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, 30 May 2018 at 6.30pm to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

A. R. Well
Head of Law and Administration
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. 244 due to be published on 6 July 2018

Page Nos
5 Planning Applications 3 - 37
6 Planning Appeals 38 - 46
7 Enforcement Matters 47 - 52

MEMBERSHIP

To be appointed
Ward Interest - Nil

Planning Applications

Report of Head of Development

Purpose of Report

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

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Location</th>
<th>Page Nos</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/28138/FUL</td>
<td>Land at Corner of Lammascote Road, and Riverway, Stafford</td>
<td>4 - 18</td>
</tr>
<tr>
<td>18/28266/FUL</td>
<td>Land off Little Tixall Lane, Lichfield Road, Great Haywood</td>
<td>19 - 31</td>
</tr>
<tr>
<td>18/28333/LBC</td>
<td>The Cottage, Park Lane, Chebsey</td>
<td>32 - 37</td>
</tr>
</tbody>
</table>

Previous Consideration

Nil

Background Papers

Planning application files are available for Members to inspect, by prior arrangement, in the Development Management Section. The applications including the background papers, information and correspondence received during the consideration of the application, consultation replies, neighbour representations are scanned and are available to view on the Council website.
Application 18/28138/FUL  
Case Officer: Mark Alford  
Date Registered 7 March 2018  
Target Decision Date 6 June 2018  
Address Land at corner of Lammascote Road and Riverway, Stafford  
Ward Forebridge  
Parish -  
Proposal Erection of four storey building with 80 apartments; access; parking and landscaping  
Applicant Panacea Property Developments Ltd  
Recommendation Approval subject to the applicant first entering into a Section 106 obligation within one month of the Committee resolution, or an alternative period to be otherwise first agreed in writing by the Local Planning Authority, to secure the affordability of the dwellings and financial contributions towards the Cannock Chase Special Area of Conservation, off site recreation and open space provision, and the travel plan monitoring fee, permit subject to conditions.

Reason for referral to Committee

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

"To allow committee to consider the impact on the street scene design of proposed dwelling".

Context

The development is for affordable accommodation for those aged 55 and over. Once built, the apartments would be managed by a social housing provider and be occupied for rent or through shared ownership. The scheme shows 56 x 1 bedroom and 24 x 2 bedroom apartments. The layout includes a resident’s lounge, kitchen/servery and manager’s office on the ground floor, and there would be pedestrian access from Lammascote Road and the car parks to the rear.

The building would be a maximum of 14.8m high to the ridges of the gablet features on the front roof (16.35m on refused scheme) and have a T-shaped floor plan. The rear section would be a maximum of 12.6m high to a flat roof (13.2m on refused scheme). The building would be a maximum of 47 m wide (42m on refused scheme) and a maximum of 62m deep (61m on refused scheme). The external finishes are shown to be mainly facing brick which would be relieved by feature windows, balconies and recesses. (Details of the bricks have not yet been submitted but would be secured by a condition). A resident’s garden is shown located on the east side.
Vehicular access would be via the existing entrance serving the Entrust offices along Riverway. Parking areas to the west and east sides would contribute to a total of 72 spaces overall.

The applicant’s agent has submitted the following in support of the application:-

“This revised application seeks to address the (previous) reason for refusal. Although the number of residential units sought remains the same as the previous application, the scheme has been reviewed in terms of its height, scale and massing. The overall form and design of the building has also been reviewed to present a scheme which reinforces local distinctiveness whilst being in-keeping with its surroundings…

The building footprint takes a similar format as that of the previous application (with the) massing of two joined blocks in a T-shape arrangement. The previous 5 storey block at the front has in this revised application been reduced by a complete floor so both blocks are now 4 storeys in height. The scheme needs to deliver 80 units to be viable, and to enable the loss of the floor, units have had to be redistributed across the 4 floors. The rear block has subsequently been extended towards the southern boundary, made possible by realignment of the access road and reworking of the car parking layout that provides 72 spaces. The resulting gross internal area of building has reduced because the mix of units is now 56 one bedroomed units and 24 two bedroomed units (a loss of two 2 bedroomed units from the previous scheme).”

Officer Assessment – Key Considerations

1. Principle and policy

The site is within the Settlement Boundary of Stafford which is at the top of the sustainable settlement hierarchy as set out in Spatial Principles 3 and 4 of the Plan for Stafford Borough and on this basis the development is considered to be acceptable in principle.

Policies and Guidance:-

National Planning Policy Framework:
Paragraph 17 – Core Principles
Section 6 – Delivering a wide choice of high quality homes

Plan for Stafford Borough – Part 1:
Spatial Principle 1 – Presumption In Favour of Sustainable Development
Spatial Principle 3 – Stafford Borough Sustainable Settlement Hierarchy
Spatial Principle 4 – Stafford Borough Housing Growth Distribution
Stafford 1 – Stafford Town

Plan for Stafford Borough - Part 2:
SB1 Settlement Boundaries
2. Design and appearance

The current building is shown reduced in height compared to the previous proposal refused permission. With the absence of a fifth floor, the overall mass and scale of the structure has also been reduced. The predominant brick finishes would also provide the opportunity to secure brick types and colours that would tie-in with the character of the area and compliment local distinctiveness. This enables the scheme to meet key Urban Design Principle A and the Architectural Design Principles in Section 4 of the new Design Supplementary Planning Document (SPD). A condition would require the submission of details of the specific type and colour of bricks before development commences.

Guideline 2 of the Residential Guidelines of the SPD seeks to secure a minimum 21m separation distance between the principal frontages of existing and proposed dwellings for reasonable degrees of privacy to be achieved. Whilst “principal frontage” is not defined in the SPD, the position of the building is such that windows would not directly face the nearest dwellings across Riverway, which would also be in excess of 21m distant at 34m. Facing windows of dwellings across the road junction on Weston Road would be over 50m distant. In excess of 40m would intervene between the building and the Pennycrofts tower block opposite.

In terms of Residential Guideline 3 of the SPD, some of the apartments would have balconies to meet the guidance on private garden space and the communal garden shown would be suitably landscaped and screened. A condition would secure the implementation of the submitted landscaping scheme subject to the observations of the Tree Officer which would be available at the Committee meeting.

The building would appear offset on the west side of Weston Road in long views of the site looking towards the town centre, and offset on the east side of Lammascote Road looking away from the town centre. It would therefore not look overly prominent in these view points. The building should also be considered in comparison with Pennycrofts on the opposite corner of Lammascote Road which is considerably higher at sixteen storeys. Views of the site south along Corporation Street and north along Riverway are currently dominated by Pennycrofts and the building now proposed would consequently not look out of proportion.

The Design Advisor on the refused scheme referred to the potential upgrading of the existing road junction to a roundabout arrangement whereby the landscaped frontage setting of the development would be substantially reduced and would place the principal elevation of the building in much closer proximity to the back of the highway. The proposed building is shown set back from the Lammascote Road footpath by a minimum of 7.5m, and set back from the Riverway footpath by 9m, the distances that were the resulting increases on the previous scheme. The Design Advisor remains comfortable with the development.

The observations of the Crime Prevention Design Advisor would be added to any consent as an informative.

Overall, it is considered that the reason for refusal has been addressed with the amended design and detailing shown.
Policies and Guidance:-

National Planning Policy Framework:
Paragraph 17 – Core Principle – seek to secure a good standard of amenity and high quality design; Section 7 – Requiring good design.

Plan for Stafford Borough – Part 1:
N1 – Design

SPD

3. Trees

There are existing trees to the north, west and east sides of the site but mainly on the Lammascote Road frontage. Two trees are shown to be removed from this frontage and one from the rear of the site, the same as in the previous scheme. There is no Tree Preservation Order on the site. In the assessment of the refused scheme the Tree Officer considered that the trees on the site did not have a high amenity value, but required the physical protection of any retained during construction as well as landscaping conditions. The siting of the building has not changed significantly since then and his observations on this new layout would be available at the meeting.

Policies and Guidance:-

National Planning Policy Framework:
Paragraph 17 – Core Principles – secure high quality design
Section 7 – Requiring good design

Plan for Stafford Borough – Part 1:
N1 – Design

4. Environmental Health issues

Noise and air quality reports have been submitted. The Environmental Health Officer raises no objection on noise, air quality, residential amenity or ground contamination subject to conditions to limit construction work hours and other impacts during the building phase, the implementation of noise attenuation measures for plant, and requiring further ground investigations and a remediation strategy.

