Dear Members

Planning Committee

A meeting of the Planning Committee will be held in the Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford on Wednesday, 17 October 2018 at 6.30pm to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

A. R. Wells

Head of Law and Administration
AGENDA

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

Details of Delegated applications will be set out in Section 6 of Digest No 248 due to be published on 2 November 2018

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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 J Draper, A P Edgeller, J Hood, S Learoyd)
PLANNING COMMITTEE - 17 OCTOBER 2018

Ward Interest - Nil

Planning Applications

Report of Head of Development

Purpose of Report

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

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Previous Consideration

Nil

Background Papers

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

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

“The Green Man has been a feature of Hixon for decades and its future should be debated.

Highways issues. Large increase in volume through the village; the road narrows in this area; inadequate parking provision; likelihood of vehicles parking on the road.

No proven need for further convenience retail.

Out of character, 2.5 storey contrary to Hixon Neighbourhood Plan.”

Context

The application site comprises the curtilage of The Green Man public house in Hixon which falls within the settlement boundary for Hixon. The site comprises the public house building, garden, car park, and associated outbuildings including a brick building, storage containers, and timber structures.

The site is within 8km of the Cannock Chase Special Area of Conservation (SAC), however it is not subject to any other relevant land designations. It is within the area covered by the Hixon Neighbourhood Plan.

This application is for the clearance of the site and the erection of a single-storey retail unit and three two-storey dwellings (one pair of semi-detached and one detached dwelling) including associated landscaping and parking provision.
The retail unit would be roughly L shaped and would have maximum dimensions measuring 21.4m (width) x 25.3m (depth) x 6.2m (height) with an eaves height of 3.6m.

The pair of semi-detached dwellings would have overall maximum dimensions measuring 10.2m (width – 5.1m per dwelling) x 9.5m (depth) x 8.5m (height).

The detached dwelling would have maximum dimensions measuring 6.5m (width) x 9.5m (depth) x 8.5m (height).

The Green Man has been listed by Stafford Borough Council as an Asset of Community Value (ACV). Any disposal of the site could therefore be challenged by a community interest group. This matter is controlled by separate legislation.

**Officer Assessment – Key Considerations**

1. **Principle of development**

Spatial Principle (SP) 2 outlines the commitment to accommodation new growth and investment over the plan period (2011-2031) and states that provision will be made for the development of 500 dwellings per year over this period.

SP3 outlines that the majority of future residential development should be delivered through the sustainable settlement hierarchy, of which Hixon forms a part being a key service village (KSV). The KSVs are expected to provide for 12% of the targets for new housing development as set out in SP4, which comprises a figure of 1,200; this, however, is not a maximum.

SP7 provides support for new development for development of a scale and nature appropriate to secure the sustainability of each settlement.

Policy E1 seeks to sustain the local economy through the support of new economic development. E8 continues this thread with regard to development within town, local, and other centres. Hixon is defined as a village or neighbourhood shopping area and is therefore considered to fall within the ‘other’ centres category.

The Local Plan does not provide a threshold at which the need for a retail impact assessment is triggered for retail developments in such areas; the NPPF (paragraph 89) provides a default threshold of 2,500sqm. The proposal is significantly below this threshold and, therefore, a retail impact assessment is not required. Policy E8 requires that developments in such areas are assessed against the following criteria:

- The proposed retail development meets local need through the assessment in the NPPF without having a detrimental impact on the hierarchy; and
- The proposal will not result in the loss of local amenity particularly in terms of noise, litter, smell, parking and traffic creation, and trading hours.

It is considered that the proposal meets these requirements. The applicant has provided a comparison of existing retail units within other local and neighbourhood centres; the proposed retail unit would be smaller than the stores in Eccleshall (local centre), Gnosall (village centre), and Barlaston (village centre), whilst bigger than those in some of the
neighbourhood shopping areas within Stafford. The unit is considered to be appropriate in regard to its size within the hierarchy of the Borough. The requirements of the second point are considered in detail in other sections of this report.

Further to this, Policy E8 provides support for proposals which protect, provide for, retain, or enhance existing centre assets and states that the loss of an existing facility will be resisted unless it can be demonstrated that the facility is no longer needed, or it can be established that the services provided by the facility can be served in an alternative location or manner that is equally accessible by the local community. The applicant has provided a set of accounts which indicate a very poor net profit and balance sheets which demonstrate that the business is no longer viable with little prospect for the future; furthermore, there is a second public house in Hixon – The Bank House Inn – which is currently closed for refurbishment and expected to reopen at the end of September 2018. Whilst only 150m away The Bank House Inn is more centrally located within the settlement and therefore it is considered that the services provided by The Green Man would continue to be provided for within an equally, if not more, accessible location.

Policy SB2 of Part 2 of the Local Plan specifically seeks to ensure that social and community uses which meet on-going local needs are protected. The change of use of these facilities to uses within classes including C3 (dwellinghouses) is resisted unless it can be established that the services provided by the facility are no longer required and that it can be demonstrated that the site has been actively marketed for an alternative social or community use for over 12 months, or can be served in an alternative location within the same settlement or which is equally accessible to the local community.

Whilst the scheme involves the loss of a public house there is another in very close proximity which provides the same facilities in an equally accessible location. Furthermore, the public house to be lost would be replaced by a convenience food retail unit which would provide an additional, yet different, facility for the community. The A1 use is not listed as one which would be resisted under SB2. Given that the scheme does not solely constitute the change of use or replacement of a community use to residential it is not considered that evidence of marketing is require in this instance.

The Hixon Neighbourhood Plan (HNP) provides support, at Policy 1, for proposals for new housing development of up to 30 dwellings of no more than two storeys in height and which are within the settlement boundary.

Policy 6 seeks to ensure that future developments address identified shortfalls in local service provision through planning gain secured via conditions or obligations. Whilst the two existing pubs are listed as community facilities within the Neighbourhood Plan (appendix 1), there is no indication that the provision of drinking establishments is considered to be a shortfall and there is nothing within the policy which contradicts the provisions of The Plan for Stafford Borough.

The Council’s Forward Planning Policy advice is that the principle of development is acceptable.

Policies and Guidance:-

National Planning Policy Framework
2. Character and appearance

The site is well related to the built form of Hixon, being situated immediately adjacent to a row of modern dwellings; it is, however, bound by open countryside to the northeast and a caravan site to the north. It is clearly a brownfield site which almost entirely comprises buildings and hard surfacing.

The surrounding development generally comprises two-storey dwellings of brick and tile; there are also bungalows in the vicinity and some instances of the use of render, including the public house itself. Most are set back from the highway by at least 5m, however some properties are much closer. The Green Man is one of those, being set at an awkward angle to Lea Road it almost abuts the highway at its southern corner.

The clearance of the site would provide the opportunity to re-orientate the built form to better complement the pattern of development. The proposed dwellings and retail unit would be set back form the highway on a similar building line to The Willows and Chestall House a development in the former grounds of The Green Man from this century.

The proposed dwellings would take from the design of this recent development with the front-facing gable features and pitched roof whilst the use of brick and render is considered to be appropriate within this area.

The retail unit, separated from the dwellings by an access track leading to the caravan site would follow the same general design with a pitched roof and gable feature to the front and utilising materials to match. The massing of the unit would be broken up by two large windows and a rendered panel.

Landscaping of the site would involve car parking to the front of the retail unit with a service area for a delivery vehicle provided and secured by telescopic bollards; a footway would be provided around the front and side of the unit leading to Lea Road. To the rear there would be a plant enclosure comprising 2.5m high timber fence and gates.

The three residential plots would be separated by 2.0m high close boarded timber fences and would each have a separate tarmac driveway with paved terrace to the rear and soft landscaped gardens.
It is considered that the hard landscaping is acceptable given the comparison with the existing parking area. Whilst the provision timber fences is appropriate given the residential nature of the area it is evident that frontages are generally open and, therefore, a condition should be attached to any approval to secure an appropriate landscaping scheme. It is considered that fences should be kept to a minimum facing onto Lea Road/Legge Lane and the access drive and gates to the caravan park should also be set back into the site.

