Transport Assessment was submitted with the original application 14/20665/OUT. In support of this application a technical note has been submitted which in its summary states that the proposed development traffic will not have a material impact on the operation of junctions and that no improvements are required.

The proposal does not impact upon the access previously approved. No objections are raised by the Highway Authority subject to conditions.

The proposed layout which incorporates an additional 10 dwellings provides adequate parking provision in accordance with Local Plan parking standards.

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

4. Flood Risk/Surface Water Drainage

The outline application covered flood risk and drainage issues for the site.

Comments have been raised by the Parish Council and from neighbouring properties about flooding and inadequate drainage at the site.
The applicant has provided a response to the concerns raised (summarised):
The Parish objection is based on a single flooding incident that occurred in March 2017, since which time our pond construction and flow control chamber have been in place and we are not aware of any further flooding incidents.

Our correspondence at the time of the incident informed complainants of the mistake by our ground works contractor who had over-pumped an amount of stored water within the pond which had arisen prior to the installation of the outfall pipe and flow control. Unfortunately the pump did not include any flow control and hence exceeded the approved discharge rate. The works were promptly stopped and no further discharge took place until the control chamber was operational. The flooding of the public right of way is also mentioned however at the time of our land purchase/planning application, the Public Right of Way did not sit within our land title. Furthermore it was acknowledged that a trodden path across the northern part of our site used as the Right of Way was too wet i.e. already flooded. The land which we have now developed would have previously contributed to the surface water ponding in the area of the PRoW, the surface water shedding from the developed impermeable areas (roofs and hardstanding’s) now enters the piped system and attenuated pond and therefore reducing the existing problem with the PRoW. The surface water calculations support the proposed re-plan inclusive of the additional units and prove the existing pond is of sufficient capacity as the discharge rate has to remain as per the original approval.

The Lead Local Flood Authority have commented that the submitted drainage information has demonstrated that the surface water runoff from the additional dwellings can be accommodated in the broader surface water drainage system without a significant impact on downstream flood. Whilst the Lead Local Flood Authority do not raise any objections they do however recognise that there are drainage issues that need to be addressed and have therefore agreed to meet the developer on site to review the current issues and consider what measures may be undertaken to mitigate these.

The Environment Agency do not have any comments.

Policies and Guidance:-

National Planning Policy Framework:
Section 10: Meeting the challenge of climate change, flooding and coastal change

The Plan for Stafford Borough
Policy N2
Landscaping

A landscaping plan has been submitted which illustrates tree and hedge planting across the site. Given that the red edge does not include any of the open space area, the proposed planting falls within private curtilages. Initially the Tree Officer raised objections to the proposed landscaping proposals however, a revised landscaping plan has been submitted which he considers to be acceptable subject to a condition which stipulates the replacement of any failed plants within a 5 year period.

Policies and Guidance:-

National Planning Policy Framework
Section 15: Conserving and enhancing the natural environment

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

Planning Obligations

A Deed of Variation to the Section 106 Agreement agreed with the outline permission will be required to secure open space contributions, affordable housing and education contributions.

Conclusion

The principle of development is already established on this site. The submitted layout has demonstrated that 10 additional dwellings can be adequately accommodated within the site having regard to the Council’s Design SPD and Local Plan policy.

No objections have been raised from technical consultees.

Consultations

Highway Authority:
No objections

Environment Agency:
No comment response

Lead Local Flood Authority:
The attached information has been submitted to demonstrate that the surface water runoff from the additional dwellings can be accommodated in the broader surface water drainage system without a significant impact on downstream flood risk.
In addition the applicant has agreed to meet us on site to review the current issues and consider what measures may be undertaken to mitigate these. On this basis we do not object to the current application, and will work with the applicant to try to resolve existing problems.

**Environmental Health Officer:**
Comments supplied by Environmental Health should be reiterated on this amendment.

**Design Advisor:**
Original comments:
I am not inherently adverse to a slight densification of a development as long as the proposed changes have either a neutral or positive impact on the character and quality of the development and its wider context.

Given that the urban structure of the block remains essentially unchanged it would be easy to assume that any change to the finer grain of this block wouldn’t necessarily impact severely on the quality and character of the overall development; however, this is not the case as in several ways the proposed modifications do bring a deleterious impact to the design qualities of the approved layout, and I would characterise the main issues to be addressed as follows;

- The modification to the urban form of the layout adjacent the principle site entrance is considered to create an awkward and visually jarring relationship between the repositioned buildings and the roundabout.
- The frontage (and building line) to Stafford Road has been pushed forward and results in a loss of private front garden areas to properties fronting Stafford Road. This parcel/location is the first point of transition between the urban environment and the wider landscape setting and it is generally considered that this new frontage treatment is too urbanised in comparison with the approved layout to articulate this transition in as sensitive and appropriate a manner.
- The character of Road 6 will be substantively intensified by these proposals; with the frontages and street scene becoming inappropriately dominated by hard paved parking areas rather than the visually softer provision of private front garden space of the approved layout.

While we are prepared to accept some intensification of this development parcel, we consider the current layout does not strike an appropriate balance between densification and the retention of important design aspects of the approved layout. To this end we attach a sketch plan to articulate a possible solution in respect to how we consider an additional 6 units could be achieved while retaining the key design qualities of the approved layout that we consider are being diminished too much to accept.

Comments dated 03.11.2019
Happy to accept the layout for the two development edge frontages.
Don’t really like the 129-131 cluster…to now have three here seems like an over-intensification of the street scene to the principal/primary road…this is literally the only location on the primary that is not characterised by detached properties….and given that
we have essentially conceded an intensification of the layout to the internal area of the development parcel and to Road 6, I think we would be justified. The application of materials appears rationale and in line with the rest of the development.

Further comments dated 3.11.2019
Even though this increases the intensification of the street scene to Road 6, I would consider this a preferable option to the earlier version as I think it would exert less impact on the character of the overall development…and we have already accepted an intensification of the frontage to Road 6.

**County Education:**
The development is scheduled to provide 10 dwellings, and that these are in addition to the number of dwellings proposed on the wider development site. In calculating the education contribution for these additional dwellings, we have discounted the 4 RSL dwellings from secondary only. A development of this size and mix could add 2 primary school aged pupils and 1 secondary school aged pupil. The requested education contribution for these additional dwellings is £50,029, (2 x £11,031 = £22,062 and 1 x £27,967 = £27,967). The above is based on current demographics which can change over time and therefore we would wish to be consulted on any further applications for this site. The trigger for the payment of the education contribution would be on the commencement of the 139th dwelling on the wider development. The education contribution will be used towards projects at Bishop Lonsdale CE (VC) Primary School and Sir Graham Balfour High School.

**Sport and Outdoor Leisure Policy Officer:**
Due to the size of this development the Council is reasonably entitled to request a quantative provision of 30.81m² per person of open space provision under its current policy.

This application forms part of a larger scheme as permitted under applications 14/20665/OUT, 15/22533/REM and 16/23729/FUL. This application is for an additional 10 dwellings, however the response takes into account the fact that this site is for a site of 200 plus units. An increase of 10 units would necessitate an increase of open space to the size of 717.87m² (0.17 acres) to a capital value of £9,155.74. If the site were to be adopted by the Council a maintenance fee of £17,055.96 is required. All open space provision should be on onsite and complement or be part of the larger open space and play area scheme devised under the previous applications.