Policies and Guidance:-

National Planning Policy Framework:
Paragraph 17 – Core Principles
Section 11 – Conserving and enhancing the natural environment
Plan for Stafford Borough – Part 1:
N1 - Design
5. Highways

A Transport Statement has been submitted which states that the site was previously in use as a school, offices for the County Council and as long stay car parking. These previous uses can be considered as an established fallback position against which the traffic impact of the proposed residential use is measured.

The trip generating potential of the proposed use has been estimated using trip rates from the industry-standard TRICS database. The analysis demonstrates that the proposed development would generate around 34 two-way vehicle movements in the weekday AM peak and 22 two-way vehicle movements in the weekday PM peak hour. This equates to an additional vehicle movement every two to three minutes in the weekday AM and PM peaks. It is considered that the effect of this traffic would be negligible.

Also, when considered cumulatively with the existing traffic flows generated from the wider site, it has been shown that the trip generation potential is comparable to those for the previous uses stated above.

In terms of parking spaces the relevant standard in the Plan for Stafford Borough requires 1.25 spaces per dwelling unit which would total 100 spaces. 72 spaces are shown and it is acknowledged that the site is in a sustainable location within walking distance of town centre facilities and close to bus stops for buses serving the town centre and the rest of the town.

The Highway Authority has no objection to this issue nor to traffic and access circumstances subject to a £6,430 Travel Plan monitoring contribution and to conditions.

Policies and Guidance:-

National Planning Policy Framework:
Section 4 – Promoting sustainable transport

Plan for Stafford Borough – Part 1:
T1 – Transport
T2 – Parking and Manoeuvring Facilities

6. Drainage

The submitted Flood Risk Assessment (FRA) confirms that the development lies within flood zone 1, with a less than a 1 in 1000 annual probability of river flooding from the adjacent Pearl/Sandyford Brook. Taking into consideration the fact that the development is wholly in this flood zone, the site has been appraised by a sequential test to confirm that the proposal is ‘Appropriate’ under the criteria of the National Planning Policy Framework.

In accordance with the recommendations of the Stafford Strategic FRA, ground floor levels will be above the required minimum of 600mm above the 1 in 100 year flood level. The fundamental basis of the drainage strategy under this FRA would be to reduce surface water from the development to equivalent green field run off rates for all rainfall events up to the 1 in 100 year plus 40% climate change allowance event. Also, infiltration
via a Sustainable Urban Drainage System (SUDS) is the preferred method of discharge of surface water. However, existing ground conditions indicate that infiltration techniques are not feasible and thus discharge to a watercourse with the relevant number of treatment trains is the next preferred option.

Safe access and egress would be provided from the development site to the east above the maximum flood level. The drainage system will be designed to ensure that the proposed new drainage does not discharge for up to a 1 in 2 year event; ensure that no flooding occurs for up to a 1 in 30 year event; and to confirm that there will be no flood risk to buildings within the site or risk of off site overland flows for the 1 in 100 year event allowing for a 40% increase in rainfall.

As part of the previous development works a surface water outfall to the Pearl Brook/Sandyford Brook watercourse has been installed to serve this area. The proposed maximum discharge rate to the adjacent watercourse via this outfall connection would be restricted to 5 litres/second. An area of car parking and access road is proposed to discharge surface water to the Pearl Brook at a maximum discharge rate of 2l/second

The Lead Local Flood Authority accepts these findings and states that the detailed drainage system should be secured by a condition.

Policies and Guidance:-

National Planning Policy Framework:
Paragraph 17 – Core Principles – take full account of flood risk
Section 10 – Meeting the challenge of climate change, flooding and coastal change.

Plan for Stafford Borough – Part 1:
N2 – Climate Change

7. Ecology

The submitted ecology report has to a certain extent been superseded as most of the site has been cleared and is of low ecological value. However, it highlights the potential for existing trees and shrubs to provide foraging and habitat opportunities although no features were found that supported bat roosts. The report recommends that as much existing vegetation as possible should be retained and any exterior lighting should be bat friendly. The submitted layout plan shows that many existing trees would be retained and the submitted landscaping scheme would provide considerable enhancement to the current state of biodiversity on the site. Its implementation would be secured by a condition and a further condition would cover the external lighting issue.

The Biodiversity Officer’s request for a method statement to cover the bird nesting season is considered to be covered more suitably by separate legislation. The submitted landscaping scheme retains most trees and some perimeter planting but its more formal treatment would better suit the amenity of the prospective occupiers.
A condition would secure the erection of the bird nesting boxes and the inclusion of bat bricks in the building.
Prospective residents may use Cannock Chase for recreational visits and the applicant has confirmed that a contribution of £159 per dwelling would be paid as a Section 106 obligation for the mitigation of any impact on its Special Area of Conservation (SAC) under the terms of Policy N6 of the Plan for Stafford Borough.

Policies and Guidance:-

National Planning Policy Framework:
Paragraph 17 – Core Principles
Section 11 – Conserving and enhancing the natural environment

Plan for Stafford Borough – Part 1:
N4 – The Natural Environment and Green Infrastructure
N6 – Cannock Chase SAC

8. Open space and recreation

The Parks and Open Spaces Implementation Officer requests contributions totalling £82,770.29 for other off-site recreational and open space provision, which would be secured by the Section 106 agreement.

Policies and Guidance:-

National Planning Policy Framework:
Paragraph 17 – Core Principles
Section 8 – Promoting healthy communities

Plan for Stafford Borough – Part 1:
C7 – Open Space, Sport and Recreation

9. Education

Staffordshire County Council is not seeking an education contribution as apartment developments do not fall within its policy.

Policies and Guidance:-

National Planning Policy Framework:
Paragraph 17 – Core Principles

Plan for Stafford Borough – Part 1:
I1 – Infrastructure

10. Gas infrastructure

There is no significant gas transportation infrastructure on or near the site requiring formal consultations from the Council. However, the observations and advice of Cadent would be attached to any permission granted as an informative.
Conclusion

The site is appropriate for residential development as it is in a sustainable location within Stafford, close to the town centre for pedestrians and accessible by forms of transport other than the car. The design objections to the previous application have also been addressed and the scheme satisfies the relevant guidance in the new SPD.

Consultations

Highway Authority:
No objection subject to a s106 agreement to secure £6,760 travel plan monitoring fee and subject to conditions to secure the construction of the parking and vehicle manoeuvring space; a construction method statement; and a travel plan.

Design Advisor:
I am supportive of the height of the principle frontage building having been reduced to 4 storeys, this current design has undergone sufficient modification to ameliorate my previous concerns and I would summarise these changes as follows;

I had previously considered the addition of gablets to the roof-scape as an ill-conceived and misplaced attempt to introduce an element of local distinctiveness; however, the most recent version now incorporates them as functional space within the accommodation and additionally, the fenestration patterns have been extended into them. These changes now imbue these features with a far more convincing sense of functionality, which lifts them from merely being visual decoration to being an integral element of the overall architectural expression.

In addition, I had also previously expressed concern that the buildings fenestration patterns had been too regularised and that there had been a general loss of the contemporary approach to composition and detailing; this most recent iteration has substantively modified both of these aspects and is now far more commensurate with the quality of the original scheme submitted with 17/26530/FUL, and as such I am now comfortable in overall terms to support the design.

The only remaining concern that I have is that the approach to the elevational treatment of the original scheme was far more engaging and appropriate for the contemporary architecture and the most recent schemes appear to have replaced this approach with a far more conservative, and in my opinion less interesting and appealing approach. However, these aspects are yet to be agreed and confirmed and it is hoped that this aspect of the scheme will move towards an approach more in line with the original scheme. Ultimately, this aspect in not considered sufficient in itself to stand in the way of the proposal being considered acceptable.

Environmental Health Officer:
No objection subject to conditions to protect residential amenity; restrict hours of construction, demolition and related deliveries; no burning; provide facilities to damp down dust; sweep roads to prevent excessive dust; any equipment left running outside working hours shall not be audible at boundary to occupied residential properties; recommendations on acoustic mitigation and external plant noise limits in submitted report
to be implemented in full; additional ground investigations should be carried out and a remediation strategy prepared for any contamination.

**Tree Officer:**
Observations would be available at the meeting.

**Lead Local Flood Authority:**
The submitted Flood Risk Assessment, Drainage Strategy and additional information shows that an acceptable surface water drainage system can be achieved. No objection subject to a condition to secure the detailed surface water drainage scheme based on this information.

