Dear Members

Planning Committee

A virtual meeting of the Planning Committee will be held using Zoom on Wednesday, 15 July 2020 at 3.00pm to deal with the business as set out on the agenda.

To watch the meeting, please follow the instructions below:-

1 Log on to Zoom at https://zoom.us/join
2 Enter Meeting ID 824 8683 6780 when prompted
3 Enter Password 080122 when prompted

Or, to listen to the meeting, please call the following telephone number:-

0131 460 1196

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.

[Signature]
Head of Law and Administration
PLANNING COMMITTEE – 15 JULY 2020

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

A G E N D A

1 Minutes
2 Apologies
3 Declaration of Member’s Interests/Lobbying
4 Delegated Applications
   Details of Delegated applications will be circulated separately to Members.

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MEMBERSHIP

Chairman - Councillor R M Sutherland

B M Cross       W J Kemp
M G Dodson      A Nixon
A P Edgeller    A N Pearce
A S Harp        M Phillips
A D Hobbs       R M Sutherland
J Hood

(Substitutes - F Beatty, A T A Godfrey, P W Jones, R Kenney)
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 APPENDIX:-

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This application was called in by Councillor C A Baron

Officer Contact – Sian Wright, Development Lead - Telephone 01785 619528

Previous Consideration

Nil

Background Papers

Planning application files are available for Members to inspect, by prior arrangement, in the Development Management Section. The applications including the background papers, information and correspondence received during the consideration of the application, consultation replies, neighbour representations are scanned and are available to view on the Council website.
Application 19/31577/REM  | Case Officer Sian Wright
---|---
**Date Registered** | 20 December 2020  **Target Decision Date Extended To** 17 July 2020  
**Address** | Land Off Fairway Littleworth Stafford  **Ward**  Forebridge  **Parish**
**Proposal** | Reserved Matters (appearance, landscaping, layout and scale) pursuant to planning permission ref. 18/28423/OUT for Phases 1, 1a, 2 & 3 of the proposed development comprising 214 dwellings, public open space, landscaping and associated infrastructure
**Applicant** | St Modwen Homes Ltd
**Recommendation** | Approve, subject to conditions

**REASON FOR REFERRAL TO COMMITTEE**

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

"To clarify design, leisure facilities, social housing provision and landscaping"

**Context**

The application site forms part of a wider development site situated to the east of Stafford town centre. The site is bounded by St Leonard’s Avenue/Fairway to the west, the railway line to the south and by open land to the east and north. The site was previously occupied by the company Aviva, who had industrial buildings occupying the central northern section of the site, covering approximately 50% of the overall site area. The site has now been cleared following approval of application 18/27798/PDEM which allowed for the demolition of the buildings associated with Aviva.

This application seeks reserved matters approval for part of the site following the approval of outline planning permission which approved the construction of up to 430 dwellings, together with small retail units (18/28423/OUT). The outline permission approved access only (from St Leonard’s Avenue) and was subject to a number of conditions and to a Section 106 Agreement which covers:
- Open space
- Affordable housing
- Education contribution
- Travel Plan monitoring fee
- SAC contribution
This reserved matters application seeks to gain permission for 214 dwellings on approximately half of the site and will be assessing layout, scale, appearance and landscaping.

The applicant has subdivided the overall site into the following separate phases:
Phase 1 – Residential
Phase 1A Public Open Space
Phase LC1 Local Centre
Phase 2 – Residential
Phase 3 – Residential
Phase 4 – Residential

This reserved matters application deals specifically with phases 1, 1A, 2 and 3. A further reserved matters application will need to be submitted for remaining parts of the site.

The dwellings proposed across the site comprise a mixture of detached, semi-detached, terraced properties and apartments. The dwellings are predominantly 2 storey in height, with some 2.5 and 3 storey properties dotted through the site to create visual interest. The accommodation proposed comprises:

- 23 x 1 and 2 bedroom apartments (14 affordable)
- 17 x 2 bedroom dwellings (1 affordable)
- 106 x 3 bedroom dwellings (4 affordable)
- 65 x 4 bedroom dwellings (2 affordable)
- 3 x 5 bedroom dwellings

There are a total of 21 affordable houses proposed which equates to 10% of the 214 dwellings proposed as part of this application. At the outline application stage a viability assessment was undertaken and it was agreed that the affordable provision should be 10% (rather than 30%). This is reflected in the s106 agreement. In terms of siting, 4 of the proposed affordable dwellings are located quite centrally within the development site, the remainder are located in the south-western corner adjacent to phase LC1 (Local Centre).

**Officer Assessment – Key Considerations**

1. **Principle of development**

Outline planning permission, reference 18/28423/OUT was permitted in September 2019 for up to 430 dwellings on the site and local retail units up to 575 sqm A1/A2/A3 or A5 of floor space subject to a Section 106 Agreement. This outline permission included access only. The principle of development on this site has therefore been established under the outline permission, leaving details of layout, design, appearance and landscaping to be considered under this reserved matters application.

This reserved matters application seeks permission for phases 1, 1a, 2 & 3 of the site only. A further reserved matters application will therefore be required for the remainder of the site (phases LC1 & 4).
2. Layout, Appearance & Amenity

Layout & Appearance
With regard to the layout the Design Advisor has provided comments stating that the proposed hierarchy of routes and internal street pattern within the proposed development site is acceptable. He also comments that the level of outward facing development to the site’s edges is good since it will achieve active frontages and passive surveillance.

Two vehicular links are shown on the proposed layout to the east of the site which will link through to future phase 4.

