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 January 2019 at 6.30pm to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

A. R. Well

Head of Law and Administration
PLANNING COMMITTEE - 30 January 2019

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

AGENDA

1 Minutes
2 Apologies
3 Declaration of Member’s Interests/Lobbying
4 Delegated Applications
   Details of Delegated applications are/will be set out in Section 6 of Digest No 252 published on 8 February 2019

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MEMBERSHIP

Chairman Councillor R M Sutherland

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

(Substitutes - F Beatty, R J Draper, A P Edgeller, J Hood, S Learoyd)
Ward Interest - Nil

Planning Applications

Report of Head of Development

Purpose of Report

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

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This application was called in by Councillor L Bakker-Collier.

Officer Contact - John Dolman, Development Lead (Large Scale) - Telephone: 01785 619331

This application was called in by Councillor J W Farnham.

Officer Contact - Natasha McCann Telephone: 01785 619337

This application has been made by Stafford Borough Council, it shall therefore be decided by the Planning Committee as required.

Officer Contact - Samantha Borgars, Development Lead (Small Scale) - Telephone: 01785 619513

The applicant is Stafford Borough Council member for Barlaston Ward.

Officer Contact - Gavin Pearce, Tree Officer Telephone: 01785 619539
Previous Consideration

Nil

Background Papers

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

This application has been called in by Councillor Lynne Bakker-Collier (Ward Member for St Michael's and Stonefield) for the following reasons:-

"For the committee to consider:
1. The development of land outside the settlement area and boundary for local housing.
2. The impact on Stone High Street shops from additional food store and service centre."

Context

This is an outline application for affordable (local) housing and a local shopping and service centre including the provision of a local food store with all matters reserved for subsequent approval on land off the eastern side of Lichfield Road. The site is bounded by the properties, the dwelling Plum Tree Cottage and The Bungalow (Smarty’s Nursery) and Lichfield Road to the west, Watson’s Scrapyard to the south, the Colwich to Stone branch of the West Coast Main Railway Line to the east and by modern residential development on Taverner’s Drive to the north. This rectangular shaped site, which has an overall area of 0.91 ha, for the most part comprises grassland, also includes an existing parking lay-by off Lichfield Road at its south-western end.

While all details have been reserved for subsequent approval an illustrative layout plan has been submitted with the application showing 20 residential units (7 pairs of semi-detached units and 2 three unit terrace blocks) on the northern and central sections of the site occupying about two-thirds of the overall site area and a n “L” shaped retail block on the southern third of the site (one unit of 420 sq m and four each with a floor area of 93 sq m). This layout also shows an access onto Lichfield Road immediately to the south of Plum Tree Cottage. The access road serves the houses running north along the
boundary with Plum Tree Cottage and The Bungalow and with a parking and servicing area between the units and the Lichfield Road site boundary. Illustrative elevation details for the retail units have also been submitted including levels.

The application as originally submitted referred to local housing rather than affordable housing, with an illustrative layout including 29 residential units.

**Officer Assessment - Key Considerations**

1. **Housing Policy**

   The proposed development is on a greenfield site outside the settlement boundary in the Plan for Stafford Borough Part 2 (adopted January 2017), but adjacent to the built up area of Stone.

   The Plan for Stafford Borough is clear that new development for housing, retail and services should be focussed within the sustainable settlement hierarchy’s boundaries including Stone Town. The housing distribution for the Sustainable Settlement Hierarchy across the Borough is set out in Spatial Principle 4, with 10% of the overall housing requirements for the Borough (1,000 new houses) to be delivered in Stone Town over the Plan period.

   At this stage no further development on greenfield land is required to meet the Plan’s housing requirement for Stone. It is recognised, however, that an element of provision may occur on brownfield sites within the Town, as encouraged by Spatial Principle 7.

   The Council has to show a 5 year + housing land supply to meet the requirements of the National Planning Policy Framework (NPPF) which is set out by the housing provision within the Plan for Stafford Borough. The Council can currently demonstrate a 5 year supply of housing land, including a 10% buffer, in the context of the Plan for Stafford Borough.

   The Council accepts that the provision of 10,000 units over the Plan period is not a maximum, but considers that any growth above this figure must be delivered in proportion with the development strategy set out in Spatial Principle 4 (i.e. 10% of development to take place in Stone). It is vital that new development in the lower levels of the hierarchy is not allowed to significantly exceed the proportional split as this would significantly distort the intended growth pattern seriously undermining the recently adopted Plan for Stafford Borough. The proportion of development committed at each level of the hierarchy obviously changes regularly as new developments are granted permission. Trends, however, can be determined and current figures show that the target figures in SP4 are likely to be exceeded at all levels of the hierarchy.

   Spatial Principle 7 states that development in locations outside the settlement hierarchy will only be supported where: (i) if located within the Green Belt is consistent with national policies for the control of development and Policy E5 (major developed sites); (ii) is consistent with the objectives of SP6 and Policies E2 and C5 in supporting rural sustainability; (iii) does not conflict with environmental protection and nature conservation policies in the plan; and (iv) provision is made for any necessary mitigating or compensatory measures to address any harmful implications.
With regard to criteria (ii) of SP7, Policy C5A advises that outside the settlement hierarchy, new development, apart from meeting the criteria listed in SP7 will also need to: (1) demonstrate that provision cannot be made within the settlement hierarchy; (2) be supported by a Parish based Local Housing Needs assessment proving that it meets a defined need; and (3) be of high quality design reflecting the setting, form and character of the locality and surrounding landscape.

The residential element of the proposed development is for 20 affordable houses. Policy C5A, does however allow for the provision of affordable housing on “rural exception sites” subject to a number of criteria being satisfied.

Outline planning permission was recently granted on appeal for the construction of up to 20 houses on land at Blackie’s Lane /Saddler Avenue, Stone (application 17/25759/OUT). This site is similar to the current application site with regard to its location being within the administrative area of Stone Town and outside, but adjacent to, the settlement boundary for Stone. The Blackie’s Lane application, however, was advanced as a rural exceptions site from the outset. Following legal advice, the Council ultimately took the view that the site and indeed any other site outside a settlement boundary could be considered as a rural exceptions site so long as the housing proposed satisfied a rural need.

All potential rural exceptions sites must be assessed against the relevant criteria for the approval of such sites. These are: (a) that it is well related to existing development; (b) that it delivers 100% affordable housing; (c) it provides an element of specialist housing subject to local need; and (d) that it be justified by a Parish based Local Housing Assessment.

It was considered that the Blackie’s Lane application satisfied criterion (a) and was capable of satisfying (b) as it has been submitted as an application for affordable housing and criterion (c), but failed to satisfy criterion (d) in the absence of a Parish based Local Housing Assessment.

The subsequent paragraph in Policy C5A states, however, that such housing is to be justified on the grounds of local needs, unless the initial and subsequent occupancy of such developments is controlled through planning agreements or conditions via a Registered Provider, to ensure that the accommodation remains in perpetuity, to meet the need for which it was permitted. In the Blackie’s Lane case the applicants stated that as it was intended that all the dwellings would be controlled by a Registered Provider, a local needs assessment is not required in that case. The Council acknowledged that this interpretation was correct.

A view was taken, however, that a rural exceptions site must be a site to be used specifically for affordable housing in rural communities, in accordance with the definition in the local plan. Furthermore, it was not considered that the proposal would be consistent with the provisions of SP6, which seeks to support rural sustainability or with Key Objective 25, which seeks to provide new homes, including affordable homes, on appropriate sites in existing villages to support sustainable rural communities. The application was refused on the grounds that it did not comply with the basic requirement of Policy C5A in that it would not provide affordable housing in rural communities and
consequently did not satisfy Key Objective 25 of the Plan or the provisions of Spatial Principle 6 in that it would not support sustainable rural communities.

An appeal was subsequently lodged and a Planning Hearing scheduled. In legal discussions at the commencement of the Hearing, the Council had to accept that given that the applicants had confirmed that they would be prepared to enter a mechanism (legal agreement or condition) to ensure that that the houses would be provided and subsequently retained as affordable and subject to that mechanism ensuring that the housing provided met a rural need that the proposal satisfied the provisions of Policy C5 A and that any evidence regarding rural need was not relevant. The consent granted on appeal is linked to two Unilateral Undertakings, one of which relates only to affordable housing. This sets out an occupancy qualification with dwellings first being made available to residents of the Borough excluding Stafford, Stone and the Key Service Villages, subsequently to also include the Key Service Villages and finally to also include the settlement of Stone.

The current applicants have now confirmed that they would be prepared to enter into a single Section 106 Agreement with the Council to include the same affordable housing occupancy restrictions contained in the Blackie’s Lane Unilateral Undertaking together with financial obligations required. While the current application was not specifically submitted as a rural exceptions site, with the amendment of the application to specify the residential element to be fully affordable and the subsequent undertaking to enter an agreement for affordable housing to be subject to the same occupancy provisions as the Blackie’s Lane site, the housing element must now be assessed as and considered to meet the Council’s requirements for a rural exceptions development complying with the provisions of Policy C5 A of The Plan for Stafford Borough.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs 8, 11, 47, 77

The Plan for Stafford Borough
Policies: Spatial Principle 1 - Presumption in favour of Sustainable Development, Spatial Principle 2 - Stafford Borough Housing & Employment Requirements, Spatial Principle 3 - Stafford Borough Sustainable Settlement Hierarchy, Spatial Principle 4 - Stafford Borough Housing Growth Distribution, Spatial Principle 7 - Supporting the Location of New Development; Policy C2 Affordable Housing, Policy C5 Residential Proposals outside the Settlement Hierarchy

2. Retail Policy

The retail development proposed on part of the site needs to be considered in the context of Policy Stone 1 - Stone Town and Policy E8 - Town, Local and Other Centres. Policy Stone 1 seeks to strengthen Stone Town Centre in terms of vitality and viability by encouraging development and expansion of the Town Centre as well as targeting new housing and employment development to the Strategic Development Locations at Stone. Policy Stone 1 - Stone Town identifies a requirement for 1,700 sq m of new (net) convenience (food) retailing and 400 sq m of new (net) comparison (non-food) retailing in Stone Town Centre. New retail development outside of the Town Centre must meet the
requirements set out in Policy E8. This policy sets out the network and hierarchy of centres across Stafford Borough seeking specific measures including the requirement that new development proposals at Stone providing greater than 500 square metres of gross floorspace for town centres uses in an edge or out-of-centre location should be the subject of an impact assessment. For local centres the threshold is 300 sq m. While plans submitted are only illustrative, it is accepted that the applicant would be seeking to carry out a retail development very similar in nature, size and scale to what is indicated in the illustrative drawings, with one larger and four smaller units with a total floor area of approximately 800 sq m.

A retail assessment has been submitted with the current application as required by local plan Policy E8. The assessment includes both a Sequential Test examining potential alternative locations and an Impact Assessment on the surrounding area including the potential impact on Stone Town Centre. The Council has instructed an independent retail consultant to carry out an assessment of the report. The Council’s consultant requested that the sequential test undertaken should consider two additional sites, at Opal Way and a possible subdivision of the former Co-op store in Stone Town Centre. It is now accepted that the Opal Way site is unlikely to be a suitable alternative due to its location within the industrial estate. Following confirmation that the likely intended occupier of the proposed convenience store at the application site would be the Co-op, the Council’s consultant accepted that, notwithstanding the issue of suitability, it would not be realistic to assume that the Co-op would go back into a site from which it has recently withdrawn. It should also be noted that the former Co-op has subsequently been re-let. Following receipt of this additional information the Council’s consultant has confirmed that he is satisfied that the terms of the sequential test have been met demonstrating that there is no suitable alternative site within the settlement boundary.

With regard to impact on existing retail development in Stone Town Centre, the Council’s consultant originally queried the trade diversion assumptions applied as part of the applicant’s assessment, considering that a higher proportion of the proposed development’s turnover could be drawn from the Morrison’s store in Stone Town Centre. Figures in the assessment were subsequently revised to assume that 20 per cent, rather than 15 per of the development’s turnover would be drawn from Morrison’s. The revised analysis also took account of likely impact of the M&S store at Westbridge Park, which has also now subsequently opened.

The Council’s consultant considers that the overall health of Stone Town Centre is reasonable and that the cumulative trade impacts are on the margins of acceptability, given the closure of the Town Centre Co-op store. He recognises, however, that the proposed development would only account for a small part of this cumulative impact, that the M&S store at Westbridge Park may contribute positively to the Town Centre through linked trips, and that there is a relative paucity of neighbourhood shopping facilities within the Little Stoke/Lichfield Road area of Stone. On balance, therefore, he has advised that there would be insufficient grounds on which to sustain a reason for refusal of the current application based on retail impact.

In light of these conclusions, it is considered that it has been demonstrated that the proposed retail development complies with the provisions of Policy E8 of The Plan for Stafford Borough and will not conflict with the strategy for Stone set out in Policy Stone 1 - Stone Town.
3. Character & Appearance

It must be acknowledged that any development on open land will have some adverse impact on the character appearance of the surrounding area. In this particular case, however, it is considered that such impact will be limited. Part of the site comprises a road lay-by and the remainder of the site, while open grassland, is surrounded by development on three sides, with the railway line along its other boundary. There is also existing housing development on the opposite (western) side of Lichfield Road. Consequently, development of this site, while open greenfield land outside the settlement boundary, will not project out into open countryside beyond the line of existing development, only infilling a gap between existing development, with the railway line effectively forming the boundary between development and open countryside. While the site is elevated above the roadway, existing ground levels of dwellings on the adjacent modern Taverner’s Drive development to the north are higher.

With regard to the development itself, this is a basic outline application with all details reserved for subsequent approval. The illustrative scheme for the residential element included in the current application is very basic. Any subsequent detailed scheme submitted for approval will have to be consistent with the design guidelines contained in the Council’s Design Supplementary Planning Document (SPD).

2. Amenity

All details have been reserved for subsequent approval. Illustrative drawings submitted for the retail element of the development are very detailed, whereas the suggested residential layout is very basic. This reflects the more advanced state of the applicants proposals for the retail element of the scheme should consent be forthcoming.

The retail development has less potential for impact on the privacy, light and outlook of nearby residential occupiers. There are residential neighbours opposite the site, with rear...
elevations facing the development. In the illustrative layout, the access and car park/servicing area would be nearest, with rear elevations 28 m from the car park, with Lichfield Road intervening. Buildings in the illustrative drawings are approximately 50 m from nearest residential buildings.

While the illustrative residential layout is very basic, it does appear potentially capable of satisfying minimum distance requirements between proposed dwellings and between proposed and existing dwellings contained in the Council’s Design Supplementary Planning Document (SPD). The relationship between new dwellings and the existing dwelling Plum Tree Cottage and The Bungalow (Smarty’s Nursery) adjacent to the site fronting Lichfield Road will be particularly important. As stated in the Character & Appearance Section of this report, any detailed scheme will also have to be consistent with the design guidelines contained in the Design SPD.