Policy 1 of the HNP states that dwellings of more than two storeys would not be supported. Whilst there are three floors within the proposed dwellings, these are clearly set over two storeys and within the roof space; the roof design is not considered to be overly steep and is not considered likely that the design of the dwelling would be changed in any way should the accommodation within the roof space were removed. Further to this, should the roof pitch be reduced in order to reduce the height of the dwellings the design would fail to comply with Policy 3 of the HNP. The dwellings would have an appearance similar to many other two storey dwellings within Hixon which could have accommodation provided within the roof space through a loft conversion. The proposal should therefore be considered as one comprising a scheme of two-storey dwellings. It is noted that the ridge height of the proposed dwellings is only 0.1m greater than that of the two adjacent dwellings approved under 03/00378/FUL.

Policy 2 seeks to provide a diverse range of housing provision; it specifically states that developments of ten or more dwellings will require 20% to be bungalows; however no guidance is given on smaller schemes. There is indication in the supporting text that townhouses are not favourable, however this is not reflected in policy. The scheme comprises three dwellings and therefore it is not considered appropriate to secure a mix of housing types and/or tenures.

In order to foster more individual and distinctive development in Hixon Policy 3 seeks to ensure that new housing complements the existing pattern of development and provides attractive and high quality spaces. The proposal would utilise brick and render with lintel and cill detailing and a roof pitch of 35°. The use of grey upvc (dwellings) and aluminium windows and grey aluminium rainwater goods would provide some variation in appearance to the surrounding development. It is considered that the proposal would meet the requirements of Policy 3 in providing interest in the street scene whilst complementing the general design characteristics of the area.

Policy 5 seeks to preserve, protect, and enhance Hixon’s historic buildings. Whilst it is an attractive building, The Green Man is not considered to be a heritage asset and is not listed as a building which “belies their heritage relevance” within the preamble of Policy 5. The Conservation Officer states that although not of sufficient interest to warrant statutory heritage protection the building has, in terms of Historic England’s Conservation Principles, local architectural and communal value. However, whilst it would be desirable on conservation grounds to retain the Green Man, there is not an overriding case to oppose its loss within the context of national planning policy and guidance. It is not considered that the harm from the loss of the building would outweigh the public benefit of the proposed redevelopment of the site.

With regard to character and appearance the proposal is considered to be acceptable.
Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 124, 127, 128, 130, 184, 189, 190, 192, 197, & 198

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

Hixon Neighbourhood Plan
Policies: 1 Residential development; 2 Housing mix; 3 Housing, design, access, and landscaping; 5 Heritage assets and culture

3. Residential amenity

The only dwelling to directly abut the site is The Willows to the southwest; on its side elevation there is a door at ground floor and a non-principal window at both ground and first floor level. Given the siting and orientation of the proposed dwellings it is not considered that the proposal would result in any harm to the amenity of the occupants of The Willows with regard to outlook, privacy, or their proximity.

It is not considered that the proposal would result in any implications with regard to the guidelines of the council's Design Supplementary Planning Document (SPD).

There would be no instance where principal frontages or rear elevations would be within 21m of each other (guideline 2).

Garden areas would be provided to each plot covering a minimum of 75sqm – greater than the required 65sqm (guideline 3).

Whilst no provision for the storage of wheeled bins is indicated on the proposed site plan, each dwelling would have an individual gated access into the rear gardens so that bins could be stored in an appropriate location. Furthermore, this detail is not shown with regard to the retail unit. A landscaping condition attached to any approval should include a requirement for bin storage areas to be identified.

It is not considered that a convenience retail store is likely to result in any increase in the presence of litter than with the current use as a public house.

The use as a public house is more likely to result in groups of people congregating outside at unsociable hours than the proposed use as retail unit; therefore concerns regarding noise are less likely to arise. It is not considered that trading hours are likely to cause any concern over and above the current situation; as such it would be appropriate to restrict the opening times of the retail unit to the hours stated in the application documents (07:00 – 23:00).

The Environmental Health Officer raises no objection to the proposal, however comments are made with regard to disturbance from deliveries and nuisance from unsympathetic lighting. Whilst other matters are considered to be more appropriately controlled under
separate legislation, conditions to secure the following are considered to be reasonable and necessary:

- Restriction of hours of works and associated deliveries;
- Only inaudible equipment to be left running outside of these hours;
- Removal and proper disposal of all demolition materials;
- No burning on site during development;
- Lighting to be in accordance with a scheme to be approved; and
- Deliveries associated with the proposed use to be in line with a Delivery Management Plan to be approved.

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

Hixon Neighbourhood Plan
Policies: 3 Housing, Design, Access, and Landscaping

4. Access and parking

The proposal would result in three three-bedroom dwellings and a retail unit; the dwellings would benefit from separate access points and parking provision two vehicles in a tandem formation would be provided for each unit on the driveways to the front of the dwellings. With regard to the residential development it is considered that local parking standards would be achieved.

The vehicular access to the caravan park to the rear would be retained between the dwellings and retail unit. The submission shows that this would be gated.

The retail unit would benefit from a dual access/egress system onto Lea Road which currently serve the car park to the public house; the car park would be realigned to provide one space for a delivery vehicle which would be controlled by telescopic bollards and 14 parking spaces, including one disabled bay.

Local parking standards require one space per 14sqm of gross floor area; the retail unit would cover an area of 405sqm which would, therefore, require parking provision equating to 28 parking spaces.

The application is supported by a transport statement which concludes that the provision of 12 spaces would suffice and that the site is accessible by active transport modes and public transport; notwithstanding the statements made within this report regarding journeys by rail, it is not considered that rail trips to a relatively small retail unit are likely.

The applicant states that there would be 9 rigid HGV deliveries per week, outside of peak trading times.

The Highway Authority raises no objection on the basis that the scheme would not result in any adverse impact on the local highway, providing that the recommended conditions are attached to any approval and complied with and that the applicant enters into a s106 agreement to secure contributions towards a traffic management scheme.
It is considered reasonable and necessary to attach the recommended conditions to any approval and the applicant has expressed a willingness to enter into a s106 agreement.

Policy 7 of the HNP states that new development will be expected to provide suitable measures to mitigate impacts on the local highway. The scheme is not considered to be of a scale large enough to justify the provision of any cycling network or additional pedestrian routes.

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

Hixon Neighbourhood Plan
Policies: 7 Highways, gateways and public transport

5. Other

There are a number of trees on site, along the boundary and within the garden area adjacent to the car park. The tree officer raises no objection to the proposal on the basis that it would not result in the loss of, or detriment to any arboricultural asset of significant value. No conditions are recommended.

The application is supported by a bat and bird survey undertaken by The Environment Partnership which did not find any roosting bats within the buildings, however there is moderate potential at the site. The Council’s Biodiversity Officer raises no objection to the proposal, subject to a number of conditions which are considered to be appropriate and reasonable with regard to the scheme. Some mature trees within the site would be removed, given the bat surveys found no evidence of roosting bats it is considered unlikely that the findings of any subsequent surveys would result in a situation where mitigation is impossible or unviable and, therefore, it is considered appropriate in this instance to secure further bat surveys of the trees by condition.

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 submitted a statement which contends that the development of three additional dwellings is not likely to result in any adverse impact on the integrity of the SAC as sufficient alternative recreation space is available for the benefit of the occupants of the dwellings including four areas of public open space within Hixon.
It is considered that given the location in a key service village, where access to other recreational facilities is good, the proposal is not likely to result in any impact on the Cannock Chase SAC which would require further mitigation measures.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 170, 174, 175, & 176

The Plan for Stafford Borough
Policies: N4 The Natural Environment & Green Infrastructure; N5 Sites of European, National & Local Nature Conservation Importance; N6 Cannock Chase Special Area of Conservation

6. Obligations

The Highway Authority state that in order for a relaxed requirement for car parking spaces to be considered acceptable off-site highway works should be carried out comprising a traffic management scheme to prevent indiscriminate parking on the highway.