The submitted design and access statement identifies the following three character areas:
1. The Site Gateway
2. The Countryside Edge
3. Formal Residential Area
Subtle changes in character throughout these identified areas is achieved by varying scale and massing, street hierarchy, density, materials palette, front garden treatments, street continuity and enclosure, and parking.

There are 18 different house types proposed across the site (excluding the apartments) all of which are of a contemporary style. The Design Advisor comments that the houses types proposed are a “refreshing” approach to the prevalence of poor quality design in the area. The proposal features some 2½ and 3 storey dwellings which, are generally located away from the edge of the development. Whilst there are a few instances where this is not the case, it is not considered that these dwellings would have a substantially negative impact.

It is noted that in some parts of the site the street frontages are dominated by hardstanding/parking areas. This is something that should, where possible, be avoided due to its unacceptable visual impact. The Design Advisor has commented that some efforts have been made to break up the visual dominance of this surfacing by introducing additional tree planting between spaces which, is an improvement to previous layouts considered. Whilst not ideal, he does not raise any objections.
Various boundary treatments are proposed across the site to include 1.8m high close boarded fencing, 1.8m high walls in various brick types, 1.2m high post and rail fencing and estate railings. There are no objections to the boundary treatments proposed.

It is noted that the Design Advisor provides comments about the relationship of the residential units adjacent to the proposed commercial service/parking areas. The proposed layout shows that a number of affordable units would directly face this area and that their access would be shared with the commercial centre. Given that details for phase LC1 have not yet been considered and are subject to a separate reserved matters application, it is difficult to assess this matter fully. Whilst the Design Advisor has raised concerns about the possible visual dominance of the commercial centre, phase LC1 is not being considered by this application. When an application for phase LC1 is submitted, it will need to demonstrate that it integrates appropriately with the rest of the site in terms of scale, design and amenity issues.

It is usual for a reserved matters application to specify an exact palette of proposed materials however in this case a generic description of materials has been submitted which was an agreed approach at the validation stage of the application. The application states that there will be 3 different main brick types across the site as follows:
- Main facing brick 1 – light red
- Main facing brick 2 – dark red
- Main facing brick 3 – orange multi

In addition proposed boarding over brickwork is to be dark brown and render is to be an off white colour. Two different roof tiles are proposed in brown/red and grey. External landscaping materials have not been confirmed.

Whilst specific materials have not been considered, the overall approach taken in regard to materials appears to be well considered and provides an appropriate sense of cohesion and balance across the site.

Various boundary treatments are proposed across the site to include 1.8m high close boarded fencing, 1.8m high walls in various brick types, 1.2m high post and rail fencing and estate railings. There are no objections to the boundary treatments proposed.

Overall the layout and design of the proposed dwellings is considered acceptable having regard to policies N1 and N8 of TPSB and the Design SPD.

Amenity

The Council’s Design SPD recommends that 4 bedroom houses (or more) should provide a garden area of 65sqm, 2 bedroom houses 50sqm and flats should provide a balcony or private space adequately screened. A garden area plan has been submitted as part of the application which illustrates that there are 11 proposed dwellings across the site which, have garden areas which fall below the guidance set out in the Design SPD. In addition there are a further 17 dwellings which also have substandard garden areas but, which are within 10% of the SPD guidance. In total therefore 28 dwellings across the application site have garden areas which do not meet the SPD guidance albeit that some only marginally fall below the guidance.

The two most affected plots are plots 47 and 48, both 4 bedroomed dwellings with gardens under 50sqm. In addition apartments 208-211 do not have any private amenity space.
Whilst it is recognised that the proposal does not fully comply with the Design SPD in respect of amenity areas, it is also recognised that the SPD does state that individual requirements for a private garden area do vary significantly between residents. The SPD also provides guidance only and on this basis it is not considered that this matter is significant enough to warrant a refusal of planning permission. Furthermore, the apartments are located immediately adjacent to a large area of public open space.

The Design SPD suggests that a distance of 21m should be considered the minimum separation between the rear elevations of dwellings to achieve an appropriate degree of privacy. The layout largely achieves this requirement however there are a few minor breaches:

- 19.5m achieved between plots 43 and 54
- Other notable breaches occur with house types (920 and 1210) which both have a small single storey projection at the rear to accommodate a laundry and wc. There are however no rear windows to this rear projection. In most instances with these house types the distance when taken from the rear projection is less than 21m however the distance from the main rear elevation is more acceptable.

The breaches noted are considered to be minor and it is recognised that the SPD states that each proposal should be judged on its own merits and that good design in new housing layouts will not be achieved solely by adherence to the guidelines suggested.

Overall the level of amenity achieved across the site is considered to be acceptable having regard to Policy N1 of TPSB and the Design SPD.

Policies and Guidance:-

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

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

3. Landscaping/Trees & Open Space

Detailed plans have been submitted to show the proposed areas of open space and landscaping across the site.

The proposed landscaping has been designed to reflect the character of the site and includes native tree and shrub planting. The proposal includes tree planting to the primary and secondary routes through the site in addition to edge planting to border the flood plain and areas of public open space. Overall the proposed landscaping appears to assist in integrating the proposed development with its wider green setting.

The Biodiversity Officer has reviewed the landscaping proposals and comments that overall the landscaping planting plan is acceptable. He does however comment that he would like to see more emphasis on biodiversity benefits from the selection of shrubs and plants. He
recommends replacing *Griselinia littoralis* and *Liriope muscari* with alternative native species. In response to this recommendation the applicant has commented as follows: “These comments are noted. However, the suggested amendments are not considered necessary as they would not result in any particular biodiversity benefits. *Liriope muscari* has been chosen for its size, late flowering and shade tolerance adding extra benefit to bees and other species late into the season. *Griselinia* has been selected for being an evergreen and easy to maintain with a lower ultimate height if not maintained properly in comparison to similar species.”