Due to the location of the site alongside a railway line and with a scrapyard to the south and that the development also includes a significant commercial element, there is potential for nuisance from noise and general disturbance from the railway line, scrapyard and from activities relating to the proposed commercial development impacting on the residential amenities of occupiers of both proposed residential properties and of existing neighbouring dwellings.

A Noise Impact Report has been submitted with the application. The Environmental Health Officer has requested that a condition be attached to any approval requiring that all outline noise mitigation measures specified within the report be put in place prior to the occupation of the proposed residential properties; that specifications of proposed acoustic fencing around gardens of proposed residential properties and around the commercial aspect of the proposed development be submitted to and approved and that specifications and location of any air conditioning or air handling plant to be installed in the commercial unit and venting externally, should be submitted to and approved in writing prior to the commencement of works. He also advises that should the units be fixed on a façade facing proposed residential properties, it must be demonstrated that no adverse noise impacts will arise from this equipment. It is considered that, subject to these conditions, the site is capable of development for the purposes proposed without any significant adverse impact on residential amenities.

A condition has also been requested to restrict construction works, including hours of operation to safeguard amenities of existing residents during construction works.

Policies and Guidance:-
National Planning Policy Framework
Paragraphs 124, 126, 127, 180

The Plan for Stafford Borough
Policies: N1Design
Supplementary Planning Document (SPD) – Design
4. Access and Parking

Although details of access are reserved for subsequent approval, the illustrative layout submitted indicates an access onto Lichfield Road, just to the south of the boundary with Plum Tree Cottage.

An internal roadway is indicated running north along the western site boundary with Plum Tree Cottage and The Bungalow to serve the residential development included within the scheme, with two east-west branches to access most of the dwellings.

To the south of the access, a parking and servicing area for the commercial part of development between the highway frontage and the retail buildings are shown along the railway (eastern) and scrapyard (southern) boundaries of the site. A total of 43 parking spaces are indicated.

The proposals also show a ramped access and a stepped access to the site from Lichfield Road to the south of the proposed access point.

While access is reserved for subsequent approval, the site could only be accessed from Lichfield Road at some point between the boundary with Plum Tree Cottage and the southern boundary with the scarp yard. Consequently, the indicative access now shown would almost certainly be included in any subsequent application submitted for approval of reserved matters. That part of the site fronting directly onto Lichfield Road is currently occupied by a road layby. Notice has been served on Staffordshire County Council as the highway authority as part of the formal application submission process.

A Transport Assessment has been submitted with the application.

At the request of the highway authority amendments have been made to the illustrative parking and servicing layout since this application was first submitted and additional information has also been submitted. This has included some justification for the removal of the layby. The applicants have advised that: the layby seems to have little use or purpose, being used mainly as parking space by the adjacent scrapyard; that having little public use or need, it is a financial liability; and that the closure would present an opportunity to green-up this part of the highway at no public cost and to serve as a landscaped entrance on the gateway into Stone.

The highway authority has now advised that there are no highway objections to the proposal subject to a number of conditions. These include submission of details of: the access including road width, radius of curbing, visibility splays, footpaths, drainage and surfacing material be submitted; full details of the site layout including adequate parking, cycle parking, turning and service within the site curtilage; detailed plans and site management proposals to ensure suitable, safe and adequate parking, servicing provision and turning provision for units 1 to 5; means of surface water drainage from all areas intended to remain in private ownership; full road construction including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall. In addition they also require that: the development not being brought into use until delivery arrangements to all units has been approved, with details to include hours of delivery, vehicle types and parking; approval and implementation of a Construction Environmental Management Plan (CEMP); the development not commencing until the existing layby
access, made redundant as a consequence of the development has been permanently closed and the access crossing reinstated as verge/footway; and the development not commencing until details of an off-site Light Controlled pedestrian Crossing to the east of the site, including any works required to accommodate the crossing highway works have been approved with the works constructed prior to the development being brought into use.

The highway authority have also advised that before any highways works commence the developer needs to pursue a stopping up order for the redundant layby. They also advise that their recommendation of approval subject to conditions in respect of the current planning application should not be construed as though the County Council is prejudging the outcome of the Order making process. They also point out that the Order needs to be secured before development commences as it is an essential component of the required mitigating measures associated with the proposed development and that there are no guarantees that the Order will be successful;

Policies and Guidance:-

National Planning Policy Framework
Paragraphs 108, 109, 110, 111

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

5. Other

The Lead Local Flood Authority (Staffordshire County Council) initially raised queries regarding the Flood Risk Assessment submitted with the application. This has now been amended to address their comments and they have confirmed that they consider that the revised FRA demonstrates that an acceptable Drainage Design can be achieved within the proposed development. They have added that feasible options have been presented regarding points of connection to the culvert/surface water sewer and water quality treatment, but that further information will be required at the detailed design stage to ensure that the proposals will comply with the national and local standards. Consequently, they have recommended that a condition should be attached to any planning permission requiring the submission, approval of a detailed surface water drainage design.

There is a high pressure gas pipeline running to the south of the site, with the south-western quarter of the current site within the zone requiring consultation with the Health and Safety Executive and with Cadent. Neither body has raised any objection to the proposal.

There are hedgerows including trees and along the western, eastern and southern boundaries of the site. The proposed development will require the removal of the hedgerows on both the western and eastern boundaries of the site. An acoustic fence will be required along the eastern boundary with the railway line to protect future residents from noise. The hedgerow on the western boundary will have to be removed to facilitate both vehicular and pedestrian access to the site. An area of new planting, however, is proposed immediately to the north of the access. The Council’s Tree Officer has advised
that the proposal will not result in the loss of, or detriment to, any arboricultural asset of significant value. Consequently, he has no objection to the application subject to the submission of an appropriate landscaping scheme under reserved matters, neither does he require any specific conditions at this stage.

The Council’s Biodiversity Officer has requested a number of conditions in line with the recommendations included in the Ecological Impact Assessment submitted with the application. These include: a requirement that any excavations left open overnight during construction should be provided with a means of escape for badgers and that the current line of the badger path across the site be retained by creating 300 mm gaps in any fencing/wall; and the erection of four bat boxes, which would be best achieved with bat bricks installed within the new buildings; and a condition to ensure the protection of all wild birds, their nests and eggs in the nesting season (March to August). He also requests that boundary hedgerows be retained where possible and that the loss of 50 m of hedgerow in the south west corner of the site be compensated for by planting of hedgerows within the site.

County Education originally advised that as there is projected to be sufficient places to accommodate the likely demand from pupils generated by the development places across both first and middle schools, they are not requesting a financial contribution for First or Middle School provision. There is already projected to be a shortfall of places at Alleyne’s Academy, however, and the pupils expected from this development will increase the pressure on places further. A request for a high school education contribution is requested, but a contribution towards Sixth Form is not being requested, as the high school education contribution requested would be used towards the expansion project at Alleyne’s Academy.

With the development proposed to be providing all affordable homes, with the original suggested figure of 29 dwellings, the contribution required would be £16,622 for one high school place. With a total of 20 dwellings as now suggested, there would be no request for a secondary school education contribution on an 80/20 split between social rented dwellings and intermediate dwellings, but there would still be a requirement for one secondary place using a 70/30 split. This requirement can be accommodated as part of a Section 106 Agreement to be linked to any consent.

The Borough Parks and Open Spaces Development Officer has requested a financial contribution towards the enhancement and improvement of an existing site within the wards of St Michaels and Stonefield or Walton. The provision of a development of 20 dwellings would result in a contribution of £18,311.47 (capital cost) and £2,381.10 (off-site maintenance). This is based on figures per dwelling of £903.79 (capital cost) and £117.52 (off-site maintenance). Due to the relatively small scale of the development a sport contribution will not be sought. This can also be achieved as part of a Section 106 Agreement to also include the education contribution and to secure that all housing would be affordable and subject to qualifying occupancy restrictions to give priority to rural need.

Policies and Guidance:-
National Planning Policy Framework
Paragraphs 54, 56, 91, 94, 163, 165, 170, 175

The Plan for Stafford Borough
Policies: C7 Open Space, Sport and Recreation, N1 Design; Policy N2 Climate Change, N4 The Natural Environment &Green Infrastructure, I1 Infrastructure Delivery

6. Conclusion

Subject to the applicants entering into a Section 106 Agreement to ensure that all dwellings constructed are affordable and that priority is first given to persons in need in the rural area, the proposal will be compliant with the provisions of Policy C5 A of The Plan for Stafford Borough.

It has also been demonstrated that the proposed retail development accords with the provisions of Policy E8 and will not conflict with the strategy for Stone set out in Policy Stone 1 - Stone Town.

While this is an outline application, development of this site for the purposes proposed is considered to be capable of satisfying Environment policies N1, N2 and Transport policies T1 and T2.

Consultations

Highway Authority:
No objections subject to conditions requiring:
Approval of details of the access from the development onto Lichfield Road prior to commencement and subsequent implementation including; road width; radius of curbing; visibility splays; footpaths; drainage; and surfacing material;
Before development commences details shall be approved for that part of the development indicating:
- Layout of the site including disposition of buildings and provision of adequate parking, cycle parking, turning and service within the site curtilage;
- detailed plans and site management proposals to ensure suitable, safe and adequate parking, servicing provision and turning provision for units 1 to 5;
- Means of surface water drainage from all areas intended to remain in private ownership;
- Full road construction including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall;
The development not being brought into use until delivery arrangements to all units has been approved, with details to include hours of delivery, vehicle types and parking;
Approval prior to the commencement of a Construction Environmental Management Plan (CEMP) to include details relating to construction access, hours of construction, routing of HGV’s, delivery times and the location of the contractors compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site;
The development not commencing until the existing Site 2 layby access, made redundant as a consequence of the development has been permanently closed and the access crossing reinstated as verge/footway in accordance with details to be first submitted to and approved;
The development not commencing until details of an off-site Light Controlled pedestrian Crossing to the east of the site, including any works required to accommodate the
crossing highway works have been approved with the works constructed in accordance with the approved details prior to the development being brought into use.

Highways also advise that:
Before any highways works commence the developer needs to pursue a stopping up order for the redundant layby. This recommendation of approval should not be construed as though the County Council is prejudging the outcome of the Order making process. The Order needs to be secured before development commences as it is an ‘essential’ component of the required mitigating measures associated with the proposed development. There are no guarantees that the Order will be successful;
Any roads to be adopted will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The applicant should contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works;
The conditions requiring highway works will require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement.

**Stone Town Council:**
Objection on the grounds that the proposed development is outside of the settlement boundary.

**Forward Planning:**

**Key Considerations**

The proposed development is on a greenfield site adjacent to Lichfield Road on the edge of Stone and beyond the settlement boundary in the Plan for Stafford Borough Part 2 (adopted January 2017) but adjacent to the built up area of Stone. The development of the site for affordable housing would, therefore, need to be in line with Spatial Principle 7 and Policy C5 of the Plan for Stafford Borough (adopted in June 2014). Furthermore Spatial Principle 3 identifies the Stone as the second town in the settlement hierarchy for delivering new development whilst Spatial Principle 4 identifies 10% (1,000) new houses at Stone based on Spatial Principles 2 and 3. Spatial Principle 7 establishes boundaries for settlements in the hierarchy, including the market town of Stone, where new development will be supported inside the boundary.

The Council has to show a 5 year + housing land supply to meet the requirements of the revised National Planning Policy Framework (NPPF) which is set out by the housing provision within the Plan for Stafford Borough. The Council can currently demonstrate a 5 year supply of housing land, including a 10% buffer, in the context of the Plan for Stafford Borough.

The emphasis in the adopted Plan for Stafford Borough corresponds with paragraph 20 of the revised NPPF to deliver strategic policies for thriving local places by setting out a clear strategy for allocating sufficient land, which is suitable for development in the area, taking account of the needs of the residential and business communities. Furthermore account should be taken to promoting the vitality of the main urban areas. Furthermore paragraph 59 states that pursuing sustainable development involves significantly boosting the choice of high quality homes.
The outline planning application is for 20 new affordable houses and a local shopping and service centre, including a convenience food store of 418 sq m and four smaller units each being 93 sq m, in total being 790 sq m. Development of the site needs to be considered in the context of Policy Stone 1 - Stone Town, Policy E8 - Town, Local and Other Centres, Policy C2 - Affordable Housing and Policy C5 - Residential Proposals outside the Settlement Hierarchy of the Plan for Stafford Borough. Policy Stone 1 seeks to strengthen Stone town centre in terms of vitality and viability by encouraging development and expansion of the town centre as well as targeting new housing and employment development to the Strategic Development Locations at Stone. Policy E8 sets out the network and hierarchy of centres across Stafford Borough seeking specific measures including the requirement that new development proposals at Stone providing greater than 500 square metres of gross floorspace for town centres uses in an edge or out-of-centre location should be the subject of an impact assessment.

Policy C5 sets out that 100% affordable housing, which includes intermediate housing, will be permitted on rural exception sites provided this is justified through a Parish based Local Housing Needs Assessment or controlled through planning agreements or conditions via a Registered Provider. Affordable housing on a rural exception site must satisfy a rural need rather than providing new housing for Stone.

The proposed development is on a greenfield site adjacent to Lichfield Road on the edge of Stone and beyond the settlement boundary. The proposal includes a mixed of housing, shopping and service uses on the site. The adopted Plan for Stafford Borough is clear that new development for housing, retail and services should be focussed within the sustainable settlement hierarchy’s boundaries including Stone Town. Spatial Principle 4 sets out the housing distribution for the Sustainable Settlement Hierarchy across the Borough. 10% of the overall housing requirements for the Borough (1,000 new houses) is to be delivered at Stone Town over the Plan period. Furthermore 1,700 sq m of new (net) convenience (food) retailing and 400 sq m of new (net) comparison (non-food) retailing is required at Stone town centre. New retail development outside of the town centre must meet the requirements set out in Policy E8. At this stage no further development on greenfield land is required to meet the Plan’s housing requirement for Stone. However it is recognised that an element of provision may occur on brownfield sites within the town, as encouraged by Spatial Principle 7. Nevertheless the proposed development is for 20 affordable houses adjacent to Stone, which would be considered to be a ‘rural exception site’ under Policy C5.

The Council accepts that the provision of 10,000 units over the Plan period is not a maximum, but considers that any growth above this figure must be delivered in proportion with the development strategy set out in Spatial Principle 4 (i.e. 10% of development to take place in Stone). It is vital that new development in the lower levels of the hierarchy is not allowed to significantly exceed the proportional split as this would significantly distort the intended growth pattern seriously undermining the recently adopted Plan for Stafford Borough. The proportion of development committed at each level of the hierarchy obviously changes regularly as new developments are granted permission. However, trends can be determined. The current figures show that the target figures in SP4 are likely to be exceeded at all levels of the hierarchy.

Whilst allowing this development of 20 affordable houses at Stone would cause a further distortion to the proportions of development anticipated at this level of the hierarchy, as
the development is for affordable housing it would contribute to the overall requirement for this type of housing through the adopted Plan for Stafford Borough.