In order for developers to calculate the open space requirements, the cost of open space per dwelling is set out below:

Open Space required per person (M2) 30.81
Capital cost £915.57
Onsite maintenance £1,705.60
Offsite maintenance £119.06

Sports Provision
Due to the size of this development a contribution to sport provision is not required.

Adoption of footpaths and cycle ways and associated lighting.
Sport and Outdoor Leisure will not be seeking the adoption of any footpath or cycle way and associated infrastructure including lighting as part of this development. These paths should be adopted by the County Council who are the Highways authority for the Borough.

Flood Attenuation/Sustainable Drainage Systems.
Leisure and Culture inform the applicant of a flood attenuation scheme as a result the Council will not be seeking adoption of any of the open space upon site and alternative management methods must be secured. This should be discussed with Severn Trent Water as we are aware they will be unlikely to adopt the drainage system on the development site.

**Tree Officer:**

Original comments
Having reviewed the landscaping plan submitted for the above application I can confirm that it is, in my opinion, wholly substandard for the following reasons:
- The number of new trees to be planted appears to have been substantially reduced from previous schemes, and in any event is now far from a sufficient quantity. This section of the development is on the front of the site and should be aiming to soften the impact of the newly built environment when viewed from the surrounding area.
- Those trees that have been included are within the boundaries of individual plots and so wholly within the control of future home owners. Because of this, and given the proximity of the trees to the dwellings, it is highly unlikely that any of these trees will make maturity and thus produce a high amenity streetscene.
- Due to the proximity to dwellings smaller fastigiate type species have been selected which will not produce a high quality streetscene.
- The size and type of nursery stock selected is not optimum for promoting successful establishment. All trees used should be containerised / container grown specimens and reduced in size to Selected Standard (Heavy Standard can be used where Selected is unavailable).

Considering the above points I have to raise a strong objection to the landscaping scheme as submitted.

A new landscaping scheme should be provided that is of a significantly improved quality taking account of the following:
- The majority of tree planting should be located in communal areas / open space, not within the footprint of individual plots.
- The landscaping scheme should primarily aim to screen / visually soften the development from surrounding viewpoints and create a blend between the built environment and the rural character of the area.
- The use of non-fastigiate native species and cultivars should be used for any trees outside the footprint of individual plots (there should not be an over reliance on Sorbus and Betula species).
- All trees to be planted should be container grown or containerised. No bare root or root balled stock should be included and all trees should be reduced in size to Selected Standard, or Heavy Standard where Selected is unavailable.
- All trees should be specified as being planted using a two stake and strap system, and specifically not employ a crossbar.
- Trees need to be included in a sufficient quantity that will produce a high quality streetscene at maturity.

Comments dated 14.03.2019
(Following the submission of a revised landscaping plan)
Having reviewed the amended landscaping plans I can confirm that within the constraints of the application red edge, and the existing proposed layout, the landscaping is of as high a quality as can be expected.
The nursery stock selected is appropriate and therefore I have no objections.
The only condition I can recommend would be one that stipulates the replacement of any failed plants within a 5 year period.

Parish Council:
Please note that Eccleshall Parish Council wishes to object to the above application.
The current approved application has not yet been delivered, with many properties waiting to be constructed.
The properties erected to date, and the resulting surface water which has been displaced has caused flooding as the balancing pond and the system being used to take the water away is not suitable. As the estate progresses it will only get worse.
The design to use old ditches and old existing surface water systems in the Stone Road area have not proved to be sufficient and water damage is evident at the Catholic Church, and also house numbers 51, 49, 47, progressing down the Stone Road. Any increase in the estate design will contribute to further increasing the flow of water and would be totally unacceptable.
The Parish Council would further ask Stafford Borough Council to insist that Bovis takes responsibility for the current issues resulting from the surface water as this should not have to be rectified using tax payer's money. This includes flooding to the Public Right of Way, Eccleshall 17.

Neighbours:
(35 consulted): 11 letters of representation received objecting on the following grounds (summarised);
Already enough houses in Eccleshall
Increased traffic
Increased noise
Not enough school places
Smaller units now proposed which is not what Bovis originally planned
High density, overdevelopment will have a detrimental impact upon the standard of the estate
Increased overlooking
More intensive housing should be facing Stafford Road to give an active frontage
More intensive housing does not reflect the surrounding area.
Flooding – causing a danger to highway users and pedestrians. Flooding has also caused
damage to neighbouring property
Drainage is inadequate
Illogical urban design
Infrastructure was designed for the original number of houses
Impact upon house prices of existing dwellings on the site
Health and safety concerns
Description of development is incorrect
Supporting statements do not contain enough detail. Also missing documents required for
validation
Stafford Borough Council has a 5 year housing land supply
Key Services villages have already exceeded their expected housing delivery for the plan
period
Inappropriate mix of affordable housing
Proposal is contrary to the Council’s Design SPD
Eccleshall neighbourhood plan states that low density is more appropriate to the rural
character of Eccleshall
Development is now closer to road 1 resulting in an imbalanced street scene
Proposal is closer to Stafford Road.
Proposal now erodes the soft edge previously approved
No meaningful front gardens
Under provision of amenity space
Car parking spaces are poorly related to the dwellings
Parking spaces are substandard
No FRA submitted
No ecological survey submitted
Proposal does not comply with the NPPF

Site notice expiry date: 07.01.2019
Newsletter advert expiry date: 16.01.2019

Relevant Planning History

14/20665/OUT - Residential development up to a maximum of 130 dwellings, public open
space, green infrastructure and associated works – permitted 2014

15/22533/REM - Residential development up to a maximum of 130 dwellings, public open
space, green infrastructure and associated works – permitted 2015

15/23114/FUL - Creation of temporary access for vehicles – permitted 2015
15/23159/DCON - Discharge of condition 10 on permission 14/20665/OUT – permitted 2015

16/23729/FUL - Application for additional plots and associated works – permitted 2016

16/23655/DCON - Discharge of conditions 5 and 6 on application 14/20665/OUT – permitted 2016

16/24046/DCON - Discharge of condition 3 on approved consent 15/23114/FUL – permitted 2016

16/24047/DCON - Discharge of condition 12 on approved consent 14/20665/OUT – permitted 2016

19/29936/FUL - Retain existing construction access from Stafford Road for 18 months – currently under consideration

**Recommendation**

Approve, subject to the following conditions

0. Subject to the applicant first entering into a Deed of Variation to the Section 106 Agreement to outline planning permission 14/20665/OUT within one month of the Committee resolution, or an alternative period to be otherwise first agreed in writing by the Local Planning Authority to secure further financial contributions towards open space and education provision, together with affordable housing, permit 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:-

   ECCL- XO2-001 - Location Plan
   ECCL- O2-002P rev C - Planning Layout
   ECCL- XO2-003 - rec C External works
   ECCL- O2-004P rev C - Materials layout
   ECCL - 05-505 rev I - Road and sewer arrangement
   ECCL - 05-506 rev I - Road and sewer arrangement
   AAJ5146-RPS-XX-O-DR-L-9001 - Landscape proposals
   Type S241 P
3. All works, including demolition, site works and construction together with any associated deliveries shall only take place between the hours of 8.00 am and 6.00 pm Monday to Friday; 8.00 am to 2.00 pm Saturdays and not at all on Sundays or bank holidays.

4. Proposed materials shall be fully in accordance with the following plan unless alternative materials are otherwise first agreed in writing with the Local Planning Authority: ECCL- O2-004P rev C - Materials layout

5. All garages shall be retained for the parking of vehicles and shall not be used as or converted to habitable accommodation at any time.