The Open Space Officer raises no objection to the amount and location of the public open spaces (POS) proposed. It is noted that her comments raise various questions about the equipping of the play areas however, revised plans were submitted to address some of her concerns:

- Provision of a cradle swing has been provided, along with a flat seat swing.
- A platform slide is proposed within the LEAP
- The goal post has been replaced by a ball wall and an area of hard surfacing has also been included to enable kicking/bouncing balls.
- The table tennis equipment has been replaced with fitness equipment. All sand pits have been removed for health and safety reasons.

Whilst this information has been provided on detailed POS plans, it should be noted that a condition was attached to the outline permission (18/28423/OUT) requiring the submission of a specification and management plan for the phased delivery, laying out, equipping, management and maintenance of the proposed public open space and a landscape management plan to include proposals to enhance biodiversity. The legal agreement attached to the outline permission will also ensure the delivery of the proposed open space areas.

The Tree Officer does not raise any objections. Conditions 27, 28, 29 and 30 on the outline permission (18/28423/OUT) cover all relevant tree issues.

National Planning Policy Framework
Paragraphs: 96, 117, 170,

The Plan for Stafford Borough
Policies: N1 Design; N4 The Natural Environment & Green Infrastructure, N8 Landscape Character;
Supplementary Planning Document (SPD) – Design

**4. Access and Parking**

Access was approved under the outline application. The proposed access to the site is directly off the roundabout that connects Fairway (north) and St Leonards Avenue (west).

The overall parking provision provided on site is considered to be acceptable and meets the standards set out in TPSB.

On the basis that the access to the proposed development has already been approved the Highway Authority do not raise any objections to the proposal subject to conditions.
Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 105 & 106

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

5. Other

Biodiversity
Ecological issues were covered under the outline application and this matter was conditioned out at the outline stage. Condition 32 of the outline permission (18/28423/OUT) requires the submission of a landscape management plan to include proposals to enhance biodiversity. The Biodiversity Officer raises no objections.

Flood Risk and Drainage
The Site is located predominantly within Flood Zone 1; Flood Zones 2 and 3 are present however along all site boundaries, except the entrance road. All details relating to drainage and flood risk were submitted and conditioned as part of the outline application. The Environment Agency and the Lead Local Flood Authority have both been consulted and have confirmed that they have no objections to this reserved matters application.

Housing
It is noted that the Health and Housing Manager has commented on the suitability of some of the affordable units being proposed. It is however usual for a developer to have registered providers on board prior to construction. If this is not the case then potentially revisions may need to be sought to ensure the appropriate delivery of affordable units on site.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 149, 155, 163, 170

The Plan for Stafford Borough
Policies: N2 Climate Change; N4 The Natural Environment & Green Infrastructure

6. Conclusion and planning balance

The principle of residential development on this site has been established in the granting of the outline permission, which included the access arrangement. All significant issues relating to design, scale and appearance are considered to have been adequately addressed in this application.

It is noted that 4 letters of representation have been received objecting to issues relating to the principle of development, flood risk, landscaping, biodiversity and highways matters. Some of the issues raised have already been covered by the outline permission. It is considered that other matters have been adequately addressed by this application. The
proposed landscaping and areas of open space are considered to be acceptable and no objections are raised by any consultees.

It is considered that the proposal complies with policies in TPSB noted throughout this report and to the NPPF.

Consultations

Highway Authority: No objections subject to conditions

Design Advisor:
Having previously provided pre-application advice for development proposals associated with this application, I will utilise those earlier comments to frame this response to ensure both continuity and avoid the necessity to revisit issues that have been previously addressed through the planning process;
• Road, Path & Street Hierarchy – the Design & Access Statement sets out sufficient information relating to the proposed hierarchy of routes within the proposed development area, and is generally regarded as a rational and supportable proposal.
• The internal street pattern of the scheme is a relatively open, permeable and legible urban structure and is broadly acceptable. Additionally, the recently modification to the Primary Routes to provide a far more legible point of interface with the future phase of development to the eastern side of the site is welcomed and sufficiently addresses what was a serious concern in previous designs. There has also been a significant change to the Primary Route at its point of connection to the Secondary Route near the site entrance. This is also considered to have sufficiently addressed a previously expressed concern that the legibility of the Primary Route was compromised by the design of this junction over emphasising the secondary route as the main route to follow.
• Character / Cohesion – the approach taken in regard to the application of materials across the site appears well considered and provides an appropriate sense of cohesion and balance across the development area. The street by street, block by block approach will assist the natural legibility of the place and more generally create relative distinctiveness between the different streets and blocks which will assist in generating a more appealing character to the development than would a more randomised application of materials.
• Scale – the disposition of 2½ and 3 storey buildings across the site appears to avoid placing the larger/taller units on the edges of the development and this is generally welcomed and supported. There are a few instances where this is not the case, but given the very low number of such examples, I do not consider that these would have so detrimental an impact on the overall impression of the development from distance to constitute a substantially negative impact.
• Architecture – by and large the more contemporary style of the proposed house types is supported and is considered to be a rather refreshing approach to the prevalence of poor quality pastiche in the area. The final approval of materials should be informed by samples of external materials being made available for review/comment.
• It is disappointing that the double tree lined treatment of the Primary Route has not been formally extended to the site entrance. It is assumed this is due to a difficulty in extending the wide double verge approach while at the same time providing wide foot/cycle paths, and it is therefore alternatively suggested that a meaningful attempt to augment the street tree planting in this area (for example in the green space to the front to the apartment building).
• The approach to provision of various boundary treatments across the site is broadly supported in that where boundaries overlooking streets and public space they are generally
masonry/hedged/railed, and that lower grade timber fencing is restricted to private boundaries. However, further detail of these features would be required to ensure they are compatible with the general character and feel of the places being created. The use of post and rail to the outer edges of the development is considered acceptable, but how tall these are to be will be important in gauge the impression they give of either a “keep out” message, or simply as a marker of public/semi-public space.