A financial contribution of £7,500 is requested which could be secured through a section 106 agreement to be linked to any planning permission granted.

National Planning Policy Framework
Paragraphs: 54, 55, 56, 102, 103 & 106

The Plan for Stafford Borough
Policies: T1 Transport; T2 Parking and manoeuvring facilities

7. Conclusion

The application should be approved, subject to conditions.

It is considered that the principle of development is acceptable given that the scheme involves the replacement of a community facility with another, albeit different, facility and the services to be lost would continue to be provided at an adjacent public house within Hixon. The principle of residential development within the settlement boundary of Hixon is acceptable.

The built form of the proposal is considered to be acceptable as it would complement the pattern of the development and character of the surrounding area whilst it is not considered that any undue harm would result with regard to the amenity of the occupants of adjacent residential properties.

The proposal is acceptable with regard to its impact on the natural environment and the highway network.
Consultations

Forward Planning Officer:
- The site is brownfield land in the Hixon settlement boundary;
- The proposal would lead to the loss of the Green Man public house which is a social and community facility;
- Change of use to new housing should be resisted unless the site has been marketed for 12 months, or social and community facilities are provided for in an alternative location or in a manner equally accessible to the local community;
- There is no evidence that the requirements of Policy SB2 has been fulfilled, however this policy does not apply to A1 uses;
- A sequential approach should not be applied unless the development is over 2,500sqm of retail space;
- The application is acceptable in terms of the development strategy for the Borough;
- The proposal would not lead to a disproportionate amount of housing in the Key Service Villages;
- The proposal is considered to be appropriate as a new village or neighbourhood shop;
- However, further information should be provided by the applicant to meet the requirements of Policy SB2 to demonstrate that the loss of a social and community facility to provide for housing has been addressed;
- Whilst a number of other factors and consideration would need to be taken into account when determining this planning application, the planning policy advice is that the application be approved.

Highway Authority:
(Comments dated 28 September 2018):
No objection. The Transport Report outlines how the quick turnover of the users of the proposed store would reduce the number of car parking spaces required. The proposed introduction of a footpath link within the village would also increase pedestrian connectivity to the site.
The following conditions are recommended:
- Details of surfacing materials, radius kerbs, and surface water drainage;
- Provision of visibility splays;
- Provision of access, parking, cycle parking, servicing, and turning areas;
- Provision of pedestrian footway along the site frontage;
- Provision of pedestrian footway adjacent to the Parish Council car park; and
- The development to be implemented in accordance with a Construction Environmental Management Plan (CEMP).
- The applicant should enter into a s106 agreement to secure £7500 towards a Traffic Management Scheme comprising parking and loading restrictions on Lea Road and the surrounding highway network at the site frontage to stop indiscriminate parking. This may include a Traffic Regulation Order.

(Comments dated 2 August 2018):
The number of parking spaces remains short.
Walking to the shop from the other end of the village may prove to be long and difficult as there is not a continuous footpath through the village and the distance could be well over 1km. Many customers are likely to travel by car.
The visibility splays raises an issue with the land (caravan site) to the rear of the pub as the proposed access appears to be narrow for farm vehicles and caravans. I would require a swept path plan for the delivery vehicles.

(Comments dated 19 June 2018):
This application should be refused.
The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parking on the public highway.
Parking standards require 27 parking spaces; the proposal includes 12 parking spaces and gives information as to why it is 55% below the Borough Council's standards. It is considered that, due to the road layout, vehicles parked on the highway could be a danger to other road users.
Detail of the new site access is required, including visibility splays.

Conservation Advisor:
No objection. Within the context of national policy and guidance, while it would be desirable on conservation grounds to retain the Green Man, there is not an overriding case to oppose its loss.
There was a public house shown on the site on the first edition 6 inch OS map of 1887, the building occupied the same NE-SW orientation of the present building and was surrounded by a number of other structures of which a 19th Century pig sty and a former barn now converted to a restaurant remain.
The present building appears to date from the first quarter of the 20th Century and is in the distinctive house style of the former Joules brewery of Stone with rough cast elevations in a late Arts and Crafts style, twin bay windows on the front elevation beneath projecting half timbered gables. Its most unusual features are the keyhole shaped central doorway and keyhole window in the NE annexe and large glazed skylight in the angle between front and rear ranges. Whether the building was newly constructed or a re-facing of the earlier premises could not be established on site inspection but there was no readily apparent evidence of any earlier structure. There are no features of special note visible internally.
The significance of the building is an example of a village inn in the Joules house style of the early 20th Century, a local type now under threat as an increasing number of public houses face closure, and for the unusual keyhole features on the front elevation. Although not of sufficient interest to warrant statutory heritage protection the building has, in terms of Historic England’s Conservation Principles, local architectural and communal value, both historic and in the current life of the village. Paragraph 135 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, balancing the scale of harm or loss against the significance of the asset (and by implication the public benefit that would arise from that loss – see para 133).

Tree Officer:
No objection. No conditions are recommended. The proposal would not result in the loss of, or detriment to, any arboricultural asset of significant value.

Biodiversity Officer:
(Comments dated 10 September 2018):
TEP undertook a survey for bats and birds during August 2018, the surveys did not find roosting bats within the building.

The following recommendations should be undertaken as stated in the TEP report:
- Buildings to be demolished under a reasonable method statement and supervised by a suitably qualified ecologist;
- Mature trees should be retained on site, if any works are required a bat survey must first be undertaken;
- Bat boxes should be erected in mature trees; and
- External lighting should avoid light spill on the trees and along Lea Road.

Conditions should also be attached with regard to the protection of nesting birds and for the provision of nest boxes.

(Comments dated 13 June 2018):
The bat assessment clearly states that further nocturnal surveys are required, however I cannot find the subsequent report. Currently, therefore, there is insufficient information with this application and we will require a nocturnal survey and details of any required mitigation strategy.

Environmental Health Officer:
(Comments dated 24 April 2018):
Disturbance to residential occupiers is a concern so it is essential that noise from deliveries is controlled. A delivery management plan which covers noise and disturbance should be secure by condition prior to the commencement of the proposed use.

(Comments dated 18 April 2018):
- In order to prevent disturbance to residential occupants, all deliveries to the retail unit shall only take place between the hours of 8.00am and 6.00pm;
- Any external lighting associated with the retail unit such as to car parks, pathways, etc. must be of a design and positioned not to cause a light nuisance to any neighbouring residential properties. Glare from any lighting must be kept to a minimum.

No objection, subject to conditions to secure the following:
- Restriction of hours of works and associated deliveries;
- Equipment left running outside the allowed working hours to be inaudible at the boundary of occupied dwellings;
- No burning on site;
- Removal and proper disposal of all demolition materials;
- Damping down facilities;
- Road sweeping; and
- Acoustic screening.

Hixon Parish Council:
(Comments dated 25 September 2018):
The Parish Council’s objection stands.
(Comments dated 21 June 2018):
Objection. The original points raised are still relevant.
- There is no evidence that the Green Man has been advertised for sale as a public house; and
- The application documents are contradictory with regard to transport modes, stating that the catchment area for such a retail outlet would be a 10 minute drive time, yet the primary mode of transport would be walking, cycling, train, and bus routes.

(Comments dated 18 May 2018):
Objection.
- Loss of heritage;
- Loss of community asset;
- Inadequate parking provision;
- Inadequate access/egress;
- Additional traffic;
- Additional danger to pedestrians using the highway;
- Inadequate visibility splays;
- Noise nuisance;
- Harm to character of area;
- No demonstrable need for further retail provision; and
- House design is contrary to the Hixon Neighbourhood Plan.

Stowe-by-Chartley Parish Council (adjacent parish):
(Comments dated 1 October 2018):
Objection; the proposals do not comply with the Hixon Neighbourhood Plan; and
The access and parking are inadequate.
(Comments dated 21 June 2018):
- Concerns regarding the limited parking proposed;
- Height of dwellings would be out of character with the area and conflict with the Hixon Neighbourhood Plan;
- The loss of the public house for a retail site without any demonstrable need would be unfortunate; and
- It would be better for any retail facility to be provided in Weston.