**Parks and Open Spaces Implementation Officer:**
The Council’s policy ensures that new developments contribute to enhancing or providing green space; due to the size of the development, the Council can require 30.81 sq m per person of open space; given the nature of the development, the Council is seeking a full off-site contribution; the capital contribution would be £73,245.88 and the maintenance contribution would be £9,524.41.

**Schools Organisation (Staffordshire County Council):**
No contribution for education provision is sought.

**Partnerships and Performance Officer (Health and Housing):**
We recognise that the development will deliver 100% affordable housing. There is evidence of an annual affordable housing shortfall of 210 dwellings and of 55 units of older person’s accommodation. The development would help reduce this shortfall.

**Biodiversity Officer:**
Whilst the submitted survey is out of date, the site remains unchanged and its recommendations are still valid; vegetation clearance should be carried out from September to avoid nesting birds unless it can be demonstrated that they will not be affected; condition should require a method statement; hedges and planting should be retained on the perimeter; where it is removed, compensatory planting should replace it; ephemeral vegetation that has emerged should be recreated on poor soil with rubble and stone and similar mixed annuals and perennials; amenity and semi-improved grassland should be retained and enhanced; install Schwegler bird nesting boxes.

**Neighbours:**
(123 notified) 13 replies/representations in total received from 13 addresses; 11 express support for the proposals; 2 state that they are neither objecting or supporting the scheme and the issues are summarised as follows:-
The design has not been improved by the pitched roofs; the flat roof should continue. Highways have still not investigated the extra traffic impact along Fairway and Riverway and its conflict with the Entrust access. The design is now contrived and mediocre; the original scheme was genuinely contemporary.

Any further replies would be reported at the meeting.
Other representations

Crime Prevention Design Advisor:
Use Police approved Secured By Design features and methods of security

Cadent:
There is operational gas apparatus within the site. We give advice on plant protection.

Relevant Planning History

17/26530/FUL - Erection of a part four and part five storey building comprising 80 residential apartments with associated access, parking and landscaping – refused permission on 3 January 2018 for the following reason:-

The proposed building by reason of its excessive height, scale and massing would appear as an overdominant and visually intrusive feature in the street scene. Furthermore, its overall form and design would fail to reinforce local distinctiveness and would not be in-keeping with its surroundings. The proposal therefore conflicts with Paragraphs 60 and 64 of the National Planning Policy Framework and Policy N1(g) and (h) of The Plan for Stafford Borough.

Wider site

11/15302/OUT – Outline consent for mixed use development of 118 apartments, care provision for the elderly and associated communal facilities - approved October 2012; not implemented.

Adjacent land

15/23103/FUL – 15 unit supported living building - approved February 2016; not yet built
14/20954/FUL – 15 unit supported living building – approved December 2014 and built.

Recommendation

Approve, subject to the following conditions:

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

2. The approved plans are drawing nos. 1132/01-01 PL5; /02-01 PL5; /02-00 PL5; /03-01 PL5; /03-02 PL5; /03-03 PL5; /03-06 PL5; /05-06 PL5; /05-08 PL5; /05-09 PL5; /05-10 PL5; and /L90-01 PL5.
3. Notwithstanding any information in the application, no development shall be carried out unless and until samples of the materials to be used in the construction of the external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved materials shall be used unless alternatives have first been agreed in writing by the Local Planning Authority.

4. No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the design parameters and proposed strategy set out in the Flood Risk Assessment & Outline Drainage Strategy (Reference: CS091894-FRA-01, Rev 02, April 2017). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- Infiltration testing to BRE365 to determine whether infiltration will be feasible, in accordance with the drainage hierarchy.
- SuDS design to provide adequate water quality treatment (see Simple Index Approach, CIRIA SuDS Manual), including permeable paving for all parking spaces and sufficient attenuation storage.
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to 5l/s for the main area and 2l/s to the west.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

5. The soft landscape details shown on drawing no. 1132/L90-01 PL5 shall be carried out within eight months of the first occupation of the building. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

6. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.
7. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: i) a site compound with associated temporary buildings; ii) the routing of construction vehicles to and from the site; iii) the removal of demolition materials from site; iv) the parking of vehicles of site operatives and visitors; v) the loading and unloading of plant and materials; vi) storage of plant and materials used in constructing the development; vii) measures to prevent the deposition of deleterious material on the highway including wheel wash facilities.

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

9. No development shall commence until details of the location, design, light spread and intensity of the means of external illumination of the building and its site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, only the approved lighting scheme shall be constructed and be maintained as such.

10. No development shall be carried out unless and until the results of additional intrusive ground investigations and an informed remediation strategy and programme in accordance with the recommendations of the submitted Phase 1 Geo-Environmental Desk Study - June 2017 have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved remediation strategy shall be carried out in accordance with the approved programme.

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

12. No burning shall take place on site during development.

13. Any equipment left running outside of the approved working hours shall not be audible at the boundary of any occupied dwelling.

14. Facilities shall be provided for damping down to prevent excessive dust.

15. Road sweeping shall be carried out to prevent excessive dust.

16. Screening shall be provided to the site to protect residential dwellings from exposure to excessive noise. Details of such work shall be agreed with the Local Planning Authority and carried out before other works begin.
17. The acoustic mitigation measures shall be implemented in accordance with the recommendations set out in the submitted Noise Impact Assessment. Details of any external plant shall also be submitted for approval in writing by the Local Planning Authority prior to the first occupation of the building and shall be in accordance with the recommendations set out in the submitted Noise Impact Assessment. The external plant shall thereafter be installed in accordance with the approved details prior to the first occupation of the building.

18. The building shall not be first occupied until three Bat roost bricks have been incorporated into its structure and three Schwegler-style woodcrete bird nest boxes have been installed on the site.

19. No development shall commence until a scheme of mitigation of the impacts on air quality from the construction phase of the development, based on the methodology in the submitted Air Quality Assessment - 2018 has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme of mitigation shall be carried out.

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

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

2. To define the permission.

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

4. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site (Policy N2 of The Plan for Stafford Borough).

5. To ensure the satisfactory appearance of the development (Policies N1 g and h 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. (Policy T1c of The Plan for Stafford Borough).

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

9. To safeguard the amenities of the area and to enhance biodiversity (Policies N1 and N4 of The Plan for Stafford Borough)
10. To minimise harm from the effects of pre-existing ground conditions and ground gas (Section 11 of the National Planning Policy Framework)

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

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

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

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

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

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

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 enhance biodiversity (Policy N4 of The Plan for Stafford Borough)

19. To minimise air pollution (Section 11 of the National Planning Policy Framework)

Informative(s)

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

2. The attention of the applicant is drawn to the advice of the Police Crime Prevention Design Advisor and Cadent submitted as part of the consultation responses to the planning application. These can be viewed via Public Access on the Council’s web site:- [www.staffordbc.gov.uk](http://www.staffordbc.gov.uk)
18/28138/FUL
Land at Corner of Lammascote Road and Riverway
Stafford
### Application Details

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<thead>
<tr>
<th>Field</th>
<th>Details</th>
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<tr>
<td>Case Officer:</td>
<td>Sian Wright</td>
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<tr>
<td>Date Registered</td>
<td>27 March 2018</td>
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<td>Target Decision Date</td>
<td>26 June 2018</td>
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<td>Address</td>
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<td></td>
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<td>Great Haywood</td>
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<td>Ward</td>
<td>Haywood and Hixon</td>
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<td>Parish</td>
<td>Colwich</td>
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<td>Proposal</td>
<td>Variation to conditions 13, 14, 15 and 16 on application 14/20886/OUT</td>
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<td>Applicant</td>
<td>Lovell Partnerships Limited</td>
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<td>Recommendation</td>
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### 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 reason:-

"If the amendments requested in this application are approved it will mean the development can be started without the necessary permissions, plans and designs in place to ensure the health, safety and wellbeing of existing and new villagers. The site can then sit with no time constraints, blighting the village and hanging over the residents for as long as the developers like."

### Context

This application relates to a site off Little Tixall Lane. Outline planning permission was approved for 77 dwellings under reference 14/20886/OUT. The outline permission also approved a new vehicular access from the A51. Reserved matters application reference 17/25920/REM approved appearance, landscaping, layout and scale.