- It is disappointing that the principle Fairway/St Leonards frontage of the site has not been reconsidered as either a relatively formal urban frontage or as a series of asymmetrically set buildings within an overtly landscape dominated streets scene. This approach may have provided greater opportunity for the development to present a more distinctive frontage to its only direct interface with the surrounding urbanised area.
- Previous concerns were expressed in regard to the principal frontage of residential units directly facing and accessed from commercial service/parking areas is not considered to create an appropriate setting for residential properties. While modifications that represent a slight improvement to this element of the layout have been made, the concern over the appropriateness of residential units sharing street scenes with commercial service/parking areas remains, and it is particularly notable that the units impacted are all affordable units. It is also concerning that the road serving these units is designated as a “Private Drive / Lane” and so the responsibility for upkeep of this principle access could be as a vagary of private agreements between private and commercial owners. There is also now, no private amenity space for units 208-211.
- The overall disposition and arrangement of units within the blocks edging onto the southern open space was previously advised as being unacceptable; these have now been modified and are now considered acceptable.
- The overall disposition and arrangement of units within the blocks edging onto the northern most open space was previously advised as being unacceptable; these have now been modified and are now considered acceptable.
- It was previously requested scale and design parameters for the potential local centre be provided as part of any subsequent planning application for development of the overall site to articulate the principles of development of this important frontage location to ensure its qualities of scale, form and massing do not render this element of the development an inappropriately incongruous feature in its wider setting. It is unfortunate that the current application does not provide any information to address these concerns apart from a notional 3d rendering within the Design & Access Statement that alludes to it being a very large spanned building.
- Although it was previously suggested that consideration be given to the scale and design of the apartment building overlooking the local centre and site entrance to ensure it does not become an inappropriately dominant feature, it does not appear that anything has been done to address this. However, taking into account the relatively open setting of this building, I do not have substantive concern that it will exert too dominant an impact on the character of the locality, but highlight that it will certainly be a notable feature due to its scale and height.
- The level of outward facing development to the sites edges is considered good and will help to activate and animate the adjacent green space by providing good levels of active frontage and passive surveillance.
- Although there remain several instances where principle street frontages were almost entirely taken up with hardstanding/parking areas, I acknowledge that some efforts have been made to break up the visual dominance of this surfacing by introducing additional tree planting between spaces. While this is considered an improvement over previous iterations of the layout, it remains a feature of the layout that is considered unfortunate and which
could be further improved, but as this issue was raised prior to the release of the new National Design Guide (which calls for a much more integrated and high quality approach to parking in residential streets), I do not intend to hold a substantive objection, but would flag that such a design approach will not be supported in applications considered after the introduction of the National Design Guide.

While there remain issues relating to the design of the development that if further modified/refined would benefit the wider character and quality of the scheme, it is generally considered that the proposals now present a design that is on balance supportable.

**Environment Agency:**
We have reviewed the information submitted, and have no objections to the submission of Reserved Matters. The ‘Flood Routing Plan’, Drawing No. 04160 – A – 0125, Rev P1, dated 19 November 2019, and associated information submitted in support of this application complies with condition 13 on Planning Permission 18/28423/OUT. Therefore, we have no objections on flood risk grounds to the submitted proposals.

**Lead Local Flood Authority:**
We have no objection to the appearance, landscaping, layout, and scale of the proposed development.
While we are satisfied with the main principles with regards to the appearance, landscaping, layout and the scale of the development, we will want to see the full details of the proposed surface water drainage strategy prior to work commencing on site. However, since this has already been conditioned as part of the associated outline application 18/28423/OUT, we have no additional conditions to add at this time.

**Housing:**
I have recently had feedback from two of the Registered Providers who are generally keen to take on s106 properties in Stafford Borough. Both of them have indicated that they wouldn’t be interested in taking on the properties on Fairway due to the 2 bed units being delivered as flats. If they were to consider these, they would have to be delivered as 2 bed houses or maisonettes.
I understand this information has come late in the day, but I wanted to alert you to this as I’m concerned the applicant may struggle to find a buyer for these properties.

**Biodiversity Officer:**
**Landscaping**
Overall the landscaping planting plan is fine however I would like to see more emphasis on biodiversity benefits from the selection of shrubs and plants. I would recommend replacing Griselinia littoralis and Liriope muscari with alternative native species.

**Ecology Management Area**
There is no information on the ecology management area and how it will work as public open space. A management plan should be submitted showing the intended aims for the site and how they will be maintained.

Flood attenuation/Sustainable Drainage Systems/Ditches & watercourses. There is an opportunity to integrate wetland planting and biodiversity within the water features across the site. Further information is required demonstrating how this will be achieved. This is
particularly important for the green corridor that divides Phase 4 from the rest of the development and the proposed attenuation basin.

**Tree Officer:** No objections to, nor any additional tree related conditions for, the proposed development.

**Open Space Officer:**
In the previous application 09/12207/OUT the Culture and Leisure Services expressed the desire that a Country Park similar to Wildwood Park be created and that it should be located on a section of land adjacent to the Council’s land at Riverway. During this time it was revealed that the preferred land was not within the ownership of St Modwen Developments. Application 15/22735/REM therefore had the open space located more centrally which was accepted.