Affordable Housing

The purpose of the affordable housing section of Policy C5 A - New Development is to deliver affordable housing across the Borough area in order to meet the overall requirement of 210 affordable homes per year. Since 2011 the number of affordable homes delivered has been well below this target. Nevertheless it is important to justify development through a Parish based Local Housing Needs Assessment or controlled through planning agreements or conditions via a Registered Provider.

To comply with Policy C5 - Residential Proposals outside the Settlement Hierarchy and Section A - New Development, this proposal would be classed as 100% affordable housing as a ‘rural exception site’, which needs to meet the requirements of this section of the policy. The application proposes that 100% of the dwellings will be affordable housing.

Conclusions

The proposed outline planning application for a mix of development uses on a greenfield site adjacent to Stone Town settlement boundary and adjacent to the built up area. The Council can demonstrate a 5 year supply of housing land, including a 10% buffer. The Plan for Stafford Borough has demonstrated that for the plan period objectively assessed need can be fully met. Although a proportion of the Borough’s housing provision is required at Stone (10%) the amount of housing currently committed at this level of the hierarchy has exceeded this proportion.

Nevertheless the proposed development does accord with Spatial Principle 7 and Policy C5 of the Plan for Stafford Borough, being adjacent to an existing settlement and is of an appropriate scale whilst being well related to existing services and facilities. Furthermore the site will deliver 100% affordable housing in perpetuity. The Council can demonstrate a 5 year supply of housing land, including a 10% buffer but there is a significant annual requirement for affordable housing. The proposal is in accordance with Spatial Principle 2 and delivers affordable housing within the context of Policy C5 of the Plan for Stafford Borough, and the plan-led approach established in paragraph 17 of the National Planning Policy Framework.

In terms of retail development the proposal is not considered to undermine Stone town centre, based on the independent assessment through the sequential test and therefore is not contrary to Policy E8.

Whilst a number of other factors and consideration will need to be taken into account when determining this planning application, the planning policy advice is to approve this proposed development.

Health and Housing Manager:

Policy C2 in the Plan for Stafford Borough states that developments of 12 or more dwellings within Stafford, Hixon, Great Haywood, Little Haywood, Haughton and Weston must deliver 30% affordable housing.
Policy C2 in the Plan for Stafford Borough states that developments of 12 or more dwellings within Stone, Eccleshall, Gnosall, Woodseaves, Barlaston, Tittensor and Yarnfield must deliver 40% affordable housing. Other areas of the borough are expected to deliver 30% affordable housing in developments of 10 or more dwellings. The development proposes to deliver 100% affordable housing, which equates to 29 affordable homes. It is recognised that this is being proposed outside the Stone settlement boundary, the development would therefore need to cater for rural need outside of Stone. Evidence of this need would be required before support could be given to a development of affordable homes at this scale. It is further noted that this proposal is for intermediate homes. Further evidence would be required as to why this tenure mix was appropriate.

**Retail Consultant (Peter Brett Associates - PBA):**

**Sequential Assessment**

The applicant has queried why PBA has requested additional information in respect of disaggregation. To clarify, we requested additional information in terms of flexibility (the scope to reduce the scale of the application scheme), as referred to by paragraph 24 of the NPPF. It is our view that a freestanding convenience store of the scale proposed by the application scheme would be a viable and deliverable proposition and that a greater degree of flexibility would therefore be achievable. We take this into account in our comments below.

JLL (applicant’s consultant) has provided further justification in respect of the catchment area of the proposed development and the consideration of sites beyond this area as part of the sequential assessment. It is stated that this has been done solely to satisfy the request of officers at pre-applications stage.

In terms of the site we had highlighted at Opal Way, JLL states that this is unsuitable as it is too large for the proposed development and is located within an industrial area that provides no main road frontage. Whilst it may be feasible to sub-divide the plot at Opal Way, we accept that, on balance, this site is unlikely to be a suitable alternative for the proposed development due to its location within the industrial estate.

The other sequentially preferable site raised within our previous advice was the recently vacated Co-op store in Stone Town Centre. JLL has now confirmed that the intended occupier of the proposed convenience store at the application site would be the Co-op and we accept that, notwithstanding the issue of suitability, it is not realistic to assume that the Co-op would go back into a site from which it has recently withdrawn.

On this basis we are therefore satisfied that the terms of the sequential test have been met.

**Impact Assessment**

We had previously queried the estimated turnover of the proposed convenience store and JLL has now updated these figures on the basis that the store will be operated by the Co-op. This results in a higher turnover figure.

In terms of inflow, JLL has prepared a sensitivity assessment which reduces assumed inflow to 15 per cent which we consider to be more appropriate.

We had also queried the trade diversion assumptions applied as part of the applicant’s original assessment, on the basis that we considered that a higher proportion of the proposed development's turnover could be drawn from the Morrisons store in Stone Town Centre. JLL has now amended this as part of its Revision B (‘sensitivity test’) so that 20
per cent, rather than 15 per of the development’s turnover is now drawn from Morrisons. We remain of the view that Morrisons and other town centre destinations will serve a top-up food shopping role for residents of the catchment area given that for many of those residents, these destinations will represent the most accessible convenience retail facilities. Nevertheless, we consider the revised assumptions to be more robust. The revised analysis at Revision B indicates that the combined comparison and convenience impacts of the proposed development on Stone Town Centre would be -1.6 per cent in 2021, and -10.8 per cent when the M&S store at Westbridge Park is taken into account.

Whilst the overall health of Stone Town Centre is considered to be reasonable, our view is that cumulative trade impacts of approximately -11 per cent are on the margins of acceptability, given the recent closure of the town centre Co-op store. However, we recognise that the proposed development would only account for a small part of this cumulative impact, that the approved M&S store at Westbridge Park may contribute positively to the town centre through linked trips, and that there is a relative paucity of neighbourhood shopping facilities within the Little Stoke/Lichfield Road area of Stone. On balance, we therefore consider that there would be insufficient grounds on which to sustain a reason for refusal based on retail impact.

Lead Local Flood Authority:
The Flood Risk Assessment (ABA Consulting Ref: 14516, December 2017, Rev C) has been amended to address our previous comments and is now sufficient to demonstrate that an acceptable Drainage Design can be achieved within the proposed development. Feasible options have been presented regarding points of connection to the culvert/surface water sewer and water quality treatment. However further information will be required at the detailed design stage to ensure that the proposals will comply with the national and local standards.

We would recommend that the following conditions should be attached to any planning permission.

Condition
No development shall begin until a detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The design must be in accordance with the overall strategy and key design parameters set out in the Flood Risk Assessment (ABA Consulting Ref: 14516, December 2017, Rev C).

The design must demonstrate:
- Surface water drainage system(s) designed in accordance with national and local standards, including the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- SuDS design to provide adequate water quality treatment, which can be demonstrated using the Simple Index Approach (CIRIA SuDS Manual 2015), to include permeable paving and oil interceptors.
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change critical rain storm to 5l/s to ensure that there will be no increase in flood risk downstream.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details 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 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

Reason
To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

Environment Agency:
No objections to the proposed development as submitted.

Severn Trent Water:
No response (consulted 24.01.2018)

Cadent:
The Institute or Gas Engineers Standards (IGE) states that no buildings be constructed within 14 m Building Proximity Distance of the proven pipeline position and with an approximate easement width of 12.2 m furthermore, we strongly advise that you seek guidance from the Health and Safety Executive who may specify a greater distance than we require.

Health and Safety Executive:
Do Not Advise Against, consequently HSE does not advise, on safety grounds, against the granting of planning permission in this case.

County Education:
As there is projected to be sufficient places to accommodate the likely demand from pupils generated by the development at the first school and, at middle school there are projected to be sufficient places across both middle schools no request was made for First or Middle School provision.
There is already projected to be a shortfall of places at Alleyne’s Academy and the pupils expected from this development will increase the pressure on places further. A request for a high school education contribution would be necessary with no request required for 6th form, with the high school education contribution used towards the expansion project at Alleyne’s Academy.
With the development of 29 dwellings now proposed to be providing all affordable homes the level of the requested high school contribution has reduced to 1 high school place of £16,622. As a consequence of calculation roundings, one place would be required if the split between social rented dwellings and intermediate dwellings was either 80/20 or 70/30.
On a development of this size the standard trigger for payment of the education contribution would be on commencement.
If the total number of dwellings reduces to 20, there would be no request for secondary on an 80/20 split between social rented dwellings and intermediate dwellings. However, there would still be a requirement for 1 secondary place using a 70/30 split.

**Environmental Health Officer:**
No objection subject to the following conditions required to safeguard nearby residential occupiers from undue disturbance during development:
- All works, including demolition, site works and construction shall only take place between the hours of 08.00 18.00 Monday to Friday; 08.00 14.00pm Saturdays and not at all on Sundays or Bank Holidays.
- Deliveries to the site shall only take place between the hours of 08.00 and 18.00 Monday to Friday; 08.00 to 14.00 Saturdays and not at all on Sundays or Bank Holidays. Deliveries shall not park on the access highways to the site.
- Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
- Road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.
- Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
- All outline noise mitigation measures specified within the acoustic report (ref: P18-076-R01) must be put in place prior to the occupation of the proposed residential properties.
- Specifications of proposed acoustics fencing around gardens of proposed residential properties and around the commercial aspect of the proposed development should be submitted to and approved in writing by the local planning authority.
- Specifications and location of any air conditioning or air handling plant to be installed in the commercial unit and venting externally, should be submitted to and approved in writing prior to the commencement of works. Should the units be fixed on a façade facing proposed residential properties, it must be shown to the satisfaction of the local planning authority that no adverse noise impacts will arise from this equipment.

**Pollution Control Officer:**
A ground contamination report is recommended but not required at outline. Ground Investigations (and if shown to be necessary remedial works) will be required at full application stage.

**Borough Parks and Open Spaces Development Officer:**
Sports pitch provision and built associated facilities within the area fall short of national standards as identified within the Open Space, Sport and Recreation Facilities Strategy 2009 Assessment and are in need of refurbishment to address significant quality deficiencies. This has been supported by the draft revised 2013 assessment and the Sport and Recreation Investment Strategy 2017.
The National Planning Policy Framework, (NPPF) supports the Council current policy by ensuring that all developments are designed to be sustainable both now and in the future. The Councils policy reflects this by ensuring that new developments contribute to enhancing or providing green space.
Due to the size of this development the Council is reasonably entitled to request a quantitative provision of 30.81 sq m per person of open space provision under its current policy. Given the outline nature of the development it is not possible at this stage to
provide a full break down in terms of capital investment nor the area of POS required as part of this proposal.
In accordance with the financial contributions guide for new development provision of Open Space and commuted sums, the contribution required for this development should be: £903.79 capital cost per dwelling, £1,683.64 on-site maintenance and £117.52 off-site maintenance.
A development of 20 dwellings would result in a contribution of £18,311.47. It is likely that we would accept an offsite contribution towards the enhancement and improvement of an existing site within the wards of St Michaels and Stonefield or Walton. This would result in an offsite maintenance contribution of £2,381.10.
The Councils Open Space, Sport and Recreation Assessment update identifies that there will be a need for an additional 6 ATP pitches required due to an increase in the population of the borough and demand.
Sport England and the Open Space, Sport and recreation Assessment identifies there is currently as shortfall of 300 sq m of pool space and that Stafford Leisure Centre is currently operating at capacity along with Alleyne’s. Any future developments will further increase the deficiency in swimming capacity. However due to the size of the development we will not be seeking a sport contribution.

Biodiversity Officer:

Protected Species:
Eco Tech undertook an Ecological Impact Assessment of the site during February 2018. The survey did not find any significant ecological constraints.

Badgers:
Any excavations left open overnight during construction should be provided with a means of escape.
It is recommended that the current line of the badger path is retained by creating 300 mm gaps in any fencing/wall. This work should be guided by the ecologist.

Bats
The report recommends the erection of four bat boxes - this would be best achieved with bat bricks, for example Ibstock Enclosed Bat Box “C” installed within the new buildings. The ecologist should guide the planning of appropriate locations.

Nesting birds
All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981. This means that vegetation clearance works should not be undertaken in the nesting season (March to August), unless it can be demonstrated by the developer that breeding birds will not be affected. This can be done by requesting a method statement for protection/avoidance of nesting birds as a condition - this may include timing of work, pre-work checks, avoiding nesting areas etc.
The report recommends six nesting boxes are erected on site. All nest boxes should be installed in accordance with the ecologist’s guidance.

Habitats
Boundary hedgerows should be retained where possible. The loss of 50 m of hedgerow in the south west corner should be compensated for by planting of hedgerows within the site.
Borough Tree Officer:
The proposal which is the subject of this application will not result in the loss of; or
detriment to; any arboricultural asset of significant value.
Therefore, subject to the future submittal of an appropriate landscaping scheme under
reserved matters, I have no objection to this application, nor the requirement for any
specific conditions at this stage.

Network Rail:
No response received (consulted 24.01.2018)

Crime Prevention Design Advisor:
In order to prevent crime and reduce the fear of crime I recommend that this development
attains Police Secured by Design (SBD) accreditation there is no charge for my advice or
for the Secured by Design award, and once awarded the Police SBD logo can be used on
advertising material.
Research shows that adopting SBD can reduce burglary by 50%, car crime and criminal
damage by 25%, therefore the carbon costs of replacing door-sets and windows on SBD
developments as a result of criminal activity is more than 50% less than on non SBD
developments, installing SBD approved products cost 0.2% of the total build cost.
All security equipment installed should be to the relevant British Standard and/or Loss
Prevention Certification Board Standard. Installers should be certified to install such
equipment to obtain the maximum crime resistance from the product.

Neighbours (57 consulted):
22 responses from 19 properties: Material planning considerations summarised below:
- Outside Settlement Boundary - contrary to policy;
- In local plan Spatial Principle 2 (SP2) proposes that 1000 houses will be required in
  Stone within the plan period. With 400 already completed and other sites identified for
  500 houses, consider that enough housing is already planned for Stone;
- Stone has surpassed its minimum housing requirement by 10% as specified in the
  Plan for Stafford Borough, (Spatial Principle 4) excluding windfall sites and has a
  current supply of 5 year + 20%;
- Stone is delivering numbers of affordable houses well in excess of targets;
- While there may well be a general need in the Borough, there is no conclusive
  proportional evidence as required by Spatial Principles SP3 and 4 that there is a
  shortage of a specific housing type in Stone;
- It is important not to allow lower levels of the hierarchy to overshoot targets, which
  could result in an unacceptable distortion to the proportions of development at each
  level of the hierarchy - although this individual development may be regarded as small
  there is potential for a significant cumulative impact on the area over time combined
  with other small developments;
- Affordable housing should be provided in an area with good public transport links not
  sited on outlying land with no such links, sandwiched between a busy main railway line
  and a thriving/noisy scrap yard;
- Highway safety - this stretch of Lichfield Road is unlit and not subject to speed
  restrictions;
- Concern over both existing and likely increased usage of lane linking Lichfield Road
  (B5027) with A51, with junction close to application site;
- Traffic flow will increase as commuters using the A51 will cut through to use the local
  shops, avoiding the Town Centre and then turn around to continue their journey. Traffic
already builds up outside the proposed site due to the level crossing on the B5027 and this will increase potentially causing traffic to build on the main A51.