6. The development shall be carried out in accordance with the approved landscaping schedules. 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. 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. Prior to first occupation of the development hereby approved, all private parking and vehicle access areas, shall be hard surfaced in a porous material and drained in accordance with a scheme to be first submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall thereafter be retained for such purposes in perpetuity.

9. No part of the development permitted by this consent shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.
Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary, for a period of five years, from first occupation of the development permitted by this consent.

10. Works shall be undertaken in accordance with the Highways Construction Method Statement approved under discharge of condition application 15/22984/DCON.

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 amenities of the area. (Policy N1e of the Plan for Stafford Borough).

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

5. 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).

6. In the interests of amenity and to ensure a satisfactory form of development (Policy N4 The Natural Environment and Green Infrastructure).

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

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

9. In the interests of the safety and convenience of users of the highway. (Policy T1c 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).

Informative(s)
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.

End of previous report
18/29754/FUL
Land At Stafford Road
Eccleshall
Stafford
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<th>Application</th>
<th>18/29807/FUL</th>
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<tr>
<td>Proposal</td>
<td>Erection of reception building and creation of new nursery pool</td>
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<td>Bishton Farm Pools Ltd</td>
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<td>Recommendation</td>
<td>Approve subject to conditions</td>
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**REASONS FOR REFERRAL TO COMMITTEE**

This application has been called in by Councillor A J Perkins (Ward Member for Haywood and Hixon) for the following reason:

"This application would increase traffic movements along single lanes already serving Pools Cafe caravan site (Carneys), Boultons Farm, 4 barn properties, HS2 construction traffic along Bishton Lane 600+ movements extra. Need to justify accommodation for two families on site to manage? Adjacent site (Carneys) has no resident staff on site. Network Rail storage site already creates large articulated vehicles road accidents from A51 - application already excessive with 3 major head on collisions in 2018"

**Context**

Bishton Farm Pools comprises three oval shaped pools together with a hardsurfaced parking area and a small timber structure used as a reception area and café facility.

Bishton Farm Pools were originally developed approximately 30 years ago following the granting of permission in December 1988 (22328). At the time that consent was granted, the fishing pools constituted a farm diversification scheme for Bishton Farm, being located just to the south of the existing farm complex.

Bishton Farm is located at the northern end of a 500 m long private roadway that runs due north from a point alongside the West Coast Main Railway Line, joining a roadway that continues east as a public-right-of-way and westwards parallel to the railway line for a distance of 450 m as an adopted unclassified highway to a junction with Bishton Lane.

In February 2005 planning permission was granted for the conversion of traditional farm buildings to three residential units The Parlour, The Haybarn and The Granary under
04/03704/FUL. The farmhouse to the west of the converted buildings and the fishing pools, however, remained in the same ownership and management until 2017. While both currently still remain in the same ownership, the fishing pools are now operated under separate management.

The fishing pools lie to the south-east of the former farmhouse and residential barn conversions on the eastern side of the private roadway. There is an access point off the roadway into the parking area.

This application includes two elements:

The construction of a new Nursery Pool to be located to the west of the existing southernmost pool. It will have maximum dimensions of 67 m x 16 m, approximately half the size of the two existing pools to the east and north-east and a third of the size of the pool to the north;

The construction of a Reception building to replace an existing small timber structure. This building would have maximum dimensions of 13.75 m x 5.6 m. It would have a shallow pitched tiled roof with a height of 2.5 m to eaves level, increasing to 3.75 m at ridge level. The floor plans submitted indicate a reception area, café and male and female toilets. The walls would be concrete blockwork with horizontal timber cladding. This building would be sited immediately to the south of the existing car park.

At present in the area where the Reception building and residential buildings are proposed is a block of two portaloos immediately below the car park, with a small timber structure used as a Reception building/café to the south and two caravans with plastic awnings.

The application as originally submitted also included the construction of two residential units for occupation by a Site Manager and Bailiff. The Manager’s unit would be sited immediately to the south of the Reception building and the Bailiff’s unit to the south of the Manager’s unit. The two residential units have now been removed from the application.

An additional Supporting Statement has now been submitted which includes the following:

- The fishery caters for both day ticket and match anglers and also carp anglers;
- It provides 24hr tickets to carp anglers with no restriction on the length of stay at the pools;
- Although busier in the summer where the booking system comes into place due to high demand, there are still quite a few anglers throughout the winter period who fish for 24 hours;
- The carp anglers arrive at the fishery either on weekdays or after work and weekends where they bivvy up on a selected peg and stay for the duration of their fishing;
- Anglers usually stay on the facility from anything between 24 hours up to 72 hours;
- From a health and safety point of view someone needs to be onsite when 24 hour tickets in place, in case of emergency;
- There have been reports of poaching on the premises when no one has been on site and the CCTV system does not cover the full extent of the fishery.
- Carp anglers provide over 60% of the income;
- The fishery would like to provide their customers with better on site facilities due to their length of stay on site;
- The cafe would serve hot and cold drinks, breakfasts, light meals and snacks e.g. bacon and sausage sandwiches, microwaved pies and that is the full extent of what they intend to provide;
- The cafe will not be for public use, only for the sole purpose of those using the fishery;
- The opening times will reflect the time of year: Summer 07.00 to 20.00; and Winter 09.00 to 18.00;
- A delivery service would be offered to anglers using the cafe facility, especially the elderly and disabled anglers;
- Showers would be for mainly the carp anglers who would like to freshen up after a day on the bank fishing;
- Due to the increase in disabled anglers the current toilets are not suitable. The owners at present are in contact with the Anglers Trust regarding a grant to help fund the disabled facilities including toilets, better access to pegs and disabled parking bays, depending on the outcome of the current application;
- Angling tuition is currently provided for young children wishing to start out in the sport and this has already proved successful through last year;
- Carp fishing tuition is also being investigated to develop the business;
- The nursery pool will be dug out to a depth of 1.4 metres with an increased height of banks graded from 500 mm to 800 mm to suit ground conditions and levels. It will be clay lined and filled from Pool 1;
- The sole purpose of the nursery pool is to nurture and grow their own fish for restock and resale. The money generated will be used to help support the business during quieter periods in winter;
- Fish are mainly moved in the winter between November and March due to disease and bacteria levels which coincide with the quieter periods.

**Officer Assessment - Key Considerations**

1. **Policy**

The development involving the formation of the new pool and the construction of the Reception building must be assessed in the light of Policies E1, E2, E6 and C7, but only as an extension to the existing long-established fishery.

Policy E1 of The Plan for Stafford Borough (PSB) seeks to support the local economy in a number of areas. These include (f) encouraging farm/rural diversification for employment or service generating uses preferably by using existing buildings, which are appropriate in size and scale, in or adjacent to villages, do not lead to significant traffic generation and are not detrimental to the local environment, landscape, heritage or residents. The current proposal, while it is not within or adjacent to a village, can otherwise be assessed within this category of development.

Policy E2 relates specifically to sustainable rural development, stating that support will be given, inter alia, to the achievement of rural sustainability by encouraging a number of categories of development proposals which meet the essential needs of a community and which cannot be met within identified settlements and to recreation uses appropriate to a rural location.
Policy E6 advises that opportunities for tourism will be promoted and enhanced in appropriate locations when demonstrated that the use can be sustained in the long-term, including (c) promoting and enhancing visitor and recreational attractions.

Policy C7 Open Space, Sport and Recreation offers support for the development of recreation facilities in the countryside providing that there is no significant impact on landscape and conservation interests, traffic generation, is appropriate in scale and uses existing buildings where possible. This section of the Policy also states that development associated with recreational activities should be limited to facilities that are necessary and ancillary to the main recreational use.