This application is on a larger site area than the previous 2015 application and as such the location of open space was reconsidered. As stated previously, provision for open space should be onsite. Due to the size of the development we have recommended that the play space be equipped, specifically providing:
- A Multi Use Games Area
- Wheeled sport area – this does not need to be to the scale of Victoria Park but something that would allow people to do wheeled sport e.g. grind rails, low level ramps
- Teen facilities (to the size of 0.03ha)
- Equipped local play (to the size of 0.05ha)
This area should total a space of 35175.8m² (8.69 acres) and be to the value of £448,631.02.

However the outline scheme (18/28423/OUT) was subject to a viability assessment and the agreed contribution towards open space is fixed at £287,500.

Based upon the reduced amount of money available the open space scheme has had to be reduced. A pre-application meeting occurred and the location of the open space was discussed at length. To ensure maximum use, natural surveillance and social cohesion we recommended a central location for the equipped play provision which has been adhered to.

The range of equipment chosen encourages swinging, jumping, balancing and climbing. We recommend that one of the swings be a cradle swing to accommodate younger children. Clarification is required on whether the climbing tower has a slide, if not we require a slide to be installed as this will provide a further element to the play experience. A slide could be installed on the mound that contains the hill climb and the climbing ramp.

In regard to the ‘stilts’ we would recommended something else, these are a very ‘fixed’ play element and balancing equipment has already been provided via the balance beams and the jump poles.
We are supportive of the proposals for the basin open space. Clarity is required as to whether the dam and the rock/sculptures are to be accessible to the general public. We also need more information on the hand pump, is this pumping water from the basin or from elsewhere? Does it only work sometimes? Additionally we need more information on how often it is considered the basin will fill with water, will this affect the sandpit?

Within the pre-app meeting it was recommended that this central location be expanded and extended into the open space within Phase 1A to incorporate a MUGA. Whilst the applicant has come back saying that the principle of the MUGA on the easternmost part of the scheme was agreed at outline application we don’t agree with this. Whilst we agree to the location of open space the exact details of what was to go where was to be decided at Reserved Matters stage. During the pre-application meeting discussion was had about the location of the MUGA, within the plans a MUGA is not shown. Is it not possible to provide this facility?

Plan 2316 POS Proposals (6 of 11) shows that within Phase 1A goal posts are to be provided, it is recommended that this be a ball wall as it allows single use play. The same plan shows a proposed sand pit, is this for community use, concern is raised about the maintenance of this facility in terms of upkeep (litter, faeces removal etc.). In regard to the table tennis, whilst we aren’t opposed to this equipment, experience has demonstrated to us that this equipment is not generally used.

In regard to the eastern POS, we are supportive of this design.

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

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

Where trees are planted adjacent to footpaths or hard standing, trees should be planted in tree pits and liner pavement protection should be installed.

County Education:
The relevant Outline Application for this site is 18/28423/OUT. The REM application details a development which is scheduled to provide 214 dwellings of the 430 dwellings expected from the original outline approval. A Section 106 Agreement was signed when the Outline Application was granted, and the education contribution amount and terms should be calculated in line with this. In summary those triggered through this REM are; 30% on or before commencement, and 30% on or before the commencement of 30% of the total number of dwellings.
Police Liaison Officer:
In order to prevent crime and reduce the fear of crime I recommend that this development attains Police Secured by Design (SBD) accreditation.
Advice is given on the following matters: entrance to the development, landscaping, lighting, POS, dwelling boundaries, car parking, doors, garages, communal entrances, windows, mail, party wall construction and sound insulation and intruder alarms.

Neighbours (298 consulted): 4 letters of representation received objecting on the following ground (summarised):
- Incomplete information: It is difficult to fully comment on this application without the full landscaping and management plan being available for scrutiny. As the production of this was a condition of the original outline planning permission but it still does not appear to have been provided then surely permission should be withheld until it is produced and made available to view?
- Discrepancy in plans of north section of former tipped land
- I do not recall a BMX track being part of the original proposed play provision on the site (if the new design statement illustration is accurate). This would take the amount of proposed play provision overall onsite to a quite high level, potentially to the detriment of opportunities for biodiversity compensation / enhancement.
- Using the full proposed open area (of the northern section former tipped land) to create species rich grassland - rather than just a few strips of it interspersed with amenity grassland - surrounded by an enhanced woodland / scrub boundary would do more to compensate for the loss of biodiversity here, and would still be usable as public open space and an area for play. Does play really always need large amounts of provided equipment and artificial landscapes?
- Natural spaces (or at least ones created to be such) just as important for this. More appropriate locations for some of the play equipment – the public open space on the former tipped land is in my view (given its location and inherent biodiversity interest) a more appropriate space for increased biodiversity provision / compensation and also 'informal' recreation and play.
- I think more could be done across the site to enhance biodiversity, especially for pollinators and other invertebrates. There are surely lots of opportunities for provision of pollen / nectar rich plants (preferably native, and herbaceous as well as shrubs) and also habitat structures.
- Why are the council considering the application on land that always floods? The land should be used a nature reserve/wet land, the land and stream should be dredged and prepared for flooding to minimise risks to local properties. By building more houses is putting other homes at risk.
- Concerns raised about highway safety. Concern that the road infrastructure adjacent to this development is inadequate for the inevitable increase in traffic. The original 214 house proposal appeared manageable but the planning permission for over 400 homes will result in gridlock in St Leonards and Queensville Avenues.
- Concerns raised about the retention of mature trees and shrubs. Many trees have already been felled.
- The belt of mature trees on the site contributes greatly to the biodiversity of this area and helps mitigate the flood risk.
- Herons, bats, buzzards, kestrels, and barn owls are just a few of the many species sighted in this area.
- Due consideration must be given to the integral nature of the river corridor, not just to the black poplars. I urge that full protection is granted to all these remaining trees.
Site notice expiry date: 24.02.2020