- Will lead to increased traffic congestion;
- Existing traffic is noisy, constant and additional volumes trying to access Lichfield Road will inevitably cause more congestion and potential accidents;
- The food outlet will bring more vehicle's and foot fall putting unnecessary strain on this already busy junction and increasing the risk of injury to pedestrians and road users alike;
- Walking to this site is not convenient and is not safe. Query who would walk to this site as residents of Aston Lodge Park and other estates near by would more naturally be drawn to the Esso garage for convenience needs;
- Due to existing traffic levels and congestion, do not believe that main retail unit will provide the quick and easy access claimed;
- Traffic lights now in operation at Uttoxeter Road to north-west of site haven't fully eradicated congestion and current proposal will worsen situation at this junction;
- Local Plan does not support proposal. Policy E8 provides support for retail needs within the Stone Town Centre, near centre locations and other Local Centres identified within the Development Plan such as Walton. This location is approximately 1.5 miles from Stone Town Centre and is not supported within the current plan. Policy Stone 1 also reflects the same strong support for Stone Town Centre.
- Recent retail assessments support the need to improve the vibrancy of the Town Centre by increasing footfall by promoting edge of town developments - new Local Centres could increase the decline of our High Street;
- The vehicles from Watson's scrap yard currently park on the grass verge opposite the yard causing issues when moving onto Lichfield Road and large vehicles taking scrap to the yard currently use both lay-bys to park or totally block one side of the road the taking away of one of the lay-bys would cause considerable congestion and possible accidents.
- Loss of well used layby on Lichfield Road by members of the public and by Watsons Scrap Yard to park lorries/scrap vehicles/trailers illegally - query where they will they park after loss of layby.
- No transport links to Stone and further areas after removal of bus services;
- Adverse affect of development on Stone High Street;
- There are a number of vacant retail units in the Town and a declining High Street. Stone can ill afford to have this reduced as it tries to attract visitors into the Town;
- Fear the units will remain empty as people will conclude there is an inadequate supply of customers to drive a profitable venture;
- Dispute applicant's consultant claims that Stone Town Centre is well used, with good levels of footfall;
- Note the omission from the applicant's retail assessment of the self-service store provided Fairway Service Station, 100 m from the proposed site;
- Local Plan Policy E8 requires that proposed retail development meet local need through the assessment in the NPPF without having a detrimental impact on the hierarchy and that it will not result in the loss of local amenity particularly in terms of noise, litter, smell, parking and traffic creation and trading hours. Considers that current proposal for 31 car parking spaces, 5 retail units likely to be food related would conflict with this policy;
- Query what type of service outlet could be introduced that would benefit the residential area;
- Already have convenience outlets within nearby Esso Garage and at Aston Marina;
- Stone Town is within walking distance/short drive with medical centres, dentists, supermarkets and many take-away outlets that also deliver;
- No shops needed at this end of Town, which was subject to major development 20 years ago and have not needed such a facility over this period;
- There is only a small corner shop nearby, with an extremely limited range of produce attached to a petrol station. This is very difficult to access due to the unregulated traffic on it's forecourt;
- There are plenty of people in this community who would benefit from better retail in the area and the additional housing wouldn't be an issue and much needed for this growing town;
- Would harm character of neighbourhood;
- Development would take up one of the last remaining fields between Stone and Aston;
- Would take away the aesthetics of the area - a soft border between housing developments on Copeland Drive/Hawley Close as well as Aston lodge. The open views afforded now will be gone;
- Housing and shops on steeply rising land adjacent to the railway will totally change the area;
- With Aston Marina a few yards away there would be a risk of merging Stone with Aston;
- This site is right on the edge of Town is not an infill proposal. Developing on this site will effectively extend the Town boundaries and eat into the adjacent rural landscape;
- Do not object to affordable housing even though Stone has built more than its quota, but maintain objection to retail and food outlets on grounds of nuisance and disturbance;
- This area and indeed Stone as a whole has presented itself as pleasant and respectful to the market town traditions. This plan will offer a blot on the landscape;
- The proposed development will deem the area less desirable to live;
- Loss of privacy and existing views from neighbouring properties;
- Loss of views;
- Loss of trees and hedgerows;
- Adverse impact on hedgerows along Lichfield Road, already strewn with litter;
- Loss of wildlife;
- Large gas main in vicinity - safety concern;
- Construction work will increase the number of commercial vehicles and consequently the noise in the area and additionally will increase the untidiness as the development is being built;
- Once the development is built the added traffic will add to the noise in the area;
- How can the developers ensure that noise and dust etc. will not have an impact on the two nearby nurseries;
- Nuisance from adjacent scrapyard likely to affect development;
- Will add to drainage problems in the area - Lichfield Road and the existing lay-by historically flood;
- There will be contaminated run off from vehicle fluids already onto the land surrounding the scrap merchants. If current site is developed, the run-off would be more likely to enter residential water courses rather than being soaked naturally;
- Suggest that this is potentially contaminated land and query whether it is suitable for development;
- The infrastructure in Stone is insufficient now with only one High School and residents having to wait for three weeks to get a routine appointment at the local Surgery;
- Schools and medical practices do not need more people adding to their numbers;
- Stone has significant developments already in progress for new houses and there are many houses already for sale in Stone.
- Building shops in a mainly residential area would also increase the potential for anti-social behaviour and a noise nuisance to the established houses.
- Shops will generate increased vehicle and pedestrian movement including engines/tyres/horns/radios playing/manoeuvring of vehicles including use of moving any larger equipment associated with any proposed catering establishments;
- Shops will generate associated smells and fumes from proposed catering establishments;
- Shops will generate additional refuse and litter;
- Reliance on delivery drivers to be quiet is naïve - deliveries will equate to noise disturbance at unsociable hours;
- Retail units inevitably become places for young people to congregate;
- The establishment of a shopping development in this location will increase the pedestrian traffic exiting the Heritage Walk estate via Bostock Close which will have an impact on all residents in the Close, in terms of noise and security;
- Concerned that new houses may be three-storeys high, which would impact adversely on existing neighbouring residential properties.

Site Notice:
Expiry date: 14.02.2018

Newsletter Advert:
Expiry date: 14.02.2018

**Relevant Planning History**

42672 - Residential Development (outline) - Withdrawn - 28.03.2003

15/21675/OUT - Residential development on land adjacent to Lichfield Road - Refused 17.07.2015

**Recommendation**

Approve subject to the following conditions:

0. Subject to the applicant first entering into a Section 106 obligation within one month of the Committee resolution, or an alternative period otherwise first agreed in writing by the Local Planning Authority, to ensure that all housing provided is affordable and with occupancy priority to residents of the rural parts of the Borough and to secure financial contributions towards the provision of off-site open space and education places, permit subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

2. This is a grant of outline consent only and before the development is commenced details of the means of access, the layout of all roads and buildings, the scale of all buildings and structures, the appearance of all buildings and structures and the
The landscaping of the site, (the reserved matters) shall be submitted to and approved in writing by the local planning authority.

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

4. This permission relates to drawing number 5589-000 only. Drawings numbers 5589-003 E, 5589-004A and 5589-005 A are submitted for illustrative purposes only and nothing in this permission shall be construed as granting or implying approval of the details shown on those three plans.

5. The landscaping scheme to be approved in pursuance of conditions 1 and 2 of this outline permission shall be implemented within eight months of the development being brought into use. 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. No development shall commence unless and until a Ground Investigation Report has been submitted to and approved in writing by the Local Planning Authority. The Ground Investigation Report shall include detailed findings, recommendations and details of any subsequent mitigation measures necessary and of the programming of such works. No part of the non-residential development shall be brought into use or any dwelling first occupied until any necessary approved scheme of works has been implemented.

7. The non-residential development on the site shall not exceed a maximum floor area of 800 square metres, which shall be restricted to the following Use Classes as set out within the Schedule to The Town and Country Planning (Use Classes) Order 1987, as amended :-

   A1 - Shops
   A2 - Financial and professional services
   A3 - Restaurants and cafes
   A4 - Drinking establishments
   A5 - Hot food takeaways
   D1 (a) - Medical or health services

8. Notwithstanding the requirements of conditions 1 and 2 of this outline permission, the development hereby permitted shall not be commenced unless and until details of the access from the development onto Lichfield Road have been submitted to and approved in writing by the Local Planning Authority. These details shall include: road width, radius of curbing, visibility splays, footpaths, drainage and surfacing material. The works shall thereafter be completed in accordance with the approved details prior to the development being first brought into use.

9. Notwithstanding the requirements of conditions 1 and 2 of this outline permission, no development shall commence unless and until details have been submitted to
and approved in writing by the local planning authority for that part of the development indicating: the provision of adequate parking, cycle parking, turning and service within the site curtilage; detailed plans and site management proposals to ensure suitable, safe and adequate parking, servicing provision and turning provision for the non-residential development; means of surface water drainage from all areas intended to remain in private ownership; and full road construction including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall. The development shall thereafter be implemented in accordance with the approved details.

10. The development hereby permitted shall not be brought into use until delivery arrangements to all non-residential units has been submitted to and approved in writing by the local planning authority. Such details shall include hours of delivery, vehicle types and parking. The delivery arrangements shall subsequently be maintained for the life of the development.

11. Prior to the commencement of any construction works, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractors compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

12. The development hereby permitted shall not be commenced unless and until the existing layby access, made redundant as a consequence of the development hereby permitted has been permanently closed and the access crossing reinstated as verge/footway in accordance with details to be first submitted to and approved in writing by the local planning authority.

13. The development hereby permitted shall not be commenced unless and until details of off-site highway works to provide a Light Controlled Pedestrian Crossing to the west of the site, including any works required to accommodate the crossing, have been submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall thereafter be completed in accordance with the approved details prior to the development being first brought into use.

14. No development shall be commenced unless and until a detailed surface water drainage design has been submitted to and approved by the Local Planning Authority.

The design must be in accordance with the overall strategy and key design parameters set out in the Flood Risk Assessment (ABA Consulting Ref: 14516, December 2017, Rev C).

The design must demonstrate:
- Surface water drainage system(s) designed in accordance with national and local standards, including the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- SuDS design to provide adequate water quality treatment, which can be demonstrated using the Simple Index Approach (CIRIA SuDS Manual 2015), to include permeable paving and oil interceptors.
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change critical rain storm to 5l/s to ensure that there will be no increase in flood risk downstream.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details 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 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels shall provide safe exceedance routes and adequate access for maintenance.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This shall include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

15. All outline noise mitigation measures specified within the acoustic report (ref: P18-076- R01) shall be provided prior to the occupation of the proposed residential properties. Additionally, details of the specification and location of all acoustic fencing around the gardens of the proposed residential properties and commercial aspect of the proposed development shall be submitted to and approved in writing by the Local Planning Authority, and shall be provided prior to the occupation of the proposed residential properties

Specifications together with details of the location of any air conditioning and/or air handling plant to be installed in/on any non-residential units, together with any external venting, shall also be submitted to and approved in writing by the Local Planning Authority. Any such equipment shall thereafter be installed in accordance with the approved details.

Details of any equipment to be fixed on a façade facing the proposed residential properties shall also be submitted to the Local Planning Authority, together with details demonstrating that no adverse noise impacts will arise from this equipment. Any such equipment shall thereafter be installed in accordance with the approved details.

16. The mitigation measures set out in the Proposed Mitigation, Compensation and Enhancement Section 5 of the Outline Ecological Impact Assessment submitted as part of the application, undertaken by Eco Tech Ecological Consultancy dated March 2018 shall be undertaken in full, except with regard to bat mitigation which shall instead comprise the installation of bat bricks, for example Ibstock Enclosed Bat Box "C" installed within the new buildings in appropriate locations as guided by the Ecologist.
17. Works to hedgerows and trees shall not be undertaken in the bird nesting season (March to August) unless it can be demonstrated that breeding birds will not be affected, through the submission, approval in writing by the local planning authority and subsequent implementation in accordance with the approved details of a method statement for the protection/avoidance of nesting birds. This may include timing of work, pre-work checks, avoiding nesting areas.

18. All site works and construction works together with deliveries to the site shall only take place between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and between 08.00 and 14.00 on Saturdays and not at all on Sundays or on Bank Holidays and other Public Holidays. In addition: any equipment that must be left running outside the permitted hours of work shall be inaudible at the boundary of occupied residential properties.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent amended or replacement Order, no additional internal floor area or mezzanines shall be constructed within the non-residential buildings on the site, without the prior written consent of the Local Planning Authority.

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

1. The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The application has been made for outline permission only.

3. The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

4. To define the permission.

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

6. In the interests of public safety and to ensure that any contamination identified during development is dealt with appropriately. (Paragraphs 170 and 178 of the National Planning Policy Framework)

7. To safeguard the vitality and viability of Stone Town Centre. (Policies Stone 1 - Stone Town and E8 of The Plan for Stafford Borough).

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

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

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

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

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

14. To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development. (Policy N2 of The Plan for Stafford Borough).

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

16. In order to conserve and enhance the natural environment and to ensure that the development does not result in damage or harm to legally protected species or their habitats. (Policy N4 (f) of The Plan for Stafford Borough).

17. In order to conserve and enhance the natural environment and to ensure that the development does not result in damage or harm to legally protected species or their habitats. (Policy N4 (f) of The Plan for Stafford Borough).

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

19. To safeguard the vitality and viability of Stone Town Centre. (Policies Stone 1 - Stone Town and E8 of The Plan for Stafford Borough).

Informative(s)

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

2. The applicant's attention is drawn in particular to the comments of the highway authority and also to those of the Lead Local Flood Authority, Cadent and the Police Crime Prevention Design Advisor as submitted in response to consultations on this application. All comments received can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).
18/27783/OUT
Land Adj To Lichfield Road
Stone
Staffordshire
REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor Joyce Farnham (Ward Member) for the following reason:-

“Concerns over the potential overbearing visual impact the proposed extension would have upon No 12 & No 14 Ridge Croft. The distance between the principle windows to No 12 would be reduced to 17m (Against SPD guidance)."

Context

The host property comprises a modern two storey detached dwelling set back approx. 34 metres from the front entrance gates onto Pingle Lane and positioned adjacent to the rear amenity space of dwellings in Ridge Croft. The host site benefits from a detached double garage positioned the front of the property. It is located in a predominantly residential area in Stone Town. There is no uniform character along Pingle Lane in terms of design, materials and roof form.

Planning permission is sought for a single storey side extension positioned to the existing inset to the south west side of the property. The extension would have a part mono-pitched roof and part flat roof with roof lantern. The proposed maximum dimensions of the extension would measure 3.2m (width) x 6.2m (depth) x 3.5m (height to the ridge of the mono pitched roof). The proposed mono pitched roof would adjoin the existing pitched roof of the side projection and rear cat slide roof line. The application proposes 1no rear elevation door (1.8m width x 2.1m height) and 3no side elevation windows (0.7m width x 1.9m height from floor level). The proposed extension would also include 1no roof lantern measuring 4m (width) x 3.8m (height from floor level). The application seeks to use materials to match the original dwelling, proposing facing brickwork, ashmore grey concrete tiles and white UPVC windows and doors.