Consequently, the elements of the proposals involving the formation of the nursery pool and the construction of the Reception building are considered, potentially, to be consistent with the provisions of Policies E1, E2, E6 and C7, subject to satisfying the amenity safeguards set out in those policies.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs 8, 11, 47, 83, 84

The Plan for Stafford Borough
Spatial Principles 1 (SP1) Presumption in favour of Sustainable Development, SP6 Achieving Rural Sustainability, Policies E1 Local Economy, E2 Sustainable Rural Development, E6 Tourism, C7 Open Space, Sport and Recreation

Colwich Neighbourhood Plan
Policy CLE1 - Existing and New businesses.

2. Impact on Rural Area and Residential Amenity

It must be made clear that assessment of the impact of the proposed developments on the rural area and on the residential amenities of neighbouring occupiers must be restricted to the potential impact from the development of the nursery pool and the Reception building. Consent was granted for the existing fishing pools in 1988, which did not include any conditions restricting hours of operation or numbers of pegs, although the latter is clearly limited by the physical constraints of three pools.

A number of references have been made to comments from Environmental Health Services in 2004 at the time that the planning application was submitted for the residential barn conversions (04/03704/FUL) to the effect that if fishing activities were to increase there could be some adverse impact on residential occupiers. It was suggested that hours of fishing activities should be restricted. The application for the residential conversion of agricultural buildings, however, was a standalone application and did not include the fishing pools. No such condition could have been placed on activities at the fishing pools.

It is considered that the nursery pool and the Reception building appear to be consistent with the provisions of Policies E1, E2, E6 and C7, subject to satisfying the amenity safeguards set out in those policies. Some consideration also needs to be given to the provisions of local plan Policy N8 Landscape Character.
The nursery pool will occupy an area of just under 0.1 ha, and the formation of this additional water feature, which will only be a modest extension to the three existing pools, should integrate successfully into the surrounding rural setting as have the existing pools. The applicants have now confirmed that the nursery pool will be dug out to a depth of 1.4 metres with an increased height of banks graded from 500 mm to 800 mm and that it will be clay lined and filled from Pool 1.

This is intended to be a nursery pool and consequently should not increase the capacity of the existing fishing pools operation. Given its limited size, however, even if it were to be used by anglers, it would not add to capacity to any significant degree.

The new Reception building while significantly larger than the existing timber structure would remain a relatively modest structure with a shallow pitched roof to a maximum height of 3.75 m and an overall floor area of 72.5 sq m and would not be inappropriate in size or scale to serve the existing operation. While any additional building in the open countryside would have some adverse visual impact on rural character, given its modest floor area and restricted height, such impact would not be significant.

With regard to the use of the building, the provision of toilet facilities and a reception area is considered to be appropriate and would not impact on residential amenities of nearby occupiers. The inclusion of a café facility, however, requires more detailed consideration. While a specific area of the proposed building has been identified for café use, no layout details have been submitted. The area identified, however, has a total floor are of 28.5 sq m, which would have to accommodate both seating and food preparation areas.

The Environmental Health Officer has pointed out that the application does not contain full details of the proposed kitchen/café and that without such details she has concerns that the proposal could adversely affect nearby residents in terms of noise and odours. Consequently she has recommended that a condition be attached to any consent requiring the written submission and approval of full details of the café facility to include the kitchen area, seating capacity and fume extract facilities, also incorporating an assessment of noise and odour and the identification of any necessary mitigation measures. It is considered that this would be an appropriate means of ensuring that the café facility would not have any significant impact on residential amenity. Consequently refusal of the current application on such grounds would not be warranted.

The additional Supporting Statement that has now been submitted confirms that the full range of food and drink provided by the cafe would comprise hot and cold drinks, breakfasts, light meals and snacks such as hot sandwiches and pies, with summertime opening hours of 07.00 to 20.00 and winter opening hours of 09.00 to 18.00. It has also been stated that it is intended that the café will only be used by anglers.

It is considered that it would be appropriate to restrict the café opening hours to the times stated, with the summer opening hours being applied to the period between 01 April and 30 September and the winter hours from 01 October to 31 March. As previously stated, the area given over to the café, including its food preparation area is not large and consequently the proposed range of food and drink is commensurate with that size. It is considered that the condition suggested by the Environmental Health Officer would adequately cover all other matters and ensure that the proposed café will not be the cause
of any significant nuisance. While the applicants have indicated that it is intended that the café will be for the use of anglers only, it is not considered that the use of the café by non-anglers would have any significant impact on the amenities of nearby residential properties and consequently there is no justification to impose a condition restricting usage of the café to anglers only on such grounds.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs 83, 84, 127, 130, 170

The Plan for Stafford Borough
Policies E1 Local Economy, E2 Sustainable Rural Development, N1 Design, N8 Landscape Character

Colwich Neighbourhood Plan
Policy CE1 - Design

3. Access and Parking

This proposal has generated a number of adverse comments regarding the adequacy of the surrounding road network to serve both the existing and proposed development. The current application, however, does not seek to increase the capacity of the existing fishing pools and even if the nursery pool included in the current application were to be used for general fishing, this would not significantly increase capacity. While it may be that the current operators of the fishing pools will seek to increase visitors by extending hours of operation and promoting activities at the pools, this can all be done without requiring any further planning permissions. While it is acknowledged that the provision of improved amenity facilities at the pools may lead to an increase in the current levels of usage of the existing pools, the current application does not contain any works that would expand the capacity of the existing pools.

The Highway Authority has raised no objections to the proposal, advising that in this location, any additional traffic generated by the café would not be likely to cause an issue to the highway network. Consequently it is not considered that there is any highway safety justification to restrict the usage of the café. It will be a modest facility accessed from a private roadway, which would be unlikely to attract significant numbers of other visitors. There would perhaps be some potential for usage by walkers and cyclists using Bishton Farm Lane public right of way/bridleway that runs along Bishton Lane East between Bishton Lane and the junction with the private roadway accessing the application site as part of a wider local footpath network. There would be no planning grounds, however, to restrict walkers and cyclists from using the facility. It should also be pointed out that it would be very difficult to enforce a condition seeking to restrict use of the café to anglers at Bishton Pools.

The existing car park lies immediately to the north of the site of the proposed Reception building. No changes are proposed to the existing car parking facilities. The applicants have stated that the car park can accommodate approximately 50 vehicles. While this has a good surface, spaces are not marked out and the actual capacity is likely to be
lower. There is no basis, however, to require additional parking facilities for the developments proposed in the current application.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs 102, 109, 110

The Plan for Stafford Borough
Policies E1 Local Economy, T1 Transport, T2 Parking and Manoeuvring Facilities

5. Conclusion

The proposed nursery pool and Reception building are considered to comply with the provisions of Policies E1, E2, E6 and C7 of The Plan for Stafford Borough.

Consultations

Highway Authority
No objections. Due to its location, any additional traffic generated by the café is not going to cause an issue to the highway network.

Environmental Health Officer
The application does not contain full details of the proposed kitchen/café and I have concerns that without appropriate consideration the proposal could adversely affect nearby residents in terms of noise and odours. If the application is successful, I recommend that a condition is applied requiring the written submission of full details of the café facility to include the kitchen area, seating capacity and fume extract facilities incorporating an assessment of noise and odour and identifying any necessary mitigation measures.