This application seeks to vary the following conditions on the outline permission 14/20886/OUT:

13) **Notwithstanding any details shown on the approved plans no development shall be commenced until revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:- a maximum gradient of 1 in 40 for the first 15m of the access off A51 and a maximum gradient of 1 in 15 thereafter;** maximum gradients of 1 in 20 for the first 15m the realigned arms of Little Tixall Lane and a maximum gradient of 1 in 15 thereafter; **The access shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation.**
14) The development hereby permitted shall not be commenced until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority:-

i. Provision of junction off A51 to DMRB standard
ii. Provision of bus stops as suggested in Transport Assessment
iii. Realignment of little Tixall Lane
iv. Provision of junctions on Little Tixall Lane to DMRB standard, including provision of adequate forward visibility;
v. Provision of footway on Little Tixall Lane west.

The off-site highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

15) The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of:-

i. Extension of 30mph speed limit on Little Tixall Lane from approximately Marlborough Close to east of proposed access between A51 and proposed development (the access off A51 shall also be designed to maximum speed of 30mph);
ii. Traffic calming measures on Little Tixall Lane between proposed access off A51 and Main Road;

have 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.

16) The development hereby permitted shall not be commenced until details of the 4.5mx215m at A51 junction; 2.4mx90m (or to A51 junction as appropriate) at Little Tixall Lane junctions, visibility splays have been submitted to and approved in writing by the Local Planning Authority. The visibility splay 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 following changes to the above conditions are proposed:
Condition 13 – on the 1st line after the word plans replace ‘no development shall be commenced’ with ‘no development other than the construction of a single foundation shall be commenced’
Condition 14 – on the 1st line replace ‘the development hereby permitted shall not be commenced’ with ‘no development other than the construction of a single foundation shall be commenced’
Condition 15 - on the 1st line replace ‘the development hereby permitted shall not be commenced’ with ‘no development other than the construction of a single foundation shall be commenced’
Condition 16 - on the 1st line replace ‘the development hereby permitted shall not be commenced’ with ‘no development other than the construction of a single foundation shall be commenced’

The outline permission states in condition 3 that:
"The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved."
The reserved matters application covering appearance, landscaping, layout and scale was permitted on 3 July 2017 therefore, work on site must commence by 3 July 2018 or the permission will lapse.

By varying the conditions as proposed, this application is seeking to increase the time period within which to design, submit and approve all works required for the proposed junction to the A51 junction and the improvement works to Little Tixall Lane. If a single foundation is implemented before 3 July 2018 then a material commencement would be made on site.

**Officer Assessment – Key Considerations**

1. **Principle**

The principle of residential development is already established on this site.

The proposed variation to the conditions would allow one single foundation to be implemented on site prior to the submission of the highways details as required by conditions 13, 14, 15 and 16. The excavation of a single foundation would constitute a material commencement on site and therefore, allow a greater length of time to submit the necessary highways details to discharge the above conditions.

It is not considered that the excavation of one single foundation would result in any unacceptable amenity issues therefore the principle of what this application seeks to achieve is considered to be acceptable.

2. **Highways**

All conditions to be varied by this application relate to highways matters. It should be noted that all the necessary highways works will still need to be provided, agreed and implemented before the site is developed and occupied.

The applicants in their supporting planning statement have confirmed the following:

“For avoidance of doubt the use of Little Tixall Lane through Great Haywood to access the site will be limited to:
- The construction of a 10m long tarmac spur road off Little Tixall Lane required to keep mud off the public highway
- A single foundation to be excavated and filled with concrete to discharge condition 3 of the outline planning permission
- The construction works to the A51 junction, necessary road improvements and implementation of TROs to Little Tixall Lane to be carried out strictly in accordance with Staffordshire Highways own approved design using their approved contractors”

The Highway Authority have been consulted and do not raise any objections to the proposed variations to the original conditions.
Policies and Guidance:-

National Planning Policy Framework
Paragraph 39

The Plan for Stafford Borough
T2 - Parking and Manoeuvring Facilities

Conclusion
It is not considered that the proposed variation to highways conditions 13, 14, 15 and 16 would result in any unacceptable amenity issues. The Highway Authority originally requested the conditions to the outline permission and have not raised any objections to the revised wording.

Consultations

Highway Authority:
No objections

Colwich Parish Council:
Colwich Parish Council’s Planning Committee considered this application at its meeting on Monday 16th April at which a representative of Lovell Partnership and six residents were in attendance. Having discussed this matter and listened to the points raised by residents and Lovell Partnership the Council cannot support the proposal to vary the conditions.

As you will be aware, the National Planning Policy Framework states:
203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

It further states:
206 Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Colwich Parish Council opposed this development from the outset which it believed was not acceptable, not reasonable and not sustainable. Stafford Borough Council, by imposing conditions on the approval, were clearly trying to make the development more acceptable.

You will be aware that there are two other developments under construction within the parish both of whom use Little Tixall Lane to access and egress their respective sites. To allow work to commence on this site, no matter how small-scale that initial programme might be, would be unacceptable to the residents of Colwich and to Colwich Parish Council and would place further undue stress on the local road network. The Parish Council has, on numerous occasions, raised concerns with both the Borough Council and County Highways as to the poor state of repair of and excessive levels of mud on Little Tixall Lane during the existing works. The Parish Council is concerned to ensure that all vehicles related to this development are excluded from Little Tixall Lane. Rather they should access/egress the site via the new A51 link road which must, therefore, be completed before development commences on site.
The Parish Council can see no justification for agreeing to the commencement of works on the site prior to the conditions in paragraphs 13-16 being met. This application has now been on-going for almost five years. That the present and previous applicants over those five years have failed to meet the reasonable, precise and necessary conditions is not a justification for varying those conditions. To allow this application would, in the opinion of Colwich Parish Council, set a dangerous precedent for the future management by Stafford Borough Council of planning within the Borough.

Neighbours:
123 neighbours consulted and a site notice posted. 29 letters of representation received raising the following objections (summarised):
- No development should be allowed until all conditions are met
- Little Tixall Lane is not an adequate road
- Concern that more works will be undertaken on site – not just one footing
- Allowing conditions to be overturned undermines the original permission
- Nothing wrong with the original conditions
- Conditions meet the 6 tests
- These conditions were designed to safeguard the public and amenities of the local area
- Access onto the A51 is dangerous
- This is not sustainable development
- Developers have had 3 years to sort out the conditions
- If allowed to commence it would allow a development to take place with no guarantee that a suitable scheme would ever be put in place
- Undermines the planning process
- Infrastructure already at breaking point
- Conditions should not be varied at the convenience of the developer
- Risks for pedestrians and local residents
- Increased traffic poses risk to walkers, cyclists and horses
- Impact upon great crested newts

Relevant Planning History

18/27961/FUL - To vary conditions 2, 4 and 5 and to remove conditions 11, 13 and 14 on planning permission 17/25920/REM – permitted May 2018

17/25920/REM - Reserved matters on planning permission 14/20886/OUT addressing the appearance, landscaping, layout and scale – permitted 2017

14/20886/OUT - Outline development of 77 houses (resubmission of 13/19532/OUT) - Permitted – 13 March 2015

13/19532/OUT - Outline residential development of up to 157 units with all matters reserved except details for means of access - Refused - 10/02/2014
Recommendation

Approve, subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.

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 number: LT-100-01A Location Plan
   drawing number: LT-100-01A Site layout as proposed
   drawing number: 3H0878/R12/03B
   drawing number T16835-100A
   drawing number T16835-101
   drawing number T16835-105 C

3. The development hereby permitted shall not be commenced until such time as the details of a satisfactory surface water design in accordance with the outline measures within the Flood Risk Assessment (Ref: 1191/RE/07-13/01 Revision C)) has been submitted to and approved in writing by, the Local Planning Authority. Including:

   1. Improvements to the existing surface water disposal system.
   2. Confirmation of which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule that is achievable.

   The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

4. The development hereby permitted shall not be commenced until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

   (i) location of the site compound;
   (ii) the parking of vehicles for site operatives and visitors;
   (iii) loading and unloading of plant and materials;
   (iv) storage of plant and materials used in constructing the development
   (v) wheel wash facilities
   (vi) provision of perimeter fencing to reduce noise from construction and demolition activities.
5. All works, including any demolition, site works and construction together with any construction deliveries shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00 am to 2.00 pm Saturdays and not at all on Sundays or bank holidays.

6. Any construction equipment left running outside of the approved working hours shall be inaudible at the boundary of any occupied dwelling.