Newsletter advert expiry date: 29.01.2020

**Relevant Planning History**

09/12207/OUT - Mixed use development involving buildings for Business, General Industrial and Storage or Distribution uses; local shops and/or financial and professional services buildings and/or restaurants/cafes and/or food takeaways; and residential (outline); change of use of part of site to public open space - Approved 18.03.2010

15/22735/REM - Approval of reserved matters in respect of application 09/12207/OUT for residential development consisting of 194 dwellings, public open space, access, parking and landscaping - Approved - 03.12.2015

15/22793/REM - Approval of reserved matters for two retail units matters of access, appearance, landscaping, layout and scale submitted for approval in respect of outline application 09/12207/OUT - Approved - 11.11.2015

The above three applications were not implemented and have expired.

16/25189/FUL - Outline application for residential development with all matters reserved for future consideration (access, appearance, landscaping, layout and scale) and full application for 85 dwellings with details of access, landscaping, drainage and other associated infrastructure - Resolved to approved subject to Section 106 Agreement and amended conditions – Withdrawn

18/28423/OUT - Outline planning permission for up to 430 dwellings, local retail units up to 575 sq m A1/A2/A3 or A5 of floor space – Approved September 2019.

18/27798/PDEM – Demolition of existing buildings – Prior Approval granted 01.03.2018

19/30701/FUL - Site access and highway, surface water drainage infrastructure, pumping station, gas governor, site reprofiling of levels and landscaping – Approved February 2020

**Recommendation**

Approve subject to the following conditions:

1. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent or the conditions attached to outline consent 14/20816/OUT, in which case the condition shall take precedence:-

   - Reserved Matters Location Plan LP.01 Rev B
   - Proposed Site Layout Plan CSL.01 Rev B
   - Proposed Overall Site Layout Plan OSL.01 Rev B
   - Boundary Material Layout BML.01 Rev B
2. The development hereby permitted shall not be brought into use until the access, parking, and turning areas have been provided in accordance with the approved plans.
3. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.

4. Each property shall have the access to the plot and the parking area for that plot completed before being occupied.

5. The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

6. Notwithstanding any description/details of external materials in the application documents and prior to any above ground works, precise details or samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building(s) shall be submitted to and approved in writing by the Local Planning Authority.

7. Notwithstanding any description/details in the application documents and prior to any above ground works, precise details or samples of all hard landscaping materials to be used throughout the development shall be submitted to and approved in writing by the Local Planning Authority.

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

1. To define the permission.

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

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

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

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

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

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

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

2 That the applicants attention be drawn to the comments of the Highway Authority contained in the attached letter.
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.

Decided Appeals

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<th>Application Reference</th>
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<td>Greatwood Farmhouse Offleybrook Road Offleybrook</td>
<td>Replacement dwelling with extension of residential curtilage and retention of temporary caravan</td>
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<tr>
<td>Appeal Withdrawn</td>
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<tr>
<td>18/28480/FUL</td>
<td>Darlaston Inn Darlaston Stone</td>
<td>Demolition of existing buildings; erection of a petrol filling station with ancillary retail sales; erection of a drive through restaurant; parking; landscaping and access off the A34</td>
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<tr>
<td>Appeal Dismissed</td>
<td></td>
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<tr>
<td>19/31349/FUL</td>
<td>Land Rear Of Egremont Newport Road Stafford</td>
<td>Proposed new dwelling.</td>
</tr>
<tr>
<td>Appeal Dismissed</td>
<td></td>
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Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302
Ms Vicki Barraclough  
Stafford Borough Council  
Planning Support Lead  
Economic Development and Planning  
Stafford Borough Council  
Civic Centre, Riverside  
Stafford  
ST16 3AQ

30 June 2020

Dear Ms Barraclough,

**Town and Country Planning Act 1990**  
Appeal by **MISS E DAWSON**  
**Site Address:** Greatwood Farm, Croxton, STAFFORD, ST21 6PJ

I enclose for your information a copy of a letter received withdrawing the above appeal(s).

I confirm no further action will be taken.

Yours sincerely,

**Stuart Liddington**
Stuart Liddington

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - [www.planningportal.gov.uk/planning/appeals/online/search](http://www.planningportal.gov.uk/planning/appeals/online/search)
Appeal Decision

Hearing Held on 10 December 2019 and 18 February 2020
Site visit made on 18 February 2020

by M Aqbal BA (Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/Y3425/W/19/3227057
Land off A34, Stone ST15 0PX

- 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 EG Group and Greene King, against the decision of Stafford Borough Council.
- The application Ref 18/28480/FUL, dated 2 May 2018, was refused by notice dated 18 January 2019.
- The development proposed is demolition of existing buildings and erection of petrol filling station, canopy and ancillary retail sales and the erection of a drive through restaurant with ancillary parking and landscaping and access off the A34.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of its appeal submissions and in accordance with the appeal timetable, the Council commissioned a Road Safety Audit Stage 1 (RSA). Although document GG119: Road safety audit, provides guidance on the production of RSAs in relation to the Strategic Road Network, there is nothing before me to suggest that the Council cannot commission and submit a RSA for a new crossing on an existing highway, as part of its case at appeal. On the available information, I am satisfied that the RSA was undertaken independently and competently. Furthermore, the appellant has provided a rebuttal to this in the form of Technical Note 1, December 2019 (TN1). I have therefore had regard to these documents in determining the appeal.