Site notice expiry date: 11 June 2018

Neighbours:
(98 consulted):

Ten representations received in support, including four from the same household, one of whom is one of the landowners, raising the following points:
- The proposal would provide an amenity for the community;
- Fund raising events could still continue without the pub;
- Many more members of the community would use the shop than use the pub;
- No other buyer has been found to continue the business;
- Trade has been in decline over recent years;
- Hixon cannot support two pubs;
- New kitchen and restaurant has failed to return an annual profit;
- Existing retail units are well used;
- Additional retail choice would be beneficial;
- Accessibility would be improved;
- Proposed footway would benefit the village;
- Traffic congestion would be reduced;
- There would be no additional large delivery vehicles as the pub needs regular deliveries currently;
- Late night traffic, noise, and anti-social behaviour would be reduced;
- Residents would stay in the village to shop; and
- A boarded up pub would provide no amenity and would be visually harmful.
Fifty eight representations received in objection, including two each from seven households, and three from three other households, raising the following points:
- Harm to character of area;
- Loss of community hub and facilities;
- No details of end user;
- Traffic impacts during development;
- Additional noise nuisance;
- Public house is still in use;
- No pedestrian access along access road;
- Additional retail space isn’t required in Hixon;
- Retail units would increase traffic in Hixon;
- Insufficient parking spaces;
- Inadequate access;
- Disruption from deliveries;
- Access is required through the site for caravans;
- Insufficient number of residents surveyed;
- Supporting survey is biased;
- Public house is part of the local heritage;
- Building has architectural value;
- Refurbishment of the building would be more appropriate;
- Additional strain on existing facilities;
- Loss of local tourism facilities;
- Harm to local biodiversity;
- Design of dwellings is out of keeping with village;
- Contrary to neighbourhood plan;
- No evidence that the pub is unviable;
- No evidence of the owner attempting to sell the pub; and
- Access by public transport is inadequate.

Two representations received, neither in support nor objection, raising the following points:
- The adjacent hedge is infrequently cut and would impede visibility at the proposed access resulting in danger to users of the highway during busy periods;
- The village can’t sustain two pubs;
- Its not clear if the village can sustain two retail units;
- Traffic would increase;
- Adequate parking must be provided;
- Noise from the pub would be eradicated;
- Community events may be lost;
- The existing pub is a historic building but not an attractive one; and
- The demolition of the building is better than it being board up.

The applicant has submitted a copy of a petition in support of the proposal. The petition contains comments from 54 people and also two others which have not provided addresses; the comments of these two people are not taken into consideration. Points raised by the 54 people are summarised as follows:
- A new retail unit would be more convenient for local people;
- There would be a better choice of shops in Hixon;
- Increased competition would improve the quality of retail provision;
- The village is growing and needs more shops and infrastructure;
- Parking for the retail unit would be better than exists elsewhere in Hixon;
- More employment opportunities for local people;
- People would no longer need to travel out of Hixon for grocery shopping; and
- Retail provision is more beneficial than further residential development would be on this site.

**Relevant Planning History**

12/17827/FUL - Restaurant extension, enlargement of kitchen and disabled toilet - Approved 25 March 2013

11/16174/FUL - Demolition of barn/garage and single storey extension - Approved 8 December 2011

08/09957/FUL - Single storey side/rear extension to create new restaurant with kitchen area and disabled WC Demolition of barn/garage block approved 9 June 2008

07/09465/FUL - Retention of two smoking shelters constructed of wood - Approved 20 March 2008

06/07005/FUL - Two storey extensions to public house forming new restaurant with 4 motel rooms and remodelled toilets. Demolition of barn and garage block - Approved 31 October 2006

04/02478/FUL - Demolition of existing outbuildings and rebuild building to provide B&B - Approved 7 July 2014

03/00378/FUL - Residential development of 2 two-storey four-bedroom detached dwellings - Approved 19 June 2003

**Recommendation**

Approve, subject to the following conditions and the applicant first entering into a Section 106 Agreement:

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:-

   1:1250 Location plan
   0116(P)102
   0116(P)103
   0116(P)104
   0116(P)105
   0116(P)106A
3. Before the development is commenced details of the finished floor levels of the proposed building(s) including their relationship to the levels of the highway and existing development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

4. No development shall commence unless and until the following details in relation to each of the proposed accesses have been submitted to and approved in writing by the Local Planning Authority:

- Surfacing materials;
- Visibility splays;
- Radius kerbs; and
- Surface water drainage.

The development shall thereafter be carried out in accordance with the approved details and be completed prior to the development first being brought into use and retained as such. The visibility splays shall be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

5. The development shall not be brought into use unless and until the access, parking, cycle parking, servicing, and turning areas have been provided in accordance with the approved plans.

6. The development shall not be brought into use unless and until the following off-site highway works within the red edge on the approved plans have been constructed in accordance with details to first be submitted to and approved in writing by the Local Planning Authority:

- Pedestrian footway along the site frontage on Legge Lane/Lea Road; and
- Pedestrian footway (2m wide) adjacent to Hixon Memorial Hall on High Street/Back Lane.

7. The development, including any demolition, shall be carried out in accordance with a Construction Environmental Management Plan (CEMP) which shall first be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:

- construction access;
- hours of works including demolition, construction, and associated deliveries;
- routing of HGVs;
- construction delivery times;
- the location of contractors compounds, cabins, material storage areas, and parking;
- a scheme for the management and suppression of dust from construction activities, to include a vehicle wheel wash; and
- a method of demolition and any restoration of the site.
8. Any equipment to be left running outside of the working hours approved in pursuance of condition 8 shall be inaudible at the boundary of occupied residential dwellings.

9. Notwithstanding any description/details in the application documents and specifically any reference to means of enclosure, details of hard and soft landscaping, including all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented before the end of the first planting season after the development is first brought into use.

10. The landscaping scheme to be submitted in pursuance of condition 9 shall include the provision of bin storage areas for the retail unit and each of the dwellings hereby approved.

11. Notwithstanding any description/details of external materials in the application documents, no development above ground level shall be carried out until precise details or samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

12. All demolition shall be carried out under the supervision of a suitably qualified ecologist and in accordance with a reasonable avoidance method statement to first be submitted to and approved by the Local Planning Authority.

13. Any works to mature trees on site shall be carried out in accordance with the recommendations of a bat survey to first be submitted to and approved in writing by the Local Planning Authority.

14. Two Schwegler 2F bat boxes and two Schwegler 1B nest boxes shall be installed in suitable locations within the site in accordance with details to first be submitted to and approved in writing by the Local Planning Authority.

15. No works shall be undertaken in the bird nesting season (March to August), unless it can first be demonstrated by the developer that breeding birds will not be affected through the submission of and approval in writing by the Local Planning Authority of a method statement for the protection/avoidance of nesting birds. The development shall thereafter be carried out in accordance with the approved details.

16. Any external means of illumination, including security lights, shall be installed in accordance with details to first be submitted and approved in writing by the Local Planning Authority. Any lighting scheme shall avoid light spill on trees within and adjacent onto the site and onto Lea Road.

17. Before the retail unit is first brought into use a delivery management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved details.

18. There shall be no burning on site during development.
19. All demolition materials shall be removed from site and properly disposed of.

20. The retail unit shall not be used outside the hours of 07:00 and 23:00.

21. The commercial unit hereby approved shall only be used for purposes within class A1 of The Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other purpose without the express consent of the Local Planning Authority.

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

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

2. To define the permission.

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

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

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

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

7. In the interests of the safety and convenience of users of the highway and to safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policies T1c and N1e of The Plan for Stafford Borough).

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

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

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

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

12. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 170 of the National Planning Policy Framework).
13. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 170 of the National Planning Policy Framework).

14. In order to ensure that the development results in a net gain in biodiversity. (Paragraph 170 of the National Planning Policy Framework).

15. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 170 of the National Planning Policy Framework).

16. To safeguard the amenities of the area and to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Policy N1e of The Plan for Stafford Borough and paragraph 170 of the National Planning Policy Framework).