Natural England
Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. General advice on the consideration of protected species and other natural environment issues is provided in the Annex to the comments.

Health and Safety Executive
Do not advise against development.

Cadent
As there is no record of apparatus in the immediate vicinity, Cadent and National Grid have no objection to these proposed activities.

Parish Council (original consultation)
No response (consulted 08.01.2019)
Parish Council (amended plans/additional information)
Supports the withdrawal of residential accommodation as the site is outside the settlement boundary for Colwich and Little Haywood as detailed in both the Neighbourhood Plan and the Plan for Stafford Part 2.
Note that the application now consists of: a permanent building to provide amenity and toilet facilities for anglers, replacing existing facilities and an additional pool to provide for nursery fish stock. No objection to these elements which are in line with the Neighbourhood Plans proposal to support local businesses.

Neighbours original consultation (5 consulted)
Ten individual responses from nine properties and a joint letter/petition with 11 signatories from 9 properties, with three signatories from two properties also having submitted separate individual representations: Material planning considerations summarised below:
- The Plan for Stafford Borough in relation to Colwich Parish identifies areas for housing, which does not include Bishton Farm Pools;
- Although the NPPF is used to support the application, several paragraphs give potential for refusal;
- Paragraph 170 states that decisions should recognise the intrinsic character and beauty of the countryside - the inclusion of two dwellings in the application does not satisfy this criteria;
- If development increases use of the pools to the level required for sustainability the increase in traffic will worsen air quality along access routes and areas surrounding the pools;
- NPPF states planning decisions which include new dwellings in rural sites must enable sustainable growth in rural businesses - not clear how the proposal delivers sustainable growth as there is no business plan or audited accounts as evidence;
- If the business were to fail, two dwellings would remain on the site with no necessity for them in an area where the local plan would not permit new dwellings;
- The redundant Reception building could be converted to a dwelling and be sold which would be contrary to the Stafford Borough Plan;
- Application forms indicate these would be “market” dwellings;
- The NPPF paragraph 79 (a) indicates that an application must show that the proposed residential development is essential for the business to function;
- The character of the pools is entirely rural, in open countryside, surrounded by farmland - two substantial dwellings would change this;
- While approval was given to convert redundant farm buildings into dwellings in 2004/5, around the same time an application for a wooden lodge in the same location was refused;
- Up until the business was sold and then registered with the new business owners in April 2018, there was no one living on the site;
- Over the spring and summer 2018 both directors of the fishing pools lived on site in caravans and the existing shed. One manages the pools as well as working on the renovation of the former farmhouse;
- During autumn and winter neither director has lived on site and the manager monitors the pools remotely using CCTV cameras and an on his mobile phone App;
- The directors who act as manager and bailiff both also work as builders;
- Both the manager and bailiff both live locally - 15 minute commute;
- The manager and bailiff both have had touring caravans on the site since Autumn and have been unoccupied most of the day and all night. - will the touring caravans also be stored on the site if/when they move into the log cabins and if so where will they be located on the site;
- The pools have always been successfully managed by one person;
- From the end of October 2018, the gates to the site have been closed, locked with a padlock and a closed sign attached to the gate at around 16:00 each evening and are opened again around 08:00 each morning;
- Other pools in the area are managed by one person, with owners living off-site;
- Nearby Carney Pools is almost double the size and a much bigger business used for match fishing, as well as by regular fishermen. It has wildlife pools for educational/recreational use and has a large touring caravan and camping site, with rallies and other events, but does not need dwellings, a large Reception building or a breeding pool for it to succeed;
- The pools were moderately busy during the last summer, though little used on some days during autumn and winter, with rarely any night fishermen. Under the new management, there has been a small increase in use but this is still light;
- The nursery pool can be monitored electronically if necessary - angling is not an activity that requires supervision;
- Only aware of one accident on the pools in 12 years - this does not justify the need for two dwellings on the site for health and safety reasons;
- If the Council was convinced someone needed to be on site overnight - this would only require one person;
- The size of each dwelling seems excessive for one person in each dwelling;
- The owner of the pools also lives close by;
- The proposal is to build two wood cladded family bungalows rather than log cabins;
- If there is need for supervision for night-time fishing, which is minimal for at least four months of the year there would be adequate room for a bed in the proposed Reception building;
- Would buildings meet NPPF and architectural requirements for quality, design and construction;
- The two proposed dwellings are not in keeping with the countryside and look like bungalows and neither is the Reception building;
- The three buildings would not respect the character of the countryside, which is still rural character and open countryside;
- PVC windows not appropriate, nor concrete tiles;
- The buildings along with the car park, touring caravan site and new breeding pool will form a dense area which does not respect the local landscape as stated in the proposal that it needs to do to satisfy Policy E2;
- If food is needed there are cafes, restaurants at Wolseley Bridge and a garage just a couple of minutes away;
- Concerns as to the scale of the café, what will be sold in the café and also it’s opening hours;
- When planning permission was granted for nearby barn conversion, Environmental Health suggested that pools had the potential to expand and if so hours of activity at pools should be restricted;
- Café has the potential to harm sustainable growth if parking for the cafe reduces fisherman’s spaces;
- Claimed that cafe/restaurant is essential to compete with other nearby pools - potential profit for the applicant cannot be taken into account;
- Community is already served by plenty of cafe/restaurants - not required to meet community needs;
- The pools have met community needs for angling for many years and had a reception area on site and toilets were available - the present temporary arrangements provide the same;
- Difficult to understand how the proposal will create much increased income other than the cafe/restaurant and there is no detail of what kind of catering provision is to be made;
- While a better reception and toilet facilities would be an improvement on the present building and portaloo - concerned over the scale of this in proportion to the usage of the site;
- The car parking/Touring Caravan Site will have a serious impact on what is an already stretched and compromised infrastructure, jeopardise safety and increase the likelihood of accidents;
- Bishton Lane is single track north of the Bishton hamlet and has only one surfaced passing place. There are also two blind bends;
- Bishton Farm Lane is single track with raised grass verges and no passing places. There are also two access points for Network Rail to carry out maintenance to the WCML;
- The private road is single track with passing places and three dangerous blind bends;
- Both adopted roads are in very poor condition;
- The types of traffic using these lanes have conflicting requirements and the volume and types of traffic and the nature of the lanes themselves already puts access to the pools under stress;
- To reach the A51, vehicles have to turn left at the "T" junction into Bishton Lane, cross the railway bridge through Bishton to reach Bellamour Lane, which is a dangerous crossroads;
- Staggered crossroads at the junction of Bishton Lane and Bellamour Lane is already a potential accident blackspot with large farming vehicles turning in and out of the lane - vehicles towing caravans would further aggravate this situation particularly with the lack of vision in all directions;
- NPPF states development should be sensitive to its surroundings, not have unacceptable impact on local roads and that safe and suitable access to the site should be achieved for all users - proposal should be refused if there would be an unacceptable impact on highway safety;
- No pavement at Bishton Lane/Bellamour Lane junction and carriageway entering Bishton Lane immediately narrows creating another potential accident blackspot for pedestrians;
- Bishton Lane also bends sharply to the left within approximately 30 m of junction with residents on the right hand side having no footpath and driveways leading out directly onto the narrow lane with little visibility;
- Former grass verge on Bishton Lane is now used for parking, which although alleviating that problem has further reduced visibility;
- Bishton Lane is a single track lane - no work has ever been done to improve it and it is not suitable for the amount and speed of traffic travelling up the lane;
- Expansion of the business means on a busy day the ponds could potentially be generating a hundred additional vehicle journeys on this route, which in addition to the current traffic: heavy vehicles from Network Rail; Police (who conduct dog training here); local farms; several caravan sites; delivery vans; recreational users such as cyclists, horse riders and walkers; and impending development traffic for HS2, it is clear that there is already a substantial load only likely to increase and make existing problems worse;
- There is no indication as to how the proposed 5 touring caravans would access the site - current access is through the car park and along the gravel path. Access through the car park would not be possible if it were full to capacity;
- The applicants' aims to create more business - additional traffic will worsen existing problems. With 50 parking spaces and 50 stations this would create a minimum of one hundred traffic movements per day at full capacity, well in excess of the current situation;
- More realistic capacity for the car park is 25-30 vehicles;
- Car park spaces should be marked out, showing exact capacity;
- As 50 stations are envisaged, if car park capacity is below that figure, vehicles will have to park outside the site;
- No separate parking provision is proposed for the two dwellings - residents and their visitors will reduce spaces for fishermen;
- The pools intend to introduce match fishing which will cause infrastructure problems as anglers will all be arriving in their cars around the same time;
- There is also a proposed site for 5 touring caravans which will also impact on the traffic in the lanes;
- Increased movement of traffic along the lane visiting the site would create high levels of noise pollution which would drastically change the area;
- There are 4 residential barns and a farmhouse in close proximity to the proposed development;
- Although it is stated that the site cannot be seen from a public vantage points, it can be seen from the section of Bishton Farm Lane that runs alongside the railway line and from some parts of the bridleway;
- Although the overall site area is stated as 2.61 ha, the proposed development of the reception building, two dwellings, nursery pool and 5 touring caravans would be located in one field, which would impact on the visual amenity of the surrounding area;
- Area not suitable for further development - would add to congestion and spoil existing pleasant rural area;
- Site is surrounded by wildlife;
- Excavation of nursery pool may impact on an existing nearby small pond and a stream, which may be habitats for Great Crested Newts;
- Impact on the environment - there has been an increase in non biodegradable litter in the private lane which can be harmful to wildlife, sheep, cattle in the fields surrounding the pools since the new management has been in place;
- Expansion of pools to maximum use would have adverse impact on air quality;
- If permission is granted conditions should be attached to protect the environment including the removal of permitted development rights;
- Concerned that if consent were to be granted, this would be a forerunner to other applications for development at Bishton Hall.