7. Details of the proposed external lighting shall be submitted to, and approved in writing by the Local Planning Authority.

8. The recommendations in section 5 (summary) of the Noise Report produced by Echo Associates dated 24 September 2014 shall be fully implemented.

9. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:-  
   Provision of parking, turning and servicing within the site curtilage;  
   - layout of development;  
   - Means of surface water drainage;  
   - Surfacing materials;  
   The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.

10. The development hereby permitted shall not be commenced until the access has been completed to binder course level. The access shall thereafter be completed to include surface course immediately prior to the development being brought into use.

11. Notwithstanding any details shown on the approved plans, no development other than the construction of a single foundation shall be commenced until revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:-  
   - a maximum gradient of 1 in 40 for the first 15m of the access off A51 and a maximum gradient of 1 in 15 thereafter;  
   - maximum gradients of 1 in 20 for the first 15m the realigned arms of Little Tixall Lane and a maximum gradient of 1 in 15 thereafter;  
   The access shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation.

12. No development other than the construction of a single foundation shall be commenced until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority:-  
   i. Provision of junction off A51 to DMRB standard  
   ii. Provision of bus stops as suggested in Transport Assessment  
   iii. Realignment of little Tixall Lane  
   iv. Provision of junctions on Little Tixall Lane to DMRB standard, including provision of adequate forward visibility;  
   v. provision of footway on Little Tixall Lane west.

The off-site highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.
13. No development other than the construction of a single foundation shall be commenced until an off-site traffic management scheme comprising of:-

i. extension of 30mph speed limit on Little Tixall Lane from approximately Marlborough Close to east of proposed access between A51 and proposed development (the access off A51 shall also be designed to maximum speed of 30mph);

ii. Traffic calming measures on Little Tixall Lane between proposed access off A51 and Main Road;

have 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.

14. No development other than the construction of a single foundation shall be commenced until details of the 4.5mx215m at A51 junction; 2.4mx90m (or to A51 junction as appropriate) at Little Tixall Lane junctions, visibility splays have been submitted to and approved in writing by the Local Planning Authority. The visibility splay 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.

15. Before the proposed development is brought into use, details of pedestrian and cycle routes through and from the development into Great Haywood and details of protection of the public right of way through the site, shall be first submitted to and approved in writing by the Local Planning Authority. The pedestrian and cycle routes shall thereafter be provided in accordance with the approved details and retained for the life of the development.

16. The development hereby permitted shall not be commenced until details have been submitted to and approved in writing by the Local Planning Authority indicating all road construction, street lighting, drainage including longitudinal sections and a satisfactory means of draining roads to an acceptable outfall to SUDS principles which shall thereafter be constructed in accordance with the approved drawings.

17. No part of the development permitted by this consent shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.
18. The development hereby permitted shall not be commenced, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i) a site compound with associated temporary buildings;
ii) the parking of vehicles of site operatives and visitors;
iii) loading and unloading of plant and materials;
iv) storage of plant and materials used in constructing the development;
v) wheel wash facilities.

The construction method statement and management plans shall thereafter be implemented for all operations.

19. No mud or other deleterious material shall be deposited on the highway during construction works. Any mud or other deleterious material that is deposited on the highway shall be immediately removed using mechanical means.

20. The details submitted in relation to 'landscaping' under condition 2 of this consent shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage & sewers, power & communication cables, pipelines etc. indicating lines, manholes supports etc.); retained historic landscaping features and proposals for restoration, where relevant.]

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation program]. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

21. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

22. All trees, shrubs, hedges and bushes which are to be retained in accordance with the approved plans and particulars shall be protected in accordance with the BS 5837: 2012 "Trees in Relation to design, demolition and construction" recommendations for tree protection. This shall include establishing a Root Protection Area (RPA) around each tree, shrub, hedgerow or bush, in accordance with the recommendations of BS 5837: 2012. All RPAs must be enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing with the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. No works or alterations to existing ground levels or surfaces shall be undertaken within the RPAs without the prior written approval of the local planning authority. No materials, equipment or vehicles are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained. All tree protection measures shall be agreed in writing with the local planning authority and their installation undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

23. All works shall be in accordance with the recommendations set out in the following reports by Leigh Ecology;

- Great Crested Newt Mitigation Strategy version January 2015
- Phase 1 Extended Habitat Survey dated December 2013
- Priority bird provision and safeguards January 2015
- A51 junction ecological assessment report January 2015
- Badger Activity Update Survey January 2015'

24. None of the dwellings approved under this consent shall be occupied unless and until a scheme to protect the residents of the dwellings from noise from the A51 has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall thereafter be carried out in accordance with the approved details.

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

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

3. To prevent flooding by ensuring the satisfactory storage or disposal of surface water from the site (Policy N2 of the Plan for Stafford Borough).

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

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

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

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

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

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

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


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

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

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

18. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
20. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

21. To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development. (Policy N4 of the Plan for Stafford Borough).

22. To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development. (Policy N4 of the Plan for Stafford Borough).

23. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Policy N5 of the Plan for Stafford Borough and Paragraph 109 of the National Planning Policy Framework).

24. To safeguard the amenities of the occupants of the proposed dwellings from undue noise. (Policy N1e of the Plan for Stafford Borough)
Application 18/28333/LBC  Case Officer Samantha Borgars
Date Registered 16 April 2018  Target Decision Date 11 June 2018
Address The Cottage  Ward Eccleshall
Park Lane
Chebsey
Staffordshire
ST21 6JU
Parish Chebsey
Proposal Retain UPVC window frames and glazing.
Applicant Mr and Mrs Whyle
Recommendation Refusal

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor J M Pert (Ward Member for Eccleshall) for the following reasons:-

‘For the committee to discuss the impact of removing windows that have been insitu for the past 17 years without comment, concern or enforcement”.

Context

The Cottage is an end of terrace Grade II Listed dwellinghouse situated in the Chebsey Conservation Area.

This application has been submitted as a result of an enforcement enquiry and seeks the retention of the existing unauthorised white UPVC doubled glazed windows and French doors to both the ground floor and first floor of the North West facing (side) elevation and the South-West facing (rear) elevation.

Officer Assessment – Key Considerations

1. Character, Appearance & Heritage

The Cottage is a Grade II listed building circa 17th century and comprises red brick and timber framing which is exposed to the front gable. The property was significantly renovated in the 1980’s with planning permission and listed building consent being granted in 1982 under references 82/13723/LBC and 82/13733/FUL for extensive alterations and a two storey side extension to the building.

The existing windows to the front facing elevation are timber framed, however the windows to the side and rear elevations are white UPVC doubled glazed units. The different appearance and character of the UPVC windows compared with the traditional timber framed windows therefore makes them unsuitable for a listed building.
The Conservation Advisor raises an objection to the retention of the double glazed windows and French doors on historic building grounds, stating that the current UPVC windows are inappropriate in design, proportion and material for a listed building of 17th century origin causing harm both to its intrinsic significance and its contribution to the character and appearance of the conservation area. The UPVC windows also do not satisfy the s72(1) test of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that it fails to conserve or enhance the character and appearance of Chebsey conservation area.

No claim has been made that the property is only capable of use with the continued fitment of UPVC windows or that the unauthorised works deliver a public benefit overriding any harm to the heritage asset (paragraphs 134 and 135 of the NPPF). It is therefore considered that the unauthorised uPVC windows cause harm to the character and appearance of the grade II listed building and its contribution to the streetscene of the Chebsey conservation area. The unauthorised works are not compliant with approved national and local policy, and no arguments have been advanced to demonstrate overriding circumstances.

Policies and Guidance:
National Planning Policy Framework – paragraphs 56, 57, 58, 59, 60, 61, 64, 129, 132, 133, 134, 135 and 137
The Plan for Stafford Borough – Policies N1 Design & N9 Historic Environment Design - Supplementary Planning Document (SPD)

2. Amenity

The windows are all in the approved position from the 1982 planning permission and listed building consent. Therefore there is no adverse implication to neighbour amenity above and beyond what was approved in 1982.