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

18. To safeguard the area from fumes, smoke and smells (Policy N1e of The Plan for Stafford Borough).

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

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

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

Informative(s)

1 The Local Planning Authority consider the proposal to be a sustainable form of development and that it complies with the provisions of the National Planning Policy Framework.
The Green Man
Lea Road
Hixon
Application 18/28952/COU  
Case Officer Sian Wright  
Date Registered 14 August 2018  
Target Decision Date Extended To 09 October 2018  
Address Glen Farm  
Aston Hill  
Aston By Doxey  
Stafford  
Ward Seighford and Church Eaton  
Parish Seighford  
Proposal Change of Use from Agricultural to Class B8 (Storage and Distribution)  
Applicant Staffordshire County Council  
Recommendation Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor R M Sutherland (Ward Member for Seighford and Church Eaton Ward) for the following reason:

"To allow members of the planning committee the opportunity to discuss and decide on local concerns regarding what effect increased HGV traffic will have on what is a fast, narrow and winding country lane which is considered unsuitable for HGVs. Road safety and access issues due to increased numbers of HGVs".

Context

This application proposes a change of use of existing agricultural buildings at Glen Farm to Class B8 storage and distribution. Glen Farm is situated at Aston by Doxey, just north of Derrington. The site is situated outside a settlement boundary.

The submitted application relates to large agricultural buildings which are situated approximately 25m back from Aston Hill (labelled A to C on the submitted plans) and a further smaller building situated to the rear of these buildings (labelled D on the submitted plans).

There is an existing yard and areas of hardstanding which would be used for vehicle storage and parking. A maximum of 3 articulated lorries are proposed to operate from the site. No external storage of goods is proposed. The proposed hours of operation would be between 7am and 7pm Monday to Saturday.

The application does not specify what type of storage or distribution the site would be used for. This is an application for a general change of use to Class B8.
The application does not propose any new areas of hardstanding areas, or structural changes or alterations to the existing buildings.

Public Footpath No. 9 Seighford Parish is situated approximately 30m to the south of the site.

**Officer Assessment – Key Considerations**

**Principle of development**

Policies in The Plan for Stafford Borough (SP6, E1 and E2) generally support sustainable rural development. In particular E1 (f) encourages farm/rural diversification for employment or service generating uses.

Policy E2 supports sustainable rural development outside settlements, in circumstances including: (ii) provision for the essential operational needs of rural businesses; and (v) diversification of the agricultural economy. Development, however, is subject to a number of safeguards. Relevant to the current proposal are: (a) make use of suitable existing buildings or previously developed land before proposing new buildings or the development of greenfield land; (b) be well related to an existing farmstead or group of buildings; (c) be complementary to and not prejudice any existing viable agricultural or other uses; (d) respect and protect the natural landscape; (f) be appropriately designed for its purposes; and (g) not be detrimental to the amenity of the area.

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

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

Subject to satisfying points (d - capability for conversion) - and (g - amenity)) of Policy E2, the proposal is considered to be acceptable in principle

**Policies and Guidance:-**

National Planning Policy Framework
Paragraphs: 83 and 84
The Plan for Stafford Borough
Policies: SP6 Achieving Rural Sustainability, SP7 Supporting Location of New Development, E1 Local Economy, E2 Sustainable Rural Development

Character and Appearance

No extensions or external alterations are proposed to the existing buildings. The buildings as they stand are structurally sound although they do not appear to be particularly secure. The applicant has commented that appearance of the existing buildings will not be altered from their existing agricultural appearance and that if changes are needed in the future, then a further planning application will be submitted.

No external storage is proposed by this application.

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

Residential amenity

The proposal involves the introduction of a new commercial use to land and buildings in a rural location and Policy E2 specifically requires that development should not be detrimental to the amenity of the area. There are several residential properties in the area with the closet being Sunnyside Farm which is on the opposite side of the road approximately 60m to the west. Aston Hall is approximately 270m to the east and Little Aston Farm approximately 320m to the west.

The application submission states that proposed hours of operation would be between 7am and 7pm Monday to Saturday. It also states that a maximum of 3 articulated lorries and 3 staff cars would operate from the site and on average there would be 6 articulated lorry movements per day. It is acknowledged that vehicle movements and comings and goings associated with storage and distribution can generate noise and general disturbance. The assessment of the potential impact of the current proposal must however take into account the existing permitted agricultural use of the land and buildings where there are no planning controls over agricultural usage and comings and goings associated with an agricultural use.

The Environmental Health Officer has requested conditions restricting hours of construction activities; that lighting to areas such as car parks, pathways, land, buildings be of a design and positioned not to cause a light nuisance to any neighbouring properties; that there should be no burning on site during development; that there is adequate surface and foul water drainage to the site and that this does not adversely affect any existing systems and that operational hours and number of vehicle movements should be as per point 2.4 in the submitted planning statement. Whilst there are no very close neighbours to the site, it is considered appropriate to impose the conditions
suggested apart from the drainage condition which is not considered necessary in this instance.

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

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

Access and parking

There are currently two accesses to Glen Farm, one to the farmhouse and the second to the agricultural buildings and yard. The red edge for the application site excludes the eastern access and the residential property. It is therefore proposed to use the existing western access to the site.

The submitted application states that there would be two signs erected on Aston Hill on new posts which would be positioned 105m to both sides of the access warning the drivers about HGVs.

The application includes vehicle tracking information to show that 3 articulated lorries can park and turn within the yard area, and that the site can accommodate the necessary car parking spaces. The application also states that there would be an average of 4 articulated lorry movements per day (2 in 2 out).

There have been numerous objections from neighbouring residents who are concerned primarily about additional HGV traffic and highways safety issues. It should be noted that there are no planning controls over the existing agricultural usage in terms of vehicles types, movements or working hours. Whilst the issues raised are material planning considerations, it is not considered that the proposal would generate unacceptable levels of traffic to and from the site.

The Highway Authority do not raise any objections subject conditions relating to visibility, access, parking, servicing and turning areas, gates to be located a minimum of 11m rear of the carriageway boundary and open away from the highway and the submission of an off-site traffic management scheme.

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
Ecology

The application is supported by an ecology report. This report makes recommendations in relation to habitats, bats, birds, great crested newts and badgers:

**Habitats:** The report states that the hedgerows to the north and east are the only ecological features of any value and that they should be retained where possible.

**Bats:** The application buildings have low/negligible opportunity for roosting bats. No further bat survey is recommended. Any lighting should take into account commuting and foraging bats.

**Birds:** Timing of works is required to avoid the bird nesting season.

**Great Crested Newts:** No ponds or terrestrial habitat will be lost as part of this application.

**Badgers:** No signs of badger use were found on site. Any open trenches and deep excavations should be covered every night or escape ramps provided to prevent harm and enable any trapped badgers to escape.

The Biodiversity Officer does not raise any objections

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 175,

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

Conclusion

The proposed change of use is considered to be acceptable having regard to Local Plan policy. Whilst the objections relating to highway safety concerns are noted, the Highway Authority does not raise any objections.

Consultations

**Highway Authority:**
No objections subject to the following conditions:

The development hereby permitted shall not be commenced until details of the visibility splays have been submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use;

The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with plan PAS/111/GA-RO1;

Any gates shall be located a minimum of 11m rear of the carriageway boundary and shall open away from the highway;
The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of warning signs has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to first use of the development.

**Environmental Health Officer:**
No objections subject to conditions:
All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays;
There should be no burning on site during development;
Any lighting to areas such as car parks, pathways, land and buildings, should be of a design and positioned not to cause a light nuisance to any neighbouring properties; Glare from any lighting must be kept to a minimum;
Ensure that there is adequate surface and foul water drainage to the site and that this does not adversely effect any existing systems;
Operational hours and number of vehicle movements should be as per point 2.4 in the planning statement;

**Biodiversity Officer:**
Protected Species - Apex Ecology undertook a Preliminary Ecological Appraisal and building inspection for bats during December 2017.
The surveys did not find evidence of roosting bats within the building.
All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981. This means that works should not be undertaken in the nesting season (March to August), unless it can be demonstrated by the developer that breeding birds will not be affected. This can be done by requesting a method statement for protection / avoidance of nesting birds as a condition – this may include timing of work, pre-work checks, avoiding nesting areas etc;
Badgers - Any excavations left open overnight should be provided with a means of escape.
Habitats - Hedgerows should be retained where possible. If there are any losses, new hedgerows should be planted using locally native species.