**Neighbours amended plans (12 consulted)**
Five individual responses from five properties, including one representation from the occupier of a property who had not previously commented and was not notified: additional points raised summarised below:
- No further details of the proposed amenity building have been provided;
- No changes to the building materials have been suggested - the design and external appearance of the proposed building remains out of character to the surrounding area;
- No further information has been provided as to the opening hours of the proposed cafe or what it will be selling. Original application suggests it could be open 24 hours a
day, 7 days a week, 365 days a year with an adverse affect on us as neighbours with an increase in traffic, inadequate parking facilities, noise, litter and cooking smells
- Residents concerns supported by Environmental Health Officer;
- No approval should be given until the questions raised by the Environmental Health Officer are addressed, particularly with regard to the opening hours, number of covers, waste food disposal, extraction of cooking odours and who the customers will be;
- If the pools will be open 24 hours each day for 365 days per year - is it the intention that the cafe/restaurant will be open the same;
- Concerned that non fisherman will be attracted particularly at weekends adding to noise, nuisance and extra traffic on the already inadequate approach roads as already outlined by residents;
- Question the need for the pools to have a cafe/restaurant at it is stated that it is to compete with other pools and profit motive is not to be considered in planning matters;
- Fishermen are proficient at providing food and drink for themselves and the pools have and can continue to function successfully without a cafe;
- As the pools have 50 fishing stations, there should be 50 car parking spaces for them plus spaces for the cafe users without encroaching on other areas other than the car park;
- Size of the proposed building is almost the same size as the 3 bedroom bungalow now withdrawn - no need for a cafe, fully equipped kitchen or showers and proposed building is too large especially as the pools are the smallest of the three pools in Wolseley Bridge and the others do not have these facilities;
- A slightly larger building than the one at present with Reception, two toilets, sink, hot drink facility would be sufficient given the size and usage of the pools;
- May not accord with NPPF which requires the building to be essential and to be of high quality design;
- Highways response fails to recognise that increased usage of the pools will cause additional stress on road network;
- Concerned that winter use of the pools is very light compared to summer and that the potential traffic issues have not been taken into account;
- Suggest a traffic count survey before the railway bridge after the dwellings at Bishton or at the entrance of Bishton Lane;
- Existing traffic movements comprise approximately 100 vehicles to Mayfield daily, mini buses weekdays to Upper Moreton Farm, lorries carrying large farm machinery to Upper Moreton Farm on a very regular basis, general traffic from fourteen dwellings at Moreton as well as regular daily farm traffic such as tractors, lorries periodically fetching grain, combine at harvest time, tractors and trailers silaging plus much more. In addition the residents at Bishton have to contend with fishermen travelling to Carney's Pools all the time as well as to Bishton Farm Pools and caravans to Carney's Pools on a regular basis, together with traffic to and from two farms situated at Bishton near the railway and the dwellings at Bishton Farm. The work traffic for HS2a is also proposed to travel along Bishton Lane to Moreton, which will be horrendous;
- Highways response lacks any consideration for the local residents along the inadequate route;
- Traffic generating developments along the lane have been approved and started up before residents were aware;
- Proposed building suggested is of a considerable size/well equipped. Restrictions should be applied to prevent its use as a dwelling;
Neighbours following receipt of additional supporting information:

Four further representations received from the occupiers of three properties, all of whom have previously commented. Further comments received following the receipt of supporting information. Additional points raised summarised below:

- Concern over opening hours, especially in the summer months when presumably there will be outside seating, for visitors, their children and dogs;
- Although not on a main highway with no passing trade, can be used by non-fishermen and is likely to be advertised on Pools website;
- Is such a large building necessary given current level of usage of Pools, with very little usage at all in the winter months;
- Given the cost of building and running costs, difficult to see how the amenity building will help/add to the development of the pools in order to show sustainable growth or recoup the cost of the purchase price of the pools;
- Concern that this building could be used by the workers and their families as accommodation, especially during the spring, summer months - last summer, the two caravans on site were lived in by the workers families day and night;
- No restriction planned on the length of stay at the pools - this will turn the fishing pools into a camp and caravan site which would presumably be a change of use. Will those staying on the site for an unlimited period be allowed camper-vans or caravans as well as tents. The provision of showers increases the chances of the fishing pools becoming a campsite;
- Hard to believe that anglers would need to have a shower at the pools at the end of each day;
- If overnight fishing is approved, there should be restrictions on the length of stay and only fishing tents should be allowed;
- Little information has been provided regarding the breeding pool - what is it’s size, is it to be dug out or is it a large tank above the surface, which would change the natural landscape of the pools, but if dug out, where will all the removed earth go;
- With the size of the fishing pools is it necessary to have a breeding pool, Carney Pools does not have one and is a bigger business;
- Added details state there is a need for supervision overnight. Point out that the owner of the pools will be living in the former farmhouse from where the pools were originally supervised and is on site in an emergency, but since the new company have taken over that there have many nights when there have been overnight fishermen when they have not been on site in case of emergency, in spite of having two caravans on site;
- Mobile phone signal is very good, so help can be summoned quickly by the fishermen themselves;
- It is claimed that there have been reports of poaching, but residents have seen no evidence of poaching or evidence of police investigations;
- If supervision is necessary, CCTV cameras can be extended to cover all the site - they are more likely to detect poachers than someone asleep in a lodge;
- If the cafe is approved, the opening hours should be restricted to 09.00 to 17.00 all year round to avoid nuisance to residents;
- It is stated that the cafe will only provide a service for anglers - suggest that this be subject to restriction to help to avoid use by bikers, cyclists, ramblers, visitors in cars etc;
- How will staff differentiate between fishermen and the public using the cafe.
Site Notice:
Expiry date: 6 February 2019

Newsletter Advert:
Expiry date: 6 February 2019

Relevant Planning History

04/03331/FUL - New holiday chalet - Refused - 17.12.2004
04/03704/FUL - Alterations to redundant farm buildings to form 3 dwellings - Approved -

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 following submitted drawings numbers: 2018:63:01A;
2018:63:02A; and 2018:63:03A, except insofar as may be otherwise required by
other conditions to which the permission is subject.