Application for costs

3. An application for costs was made by EG Group and Greene King against Stafford Borough Council and vice versa. These applications are the subject of separate Decisions.

Main Issue

4. The main issue is the effects of the proposed development on highway safety having regard to, vehicular trip generation, the sites access and egress arrangements and pedestrian and cyclists accessing the site.

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Reasons

5. The appeal site forms the central section of a gyratory where the A34 meets the A51. The gyratory is a two-lane, one-way roundabout. Footways are provided on the outside of the gyratory and also along the western side of the inside of the gyratory where access is provided to the site. This site is occupied by the Darlaston Inn Hungry Horse public house / restaurant and an indoor children’s play centre (Wacky Warehouse), both of which are closed. The site includes a picnic area carpark with about 100 spaces. The site is designated as Green Belt and its eastern boundary adjoins the Meaford Conservation Area.

6. The proposed development would consist of an eight-pump petrol filling station (PFS) with associated retail unit and a separate restaurant with a drive-thru facility, along with associated parking facilities. This development would utilise the site’s existing access and egress junction located on the gyratory.

7. Based on the speed surveys undertaken by the main parties, average vehicle speeds approaching the site access are below the 50mph speed limit along the gyratory.

8. As set out in the appellants’ Transport Statement (TS) and based on the Trip Rate Information Computer System (TRICS) database, the vehicle movements resulting from the proposed development would be around 100 each-way in the peak hours. This equates to about less than two vehicle movements a minute in either direction. Furthermore, according to the appellant, the majority of these trips would be drawn from traffic already on the local highway network. I have no clear reasons to dispute this evidence.

9. Based on the TS, four accidents have been recorded across the junction of the appeal site. Three of these were recorded as slight, whilst one has been recorded as serious. The Council advises that in the most recent three-year period, three bicycle accidents have occurred. These involved vehicles entering the gyratory and colliding with cyclists.

10. Although neither party has provided any supporting documentation on the above accidents, the appellants’ traffic flow data for the gyratory shows a total junction inflow of just over 2,900 vehicles during the AM peak hour and just over 2,800 during the PM peak hour. Against this background and based on the information before me, the gyratory and the existing access and egress arrangements for the appeal site operate relatively efficiently and safely. Furthermore, the vehicle movements arising from the proposed development would only account for a small percentage of the overall inflow and are unlikely to significantly affect the volume of traffic along the gyratory, and in relation to those vehicles leaving the site and joining the gyratory.

11. The proposed development would provide limited facilities for Heavy Goods Vehicles (HGV), particularly in respect of parking. As such, other than infrequent fuel deliveries and operational vehicles, the proposal is unlikely to generate any significant HGV movements. Furthermore, the appellants’ vehicle tracking information shows that such vehicles would be able to adequately access and manoeuvre through the PFS.

12. There is an existing access lane within the gyratory along with additional space within the site for vehicles to queue. Furthermore, on average the gap between vehicles entering the site is over 30 seconds. As such, there would be sufficient

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space for vehicles to avoid queuing onto the gyratory, which is a particular concern raised by the Council.

13. For the above reasons, I find that the vehicular trip generation and use of the site’s existing access and egress arrangements are unlikely to adversely affect the safety of motorists and cyclists using the highway network.

14. Despite the proposed development being largely aimed at vehicles using the existing road network, the TS acknowledges that the site will allow for journeys by walking, cycling, and public transport to be undertaken, particularly by staff. The site has no dedicated access across the gyratory for pedestrians, and it is of note that the existing development on the site could be operated without such provision. However, the proposal is for the redevelopment of the site and Paragraph 108 of the National Planning Policy Framework (the Framework) requires new developments to make provision for safe and suitable access to the site for all users, including pedestrians.

15. Furthermore, the addition of a retail unit albeit offering a convenience offer along with a restaurant, which the appellant confirmed at the Hearing would be occupied by KFC, are likely to attract visitors by foot, in particular given the limited availability of such facilities in the vicinity of the nearby dwellings and businesses, including a larger residential area (Whitebridge Housing Estate) which is about 1km from the site.

16. The proposed scheme includes a formal uncontrolled pedestrian crossing across the gyratory. This would incorporate dropped kerbs, tactile paving and a surface dressing to highlight its presence. The crossing would be supported with two sets of ‘SLOW’ markings on approach.

17. Whilst the forward visibility splay for the new pedestrian crossing would be sufficient for the proposed reduced speed of 40mph along the gyratory, the visibility is partly achieved over land which is outside the appeal site as edged red on the appellants’ site location plan. As such, I cannot be certain that this would be maintained, and also that the reduction in the speed to 40mph would be secured through a Traffic Regulation Order.

18. Moreover, the proposed crossing would be adjacent to an extensive dropped kerb which serves the frontage of a vehicle showroom and vehicles pull off and onto this area. In addition, drivers approaching the new pedestrian crossing would be observing vehicles entering the gyratory from the south arm of the A34, which is located before the location of the proposed new crossing. There would also be drivers undertaking lane changes to use different access points off the gyratory, some of which are in proximity of the proposed location of the crossing. Cumulatively these factors would serve as distractions to drivers approaching the new pedestrian crossing and would also negatively affect the confidence of pedestrians wanting to use an uncontrolled pedestrian crossing along a busy gyratory.