**Parish Council:**
Object to the application for the following reasons:
1. Concerns about potential noise pollution from the use of the site and also vehicles entering and exiting.
2. Road safety relating to the approach and exit/entrance to Glen Farm. This is sited in a dip on a narrow lane and increases in traffic most likely HGV’s will impact the safety of users of this road which include a large number of cycling clubs and horse riders.
3. Impact of HGV’s in the village/main road of Doxey. This is the most likely route of any HGV’s. Doxey School and parents have raised issues about the safe passage of children to the school when they (temporarily) had no lollipop patrol earlier this year. Any increase in HGV’s along with the proposed potential cuts to this service announced last week are likely to create a further safety issue. A pelican crossing.
had been discussed but the current developer in Doxey has refused any funds to assist with this.

**Neighbours:**
(15 consulted): 17 letters of objections received raising the following concerns (summarised):
- Roads unsuitable for HGV’s
- Poorly maintained roads and no street lighting
- Additional traffic which is unacceptable
- Highways safety issues
- Dangerous road for all users
- Noise, air and visual pollution
- Site should be retained as agricultural
- Use should be on an industrial estate
- No details of goods to be stored or distributed

Site notice expiry date: 14/09/2018

Newsletter advert expiry date: N/A

**Relevant Planning History**

17/26942/PAA - Use of farm buildings for commercial use - appears acceptable in principle

**Recommendation**

Approve, subject to the following conditions:

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

2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-
   - drawing: PAS/111/S - Location Plan
   - drawing: PAS/111/S - Existing layout plan
   - drawing PAS/111/GA-R01 rev C1
   - drawing: PAS/111/R01-AT1 rev C0
   - drawing: PAS/111/R01-AT2 rev C0

3. The development shall not be commenced until details of visibility splays have been submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be provided before the development is first brought into use and kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
4. The development shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with plan PAS/111/GA-RO1.

5. Any gates shall be located a minimum of 11m rear of the carriageway boundary and shall open away from the highway.

6. Before the commencement of development an off-site traffic management scheme comprising of warning signs shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to first use of the development.

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

8. No external lighting shall be erected without the prior permission of the Local Planning Authority.

9. The hours of operation shall be between 7am and 7pm Monday to Saturday only.

10. The proposal shall be implemented in accordance with the recommendations made in the Apex Ecology report (NW/171217) dated December 2017.

11. There shall be no external storage of goods.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the site shall be used for B8 use only and not for any other purpose.

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

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

2. To define the permission.

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

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

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

6. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
7. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).

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

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

10. To ensure the protection of existing habitats and protected species in accordance with Policy N4 of the Plan for Stafford Borough.

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

12. To safeguard the amenities of the area (Policy N1e 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.
Application: 18/29133/TWT  
Case Officer: Gavin Pearce

Date Registered: 15 August 2018  
Target Decision Date: 15 October 2018

Parish: Colwich  
Ward: Haywood & Hixon

Applicant: Mr A Perkins

Address: Grimaud, 26 High Chase Rise, Little Haywood

Proposal: Acer pseudoplatanus (Sycamore) - Fell

Recommendation: Refuse

REASON FOR REFERRAL TO COMMITTEE

The applicant is a Member of Stafford Borough Council.

Context

The tree which is the subject of this application is a large, mature Acer pseudoplatanus (Sycamore) located in a visually prominent position in the rear garden of the property adjacent the public highway. The tree is subject to Tree Preservation Order 5 of 1974.

The reasons put forward by the applicant to justify the loss of the tree are as follows:

- To improve the health and wellbeing of the applicants
- The tree provides little amenity value
- There is insufficient space for the tree to spread any larger
- Personal safety due to the size of the tree

Previous applications to fell the tree (references 08/11135/TWT and 14/21063/TWT) were refused and appeal to the 2008 application was dismissed.

Relevant Legislation

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Officer Assessment

Whilst the tree has received a substantial amount of crown lifting work, it still has a reasonable form and good vigour. This combined with its size and prominence in the landscape means that the tree continues to contribute to the local amenity.
The applicants have raised several points regarding the effects the tree is having upon their reasonable enjoyment of the property. These focus on the nuisance factor caused by detritus falling from the tree, and health issues regarding the deposits of bird faeces dropped by roosting pigeons. In addition a point is also raised regarding the safety of the tree when taking into account its size.

With regards to the detritus and size issue, these are factors that are common to ownership of mature trees. The clearing of natural detritus is simply a matter of routine property maintenance, whilst a large tree is not inherently dangerous by virtue of its size. Both routine clearing of tree litter and regular inspection by a qualified arborist are reasonable responsibilities for tree owners and do not qualify as grounds for removal.

Similarly a great many trees serve as avian roosting sites, and as a result the deposits of bird faeces are also a common issue. Whilst not unsympathetic to the health concerns this poses for the tree owners, this also does not constitute sufficient grounds for removal of the tree. Deposits of bird faeces can be cleared relatively easily, and it is not appropriate to remove trees in order to mitigate the burden of what is referred to in the application as 'unnecessary chores'.

Representations

A petition was submitted with 22 signatures in support of the proposed removal of the tree.

Conclusion

In conclusion the issues raised and the actions required to mitigate them are not considered significant enough to warrant removal of the tree. Further consideration should be given to alternative mitigation measures, possibly to include selective crown reduction works, for which a further application for consent will be required.

Recommendation

Refuse for the following reason:

1. The Council does not believe that the issues described in the application justify the work to the tree.

Relevant History

08/11135/TWT - Application to fell sycamore - refused 11 March 2009, appeal dismissed 29 June 2009

14/21063/TWT - Application to fell sycamore - refused 29 October 2014
Ward Interest - Nil

Planning Appeals

Report of Head of Development

Purpose of Report

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

Notified Appeals

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<th>Application Reference</th>
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<th>Proposal</th>
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<td>Land Adjacent Mount Pleasant Farm Sandon Road</td>
<td>Prior approval of change of use from agricultural to a dwellinghouse (Class C3)</td>
</tr>
<tr>
<td>18/28204/FUL Committee refusal</td>
<td>Rose Villa Nursing Home 148 - 150 Eccleshall Road</td>
<td>Proposed two storey extension forming ten bedrooms with ensuite and new day room</td>
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Decided Appeals

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<th>Application Reference</th>
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<td>Detached Annex</td>
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<td>18/28490/HOU Appeal Dismissed</td>
<td>Netherfield 7 Barnes Croft Hilderstone</td>
<td>Extension of detached garage to form triple garage and new habitable room with toilet facilities on new first floor</td>
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<td>18/28047/HOU Appeal Allowed</td>
<td>1 Impstones Gnosall Stafford</td>
<td>Living room extension</td>
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<td>Land At Crossheads</td>
<td>Residential development-one dwelling - outline</td>
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</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 11 September 2018
by Elizabeth Pleasant DipTP MRTPI
an Inspector appointed by the Secretary of State
Decision date: 1 October 2018

Appeal Ref: APP/Y3425/W/18/3203453
Spa House, Blackwaters Road, Offley Hay, Stafford ST21 6HH
- 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 Martyn Atkin against the decision of Stafford Borough Council.
- The application Ref 17/27030/ANX, dated 24 August 2017, was refused by a notice dated 10 January 2018.
- The development proposed is described as the construction of a detached annex to provide accommodation for an elderly person.

Decision
1. The appeal is dismissed.

Procedural Matter
2. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. The main parties were given the opportunity to comment on any relevant implications for the appeal and have not therefore been prejudiced. I have had regard to the responses and the Framework in reaching my decision.