Amended plans have been received throughout the lifetime of the application in order to address objections received regarding potential overlooking/dominance. The amended
plans have proposed to reduce the height of the side elevation windows by 0.4m. The application has also now proposed to replace the existing boundary fence measuring 1.8 metres in height with a new boundary fence adjacent the proposed extension measuring 2 metres in height featuring close boards and timber posts adjacent and to the rear (south east) of the extension.

**Officer Assessment – Key Considerations**

1. **Character & Appearance**

It is considered that the introduction of a single storey side extension with appropriately designed mono-pitched roof would not be visually overly dominant or incongruous to the character and appearance of the street scene given the side/rear position set approx. 38 metres from the site entrance. The host property is also located amongst a variety of building types in terms of design, materials and roof form and a generous distance between properties.

The proposed side extension would be positioned within the existing rear set back finishing 0.6 metres from the existing rearmost elevation. This is considered to reduce any dominance or overbearing issues against the site. The proposed depth and width would maintain a reasonable relationship with the original dwelling and rear amenity space, providing a modest addition to the sizeable plot. The proposed design of the mono-pitched roof would blend with the eaves of the ground floor level and in turn appear well proportioned and designed to be sympathetic to the original dwelling.

Through the use of similar materials and appropriate scale and massing any demonstrable harm to the property and the areas character and appearance is mitigated against, and as such the proposal is found to be acceptable on the grounds of character and appearance.

**Policies and Guidance:**

- National Planning Policy Framework (NPPF) – Section 12. Achieving well-designed places
- The Plan for Stafford Borough (TPSB) 2011-2031 – Policies N1 Design, N8 Landscape Character
- Supplementary Planning Document (SPD) – Design

2. **Amenity**

The proposal has been assessed against the Council’s Design Supplementary Planning Document (SPD) 2018 in context of residential amenity. The council seeks to protect the amenities of neighbouring occupiers and ensure that any domestic alterations does not have an adverse overlook, loss of light or overbearing impact on neighbouring properties.

The application has received objections from two neighbouring properties located adjacent to the host site. Both objections have raised similar concerns regarding potential overlooking, loss of privacy and an overbearing impact of the proposed extension. Amended plans have been received during the lifetime of the application in order to mitigate these issues. The proposed amended plans have reduced the proposed height of the side elevation windows by 0.4 metres and proposed to replace the existing boundary fence positioned adjacent to the proposed extension, measuring 0.2 metres higher than existing. The proposed glass opening of the side elevation windows would therefore not
be visible from the neighbouring properties or provide opportunity for overlooking/loss of privacy. The amended plans are therefore considered to overcome the original concerns of the neighbouring properties.

The proposed side extension would be positioned 18 metres from principle windows at No 12 Ridge Croft. The proposed separation distance falls 3 metres short of guideline 6 of SPD guidance which states a distance of 21 metres is considered to be a minimum separation between facing/backing dwellings to achieve a degree of privacy within conventional two storey accommodation. However, given the large rear amenity space between the host site and adjacent neighbours, the proposed increase in boundary treatment and existing vegetation along the boundary, relaxation of the guidelines has been considered appropriate in this instance. As noted above, the proposed windows would be at a lower level than the proposed boundary fence and as such any harmful overlooking would be minimised.

The proposed position of the side/rear extension would not be visual from the northern neighbour at Park Hill as it would be set back from the rearmost elevation by 0.6 metres set within the existing inset. There would therefore be no breach of the 45 degree rule from this neighbouring property. Given the degree of separation and position, it is not considered that the proposed extension would cause detrimental harm to the amenity of Park Hill.

Policies and Guidance:-
National Planning Policy Framework (NPPF) – Paragraph 127
The Plan for Stafford Borough (TPSB) 2011-2031 – Policy N1 Design
Supplementary Planning Document (SPD) – Design

3. Parking

The proposed works would not increase the number of bedrooms within the property or impact upon existing parking provision. Therefore, the proposal is considered to be acceptable in parking and highway safety terms.

Policies and Guidance:-
National Planning Policy Framework (NPPF) – Section 9. Promoting sustainable transport
The Plan for Stafford Borough (TPSB) 2011-2031 – Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B – Car Parking Standards

4. Trees

The constraints history of the site illustrates several Tree Preservation Orders (TPOs) positioned along the boundary with the host site. The TPOs located close to the proposed development are positioned to the neighbouring side of the boundary wall. The proposed works would be positioned 2 metres from the boundary fence in question. It is therefore not considered that the proposed works would cause any detrimental harm to the surrounding trees or vegetation.

The agent has also provided an Arboriculture report which has assessed the impact the proposed development may have upon surrounding TPOs. The report discusses how the extension would be situated on an existing hard standing where a small retaining wall
separates the raised ground level where the subject tree is located and the lower level where the extension will take place. It is considered that the proposed extension is highly unlikely to impact the surrounding trees.

Policies and Guidance:-
National Planning Policy Framework (NPPF) – Section 15. Conserving and enhancing the natural environment
The Plan for Stafford Borough (TPSB) 2011-2031 – Policy N1 Design

5. Conclusion

Overall, the proposal is considered to be acceptable in size and scale against the original dwelling and would not have a detrimental impact on the street scene or the amenity of neighbouring residents. The proposed development is therefore considered acceptable and in accordance with the Development Plan, the Design SPD and the NPPF.

It is recommended, given the above, that planning permission be granted.

Consultations

Tree Officer:
No response

Parish Council: objection
The Town Council objects to this planning application on the grounds that the proposed development would be overbearing in the location, will result in a loss of privacy and will have a negative impact on neighbouring homes.

Neighbours: (10 consulted)
2 letters have been received. Material planning considerations summarised as:
- Previous applications refused on the overbearing effect;
- Side windows are only 18m from the rear elevation of dwellings on Ridge Croft, resulting in overlooking, contrary to the Design SPD;
- Boundary trees do not provide adequate screening and are not a permanent feature;
- If approved, windows and doors facing Ridge Croft should be obscure glazed, and working times restricted.

Site Notice: N/A

Newsletter Advert: N/A

Relevant Planning History

12/16955/FUL - Minor Material Amendment to permission 07/07913/FUL - Two storey detached house and detached double garage. Position of the garage to be altered – Approved 29.06.2012
13/19331/TWT - Tree work in TPO - T1 Large Lime - reduce crown by 20% (3-4 metres) and remove significant deadwood, T2 Blue Atlas Cedar - remove large dead branches over
driveway, T3 Horse Chestnut - remove lower limb, T4 Sycamore - remove large dead limbs – Approved 12.11.2013
15/21981/TWT - T1 - Sycamore - Removal of lowest secondary lateral on the south side of the canopy overhanging 20 Ridge Croft. 15% Crown reduction to suitable growth points – Approved 06.04.2018

Recommendation

Approve, subject to the following conditions:

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

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

   Location and block plan
   JPK/18/4040/1 Rev C
   JPK/18/4040/2
   JPK/18/4040/3
   JPK/18/4040/4
   and Arboricultural Report Reference THL-R18/41.

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.

Informative(s)

1 The Local Planning Authority considers the proposal to be a sustainable form of development and therefore complies with the provisions of the National Planning Policy Framework.
Application 18/29756/ADV  
Case Officer Samantha Borgars  
Date Registered 7 December 2018  
Target Decision Date 1 February 2019  
Address Westbridge Park Stafford Street Stone ST15 8QW  
Ward Walton  
Parish Stone Town  
Proposal Signage 1 - Stone Leisure Centre on north-west elevation, Signage 2 - Stone Leisure Centre on south-west elevation and Signage 3 - Stafford BC & Freedom Leisure on north-west elevation and main entrance  
Applicant Stafford Borough Council  
Recommendation Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

The application has been made by Stafford Borough Council; it shall therefore be decided by the Planning Committee as is required.

Context

Advertisement consent is sought for the following signage:

Sign 1 – Non-illuminated, individual letter sign stating ‘STONE LEISURE CENTRE’ with the Stafford Borough Council logo and the Freedom Leisure logo – one at each end. Sign to be located on the north-west elevation. The sign would comprise of aluminium individual letters and logos in anthracite grey colour against the light grey background of the aluminium cladding of the building. The sign would have maximum measurements of 14.1m (W) x 1.5m (H).

Sign 2 – Non-illuminated, individual letter sign stating ‘STONE LEISURE CENTRE’ (without council and Freedom Leisure logos) to be located on the south-west elevation. The sign would comprise of white brushed steels individual letters against the dark grey background of the aluminium cladding of the building. The sign would have maximum measurements of 5.2m (W) x 2m (H).

Sign 3 – Non-illuminated, logos of Stafford Borough Council and Freedom Leisure to be located on north-west elevation above the main entrance. The logo sign would comprise of white brushed steels against the dark grey background of the aluminium cladding of the building. The sign would have maximum dimensions of 0.9m (W) x 2m (H).
Officer Assessment – Key Considerations

Control over the proposed advertisements can only be exercised in relation to visual amenity and public safety.

1. Visual Amenity

The proposed signs would all be non-illuminated making them less visually intrusive. All signs would be within the site and located on the main leisure centre building. It is not considered that the signage would be excessive scale and that the style and design of the signage proposed is in-keeping with the modern style of the host building. In addition the amount of signs proposed appears to be proportionate for advertising the buildings services clearly to members of the public without causing harm to the visual amenity of the area.

Policies and Guidance:-
National Planning Policy Framework (NPPF) – paragraph 132
The Plan for Stafford Borough (2011-2031) – Policies N1 Design
Supplementary Planning Document (SPD) Shopfronts and Advertisements

2. Public Safety

The proposed signage is not considered to cause any adverse harm to public safety. The Highway Authority has been consulted on the proposal and has raised no objections.

Policies and Guidance:-
National Planning Policy Framework (NPPF) – paragraph 132
The Plan for Stafford Borough (2011-2031) – Policy T2 Parking and Manoeuvring Facilities

3. Conclusion

The proposed signage is acceptable with regards to visual amenity.

The proposed signage is acceptable with regards to public safety.

Consultations

Highway Authority:
No objection.

Parish Council:
No objection.

Neighbours (3 consulted):
No representations received.
Relevant Planning History

- 17/26207/FUL - Erection of a new Leisure Centre and associated car parking facilities
  Demolition of an existing Fitness Centre building – Permitted
- 18/28130/DCON - Discharge of condition 8 on application 17/26207/FUL – Condition Discharged
- 19/29895/DCON - Discharge of condition 7 on 17/26207/FUL – Pending Consideration

Recommendation

Approve, subject to the following conditions:

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

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

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

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

6. This consent shall expire on 31 January 2024

7. The permission relates to the originally submitted details and specification and to the following drawings:-

   Drawing No. 8343 SK055 Rev A (Site Location Plan)
   Drawing No. 8343-RLL-XX-ZZ-DR-A-P0001 (Proposed Site Plan)
   Drawing No. 8343-RLL-ZZ-XX-DR-A-74020 P03 (Proposed External Signage)
   dmasigns Signage Specification Document Ref: PL69797 dated 16.11.2018
The reasons for the Council’s decision to approve the development subject to the above conditions are:

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

7. To define the permission.
**Reason for referral to Committee:**

The applicant is a Stafford Borough Council member for Barlaston Ward.

**Consultations** – N/A

**Relevant Legislation:**

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

**Context**

The trees which are the subject of this application include a Prunus avium (Wild Cherry), Fagus sylvatica (Beech) and 2 x Thuja plicata (Western Red Cedar).

The trees are located in visually prominent positions throughout the front gardens of Whistlers and the neighbouring property, adjacent the highway. As a tree group they make a significant contribution to the local amenity, with the Beech representing a particularly good specimen in its own right.

**Condition of the Trees**

The Wild Cherry is unfortunately at an advanced stage of decline, if not dead already which will be confirmed in the likely event of this tree failing to break bud in the spring. As a result the removal of this tree is appropriate, with no requirement for replacement planting as there is not sufficient space within the front garden due to the presence of the Cedars.

<table>
<thead>
<tr>
<th>Application</th>
<th>18/29752/TWT</th>
<th>Case Officer:</th>
<th>Gavin Pearce</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Registered</td>
<td>7 December 2018</td>
<td>Target Decision Date</td>
<td>1 February 2019</td>
</tr>
<tr>
<td>Parish</td>
<td>Barlaston</td>
<td>Ward</td>
<td>Barlaston</td>
</tr>
<tr>
<td>Applicant</td>
<td>----</td>
<td>TPO/Conservation Area</td>
<td>TPO No. 85 of 1980</td>
</tr>
<tr>
<td>Address</td>
<td>Whistlers, 6 Tittensor Road, Barlaston</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposal</td>
<td></td>
<td>Prunus avium (Wild Cherry) - Remove</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 x Thuja plicata (Western Red Cedar) lateral crown reduction on property side only by up to 30% and crown lift up to 3.5 metres</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fagus sylvatica (Beech) - lateral crown reduction on property side only by up to 25%.</td>
<td></td>
</tr>
<tr>
<td>Recommendation</td>
<td>Approve, subject to conditions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The two Western Red Cedars are mature specimens which have previously been reduced in height. Individually they do not represent particularly high quality specimens, however their presence amongst the wider tree population flanking Tittensor Road makes a valuable contribution to the overall street scene. The crown raising applied for will aid visibility from the front of the property and allow for garden maintenance, while the reduction on the property side will improve ambient light levels and usability of garden space. In addition these works will not have a significant impact on the continued health of the trees nor will the results of pruning be visible from the public realm. Therefore the works are considered appropriate.

The Beech is a large, mature tree that represents the highest amenity value specimen in the group. However, it is located in particularly close proximity to both Whistlers and the neighbouring property with direct encroachment now representing an actionable nuisance. Therefore a crown reduction by 25% on the property side only is appropriate to abate this nuisance, without creating any significant impact on either tree health or amenity value.

Conclusion
The works applied for are considered to be appropriate.

Recommendation
Approve subject to the following conditions:

1. All works shall be carried out by an Arboricultural Association approved contractor, or an appropriately insured and qualified person to BS3998:2010 Tree Works - Recommendations.

2. Works must comply with the requirements of the Wildlife and Countryside Act (Schedule 5) and the Conservation Regulations 1994 with regard to bat roots and nesting birds.