Policies and Guidance:
National Planning Policy Framework – paragraph 17
The Plan for Stafford Borough – Policy N1 Design Design - Supplementary Planning Document

3. Conclusion

By reason of their inappropriate design, proportion and material, which is not in-keeping with the traditional timber windows present on the front facing elevation of The Cottage or other listed buildings on Park Lane, the unauthorised UPVC double glazed windows and French doors on the north-west facing side elevation and south-west facing rear elevation of The Cottage are considered to harm the significance, character and appearance of the grade II listed building and the Chebsey Conservation Area in which it forms an important part.
Consultations

Conservation Advisor:

“The Cottage is a grade II listed building in Chebsey conservation area. The eastern bay of the property is of timber framed construction probably of early 17th century date. It originated as a cross wing to a larger timber framed house which now forms part of Park Cottage, the adjacent dwelling to the south east. The property and an adjoining lean-to extension to the north west was in very dilapidated condition in the early 1980s when listed building consent was granted for extensive repair and part renewal of the decayed external frame together with planning permission for rebuilding and enlargement of the NW annexe. The original timber framing remains broadly intact internally. Although the extension now predominates in the approach to the property along Park Lane its design has sought to reflect local vernacular detailing and it is clearly part of the overall character of the building. The timber framed gable of the historic cross wing remains readily visible in the street view.

The significance of the listed building is for the survival of the original timber framed bay as evidence of a high quality structure of its date; for its place in the history and development of Chebsey and its contribution to the townscape of Park Lane and the conservation area (a factor noted by the reference to Group Value in the list description). It well merits its listing.

The current application is for consent to retain uPVC windows inserted throughout the property circa 2000 without the benefit of listed building consent. Historic England guidance published in Traditional Windows, Their Care, Repair and Upgrading (2016) comments that “replacement plastic (PVC-u) windows pose one the greatest threats to the heritage value of historic areas, particularly in towns and villages. …they are instantly recognisable because they cannot match the sections and proportions of historic joinery”. They point out, applying the criteria from their publication Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (2008) that “Fenestration often forms an integral part of the design of the building and contributes to a building’s visual interest. If later in date, its aesthetic qualities may add to or detract from the interest of a building. Replicas or recreations of fenestration of aesthetic quality will maintain this value. In contrast, much off-the-peg joinery and modern glazing does not replicate historic appearance and so can detract from the aesthetic value of the building. Their design, detailing and operation make them look different to traditional windows.”

It was unfortunate, judged from the photographic evidence submitted with the current application, that the proprietary timber windows inserted when the property was restored in the 1980s were of clumsy and unhistoric proportions with heavy section glazing bars and weatherstriped toplights which failed to replicate those existing prior to redevelopment. These windows detracted from the character and appearance of the historic building. It is highly regrettable that this pattern of window was replicated circa 2000 when the present fenestration was inserted without the benefit of listed building consent. The design shortcomings are exacerbated by the use of uPVC which, as well as being an unauthentic material for use in an historic building, has considerably increased the proportions of all members and made the heavy window frames a preponderant and intrusive feature of the elevations. This is readily apparent in views of the building along Park Lane. The current windows are inappropriate in design, proportion and materials for a listed building of 17th century origin causing harm both to its intrinsic significance and its contribution to the character and appearance of the conservation area.
The unauthorised works do not comply with policies N1, N8 or N9 of the Plan for Stafford Borough (2014) relating to protection of historic buildings, good design and safeguarding local character. It does not satisfy the s72(1) test of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that it fails to conserve or enhance the character and appearance of Chebsey conservation area. I have read the various statements of support submitted by local residents but note that none of these has shown that uPVC windows of this design are an appropriate fitment in a listed building or conservation area. The lapse of time between the unauthorised installation and the works being identified to which several correspondent refer is recognised (it is unfortunate that no action was taken when the conservation area assessment was prepared in 2015) but this does not detract from the works being harmful to the listed building. No claim has been made that the property is only capable of use with the continued fitment of uPVC windows or that the unauthorised works deliver a public benefit overriding any harm to the heritage asset (paras 134 and 135 of the NPPF).

In short the unauthorised uPVC windows have caused harm to the character and appearance of this grade II listed building and its contribution to the streetscene of Chebsey conservation area. The unauthorised works are not compliant with approved national and local policy, and no arguments have been advanced to demonstrate overriding circumstances. It is recommended therefore that listed building consent should be refused for the retention of the unauthorised works at this property. It is further recommended that enforcement action should be commenced within six months of the planning decision to secure removal of all the unauthorised uPVC windows and their replacement with suitable period style timber windows to secure if suitable remedial works have not previously been agreed with the applicants.”

Parish Council:
Councillors considered the above planning application at their meeting on 8 May 2018, and had no comment to make other than to regret the waste of time, both for the property owner and planning officials, involved in pursuing this matter.

Neighbours (6 consulted):
No representations received

Site Notice: Listed Building Consent within Conservation Area
Expiry date: 16.05.2018

Newsletter Advert: Listed Building Consent within Conservation Area
Expiry date: 30.05.2018

Relevant Planning History

82/13723/LBC & 82/13733/FUL - Alterations and improvements – Permitted – 24.11.1982

85/17691/FUL - Erection of private garage – Permitted – 07.08.1985

LISTBL/00170/EN17 – Unauthorised works to a listed building - UPVC windows inserted – Pending Consideration
Recommendation

Refuse due to the following reasons:

1. The UPVC double glazed windows and French doors on the north-west (side) and south-west (rear) elevations of The Cottage by means of their inappropriate design, proportions and materials harm the significance of this Grade II listed heritage asset, together with the character and appearance of this part of the Chebsey Conservation Area within which The Cottage forms an important part, and for which no overriding public benefit has been demonstrated to override this harm. The UPVC double glazed windows and French doors are therefore contrary to Paragraphs 133 and 134 of the National Planning Policy Framework and Policies N1 (h) and N9 of the Plan for Stafford Borough.
ITEM NO 6

STAFFORD BOROUGH COUNCIL

PLANNING COMMITTEE - 30 MAY 2018

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

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

Decided Appeals

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Location</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>17/25852/COU</td>
<td>The Lock House Trent Lane Great Haywood</td>
<td>Change of use of outbuilding and part of ground floor from restaurant to living accommodation as part of a single house</td>
</tr>
<tr>
<td>Appeal Dismissed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17/27433/FUL</td>
<td>Long Lane Head Farm Long Lane Stoke On Trent</td>
<td>Conversion of derelict barn to single residential dwelling</td>
</tr>
<tr>
<td>Appeal dismissed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

Mr John Holmes, Development Manager Tel 01785 619302
Appeal Decision
Hearing Held on 1 May 2018
Site visit made on 1 May 2018
by L Fleming  BSc (Hons) MRTP
an Inspector appointed by the Secretary of State
Decision date: 04 May 2018

Appeal Ref: APP/Y3425/W/17/3190637
The Lock House, Trent Lane, Great Haywood, Stafford ST18 0ST

- 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 Mark Edwards against the decision of Stafford Borough Council.
- The application Ref 17/25852/COU, dated 23 February 2017, was refused by notice dated 26 June 2017.
- The development proposed is reversion of outbuilding and part ground floor of existing dwelling back to living accommodation.

Decision
1. The appeal is dismissed.

Main Issues
2. The main issues are the effects of the proposed development on:
   - the rural economy;
   - access to social and community facilities.

Reasons

Rural economy
3. The appeal site forms part of a group of buildings just outside of the defined settlement boundary of Great Haywood adjacent to the Trent and Mersey Canal. Although trading has recently ceased it was last used as a tea room which was granted planning permission in 1986.

4. Policy E2 of The Plan for Stafford Borough 2011-2031 (2014) (TPSB) states within rural areas, developments that provide for the sustainable use and re-use of rural buildings for appropriate uses will be permitted where among other things it gives priority to economic uses before residential uses and it has been demonstrated that every attempt has been made to secure a suitable commercial re-use.

5. Irrespective of whether or not the residential element of Lock House is its primary use or whether or not the residential or tea room element could be 

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Council Reference 18680

https://www.gov.uk/planning-inspectorate
operated independently, the fact remains, that the most recent use of the appeal site was a commercial use.

6. It is the appellant’s view that the commercial use is not viable. I have considered the detailed financial information including the letters from accountants. I note these confirm significant annual losses and comment that the most recent enterprise cannot be made viable.

7. However, the rent figure for both the commercial and residential accommodation is combined making it difficult to draw a definitive conclusion on the viability of the commercial enterprise. I accept that even with rent removed from the figures there would still be losses, but I am unable to understand the true extent of the losses associated with the commercial use.

8. I was told the business was only open for up to five hours in the daytime seven days a week and although extending the opening hours into the evening was considered, this never happened. Furthermore, when asked what was done to promote the business, I was told it relied on passing trade, regular local customers and referrals from other businesses. Moreover, the financial information shows no significant advertising expenses.