Main Issue
3. The main issue in this case is whether the proposal would be a residential annex incidental to the existing dwelling at Spa House or tantamount to the construction of a new dwelling in the countryside.

Reasons
4. The appeal site is situated within the dispersed settlement of Offley Hay. It lies within the side garden of Spa House, a detached residential property. To the south west of the site is an ‘agricultural style’ building and yard area associated with Spa House, beyond which is open countryside. Access to Spa House and the appeal site is from Blackwaters Road and is shared with the business. To the north and west of the site are other residential properties which take access from Mere Rise.

5. The proposal is for a modest bungalow with a private terrace and lawn area. The living accommodation would be self-contained and comprise a kitchen/dining/ living area, a bedroom, bathroom and entrance hall. In addition, although vehicular from Blackwaters Road would be shared with Spa
House, the bungalow would have a private drive and its own parking and turning area directly in front of bungalow.

6. The accommodation is for the appellant’s elderly parent who currently resides with her son at Spa House. The new dwelling would help his mother maximise her quality of life and enable her to live independently with purpose built accommodation all on one level. The steep stairs and narrow doorways make residing at Spa House increasingly difficult. The new bungalow would be close to family who live locally and provide personal care for her.

7. I have no doubt that the proposed development would provide suitable accommodation for an elderly family member and understand why this site would provide an ideal location to meet those needs. However, the accommodation would be completely self-contained and the occupiers of it would not share or be reliant on any of the existing amenities at Spa House. Furthermore, the siting and layout of the proposed dwelling in this location would not compromise the existing privacy or living conditions of occupiers of Spa House. Consequently, the bungalow would to my mind be more akin to a separate and independent unit of living accommodation than an ancillary residential annex.

8. Policy SP3 of the adopted Plan for Stafford, 2014 (the Plan) does not identify Offley Hay as a location suitable for the delivery of new housing development. Whilst the site is not isolated from neighbouring development, there is no dispute between the main parties that the site is not sustainably located and situated within the countryside. In addition, I have not been provided with any evidence that would lead me to conclude that the proposed development would meet the criteria listed in Policy SP7 and C5 of the Plan which would be required to make a dwelling in this location acceptable.

9. I conclude that the proposed development would not be a residential annex incidental to the existing dwelling at Spa House and would be for a new independent dwelling in the countryside. It would not therefore be a sustainable form of development and would conflict with the development plan. In particular it would conflict with Policies SP3, SP7 and C5 of the Plan which seek to ensure, amongst other things, that new housing development is located in accordance with the Plan’s Sustainable settlement hierarchy. I also find conflict with paragraph 78 of the Framework which seeks to ensure that in rural areas, housing is located where it will enhance or maintain the vitality of rural communities.

Other Matters

10. I appreciate that the appellant believes the Council’s advice for a subservient building has been adhered to. I have also had regard to a need to provide accommodation to serve an aging population. However, the proposal in this case would not rely on any of the amenities of neighbouring Spa House, and I agree with the Council that the proposed bungalow would not therefore be functionally ancillary to it. Furthermore, in view of the space around the existing dwelling, I am not convinced that a ground floor extension to Spa House would not provide suitable ancillary accommodation and an extension would be intrinsically linked to the host property.

11. I have not been provided with any specific details of the approved bungalow annex close to Eccleshall which was referred to in the appellant’s statement of
case. However, from the information I have, it is clear that the annex in that case involved the conversion of an existing building. It is not therefore directly comparable to this appeal case and the weight that I can afford to it is limited.

**Conclusion**

12. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Elizabeth Pleasant*

INSPECTOR
Appeal Decision

Site visit made on 4 September 2018

by David Fitzsimon MRTPI
an Inspector appointed by the Secretary of State

Decision date: 18th September 2018

Appeal Ref: APP/Y3425/D/18/3207510
Netherfield, 7 Barnes Croft, Hilderstone, Stone, Staffordshire ST15 8XU

- 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 Michael Hands against the decision of Stafford Borough Council.
- The application Ref 18/28490/HOU, dated 11 April 2018, was refused by notice dated 11 July 2018.
- The development proposed is the extension of detached garage to form triple garage and new habitable room with toilet facilities on new first floor.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the Barnes Croft street scene.

Reasons

3. The appeal relates to a substantial residential property which sits within a cul-de-sac of similar dwellings. The proposal seeks to enlarge a garage which sits at the front of the property with a traditional pitched roof and ridge running parallel with the highway. It is attached to the garage of the neighbouring dwelling, No. 5 Barnes Croft, known as ‘Wellswood’, which also has its ridge running parallel to the highway. Both garages are set back a generous distance from the highway behind a landscaped verge. Along with the central landscaped area of the crescent, this landscaped verge makes a noticeable and positive contribution to the spacious and verdant setting of Barnes Croft.

4. The proposal seeks to increase the size of the garage to provide an additional parking bay and a room at first floor level. This would be achieved by making the garage wider and taller, bringing it closer to the highway. The effect would radically alter the overall scale of the garage. It would be much taller that the attached garage of Wellswood. It would project forward of the elevation of this neighbouring garage which fronts the highway and a section of the attractive landscaped verge would be eroded. The result would give this pair of garages a disjointed appearance and in this context, the enlarged garage would appear
cumbersome and overly prominent. This harm would be readily visible from several aspects within the cul-de-sac and it could not be adequately mitigated by landscaping.

5. For these reasons, I find that the proposal would harm the character and appearance of the Barnes Croft street scene. In such terms, it conflicts with policy N1 of the adopted Plan for Stafford Borough, which promotes high standards of design and requires development to take into account local character and context.

Other matters

6. The appellant points to the fact that a range of garages are present within the immediate surroundings which vary in terms of their height, width, positioning and overall design. Nevertheless, the garages I saw sat comfortably within the street scene and did not have an uncomfortable relationship with an attached garage, as would be the effect of the appeal proposal.

7. The appellant argues that additional private parking is required and refers to accidents which have occurred on the shared driveway. In the absence of any compelling evidence to the contrary, it seems to me that there may be other solutions to this issue which would not be so visually harmful. The appellant also suggests that the verge which is separated from the main garden of the appeal property by the front boundary wall is wasted garden and is used for dog fouling. I saw no evidence of such problems at my site visit, but in any event, the visual harm which would arise from the enlarged garage would significantly outweigh any benefits in this respect.

8. The appellant also refers to the private space within the first floor of the extended garage being necessary for his two daughters. I attach only limited weight to this matter because firstly, the extended garage is likely to remain long after this ceases to be a material consideration and secondly, I am not persuaded that this would be the only option for providing some additional private space.

9. Finally, the appellant has expressed concern with the manner in which the Council reached its decision. This is not a matter for me to consider and I have determined the appeal proposal on its planning merits.

Overall Conclusion

10. I conclude that the proposed development would harm the character and appearance of the Barnes Croft street scene, contrary to the development plan policy referred to above. The arguments advanced by the appellant in favour of the scheme do not outweigh this harm and policy conflict, therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR
**Appeal Decision**

Site visit made on 11 September 2018

by Elizabeth Pleasant DipTP MRPI
an Inspector appointed by the Secretary of State

Decision date: 28 September 2018

**Appeal Ref: APP/Y3425/D/18/3203434**

1 Impstones, Gnosall, Staffordshire

- 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 George Yeomans against the decision of Stafford Borough Council.
- The application Ref 18/28047/HOU, dated 27 February 2018, was refused by a notice dated 25 April 2018.
- The development proposed is a living room extension.

**Decision**

1. The appeal is allowed and planning permission is granted for a living room extension at 1 Impstones, Gnosall, Staffordshire in accordance with the terms of the application, Ref 18/28047/HOU, dated 27 February 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 development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Scale 1:500 and Proposed Extension, Drawing Ref: 2251/2A.

   3) The materials to be used in the extension hereby permitted shall match those used in the existing dwelling.