3. Notwithstanding any details included in the approved drawing number
2018:63:03A, full details of all external facing materials shall be submitted to and
approved in writing by the local planning authority prior to installation.

4. Prior to the commencement of any excavation works for the construction of the
Nursery Pool, full details including sectional details of the Nursery Pool shall be
submitted to and approved in writing by the local planning authority.

5. No above ground construction works shall take place unless and until details of the
café facility have been submitted to and approved in writing by the Local Planning
Authority. Such details shall include the kitchen area, seating capacity, together
with fume extract facilities incorporating an assessment of noise and odour and
identifying any necessary mitigation measures. The café facility shall thereafter only
be operated in accordance with the approved details.

6. Within every Calendar Year, the hours of operation of the café facility shall be
restricted to between 07.00 and 20.00 during the period 01 April to 30 September
and to between 09.00 and 18.00 during the period 01 October to 31 March.
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 and to safeguard the character and appearance of the surrounding rural area. (Policies N1 (g) and (h) and N8 of The Plan for Stafford Borough).

4. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area. (Policies E2, N1 (g) and (h) and N8 of The Plan for Stafford Borough)

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

6. To safeguard the occupiers of nearby residential properties from nuisance from undue noise, general disturbance and from odours. (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.
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 - Nil

Decided Appeals

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Location</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/29346/HOU Appeal Allowed</td>
<td>Swift Barn Lower Heamies Farm Lower Heamies Lane Chebsey Stafford</td>
<td>Proposed first floor extension to existing barn conversion.</td>
</tr>
<tr>
<td>18/28619/HOU Appeal Dismissed</td>
<td>67 Winsford Crescent Stafford</td>
<td>Two-storey side extension to provide additional accommodation for extended family</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 Decision
Site visit made on 26 March 2019

by Elaine Benson  BA (Hons) DipTP MRTP

an Inspector appointed by the Secretary of State

Decision date: 5th April 2019

Appeal Ref: APP/Y3425/D/19/3219822
4 Swift Barn, Lower Heamies Farm, Lower Heamies Lane, Chebsey, Stafford ST21 6ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Steve Perkins against the decision of Stafford Borough Council.
- The application Ref 18/29346/HOU, dated 25 September 2018, was refused by notice dated 28 November 2018.
- The development proposed is first floor extension to existing barn conversion.

Decision

1. The appeal is allowed and planning permission is granted for first floor extension to existing barn conversion at 4 Swift Barn, Lower Heamies Farm, Lower Heamies Lane, Chebsey, Staffordshire ST21 6ND in accordance with the terms of the application, Ref 18/29346/HOU, dated 25 September 2018, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

   3) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings 4064-04-08, 4064-04-09 and 4064-04-10 revision B.

Main Issue

2. This is the effect of the proposed extension of the rural character and appearance of the host building and the surrounding area.

Reasons

3. The appeal barn stands within a complex of former agricultural buildings which have all been converted to residential use. It is proposed to erect a first-floor extension over a single-storey lean-to structure. The extension would continue the existing ridgeline and eaves height of the main roof, producing a gable end elevation adjacent to the access into the complex.

4. The Council states that the proposed development conflicts with the principles for the sustainable use and reuse of rural buildings as set out in Policy E2 of
the Plan for Stafford Borough (PSB) which amongst other things seeks to ensure that a building is capable of conversion without the need for extension or significant alteration. However, the former barn has already been converted to and is occupied as a residential unit. The building has also been extended since its conversion by an orangery and a small porch/laundry which were allowed on appeal1. Whilst it is important that the essential rural agricultural character of the building is retained, the ‘in-principle’ policy objection to barn extensions which the Council refers to is not in my judgement applicable to the appeal proposal. The appellant has provided several appeal decisions in the District where inspectors have shared my view. I have also had regard to the previous appeal decision referred to above, in which the inspector considered the similar provisions of the former Local Plan Policy E&D17 and found that the Council’s ‘in principle’ objection did not apply to extensions to 4 Swift Barn.

5. The extension would be visible on the approach to the complex along the access lane and from other viewpoints. However, this does not automatically mean that it would harm visual amenities. The design and form of the extension with its minimal detailing would reflect the simple appearance of the barn, would follow the scale and massing of the original building and would not have a domestic appearance. Furthermore, the design of the extension would reflect the design of the gable ended barns within the complex and would not therefore appear obtrusive or otherwise out of character. Whilst I understand the Council’s concern about the loss of the original lean-to, there are no convincing reasons as to why it could not be replaced by an extension which would respect the rural characteristics of the barn and the complex.

6. Policy C5 of the PSB allows, in principle, for an increase in the size of rural dwellings by 70%. When viewed alongside the existing extensions, the size of the proposed development would fall well within this limit. But in any event, the extension would not appear prominent for the reasons already set out.

7. I conclude that the proposed extension, when considered in isolation or cumulatively with the other extensions, would respect the simple agricultural character of the host building, would respond in a proportionate manner to local character and would reflect the local identity the former farm buildings. For these reasons there is no conflict with the relevant design requirements of Policy E2 (d), (h) and (g) and Policy N1 (g) and (h) of the PSB which seek, amongst other things, to ensure that development respects and protects the built vernacular and is of high-quality design respecting the local rural character and context. Furthermore, there would be no conflict with the similar objectives of the National Planning Policy Framework to achieve good design.

8. For the reasons I have set out the appeal should be allowed, subject to the following conditions: for the avoidance of doubt and in the interests of proper planning the development should be carried out in accordance with the approved drawings. To safeguard the appearance of the host building the use of matching external materials is necessary.

Elaine Benson
INSPECTOR

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1 APP/Y3425/D/13/2191903
Appeal Decision
Site visit made on 26 March 2019
by Elaine Benson  BA (Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State
Decision date: 02 April 2019

Appeal Ref: APP/Y3425/D/19/3219993
67 Winsford Crescent, Stafford ST17 0PJ

- 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 Marcus Wilson against the decision of Stafford Borough Council.
- The application Ref 18/28619/HOU, dated 5 June 2018, was refused by notice dated 24 October 2018.
- The development proposed is two storey extension to side to provide additional accommodation for extended family.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed extension on the character and appearance of the existing property (No 67) and the surrounding area.

Reasons

3. No 67 is a bungalow with rooms in its roof. It stands at the corner of Winsford Crescent and Mendip Avenue. The proposed two-storey extension would project beyond the building line formed by properties along Mendip Avenue. The extension would introduce front and rear dormer windows and the extended roof would have a Dutch gable end.