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

1. In the interests of the health and visual amenity of the tree.

2. To comply with the legal requirements of the above-mentioned Acts.
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>18/28431/HOU &amp; 18/28436/LBC</td>
<td>Park View Park Lane Cherbsey Staffordshire ST21 6JU</td>
<td>Retention of demolition works already carried out for timber lean to extensions and incidental outbuildings and proposed two storey side and rear extension, new brick wall and demolition of existing former pigsty (Please also see listed building consent ref 18/28436/LBC)</td>
</tr>
</tbody>
</table>

Decided Appeals

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Location</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/28204/FUL</td>
<td>Rose Villa Nursing Home 148 - 150 Eccleshall Road Stafford Staffordshire ST16 1JA</td>
<td>Proposed two storey extension forming ten bedrooms with ensuite and new day room</td>
</tr>
<tr>
<td>17/25759/OUT</td>
<td>Land Between Blackies Lane And Saddler Avenue Aston Lodge Stone</td>
<td>Application for outline planning permission for up to 20 affordable dwellings.</td>
</tr>
</tbody>
</table>
Previous Consideration
Nil

Background Papers
File available in the Development Management Section

Officer Contact
Mr John Holmes, Development Manager Tel 01785 619302
Appeal Decision

Site visit made on 19 November 2018

by Alexander Walker  MPlan MRTP
an Inspector appointed by the Secretary of State

Decision date: 11th December 2018

Appeal Ref: APP/Y3425/W/18/3206227
Rose Villa Nursing Home, 148-150 Eccleshall Road, Stafford, Staffordshire ST16 1JA

- 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 J.B.B. Patel against the decision of Stafford Borough Council.
- The application Ref 18/28204/FUL, dated 6 March 2018, was refused by notice dated 9 May 2018.
- The development proposed is a two storey extension forming ten bedrooms with en-suites and new dayroom.

Decision

1. The appeal is allowed and planning permission is granted for a two storey extension forming ten bedrooms with en-suites and new dayroom at Rose Villa Nursing Home, 148-150 Eccleshall Road, Stafford, Staffordshire ST16 1JA in accordance with the terms of the application, Ref 18/28204/FUL, dated 6 March 2018, subject to the conditions contained in the attached Schedule.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and the living conditions of the occupants of Nos 146 and 152 Eccleshall Road, with particular regard to outlook and privacy.

Reasons

3. Eccleshall Road is residential in character and predominantly comprises detached and semi-detached dwellings set within extensive plots. In addition to dwellings, there are also care home facilities within the locality, including the appeal site. To the rear of the properties on the north side of the road is a large allotment. The setback position of the buildings, the landscaped front gardens, the spacious rear gardens and the allotments create an open character to the area.

4. The appeal property comprises a one and two-storey building that extends a significant length along the depth of the site. From the adjacent Eccleshall Road, only the traditional, two-storey frontage is readily apparent. Behind this frontage sits a very long single-storey extension that sits almost central to the site, set back from both of the side boundaries with the neighbouring residential properties, Nos 146 and 152 Eccleshall Road. To the rear of the building is an open recreational area.
5. The proposed extension would be on the rear of the existing extension and would occupy part of the recreational area. Given its location at the rear of the site the extension would not be readily visible from the highway as the existing building would likely screen most, if not all, of it. It would be two-storeys in height and would be slightly higher than the ridgeline of the existing extension. However, due to the size of the existing building and the limited public vantage points from where the extension would be seen from, the building would not be read in its full context. Consequently, the difference in height would not be readily discernible. This would be further enhanced by the low pitch of the roofs, resulting in views of the roofscape being very limited.

6. The extension would be an ‘L’ shape and would be located to the east of the site. Whilst this would be in contrast to the existing building, which is central to the site, this difference would not be readily discernible from any public vantage points.

7. The Council refers to the proposal being seen from properties on Pitt Street and Alliance Street. However, these properties are a significant distance from the appeal site and it is unlikely that the extension would be prominent in views from these properties, particularly when read against the back drop of the existing building. It would be more readily noticeable from neighbouring properties on Eccleshall Road. However, when read in the context of the existing extension, given its relatively short depth in comparison it would not appear as an incongruous feature.

8. Overall, the extension would be a proportionate extension that would respect the design of the host building and the surrounding area, retaining its open character. I find therefore that the proposal would not significantly harm the character or appearance of the area and therefore would not conflict with Policy N1 of The Plan for Stafford Borough (the Plan) 2014, which seeks to ensure that development includes high design standards and takes account of the local character and context.

Living Conditions

9. The extension would be between 1m and 2m from the boundary with No 146 Eccleshall Road. There would be a number of windows on the east elevation of the extension that would face the rear garden of No 146. These windows would serve corridors on both the ground and first floor level. Given the proximity of these windows there is the potential for overlooking of No 146’s rear garden. However, in order to address this, the appellant suggests that these windows can be obscure glazed. Given that they only serve corridors, I am satisfied that the obscure glazing would sufficiently prevent undue overlooking without detriment to the living conditions of the occupants of the nursing home.

10. The ground floor dayroom would have a window in the south west elevation. Views of the garden of No 146 would be possible through this window. The appellant suggests that this window could also be obscure glazed. Given the relatively small size of the dayroom compared to the number of bedrooms in the appeal property, it is unlikely that residents would spend any significant amount of time in the room. Therefore, if the window was obscure glazed, I do not consider that it would significantly harm the living conditions of the residents.
11. There would also be windows in the north west elevation. The nearest windows would serve a stairwell. The other windows would serve bedrooms but would be set further back from the boundary with No 152. I am satisfied that all of these windows would be sufficient distance from the boundary with No 152 to ensure that there would not be any adverse overlooking of its garden area. I note that there are existing bedroom windows much closer to the boundary. The proposed windows would not increase any existing harm by way of overlooking. For this reason, I do not consider that it is necessary for these windows to be obscure glazed.

12. With regard to outlook, the extension would be close to the boundary of No 146 and would rise substantially above it. However, the garden of No 146 is sufficiently large enough to ensure that adequate outlook is retained particularly as the main outlook to the rear of the garden remains open. Given that the existing building dominates the north westerly views from the garden of No 146, the proposed extension would not materially exacerbate any existing harm to outlook.

13. The extension would be set further back from the boundary with No 152 and there would be sufficient separation distance to ensure that there would not be any harm to the outlook from its rear garden.

14. I find therefore that the proposal would not significantly harm the living conditions of the occupants of neighbouring residential properties and therefore would comply with Policy N1 of the Plan, which requires development to take account of the amenity of adjacent residential areas.

Other Matters

15. I have had regard to the previous appeal decision\(^1\) relating to a different extension scheme at the appeal property. Whilst I have considered the Inspector’s findings on the dismissed scheme, the proposal is significantly different in terms of its design and layout. Indeed, the proposal appears to have been designed to address the previous Inspector’s concerns.

Conditions

16. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.

17. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.

18. In the interests of the character and appearance of the area conditions are necessary regarding external materials and landscaping.

19. In the interests of highway safety, a condition is necessary regarding parking, servicing and turning areas.

20. In the interests of protecting neighbouring residential amenity, conditions are necessary regarding the installation of obscure glazing, restricting the installation of any new openings and limiting the hours of construction.

\(^1\) APP/Y3425/W/16/3147453
works. It is also necessary to ensure that the windows with obscure glazing are non-opening.

21. In the interests of highway safety, conditions are necessary regarding access parking, turning area details and visibility splays.

Conclusion

22. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker
INSPECTOR

SCHEDULE OF CONDITIONS

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: J.B.18.3, J.B.18.4 and J.B.18.5.

3) The external materials to be used on the hereby approved extension shall match those of the existing building.

4) Within three months of the commencement of the hereby approved extension details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
   i) earthworks showing existing and proposed finished levels or contours;
   ii) means of enclosure and retaining structures;
   iii) vehicle parking layouts;
   iv) other vehicle and pedestrian access and circulation areas;
   v) hard surfacing materials;
   vi) minor artefacts and structures [e.g. furniture, play equipment, refuse or other storage units, signs, etc.];
   vii) proposed and existing functional services above and below ground [e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
   viii) retained historic or other landscape features and proposals for restoration, where relevant;
   ix) an implementation programme.

Details of 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 supply sizes and proposed numbers/densities where appropriate. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first brought into use in accordance with the agreed implementation programme.
5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6) The development hereby permitted shall not be brought into use until the parking, servicing and turning areas have been provided in accordance with drawing number J.B.18.5. These areas shall be retained for their intended use thereafter.

7) Prior to the hereby approved development first being brought into use, all openings on south-eastern facing elevations, including the window serving the dayroom, adjacent to the boundary with number 146 Eccleshall Road shall be fitted with obscure glazing. No part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

8) No additional openings shall be installed on the south-eastern facing elevation of the hereby approved extension.

9) All site works including site deliveries shall be restricted to between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and between 08.00 and 14.00 on Saturdays with no work on Sundays or Bank and other Public Holidays. In addition, there shall be no burning on site during development and any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
Appeal Decision

Inquiry Held on 16 and 17 October 2018
Site visit made on 17 October 2018

by Kenneth Stone  BSc Hons DipTP MRTPI
an Inspector appointed by the Secretary of State

Decision date: 17 December 2018

Appeal Ref: APP/Y3425/W/18/3202676
Land off Saddler Avenue, Stone, Staffordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Fradley Estates against the decision of Stafford Borough Council.
- The application Ref 17/25759/OUT, dated 10 February 2017, was refused by notice dated 16 November 2017.
- The development proposed is for up to twenty affordable dwellings.

Decision

1. The appeal is allowed and planning permission is granted for up to twenty affordable dwellings at Land off Saddler Avenue, Stone, Staffordshire in accordance with the terms of the application, Ref 17/25759/OUT, dated 10 February 2017, subject to the conditions contained in the schedule at the end of this decision.

Procedural matters

2. The application was made in outline with all reserved matters of access, appearance, landscaping, layout and scale identified for future consideration. An illustrative plan was submitted but this is for illustrative purposes only as one way in which the scheme could be developed, and I have had regard to that plan in that context.

3. A completed Unilateral Undertaking (UU) under the terms of Section 106 of the Town and Country Planning Act 1990 as amended was provided to me on the last day of the Inquiry. The UU secures financial contributions towards off-site open space, including for the provision and/or improvement of off-site open space and its future maintenance and for an education contribution. These matters are discussed further below.

4. Following the Inquiry the parties’ views were sought in respect of the imposition of a condition to secure affordable housing and the implications of R (on the application of Skelmersdale Ltd Partnership) v West Lancashire BC [2016] EWCA Civ 1260. I received responses from the Council and appellant. The appellant’s comments included an attached Unilateral Undertaking dealing with Affordable Housing and I have had regard to their comments and the Affordable Housing UU in the determination of this appeal.

5. At the Inquiry the Council indicated that it no longer sought to defend its reason for refusal and accepted that with a suitable condition or planning obligation securing appropriate affordable housing the development would be in

https://www.gov.uk/planning-inspectorate
compliance with the development plan. It therefore no longer sought to pursue its objections to the scheme.

6. The Aston Lodge Residents’ Association (ALRA) appeared at the Inquiry as a ‘Rule 6 party’.

**Main Issues**

7. On the basis of the above and from all that I have read and heard at the Inquiry the main issues to be considered are:

   - Whether or not the proposed development would accord with the development plan’s strategy for the distribution of housing in the borough, including its location, tenure and affordable housing need, and the implications of this;
   - The effect of the proposed development on ecology;
   - Whether the proposed houses would be safe from flooding and whether the proposal would increase the risk of flooding elsewhere; and
   - The effect of the proposed development on Local Green Space.

**Reasons**


9. The Stone Neighbourhood Plan has been through the regulation 14 consultation stage which ended on 31 July 2018. I was informed at the Inquiry that the Stone Town Council were preparing to submit the next stage draft plan to the Council for consultation within the next few weeks and the Council confirmed that it was anticipating the submission and programming consultation to take place shortly after receipt and for the required six week period. The Neighbourhood Plan is an emerging plan with consultation and examination stages still to complete; it is therefore at a relatively early stage of preparation.

**Distribution of housing**

10. The appeal scheme is promoted as an affordable housing scheme; Policy C5 of the TPSB allows affordable housing on ‘rural exception sites’ provided that it meets various criteria. The site is adjacent to the settlement of Stone, albeit outside the settlement boundary and within the rural area, it proposes 100% affordable housing and provides for wheel chair housing, as specialist housing. On this basis it meets the first three of the four criteria identified in policy C5A. There has been no substantive objection to these matters raised.

11. The Council accepted at the Inquiry that if the affordable housing were secured through a suitable condition or planning obligation that criterion four would be met. On this basis policy C5 would be complied with and where compliance with policy C5 was demonstrated policies SP7, addressing the location of new development and policies SP6 and E2, achieving rural sustainability, would thereby also be met. It was on this basis that the Council no longer sought to defend its original reason for refusal.
12. The acceptance of compliance with policy C5 is therefore predicated on the basis of the development providing for affordable housing and a suitable mechanism to secure the dwellings as affordable housing being provided, through either a planning obligation or a condition, as is set out in policy C5. The Council and appellant proposed a condition to secure the affordable housing. This was the subject of discussion and amendment at the Inquiry with the conclusion that both parties advanced a condition that they considered made suitable arrangements to secure the affordable housing.

13. The condition proposed is negatively framed and requires the submission of a scheme for the provision of affordable housing and seeks to identify matters which that scheme should include. These clauses require the scheme to provide for: a mechanism by which a funder of the scheme may secure their lending (by, for example, a mortgagee in Possession clause); provision for the control of the allocation of dwellings; arrangements for the development of the land by a Registered Provider or the transfer of the dwellings to a Registered Provider; to ‘ensure’ that the dwellings remain affordable for first time and all subsequent occupiers; and a means to ‘ensure’ the housing shall remain available as affordable housing; amongst other matters.

14. Although the condition does not explicitly require a legal agreement the method of securing the affordable housing is vague. The interpretation of a condition is based on what a reasonable reader would understand the words to mean when reading the condition in the context of the other conditions and of the consent as a whole. The proposed condition includes phrases such as ‘secure’, ‘ensure’, ‘control’, ‘transfer’ and, in my view, these are reasonably interpreted as requiring a legal mechanism or agreement(s).

15. The Planning Practice Guidance (PPG) advises that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. The proposed development is not a complex case nor strategically important and therefore would not meet the tests for exceptional circumstances where such a negatively worded condition may be appropriate. The condition would therefore fail the tests of reasonableness and enforceability.

16. I note that policy C5 explicitly accepts the potential use of a condition and that the draft condition is based on a condition used by an Inspector in another appeal (ID12). However that Inspector’s decision is in relation to development in Wales where there are differences in terms of advice and the National Planning Policy Framework (the Framework) does not apply. The condition before me proposed by the parties does not accord with the advice in the PPG.

17. On this basis I am not satisfied that the proposed condition would be appropriate to attach to the permission. In these circumstances the appellant has provided a second Unilateral Undertaking which deals explicitly with affordable housing. The Undertaking binds the appellant into certain actions including the sale of the affordable housing and entering into other various agreements with the Council and potential affordable housing provider. These are not matters that could reasonably be addressed by a condition but do ensure that the affordable housing would be secured through an appropriate mechanism. The Council raised concerns regarding the identification of the land to which the undertaking applies however this is included in the definitions

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section and there is a plan attached to the certified copy of the Undertaking I have been provided with. The Council also raised concern regarding possible ambiguity in Clause 1.5 of Schedule 1 with regard to Designated Persons. However, this is a defined term and clause 1.5 also refers to clause 5 to introduce the cascade mechanism. The appellant does not accept there is ambiguity and has noted that this reflects the wording previously proposed by the Council in respect of an earlier draft agreement. Given the appellant's interpretation of the clause and the fact there are also other provisions within the Undertaking including the requirement for the sale of the properties to an Affordable Housing Provider, the transfer of the freehold title to the Affordable Housing Provider, the conclusion of a Nomination Agreement between the Affordable Housing Provider and the Council and obligations regarding the operation of the Nomination agreement, Clauses 1.2, 1.3, 6.5 and 6.7 I am satisfied that the undertaking secures the affordable housing as intended.