9. I do not doubt that the appellants have made significant investment in the business since 2013. I also accept that in order for the premises to operate and be attractive to customers significant upgrading work would be required.

10. However, whilst I am told that the upgrading work could cost in the region £300k including underpinning, a new roof, new windows and service upgrades to meet commercial standards there is no substantive evidence before me such as surveys or technical specifications informed by an assessment against the relevant regulations.

11. I therefore find the evidence associated with the viability of the enterprise, what efforts have been made and the costs of the works necessary to make it viable to be lacking in sufficient detail. I therefore cannot be certain that a commercial enterprise could not be viably operated from the appeal property.

12. Furthermore, whilst I acknowledge that prior to the appellant’s acquisition of the appeal property it was marketed for sale for some seven years with limited interest as the premises have not been recently marketing for sale or rent at appropriate market value for a reasonable period I cannot be certain that someone else would not be able viably operate a commercial enterprise from the appeal site.

13. Thus, I am not satisfied that every attempt has been made to secure a suitable commercial re-use and I am therefore led to the conclusion that the proposed development would be in direct conflict with Policy E2 of the TPSB which seeks to achieve a prosperous rural economy.

Social and community facilities

14. Policy SB2 of The Plan for Stafford Borough: Part 2 2011-2031 (2017) (TSPB2) makes clear the change of use of social and community facilities to uses including residential will be resisted unless it can be established that the services provided by the facility are no longer required and it can be demonstrated that the site has been actively marketed for an alternative social or community use for over twelve months, or can be served in an alternative
location within the same settlement, or in a manner that is equally accessible to the local community.

15. I acknowledge the Inspectors findings in 2016\(^2\), that the restaurant-tea room is a community facility of the type supported by local and national policies, the loss of which would be acutely felt both by the local community and by tourists alike and overall that the proposal would result in the loss of an important community facility. However, that decision was made prior to the adoption of the TSPB2.

16. The justification to Policy SB2 of TSPB2 states for the purposes of the Local Plan, social and community uses are defined as including community/meeting halls and rooms, doctors, dentists, hospitals and other health facilities, libraries, police and other emergency facilities, places of worship; schools and other educational establishments; and sport facilities. This list does not include tea rooms or any other use falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

17. Even if I were to accept the appeal site was a community facility, Policy SB2 of the TSPB2 is permissive of the proposed development where the use to be lost can be served in an alternative location within the same settlement, or in a manner that is equally accessible to the local community, notwithstanding the need to accord with other policies of the development plan.

18. I was told the appeal premises sold hot and cold food and drinks during the day time. There are a number premises nearby which serve the same purpose. In my view the most comparable are the Canalside Café and the café facilities at Shugborough Hall.

19. The modern Canalside Café forms part of a wider business enterprise including a farm shop and is a short walk from the village. The recently refurbished café facilities at Shugborough Hall form part of a wider National Trust estate within walking distance. Even though these facilities are not within the settlement boundary of Great Haywood, neither is the appeal site.

20. Whilst the appeal site is closer to the settlement boundary both the Canalside Café and the café facilities at Shugborough Hall are reasonably accessible to the main built up part of Great Haywood. Furthermore, the Clifford Arms and the Sports and Social Club also provide opportunities for hot and cold food and drink within Great Haywood.

21. On the basis of the evidence before me, any community or social facility provided by the appeal site is adequately catered for by other facilities nearby which when considered collectively are equally if not more accessible, thus its loss would not be harmful in this regard.

22. For these reasons, the proposed change of use would accord with the aims of Policy SB2 of the TPSB2 and Policy CLE2 of the Colwich Neighbourhood Development Plan 2011-2031 (2016), which seek to maintain reasonable access to community services and facilities.

\(^2\) Appeal Reference APP/Y3425/W/16/3153077
Other Matters

23. The appeal site is within the Great Haywood and Shugborough Conservation Area (CA) and within the settings of a number of listed buildings. It is also within the Cannock Chase Area of Outstanding Natural Beauty (AONB). However, as the proposals are solely for a change of use I agree with both main parties that it would have a neutral effect on the settings of any listed buildings and both the character and appearance of the CA and the landscape and scenic beauty of the AONB would be preserved.

24. I have attached limited weight to the appeal decision relating to a proposal in Rushcliffe Borough as the full circumstances of that case are not before me, particularly the relevant development plan policies. I have determined the appeal on its merits.

25. I have also noted the comments with regard to permitted development rights under Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, those rights only permit a change of use to another commercial use and I have found the loss of a commercial use in a rural area has not been justified.

Conclusion

26. For the reasons given above, having had regard to all other matters raised, I conclude that on balance the proposal would not accord with the development plan and thus the appeal should be dismissed.

L Fleming
INSPECTOR

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3 Appeal Reference APP/P3040/W/17/3186110
APPEARANCES

FOR THE APPELLANT

Mr Rob Mills Planning Consultant
Mr Mark Edwards Appellant

FOR THE COUNCIL

Mr Mark Alford Principal Planning Officer

INTEREST PARTIES

James Sarjant
Grace Rawcliffe

DOCUMENTS SUBMITTED AT THE EVENT

Appeal Decision Ref: APP/P3040/W/17/3186110
Appeal Decision

Site visit made on 26 April 2018

by Beverley Wilders BA (Hons) PgDurp MRTP

an Inspector appointed by the Secretary of State

Decision date: 11 May 2018

Appeal Ref: APP/Y3425/W/18/3193102

Long Lane Head Farm, Long Lane, Stoke on Trent ST15 8SN

- 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 Shammas against the decision of Stafford Borough Council.
- The application Ref 17/27433/FUL, dated 27 October 2017, was refused by notice dated 20 December 2017.
- The development proposed is conversion of derelict barn to single residential dwelling & erection of new garage.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development used in the heading above has been taken from the planning application form. However it appears that during the course of the application and prior to it being determined by the Council, the erection of the new garage was removed from the proposal. I have determined the appeal accordingly.

Main Issues

3. The main issues are:
   - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
   - the effect of the proposal on the character and appearance of the host building and the surrounding area.

Reasons

Whether the proposal is inappropriate development

4. The appeal site comprises a two storey brick barn in a rural location within the Green Belt. I understand that consent has previously been granted for its conversion to two dwellings, most recently under a notification for prior approval (Ref 15/23190/PAR). A previous appeal against the refusal of a conversion scheme was dismissed in August 2017 (Ref 16/24832/FUL).
5. The Council’s reason for refusal refers to policies E2 and N1 of the Plan for Stafford Borough 2011-2031 (PFSB). However Policy E2 does not relate to development in the Green Belt and Policy N1 relates to design so neither policy is directly relevant to the issue of whether or not the proposal is inappropriate development in the Green Belt. Consequently I have not had regard to them in relation to this issue.

6. Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Paragraph 90 of the Framework states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

7. The barn has two existing extensions, a corrugated metal lean-to on the rear elevation and a breeze block lean-to on the side (north) elevation, neither of which appear to be original. The proposal includes the demolition of the existing extensions and the construction of a larger lean-to extension on the rear elevation. I have not been provided with any figures relating to the size of the extension relative to the original barn but having regard to the overall size of the extension including its external dimensions, height, volume and floorspace relative to the size of the original barn building I do not consider it to be disproportionate. Consequently I consider that the extension of the building would not be inappropriate development having regard to paragraph 89 of the Framework.

8. A structural report was submitted with the application and I understand from the evidence that it stated that whilst the roof of the barn needs to be replaced, that the walls are structurally sound and would not require significant re-building. The Council has not raised any concerns regarding the structural stability of the barn and I have no reason to disagree with its findings in relation to this issue or with the conclusions of the structural report. Having regard to the size and location of the proposed residential curtilage relative to the barn and to the size and form of the proposed extension associated with the re-use of the barn, I consider that the proposed re-use of the building would preserve the openness of the Green Belt and would not conflict with the purposes of including land in it, notwithstanding the inevitable urbanisation that would result from a residential conversion and any concerns that I may have regarding the effect of the proposal on character and appearance. Consequently I consider that the re-use of the building would not be inappropriate development having regard to paragraph 90 of the Framework.