4. The dimensions, proportion of roof to dormer window and the design of the front dormer window would not reflect those of the numerous dormer windows found in the same and adjacent roads. Its size and location within the roof plane, along with the scale of the roof, would significantly increase the volume of the property at roof level to such a degree that its bulk and mass would dominate and harm the appearance of No 67. This would be exacerbated by the roof’s incongruous design.

5. The Council’s Design Supplementary Planning Document (SPD) provides detailed design advice for new development, including extensions. It was adopted in April 2018 and attracts significant weight. SPD paragraph 8.15 states that: ‘side extensions on corner sites should respect the building line of the adjoining road to support the streetscene’. The proposal does not accord with this guidance. The limited distance between the side elevation of the extension and the adjacent footpath would further increase its prominence in an area which can be characterised as being relatively open due to the

https://www.gov.uk/planning-inspectorate
landscaping of the nearby junctions and the visually important wide grass verge opposite No 67 and its neighbours. The extension would be clearly visible in public views from the front, side and rear and in my judgement the breach of the established building line, particularly at first floor level, would harm the street scene to the detriment of the character and appearance of the locality.

6. The appellant claims that the Council’s approach to corner plot side extensions is inconsistent and he identified some examples in the wider locality. However, I saw no developments like the appeal proposal within the visual context of No 67. But in any event, each case must be considered on its own merits, taking account of its site-specific circumstances. Furthermore, the designs of the example host dwellings are very different to No 67 and also pre-date the adoption of the SPD.

7. For the reasons I have identified, I conclude that the proposed development would conflict with the SPD which supports the design aims of Policy N1 of the Plan for Stafford Borough. In summary and of relevance to the appeal proposal, the policy criteria (g), (h) and (i) require new development to incorporate high quality design, take into account local character and context, use locally distinctive materials and strengthen the continuity of street frontages. This policy is consistent with the requirement of the National Planning Policy Framework to achieve high quality design which respects its context.

8. In terms of other matters raised, the evidence with this appeal indicates that there may well be alternative ways to extend No 67 to provide additional accommodation to meet the family’s needs. I note the appellant’s frustration about the way in which the appeal application was determined. However, the matters raised are more appropriately addressed through the Council’s internal procedures.

9. For the reasons I have set out the appeal is dismissed.

Elaine Benson
INSPECTOR
Ward Interest - Nil

Enforcement Matters

Report of Head of Development

Purpose of Report

To consider the following reports.

Page Nos

(a) First Quarter Enforcement Progress Report 80 - 82

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302
### Item 7(a) - Enforcement Matters

#### 1st Quarter Enforcement Progress report

<table>
<thead>
<tr>
<th>Reference</th>
<th>Location</th>
<th>Unauthorised Works/Use</th>
<th>Action Authorised</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE/00065/EN08</td>
<td>Spot Acre, Hilderstone Road, Spot Acre.</td>
<td>Use of land for traveller site.</td>
<td>04 March 2015</td>
<td>Further temporary period approved by planning inspector for a period of 3 years. Occupancy period until 15 November 2019, restore the land a further 3 months.</td>
</tr>
<tr>
<td>WKS2/00227/EN16</td>
<td>Little Haywood General Stores, Main Rd, Little Haywood.</td>
<td>Railings</td>
<td>05 October 2016</td>
<td>Complied with Enforcement Notice NFA</td>
</tr>
<tr>
<td>COND2/00257/EN15</td>
<td>Cold Norton, Norton Bridge, Stone</td>
<td>Non compliance with landscaping scheme</td>
<td>26th October 2017</td>
<td>Failure to comply with Breach of Conditions Notice, Court action instigated, defendant pleaded guilty. Penalty imposed. Works still to be undertaken. Pending further court action for continued breach.</td>
</tr>
<tr>
<td>COND2/00257/EN15</td>
<td>Cold Norton, Norton Bridge, Stone</td>
<td>Non compliance with road treatments</td>
<td>1st August 2018</td>
<td>Complied with condition. NFA</td>
</tr>
<tr>
<td>WKS2/00380/EN16</td>
<td>The Old Stores, Newport Rd, Woodseave s</td>
<td>Drive, wall, gates and patio.</td>
<td>06 December 2017</td>
<td>Owner not in country currently, legal in discussions with owner's legal representative.</td>
</tr>
<tr>
<td>COND/00277/EN16</td>
<td>The Stables, Outwoods Bank, Outwoods.</td>
<td>Siting of a mobile home for use during stable conversion.</td>
<td>03 January 2018</td>
<td>Enforcement notice served, appeal received, awaiting planning inspector.</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Category</td>
<td>Date</td>
<td>Status</td>
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<tr>
<td>WKS/00163</td>
<td>Hillside Milford Rd Stafford</td>
<td>Conservatory</td>
<td>28 March 2018</td>
<td>Enforcement notice drafted awaiting sign off.</td>
</tr>
<tr>
<td>ADV/00065</td>
<td>Former Police Headquarters, Weeping Cross, Stafford</td>
<td>Signage</td>
<td>18 April 2018</td>
<td>Planning application received awaiting determination.</td>
</tr>
<tr>
<td>WKS2/0004</td>
<td>92 St Georges Parkway, Stafford</td>
<td>Container</td>
<td>17 October 2018</td>
<td>Enforcement notice drafted awaiting sign off.</td>
</tr>
<tr>
<td>COND/00083</td>
<td>Woodland View Cottage, Ranton</td>
<td>Menage</td>
<td>15 August 2018</td>
<td>Breach of Conditions Notice served. Enforcement ongoing site visits to check continued compliance.</td>
</tr>
<tr>
<td>WKS2/0014</td>
<td>Bird in Hand Car Park, Sharpley Heath</td>
<td>Car Port</td>
<td>28 November 2018</td>
<td>Enforcement notice drafted awaiting sign off.</td>
</tr>
<tr>
<td>ADV/00243</td>
<td>6 High Street Stone</td>
<td>Advert</td>
<td>30 January 2019</td>
<td>Signage removed NFA</td>
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<tr>
<td>WKS2/0008</td>
<td>64 Foregate Street Stafford</td>
<td>Cladding</td>
<td>30 January 2019</td>
<td>Conservation Officer in discussions with owner's Heritage Consultant</td>
</tr>
<tr>
<td>ADV/00252</td>
<td>19 High Street Stone</td>
<td>Advert</td>
<td>20 February 2019</td>
<td>Owner in discussion with Conservation Officer</td>
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<tr>
<td>USE/00258</td>
<td>The Stables Wheatlow Brookes Road Garshall Green</td>
<td>Mobile Home &amp; Barn</td>
<td>13 March 2019</td>
<td>Passed to Legal.</td>
</tr>
<tr>
<td>USE/00226</td>
<td>Land adjacent to the former Lakeside Tavern Meaford.</td>
<td>Tipping of rubble.</td>
<td>13 March 2019</td>
<td>In abeyance awaiting clarification on who has control of land.</td>
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<tr>
<td>COND2/00 098/EN15</td>
<td>Stafford Castle Newport Rd Stafford.</td>
<td>Waste importation</td>
<td>Delegated</td>
<td>Temporary Stop Notice issued requiring waste materials to cease being imported.</td>
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<tr>
<td>COND2/00 098/EN15</td>
<td>Stafford Castle Newport Rd Stafford.</td>
<td>Tree Damage</td>
<td>Delegated</td>
<td>Breach of Conditions Notice issued requiring tree protection to be implemented.</td>
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</tbody>
</table>