18. On the basis of the above I am satisfied that the Unilateral Undertaking provides a suitable mechanism to secure the dwellings as affordable housing; the proposal therefore complies with criterion b of policy C5, which requires the site to deliver 100% affordable housing. Moreover the scheme would also comply with criterion d of policy C5, which requires that the housing is justified by a Parish Based Local Housing Needs assessment unless the initial and subsequent occupancy is controlled through planning agreement or conditions via a Registered Provider. It therefore follows that as the proposal complies with policy C5 it also complies with Policies SP7, SP6 and E2, see paragraph 10 above.

19. On the basis of the above I conclude that the proposed development would comply with policy C5 and consequently policies SP7, SP6 and E2 of the TPSB. The proposed development site would be outside the settlement boundary for Stone and would result in housing within the rural area. That housing is however secured as affordable housing, in accordance with the development plan. The proposal therefore is in accordance with the development plan’s strategy for the distribution of housing in the borough which seeks to direct housing to the most sustainable locations and reduce the need to travel.

**Ecology**

20. The appeal site comprises an area of open rough grassland bounded by regenerated hawthorn hedge along Blackies Lane, on its southern boundary, and across part of its eastern boundary with the adjoining agricultural fields. The site includes areas of bramble adjacent to these boundaries, but otherwise the area is rough grassland. The western boundary is open and abuts Sadler Avenue and the northern boundary, which includes a tarmac path and lighting abuts adjoining residential properties.

21. The appellant submitted a Preliminary Ecological Appraisal (PEA) by a qualified and competent Ecologist. Whilst there were some concerns raised regarding the number and timing of visits associated with the report there was no substantive evidence to demonstrate that it was fundamentally flawed. Counterpoised against this evidence the ALRA produced two reports by Dr David Emley, who appeared at the Inquiry. ‘The Natural History of Aston Lodge Park’ was not site specific and provided an over view over a significant period of time of various species of plant, birds and insects that Dr Emley had identified. Whilst this provides a general understanding of the variety of
species in the area there are only limited records directly related to the appeal site, which is identified as the ‘grassy patch’. In the context of the second report which directly related to the appeal site, the identified plant, bird and insect species are recorded as casual observations and are not undertaken in a recognised scientific approach. On this basis I place greater weight on the evidence from Haslam Ecology.

22. I do not discount the evidence from Dr Emley and indeed the identification of the variety of species does lend some weight to the position that the site is potentially richer in ecological terms than that identified through the PEA. However, the areas where there is greatest concern identified are addressed in the PEA. In particular in relation to the identification of White-letter Hairstreak *Strymonidia w-album*, the appellants report identifies that the hawthorn hedge rows, which form their main habitat, would be retained and indeed extended as part of the mitigation measures for the proposals. This could be the subject of a suitably worded condition. With regard to the previous comments of the Staffordshire Wildlife Trust (SWT) the issue of hedgehog movement could be addressed through suitable design and mitigation at the reserved matters stage. SWT had also previously commented on Great Crested Newts. The PEA notes that there are no ponds suitable for amphibian breeding within 250m of the site and that the closest pond is located 390m to the north-west of the site. It is also noted that the habitat connection between the pond and the appeal site is of medium to low quality.

23. Overall the Ecological information before me does not demonstrate that the site is of such value and importance, containing habitat and species that would significantly elevate its level of protection. Where important species are identified there is suitable mitigation and there would not be a loss of significant or important habitat. On this basis I conclude there would be no material adverse impact.

24. The appellant also provided a Tree Survey with the original application. The report identifies 9 trees on site of which 6 are to be removed and three retained. The trees are all categorised as either unremarkable trees of limited merit, or present in groups but without conferring significantly greater collective landscape value and only offer low landscape value. Two are identified as having serious irremediable, structural defects. No substantive evidence has been submitted to challenge these conclusions. The proposal would therefore not result in the loss of any arboricultural asset of significant value.

25. Overall I am satisfied that the proposed development would not result in material harm to the ecology of the area and would therefore be in accordance with TPSB policy N4 which seeks to protect the natural environment and green space and with paragraph 175 of the Framework.

*Flood risk*

26. As part of the original planning application the appellant submitted a Flood Risk Assessment and a Hydraulic Modelling Study by Weetwood Services Limited. The Environment Agency considered the development proposals on the basis of the information contained in these documents and confirmed that it had no in principle flood risk objections and moreover, that subject to conditions, the development would meet the requirements of the Framework.
27. The Environment Agency has had further modelling work undertaken by ch2m dated January 2018 and confirmed that this will result in changes to the flood mapping, but that the change in flood mapping does not change their previous stance. Mr Stripp during his representations provided an updated copy of the flood mapping produced using the model by the EA. In a further letter submitted to the Inquiry the Environment Agency expanded upon its views and noted that this review confirms that the appellant’s model submitted as part of the outline application was suitable to assess flood risk.

28. The modelling and flood risk assessment do identify that there is currently flooding that occurs on and off site. Indeed there are records of the bungalow on Sadlers Avenue adjacent to the site flooding in the past and evidence was presented of inundation of the field that forms the site and high volumes and flows of water within the channels and culverted areas and inlets/outlets.

29. The information before me confirms that the proposed development subject to the conditions proposed by the Environment Agency would not result in additional flood risk beyond the site and downstream. Moreover it demonstrates that although there would be increased risk of flooding related to the proposed properties this could be addressed through conditions identifying an appropriate finished floor level and other measures.

30. The models demonstrate that there is potential for increased flooding to occur downstream in certain scenarios, for example related to blockages of the culvert inlets, but these are not directly affected by the proposed development. It is also suggested that upstream interventions could assist in alleviating the potential for downstream flooding and that the appeal site could provide one such location. However there is no directly funded or secured scheme that the development would frustrate and it is not demonstrated that this is the only location that would be available.

31. The Lead Local Flood Authority have also considered the proposal and confirmed that subject to appropriate conditions the scheme would be acceptable.

32. Flooding is a significant and genuine concern to those directly affected and where the potential for flooding is high. There is anecdotal evidence and some information which demonstrates that there are examples of flooding and inundation in the general area. However on the basis of the technical evidence before me including the reports by competent persons and the conclusions of the assessments of those reports by the appropriate agencies I am satisfied that the proposed development could accommodate safe access and escape routes, could be made appropriately flood resistant and resilient and that any residual risk can be appropriately managed. The outline nature of the proposal will enable the developer to ensure that development is directed towards the areas of lowest risk on site, appropriate compensatory measures can be included, and that sustainable drainage systems could be incorporated. These matters could be secured by suitable design at the reserved matters stage and/or through the imposition of suitable conditions.

33. On the basis of the above I conclude on this issue that the proposed houses would be safe from flooding and the proposal would not increase the risk of flooding elsewhere. Consequently the proposal would comply with policies SP7, Stone 1 and N2 and N4 of the TPSB in respect of flood risk, drainage and
climate change. Moreover the proposal would accord with the advice in the Framework, particularly paragraph 163.

Local Green Space

34. The present draft of the SNP includes policy CAF4 which requires that Local Green Spaces must not be developed, such development only being in exceptional circumstances and for small scale development. The appeal site is identified as Local Green Space 34.

35. The ALRA contended that as the plan progressed through the stages it gained weight, that I should afford the plan significant weight and the determination of this appeal should await the conclusion of the Neighbourhood Plan process. It is a point in fact that as a plan moves through the stages of plan preparation it gains weight but the weight it is given has to be considered and justified, this I have done. For the reason given at paragraph 9 above I afford the Stone Neighbourhood Plan only limited weight in the determination of this appeal.

36. The secondary aspect of this is in effect a prematurity argument. Paragraph 49 of the Framework advises that such arguments are unlikely to justify refusal of permission other than in limited circumstances. In this case the proposal is not so substantial that it would undermine the plan making process, this is only 1 of 50 identified Local Green Spaces, and the plan is not at an advanced stage.

37. The TPSB does not designate the site as Local Green Space.

38. The Framework advises that Local Green Spaces should only be designated when a plan is prepared or updated. A section 78 appeal is therefore not the appropriate forum to determine whether the site is appropriate for such designation and that is more properly done through the development plan process.

39. In the context of the current appeal the land is therefore not designated as Local Green Space in an adopted development plan document and I have considered it as an area of open land. Concerns of local residents relate to the benefits the space brings to the local community in terms of recreation, linkage with other areas and its ecological value. I have addressed the ecological value above. In terms of the footpath along the northern boundary and the line of the path and river course to the east of the appeal site these are not areas that the development would either affect or restrict access to. Much of the site would be developed and there is evidence of its use by the local community by dog walkers and others for recreation. However, the path to the side of the development would be retained which would provide access to the east. Blackies Lane would be retained, the public foot path linking these two, some way to the east, would not be affected by the development and therefore a degree of recreational value and linkage would remain.

40. On the basis of the above I conclude on this issue that the proposal would not have a material effect on Local Green Space.

Other matters

41. The Statement of Common Ground acknowledges that the Council can currently demonstrate a 5 year supply of housing land and the plan is therefore not out of date in relation to housing supply policies.
42. There has been no substantive case to suggest that other policies of the plan are out of date.

43. The question of whether the site is previously developed does not directly engage with the main issues and the reasons for which I have concluded that the development would be acceptable. This is therefore not a matter that I have concluded upon as it would not affect my overall conclusion.

44. Councillor Farnham raised concerns in relation to adverse impacts in respect of the additional traffic that would be generated by the development. However the proposal was supported by a Transport Statement and this was considered by the Highway Authority which raised no objections and advised the development was acceptable subject to appropriate conditions. These matters can be addressed through the reserved matters and suitably worded conditions. There has been no substantive evidence submitted to lead me to a different conclusion from that reached by the Highway Authority.

Planning Obligations

45. I have been provided with two completed Unilateral Undertakings the first which seeks to secure contributions towards the provision of off-site open space and its maintenance and an education place and the second which deals with affordable housing.

46. I have addressed affordable housing above and the Unilateral Undertaking is necessary to secure the provision of the affordable housing to ensure the site is a rural exception site. It is therefore necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

47. With respect to those matters related to open space provision and maintenance the undertaking secures an appropriate level of provision and a financial contribution to maintain the site. An educational provision is also secured given the additional pressure that would arise from the development.

48. I am satisfied that the obligations are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

Benefits of the scheme

49. The appellant identified the planning benefits of the scheme as those related to the provision of affordable housing, the provision of development on previously developed land, the appeal site being in a location with good access to a range of local services and facilities, the provision of specialist housing and the economic uplift generated through local spend from future occupiers of the development and construction jobs.

50. The provision of affordable housing in an area where there is a significant need for affordable housing is a substantial positive benefit of the scheme. For the reasons I have given above I have not considered the issue of whether the land is previously developed further and in any case this would only be of limited weight, either positive or negative, dependant on the conclusion and would not be determinative in this appeal. Similarly given the small scale of the development I would ascribe limited positive benefit to the economic uplift and small number of specialist housing units. The fact that the site has access to a
range of local services and facilities to serve the needs of future occupiers is not disputed by the Council but this is not of itself a positive benefit of the scheme.

**Conditions**

51. A draft list of suggested conditions was provided (ID8) and discussed at the Inquiry. I have considered the conditions in the context of the advice in the Planning Practice Guidance and the model conditions set out in the annex (which remains extant) to the otherwise now cancelled Circular 11/95, the use of conditions in Planning Permissions.

52. Conditions 1 to 3 are the standard outline conditions and there is no reason to vary these. Condition 4 relates to the identification of the approved plan which the PPG advises is good practice.

53. Condition 5 provides for a Construction Method Scheme to safeguard the living conditions of the surrounding residents and in the interest of highway safety. Conditions 6 through to 9 are required to ensure the development is appropriately drained and to mitigate the potential flood risk. Condition 10 is also required to ensure the development is appropriately drained. Condition 11 is required in the interests of local ecology.

54. A condition related to timing of planting would be more appropriately attached to the reserved matters in respect of landscaping. A condition related to boundary walls, retaining walls and fences is not required as this would be covered by the reserved matters submissions. Nor is a condition required on works to hedge rows during bird breeding season as this is addressed in the Ecological Mitigation measures. Hours of work during the development can reasonably be included in the construction method statement and is therefore not required as a separate condition.

55. Conditions 5, 6, 8 and 10 are ‘pre-commencement’ form conditions and require certain actions before the commencement of development. In all cases the matters they address are of an importance or effect and need to be resolved before construction begins.

**Overall conclusions and planning balance**

56. I have concluded that albeit the development is outside the settlement boundary of Stone in the rural area as the dwellings are affordable housing the scheme would be acceptable. It would consequently comply with the development plan’s strategy for the distribution of housing in the borough and thereby comply with development plan policies C5, SP7, SP6 and E2 of the TPSB. The proposal therefore accords with the development plan as a whole.

57. Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development accords with the development plan, which is up to date, and the Framework advises that in such circumstances permission should be approved without delay. In respect of ecology, flood risk and Local Green Space I have concluded that the development would not result in material harm. Those matters which are legitimately positive benefits include the provision of affordable housing which is of substantial positive benefit. Material considerations support the development which is in accordance with the development plan and do not indicate a decision otherwise should be taken.
58. For the reasons given above I conclude that the appeal should be allowed.

*Kenneth Stone*

INSPECTOR
APPEARANCES

FOR THE APPELLANT:

Killian Garvey Barrister appointed by Grant Anderson of Hill Dickenson
He called Paul Sharpe Paul Sharpe Associates LLP

FOR THE LOCAL PLANNING AUTHORITY:

Timothy Leader Counsel, appointed by Legal Services Stafford Borough Council.
He called John Holmes Development Manager Stafford Borough Council

FOR THE ASTON LODGE RESIDENTS ASSOCIATION:

Dr Kamar Sidiqi GP and member of ALRA
He called Jeremy Slann Local Resident and member of ALRA in relation to Flooding issues
Dr David Emley Local Resident and member of ALRA in relation to Ecology
Andy Osgathorpe Local Resident and member of ALRA in relation to Local Green Space and other matters

INTERESTED PERSONS:

Councillor Joyce Farnham Local Ward Member
Joe Stripp Local Resident

DOCUMENTS submitted during the Inquiry (ID)
ID1 Opening Statement for the Appellant
ID2 Opening Statement for the Council
ID3 Opening Statement for ALRA
ID4 Copy of the two Committee reports in respect of the application the subject of the appeal
ID5 Draft Unilateral Undertaking
ID6 Note for Mr Slann to talk to
ID7 Registered Title document submitted by appellant
ID8 Draft proposed conditions and supporting consultation responses submitted by the Council
ID9 Affordable housing condition submitted by appellant
ID9a Amended Affordable housing condition submitted by Council
ID10 Mr Stripp’s speaking note and attached documents
ID11 CiL Compliance statement submitted by the Council
ID12 Inspector Decision Letter submitted by Appellant
ID13 Closing submissions on behalf of ALRA
ID14 Closing submissions on behalf of the appellant

https://www.gov.uk/planning-inspectorate
DOCUMENTS submitted after the close of the Inquiry (PID)

PID1  Appellants response to Inspector Question and Affordable Housing Unilateral Undertaking

PID2  Council’s response to Inspector Question and comments on the appellant’s Affordable Housing Unilateral Undertaking

PID3  Appellant’s final comments on the Affordable Housing Unilateral Undertaking
SCHEDULE OF CONDITIONS FOR APPEAL APP/Y3425/W/18/3202676

1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

2) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: PSA/FE/001.