**Main Issue**

2. The main issue in this case is the effect on the character and appearance of the area.

**Reasons**

3. The appeal property is a single storey building which has been converted from its former garage use to provide ancillary living accommodation for the neighbouring property No 1 Impstones. It has a simple gabled form and is situated within the rear garden of No 1. However, the appeal building fronts onto and takes access from Wharf Road. The proposed development is for a front extension which would retain the façade of the building but bring it closer to the road.

4. Wharf Road is a predominantly residential street with no distinct character or uniformity. In addition, the street does not display a consistent building line.
However, the appeal building is generally aligned with the neighbouring two-storey detached houses which front onto Wharf Road and the houses are mostly set back from the road with front gardens and driveways enclosed by low walls and planting.

5. The proposed extension would bring the building forward of its neighbour No 98 Wharf Road. However, there is little inter-visibility between the two properties by reason of existing vegetation along their common front boundary, including a mature conifer tree. Consequently, the resultant building would not be visually conspicuous when travelling west along Wharf Road. In addition, the front garden of the appeal site would not be significantly eroded and the site would retain an open frontage.

6. Furthermore, the flank wall of No 1 Impstones has been previously extended at ground floor level towards Wharf Road and part of its side/corner garden is enclosed by high timber fencing which gives the corner of the street a cluttered appearance. The extended front façade of the appeal building would not project beyond the flank wall of No 1, nor its garden fencing. The proposal would not therefore be a prominent addition to the site and would not to my mind detract from the existing visual qualities and appearance of the street as a whole.

7. I conclude that the proposed development would not have a harmful effect on the character and appearance of the area. I find no conflict with the development plan, and in particular with Policy N1 (h) and (i) of the Plan for Stafford Borough which are seeks to ensure that the design of new development has regard to the local context and strengthen the continuity of street frontages and enclosure of space.

Conclusion

8. For the reasons given above and taking into account all other matters raised, I conclude that subject to conditions required to provide certainty and to safeguard the character and appearance, the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR
**Appeal Decision**

Site visit made on 26 April 2018

by Beverley Wilders  BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date:  11 June 2018

Appeal Ref: APP/Y3425/W/18/3194141

Land off Cross Heads Lane, Colwich, Staffordshire ST18 0QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Carl Gill against the decision of Stafford Borough Council.
- The application Ref 17/26797/OUT, dated 12 July 2017, was refused by notice dated 20 November 2017.
- The development proposed is residential development.

**Decision**

1. The appeal is dismissed.

**Procedural Matter**

2. The proposal is for outline planning permission with all matters reserved. An illustrative layout plan was submitted with the application and where relevant I have had regard to it in reaching my decision.

**Main Issue**

3. The main issue is whether the site is a suitable location for housing having regard to local and national planning policy.

**Reasons**

4. The appeal site comprises a piece of land located adjacent to a single track road and to a playing field. An existing gate provides access from the site onto the road. Though the appellant states that the site previously contained a building and was in commercial use, at the time of my site visit it was undeveloped and overgrown with no evidence of any current or former building or use. The site is located in a largely open and undeveloped area of land, with the exception of the nearby village hall and car park and nearby site compound, located between the railway line to the south and housing to the north. The site is located outside of the settlement boundary of Little Haywood/Colwich in an area designated as Green Infrastructure.

5. Policy SP3 of The Plan for Stafford Borough 2011-2031 (PFSB) states that the majority of future development will be delivered through the Sustainable Settlement Hierarchy which includes the key service village of Little Haywood/Colwich. Policy C5 of the PFSB relates to residential proposals outside of the settlement hierarchy and states that in areas outside the settlements listed in Policy SP3, proposals for new residential development will
need to meet the criteria listed in SP7, together with all of the criteria listed within Policy C5. The first criterion of Policy C5 is that it is demonstrated that the residential development cannot be accommodated within the settlement hierarchy. In addition it needs to be proven that the scheme will meet defined local housing needs. Though I note that the site is located close to existing housing and near to facilities within the settlement boundary, it is nevertheless outside of the settlement boundary and there is no evidence to demonstrate that the criteria listed within Policy C5 have been met. The proposal is therefore contrary to the Council’s settlement hierarchy policies and I am satisfied that these policies are consistent with the National Planning Policy Framework (the Framework) when taken as a whole.

6. Though the site does not actively contribute to the function of the designated Green Infrastructure which contains a limited amount of built development, it does contribute to the openness and largely undeveloped nature of the area which is located between nearby built up areas. The development of the site for one dwelling would result in a loss of openness and in sporadic urbanisation which would be incongruous and harmful to the area of Green Infrastructure. The proposal would therefore be contrary to Policy N4 of the PFSB which states that the Borough’s green infrastructure network will be protected. Though I note the appellant’s reference to Policy CE2 of the Colwich Neighbourhood Plan, I have not been provided with a copy of the policy and in any event the fact that the site is not identified by the policy as an area of local green space to be retained and enhanced for public use does not justify its development which for the reasons stated would be harmful to the area of designated Green Infrastructure.

7. Whilst the provision of one dwelling would have some limited social and economic benefits, these benefits would not outweigh the harm that I have identified and the proposal would not be sustainable development.

8. Taking the above matters into consideration, the site is not a suitable location for housing having regard to local and national planning policy. The proposal is therefore contrary to policies SP3, SP6(iii), SP7(ii), E2(x), C5, N1(g&h) and N4 of the PFSB and to relevant guidance within paragraph 17 of the Framework. These policies seek, amongst other things, to restrict and control residential development outside of settlement boundaries and to protect areas of Green Infrastructure.

Conclusion

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

Beverley Wilders
INSPECTOR
Ward Interest - Nil

Enforcement Matters

Report of Head of Development

Purpose of Report

To consider the following report

Page Nos

(a) WKS2/00048/EN17 - 92 St George’s Parkway, Stafford, Staffordshire 49 - 51

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

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WKS2/00048/EN17 - 92 St Georges Parkway, Stafford

Report of Head of Development and the Head of Law and Administration

Purpose of Report

To consider the introduction of a storage container to the front elevation of 92 St Georges Parkway, Stafford, without the benefit of planning permission.

1 Detail

1.1 On 29 May 2018 a report was presented to the Planning Committee in relation to a storage container, shed and fence at the same address with the following recommendation:

“That appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the removal of the unauthorised storage container, shed and fence”.

This recommendation was approved.

1.2 An application was subsequently submitted and on the 18th September 2018 planning application 17/26885/HOU for ‘Retrospective permission for a metal storage container, timber fence to the south west frontage and proposed gate and fence along rear North West boundary’ was refused for the following reason:

“The metal storage container by virtue of its excessive scale, prominent corner plot location and inappropriate design results in it appearing as an incongruous and dominant feature in this part of the St Georges parkway street scene which consequently harms the visual amenities of the locality. The metal storage container is therefore contrary to policy n1 (g) and (h) of the plan for Stafford Borough 2011-2031”.

1.3 Whilst the application was refused, the fence and small shed were assessed by the planning officer at the time of the application and it was considered that there were no amenity issues with regard to either the fence or small shed. As such, it is not considered expedient to peruse enforcement action with regard to these two elements.

1.4 The proposed amended recommendation removes these elements to allow effective enforcement of the metal storage container
2 Policies

2.1 The Plan for Stafford Borough - N1 - Design (g) and (h)

2.2 National Planning Policy Framework - Section 7 - requiring good design, Paragraph 207 - enforcement.

3 Conclusion

3.1 The storage container remains unauthorised and is clearly visible, on a side elevation of a building, prominent on the street scene. The storage container is of an industrial nature and of a metal construction and is out of keeping with the residential estate.

3.2 It is considered that the storage container, is out of keeping with the area and contrary to policy N1 (g) and (h) of the Plan for Stafford Borough.

4 Recommendation

4.1 That appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the removal of the unauthorised metal storage container.

Background Papers

10/13691/FUL Residential development (113 dwellings) and associated Infrastructure - Approved 7/12/2010

17/26885/HOU ‘Retrospective permission for a metal storage container, timber fence to the south west frontage and proposed gate and fence along rear north west boundary’. Refused 18/09/2018.

WKS2/00048/EN17 - Unauthorised Storage Cabin.

Contact Officer

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