Character and appearance

9. The existing barn has a simple and utilitarian appearance. It is mainly constructed from traditional materials and contains a number of existing openings, most of which are modest in scale and reflect the original agricultural use of the building. The appeal site is located in a rural location, with limited built development nearby and with the exception of the adjacent dwelling is surrounded by agricultural fields.

https://www.gov.uk/planning-inspectorate
10. In the main the proposal would retain and utilise existing openings within the barn with the exception of the insertion of a very large glazed opening in one of the side elevations and the replacement of the existing rear lean-to with a larger extension incorporating a large amount of glazing. Having regard to the design and appearance of these alterations they would be unsympathetic to and would fail to respect the simple character and form of the barn and would result in an overly domesticating design out of keeping with the rural character of the appeal site and the surrounding area. Whilst they are not located on elevations facing the road and are not prominent, they would nevertheless be harmful to the character and appearance of the host building and the surrounding area. Though the rear extension would maximise the functional space internally, this benefit and the fact that it would be constructed from matching materials and that the barn is not a listed building would not overcome the harm to character and appearance that I have identified.

11. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the host building and the surrounding area. It is therefore contrary to Policy N1 (g) and (h) of the PFSB which states, amongst other things, that development must include high design standards that take into account local character and preserve and enhance the character of the area.

Other Matters

12. In reaching my decision I have had regard to the fact that the barn is currently vacant and in a state of disrepair and that there is some support for the proposal. However it appears from the evidence that prior approval was given under reference 15/23190/PAR for the conversion of the barn to two dwellings and whilst it is unclear whether this approval remains extant, there is no substantive evidence that the refusal of planning permission for the proposal would result in the barn falling into further disrepair. The fact that there is some support for the proposal does not in itself mean that planning permission should be granted for it.

Conclusion

13. The proposal would not be inappropriate development in the Green Belt but it would have a significant adverse effect on the character and appearance of the host building and the surrounding area. The proposal is therefore contrary to the development plan when taken as a whole and there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

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

Beverley Wilders

INSPECTOR
Enforcement Matters

Report of Head of Development

Purpose of Report

To consider the following reports.

(a) WKS2/00048/EN17 - 92 St Georges Parkway, Stafford 48 - 50

(b) Enforcement Progress Report - 1st Quarter 2018 51 - 52

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302
Ward - Coton

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, shed and fence to the front elevation at 92 St Georges Parkway, Stafford, without the benefit of planning permission.

1 Detail

1.1 A report was received by planning enforcement on 27 February 2017 regarding the introduction of a metal storage container on the side elevation of the residential property 92 St Georges Parkway.

1.2 At a site visit on 6 March 2017, it was noted that a metal storage container had been introduced to the garden area, which by virtue of being a corner plot, is the side elevation of the building. A smaller shed had also been positioned adjacent to the storage container. A fence had also been introduced to the front elevation on top of an existing wall, adjacent to a highway giving a combined height of 1.8 m.

1.3 When planning permission was approved for development of the site, ref 10/13691/FUL, permitted development rights were removed. Condition 7 removes consent to erect fences, condition 21 removes consent for outbuildings or extensions.

1.4 On the 9 May 2017 a letter was sent requesting the storage container, shed and fence be removed from the land or submit a retrospective planning application to retain both.

1.5 On the 2 August 2017 a retrospective planning application was submitted to the planning department. However, the planning application could not be progressed on the grounds of supporting information was deemed insufficient. The application remains invalid.

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 and shed have been introduced to the land as has a fence erected on top of an existing wall. All require planning permission. No effort has been made to provide that information to progress the planning application or remove the unauthorised storage container, shed and fence from the land.

3.2 The storage container, shed and fence remain unauthorised and are clearly visible on a side elevation of a building, prominent on the street scene. The storage container is of an industrial nature and out of keeping with the residential estate. The shed, whilst significantly smaller is located on a visible corner and due to its metal construction looks out of keeping with the residential estate. Additionally, permitted development rights for fences and outbuildings were removed from the original planning application to maintain the character and appearance of the area.

3.3 It is considered that the storage container, shed and fence are out of keeping with the area and contrary to policy N1 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 storage container, shed and fence.

Background Papers

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

17/26885/HOU Installation of container with surrounding area to have gate and fence installed - Invalid

WKS2/00048/EN17 - Unauthorised Storage Cabin.

Contact Officer

Mrs Eiryl McCook - Development Lead - 01785 619732
Enforcement Quarterly Report - 1st Quarter 2018

<table>
<thead>
<tr>
<th>Location</th>
<th>Unauthorised Works/Use</th>
<th>Action Authorised</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spot Acre, Hilderstone Road, Spot Acre.</td>
<td>Use of land for traveller site.</td>
<td>04 March 2015</td>
<td>Further temporary period approved by planning inspector for a period of 3 years. Occupancy period until 15 November 2019, restore the land a further 3 months.</td>
</tr>
<tr>
<td>Little Haywood General Stores, Main Rd, Little Haywood.</td>
<td>Railings</td>
<td>05 October 2016</td>
<td>Appeal dismissed, compliance due 13 December 2017, none compliance, legal action to commence</td>
</tr>
<tr>
<td>Knights BMW, Radford Bank, Stafford.</td>
<td>Car Park</td>
<td>16 November 2016</td>
<td>Car Parking Ceased, Hardsurfacing removed, removal of materials taken place, trace remains grassing over. NFA.</td>
</tr>
<tr>
<td>Heathcroft, Trent Drive, Ingestre.</td>
<td>Domestic curtilage extension.</td>
<td>25 January 2017</td>
<td>Enforcement Notice appeal received. Inquiry Summer 2018</td>
</tr>
<tr>
<td>3 Hunters Ride, Stafford</td>
<td>Landscaping/Access</td>
<td>15 February 2017</td>
<td>Breach of conditions notice served. Fence, Gate and Materials removed. NFA.</td>
</tr>
<tr>
<td>The Granary, Lower Hermies Farm, Chebsey.</td>
<td>Close boarded fence and gates.</td>
<td>18 April 2017</td>
<td>Enforcement Notice appeal received. Inspectors site visit 11 December 2017. Appeal allowed subject to the removal of the finials by 15th January 2018, Follow up site visit required.</td>
</tr>
<tr>
<td>Cold Norton, Norton Bridge, Stone</td>
<td>Non compliance with landscaping scheme</td>
<td>26th October 2017</td>
<td>Breach of conditions notice served. Compliance by 26th March 2018. Follow up site visit required.</td>
</tr>
<tr>
<td>Church View Seighford</td>
<td>Drive</td>
<td>06 December 2017</td>
<td>Planning Application received for change of use of land and application received to vary S106. Applications Refused.</td>
</tr>
<tr>
<td>Location</td>
<td>Unauthorised Works/Use</td>
<td>Action Authorised</td>
<td>Progress</td>
</tr>
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</tr>
<tr>
<td>Moddershall Valley Trout Farm</td>
<td>Wooden Cabin</td>
<td>06 December 2017</td>
<td>Cabin removed. NFA</td>
</tr>
<tr>
<td>The Mews Care Home, Stone Rd, Eccleshall</td>
<td>Signage</td>
<td>06 December 2017</td>
<td>Owner agreed compliance with deemed consent requirements. Follow up site visit required. Sings removed or deemed consent. NFA</td>
</tr>
<tr>
<td>The Old Stores, Newport Rd, Woodseaves</td>
<td>Drive, wall, gates and patio.</td>
<td>06 December 2017</td>
<td>RFI received, legal responded to response, enforcement Notice to be compiled.</td>
</tr>
<tr>
<td>The Stables, Outwoods Bank, Outwoods.</td>
<td>Siting of a mobile home for use during stable conversion.</td>
<td>03 January 2018</td>
<td>RFI Served. Appeal received for refused planning application to convert stables into residential property.</td>
</tr>
<tr>
<td>The Holmcroft PH, Tillington, Stafford</td>
<td>Car Park Landscaping</td>
<td>03 January 2018</td>
<td>Planning Application received for modified scheme and approved, awaiting implementation</td>
</tr>
<tr>
<td>Former Methodist Church, Garshall Green.</td>
<td>Unauthorised conservatory.</td>
<td>03 January 2018</td>
<td>Planning application refused. Appeal received.</td>
</tr>
<tr>
<td>Land at Station Road, Gnosall.</td>
<td>Retail Sales on agricultural site.</td>
<td>24 January 2018</td>
<td>Enforcement Notice served. Compliance 12 April 2018. Complied with Enforcement Notice. NFA.</td>
</tr>
</tbody>
</table>