5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. 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 parking of vehicles of site operatives and visitors;
   iv) loading and unloading of plant and materials;
   v) storage of plant and materials used in constructing the development;
   vi) measures to prevent the deposition of deleterious material on the highway including wheel washing facilities;
   vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
   viii) measures to control the emission of dust and dirt during construction;
   ix) no burning on site during the development;
   x) all site works and construction works together with deliveries to the site shall only take place between the hours of 08:00 and 18:00 on Mondays to Fridays inclusive and between 08:00 and 14:00 on Saturdays and not at all on Sundays or on Bank Holidays and other Public Holidays. In addition and equipment that must be left running outside the permitted hours of work shall be inaudible at the boundary of occupied residential properties.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

6) No development shall take place until a site layout scheme to provide a minimum 5 metre easement to each side wall of all watercourses on site and suitable vehicle access to culvert inlet trash screens, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

https://www.gov.uk/planning-inspectorate
7) The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), Draft Report v2.0, dated 23 December 2016 and the following mitigation measures detailed within the FRA:
   i) Demonstration within the FRA that the improvement/protection and maintenance of existing culvert and inlet trash screens will be provided – Section 5.1.1;
   ii) Finished floor levels are set no lower than 102.29m above Ordnance Datum (AOD) – Section 5.1.2;
   iii) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven – Section 5.1.3;
   iv) Provision of compensatory flood storage to ensure there is no loss of flood storage capacity for all flood events up to the 1 in 100 annual probability fluvial event including 20% for climate change, critical flood event – sections 5.1.4 and 5.2. Upon completion of the compensatory flood storage scheme an 'as built' topographical survey of the area of flood plain compensation shall be submitted to and approved in writing by the local planning authority.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

8) 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 (Ref 2958/FRA_v2.0, December 2016). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

9) Provision of an appropriate management and maintenance plan and programme for the surface water drainage scheme to ensure continued performance of the system for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. Before any dwelling is occupied and implemented hereafter in accordance with the agreed programme.

10) No development shall take place until drainage plans for the disposal of foul water flows have been submitted to and approved in writing by the local planning authority. The development shall subsequently be implemented in accordance with the approved details before the development is first brought into use.

11) The mitigation measures set out in the Recommendations & Mitigation section 5 of the Preliminary Ecological Appraisal submitted as part of the application, undertaken by Haslam Ecology dated December 2016 shall be undertaken in full in accordance with the appropriate timings and any timescales associated with the implementation of the associated landscaping scheme.

End
Enforcement Matters

Report of Head of Development

Purpose of Report

To consider the following reports.

(a) ADV/00243/EN18 - 6 High Street, Stone
(b) WKS2/00086/EN18 64 Foregate Street, Stafford
(c) USE/00226/EN18 - Land adjacent to the former Lakeside Tavern, Meaford Road
(d) Ongoing Authorised Enforcement Cases

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302
Report of Head Development and Head of Law and Administration

Purpose of Report

To consider the addition of two large signs on a commercial premises within a conservation area.

1 Detail

1.1 A report was received in Planning Enforcement on 15 October 2018 regarding the addition of two signs to a commercial premises; 6, High Street, Stone, Staffordshire, ST15 8AJ, which is located in a conservation area on the pedestrianised main shopping area.

1.2 At an initial site visit on 14 November 2018, the signs were clearly visible from the street. This property is situated within a conservation area and abuts a Grade II listed building.

1.3 The advert consent was sought for two large non-illuminated fascia signs measuring 1.8 x 1.08m and 1.2 x 0.85m.

1.3 The application was refused in August 2018 for the following reason: The proposed signage by reason of the prominent location, excessive size, orientation and inappropriate design would appear as incongruous and visually intrusive within the locality. The proposed sign would therefore harm the character and appearance of this part of the Stone Conservation Area contrary to paragraphs 67, 132 and 134 of the National Planning Policy Framework and Policy N1g and N9 (iii), (v) and (vii) of The Plan for Stafford Borough.

1.4 A letter was sent on 2 November 2018 advising that they have 7 days to remove the sign. A further visit to the site on 8 January 2018 found that the signs were still in situ. No appeal has been received to date.
2 Policies


2.2 National Planning Policy Framework; Section 4; Decision Making - Paragraph 58 (enforcement), National Planning Policy Framework – paragraph 67, 131, 132 and 137 The Plan for Stafford Borough – Policy N1 Design, N9 Historic Environment

3 Conclusion

3.1 The two signs have been added to the front and side of commercial premises within a conservation area. Consent has already been refused for the adverts and to date no appeal has been made.

3.2 The adverts are deemed to be prominent in size and content contrary to that which would be acceptable on a building situated within a conservation area. This is deemed to harm the character and appearance of the Stone Conservation Area and the nearby listed building.

3.3 It is therefore considered that the signs are out of keeping with the area and contrary to N1 Design and N9 Historic Environment of the Plan for Stafford Borough and should be removed.

4 Recommendations

4.1 That appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the removal of both signs on the north and east elevation of the building.

Background Papers and History

17/27404/ADV – Signage to front and side elevation of rented retail office premises – Refused on 08.03.18

ADV/00243/EN18 – 6 High Street, Stone, Staffordshire, ST15 8AW – Pending consideration

Contact Officer

Mrs Eiryl McCook- Development Lead - Direct No 01785 619732
Ward – COTON

WKS2/00086/EN18 64 FOREGATE STREET, STAFFORD

Report of Head Development and Head of Law and Administration

Purpose of Report

To consider the addition of cladding and new uPVC windows to a building within a conservation area which has taken place without the benefit of planning permission.

1 Detail

1.1 A report was received in Planning Enforcement on 22 April 2018 regarding the addition of cladding and new uPVC windows to a commercial premises; 64, Foregate Street, Stafford, ST16 2PX, which is located on a corner plot within the Foregate and St Georges Conservation Area.

1.2 At an initial site visit on 27 April 18, it was noted that blue, black and off white cladding had been introduced to both the front facing and side elevations of the building along with new uPVC windows. This property is situated within a conservation area and as such requires planning permission.

1.3 At the time of addition, planning permission was not requested for the cladding or windows. Retrospective permission was formally submitted by the owners of the premises on 18 June 2018. This permission was refused on 30th October 2018 for the following reason:

“64 Foregate Street forms a prominent corner plot building at the junction of County Road and Foregate Street and is within the Foregate and St Georges Conservation Area. The introduction of uPVC cladding and uPVC windows has resulted in historic detailing to the building either been lost or concealed and the building now appearing as a featureless box-like structure formed from alien materials which take no reference from the conservation area. The works therefore fail to preserve or enhance the significance of this heritage asset and consequently harm the character and appearance of the Foregate and St Georges Conservation Area for which there are is no overriding public benefit. The works are therefore contrary to paragraphs 193, 195 and 201 of the National Planning Policy Framework, Policies N1 (g) & (h) and N9 (iii) & (vi) of The Plan for Stafford Borough, and the Council’s Supplementary Planning Documents on Design and Shopfronts & Advertisements.”
1.4 A letter was sent on 21 December 2018 with reference to the refusal of the planning application and advising that unless an appeal is made the council will need to decide whether it is expedient to pursue enforcement action.

1.5 No appeal has been received and the cladding is still in situ.

2 Policies

2.1 The Plan for Stafford Borough - Policy Spatial Principle 7 – Supporting the Location of New Development; Policy N1 – Design, N8 Landscape Character and N9 Historic Environment of the Plan for Stafford Borough.

2.2 National Planning Policy Framework;
Section 4; Decision Making - Paragraph 58 (enforcement),
Section 12; Achieving well-designed places - Paragraphs 124, 127, 128, 130,
Section 16; Conserving and Enhancing the historic environment – Paragraphs 184, 189, 190, 191, 192, 193, 194, 195, 196, 201

3 Conclusion

3.1 The cladding has been introduced to the property on the front and side elevations. Due to this being within a conservation area planning permission is required. Although a planning application was submitted retrospectively, this was refused in October 2018 and no appeal has been forthcoming or any effort made to remove the cladding from the building.

3.2 The cladding is a mix of blue, off white and black uPVC material and uPVC windows which were contrary to that which would be acceptable on a building of heritage asset situated within a conservation area. This has been deemed to harm the character and appearance of this area.

3.3 It is therefore considered that the cladding and windows are out of keeping with the area and contrary to N1 Design, N8 Landscape Character and N9 Historic Environment of the Plan for Stafford Borough and should be removed.

4 Recommendations

4.1 That appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the removal of the unauthorised cladding and windows on the front and side elevations of the building and any remedial works required to reinstate the original elevations.
Background Papers and History

WKS2/00086/EN18 – Unauthorised cladding – Pending Consideration.

18/28761/FUL - Replacement elevational treatment to the front and side elevations – Refused on 30 October 2018

Contact Officer

Mrs Eiryl McCook- Development Lead - Direct No 01785 619732
USE/00226/EN18 – Land adjacent to the former Lakeside Tavern, Meaford Road

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

Purpose of Report

To consider the introduction of hard-core sub-base which appears to be for the purpose of providing hardstanding to the land adjacent to the former Lakeside Tavern, Meaford Road, Meaford, Stone, Staffordshire, ST15 8UX, without the benefit of planning permission on land which is in the North Staffordshire Greenbelt.

1 Detail

1.1 On 12/10/2018 a report was submitted to the Planning Department concerning the introduction of hard core to the land north of the former Lakeside Tavern carpark, Meaford Road, Meaford, Stone, Staffordshire, ST15 8UX.

1.2 A site visit was undertaken on 15/10/2018 which confirmed that a hard core sub-base was being introduced on the land.

1.3 A letter was sent on 16/10/2018 requesting a retrospective planning application be submitted for the works undertaken.

1.4 On the 19/12/2018 a Planning Contravention Notice was served in relation to the works undertaken on the land. The compliance period was 21 days. The date for compliance was 9/01/2019. No response to the Planning Contravention Notice has been received, and therefore the Planning Contravention Notice has not been complied with.

2 Policies


3 Conclusion

3.1 The hard-core sub-base has been introduced to the land without the benefit of planning permission and is therefore unauthorised. No planning application has been submitted for the retention of the works.

3.2 It is considered that the unauthorised works of introducing hard-core to the land is harmful to the openness of the North Staffordshire Greenbelt and contrary to policies E1, E2 and N8 of the Plan for Stafford Borough and paragraphs 143 - 146 of the National Planning Policy Framework.

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 hard-core.

Background Papers

USE/00226/EN18 - Unauthorised Change of Use of Land – pending consideration

Contact Officer

Mrs Eiryl McCook - Development Lead - Direct No 01785 619732
USE/00226/EN18
Land adjacent to the former Lakeside Tavern
Meaford Road
<table>
<thead>
<tr>
<th>Reference</th>
<th>Location</th>
<th>Unauthorised Works/Use</th>
<th>Action Authorised</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE/00065/EN08</td>
<td>Spot Acre, Hilderstone Road, Spot Acre.</td>
<td>Use of land for traveller site.</td>
<td>04 March 2015</td>
<td>Further temporary period approved by planning inspector for a period of 3 years. Occupancy period until 15 November 2019, restore the land a further 3 months.</td>
</tr>
<tr>
<td>WKS2/00227/EN16</td>
<td>Little Haywood General Stores, Main Rd, Little Haywood.</td>
<td>Railings</td>
<td>05 October 2016</td>
<td>Referred to Crown Court, court date 14/1/19.</td>
</tr>
<tr>
<td>COND2/00257/EN15</td>
<td>Cold Norton, Norton Bridge, Stone</td>
<td>Non compliance with landscaping scheme</td>
<td>26th October 2017</td>
<td>Failure to comply with Breach of Conditions Notice, Court action instigated, defendant pleaded guilty. Penalty imposed. Works still to be undertaken.</td>
</tr>
<tr>
<td>COND2/00257/EN15</td>
<td>Cold Norton, Norton Bridge, Stone</td>
<td>Non compliance with road treatments</td>
<td>1st August 2018</td>
<td>Breach of Condition Notice Served. Owner stated wks to be completed by end of 2018, enforcement to re-visit.</td>
</tr>
<tr>
<td>COND2/00360/EN16</td>
<td>Church View Seighford Drive</td>
<td></td>
<td>06 December 2017</td>
<td>Enforcement Notice served. Appeal received by planning inspectorate awaiting decision.</td>
</tr>
<tr>
<td>Code</td>
<td>Address</td>
<td>Details</td>
<td>Date</td>
<td>Status</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>------------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td>WKS2/00380/EN1 6</td>
<td>The Old Stores, Newport Rd, Woodseav es</td>
<td>Drive, wall, gates and patio.</td>
<td>06 Decemb er 2017</td>
<td>Owner not in country currently, legal in discussions with owners legal representative.</td>
</tr>
<tr>
<td>COND/00277/EN1 6</td>
<td>The Stables, Outwoods Bank, Outwoods.</td>
<td>Siting of a mobile home for use during stable conversion.</td>
<td>03 January 2018</td>
<td>Enforcement notice served, appeal received awaiting planning inspector.</td>
</tr>
<tr>
<td>WKS3/00224/EN1 7</td>
<td>Eago, The Island, Stafford</td>
<td>Container</td>
<td>18 April 2018</td>
<td>Draft enforcement notice compiled by legal awaiting approval from enforcement.</td>
</tr>
<tr>
<td>ADV/00065/EN18</td>
<td>Former Police Headquart ers, Weeping Cross, Stafford</td>
<td>Signage</td>
<td>18 April 2018</td>
<td>Signage removed, new adverts erected currently under investigation.</td>
</tr>
<tr>
<td>WKS2/00048/EN1 7</td>
<td>92 St Georges Parkway, Stafford</td>
<td>Container</td>
<td>17 October 2018</td>
<td>Planning application refused. Planning appeal received.</td>
</tr>
<tr>
<td>USE/00311/EN17</td>
<td>Grove Hill Farm, Adbaston.</td>
<td>Caravan and other vehicles being stored on land</td>
<td>15 August 2018</td>
<td>Land used for storage of vehicles for in excess of 10 years and therefore immune from enforcement action. NFA.</td>
</tr>
</tbody>
</table>