19. Drawing on the above reasons, and despite the appellants’ commitment to dealing with some matters highlighted in the RSA at detailed design stage by a condition, I have significant concerns over the safe use of the proposed uncontrolled pedestrian crossing.

20. Consequently, I conclude that the proposal would have an unacceptable impact on highway safety in respect of failing to provide a safe and suitable access for

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pedestrians wanting to access the proposed development. Therefore, it would be in conflict with Policy T1(h) of The Plan for Stafford Borough 2011-2031, which does not permit development that cannot be accommodated in terms of road safety.

21. Accordingly, the proposal also conflicts with the Framework, which amongst other things states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

**Other Matters.**

22. The proposal would result in the redevelopment of a vacant and previously developed site, which would create job opportunities and bring other associated benefits. However, such benefits do not outweigh my significant concerns in respect of highway safety and the overall conflict with the development plan.

23. At the request of the Council, the appellants have provided examples of developments located within roundabouts. Nevertheless, based on the limited information before me these are different to the appeal scheme in terms of uses, highway geometry, details of crossings and speed limits. As such, I am unable to draw any meaningful conclusions. In particular, given my findings are based on the site-specific circumstances of the appeal site and scheme before me.

24. Concerns in respect of the proposed development being inappropriate development in the Green Belt and failing to preserve the character and appearance of the setting of the Meaford Conservation Area were dealt with in detail in the Council’s officer report. I have also considered these and on the evidence before me I have no clear reasons to reach any different conclusions.

25. None of the other matters raised, by other interested parties, alter or outweigh my overall conclusion on the main issue.

**Conclusion**

26. For the above reasons, I conclude that the appeal should be dismissed.

_M Aqbal_

INSPECTOR
APPEARANCES

FOR THE APPELLANT

Lydia Harper
Thomas Jeremiah
Gavin Snowball

PWA Planning
Euro Garages
Dynamic Transport Planning

FOR THE LOCAL PLANNING AUTHORITY

Mark Alford  BA (Hons) Dip TP, MRTPI
James Long  BA (Hons) MSc CEng MICE CIHT

Stafford Borough Council
Staffordshire County Council
Highway Authority

INTERESTED PERSONS

Brian Fletcher
Representing Stone Rural Parish Council

DOCUMENTS SUBMITTED DURING OR AFTER THE HEARING

1. Council’s written request for an adjournment of the Hearing.
2. From the appellant an extract from ‘Traffic Signals Manual’.
3. Council’s application for costs.

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The Planning Inspectorate

Costs Decision
Hearing Held on 10 December 2019 and 18 February 2020
Site visit made on 18 February 2020
by M Aqbal BA (Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State
Decision date: 22 June 2020

Costs application in relation to Appeal Ref: APP/Y3425/W/19/3227057
Land off A34, Stone ST15 0PX
• The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
• The application is made by EG Group and Greene King for a full award of costs against Stafford Borough Council.
• The appeal was against the refusal of planning permission for demolition of existing buildings and erection of petrol filling station, canopy and ancillary retail sales and the erection of a drive through restaurant with ancillary parking and landscaping and access off the A34.

Decision
1. The application for an award of costs is refused.

Reasons
2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The applicants’ application for costs is based on the alleged unreasonable behaviour of the Council and wasted expense, for the reasons considered below.

4. The reason for refusal, as set out in the Council’s decision notice is complete, precise, specific and relevant to the application. The reason also clearly identifies what the Council considers to be the harm arising from the proposal with specific reference to local and national policies. This reason for refusal is also supported by an objection from the Highway Authority. These, along with the Council’s report and appeal submissions provide an assessment of the proposal and support the reason for refusal. Therefore, the Council’s assertions about the impact of the proposal are clear and supported by sufficient technical evidence and analysis.

5. The Council’s officer report acknowledges the social, environmental and economic benefits arising from the proposed development. Therefore, it would be unreasonable of me to conclude that the Council did not have regard to these in refusing the applicants’ planning application on grounds of highway safety.

6. At appeal, the Council acknowledged that a ‘fallback’ existed in respect of the extant uses but argued this was not comparable to the proposal with regard to the different uses and clientele that would access it. However, based on the

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Council’s officer report it does not appear that full regard was given to the fallback in determining the applicants’ planning application. Therefore, the Council acted unreasonably in failing to have regard to this.

7. The Council has advised that given its concerns in respect of the safety of pedestrians using the proposed crossing, it could not agree to deal with the proposed off-site works along the gyratory, by way of a planning condition. Such an approach is not unreasonable.

8. The Road Safety Audit Stage 1 (RSA) commissioned as part of the Council’s Statement of Case was submitted in accordance with the appeal timescales and I have addressed the acceptability of this in my Decision. Although the appellants argue that the RSA makes no provision for the lawful use of the appeal site including pedestrian and cyclist’s movements associated with the extant use, the main purpose of the RSA was nonetheless to review the proposed crossing. Overall, there is nothing in the evidence before me to suggest that the inclusion of the RSA was intended to mislead me or delay the appeal process.

9. I acceded to the Council’s request for an adjournment, which was primarily based on the Council wanting the authors of the RSA to review the applicants’ late evidence in the form of Technical Note 1 (TN1). As a copy of this was made available to the applicants there was no requirement for the Council to contact or consult with the applicants on this matter, outside the appeal process. Whilst authors of the RSA were not in attendance at the resumed Hearing, the officers representing the Council were able to address issues relating to this. Although there were some delays on the part of the Council in agreeing a date for resuming the Hearing, these were largely due to the relevant officers being on leave.

10. When the Hearing resumed the Council produced late evidence in the form of a written response to the applicants’ TN1. However, in light of the brevity of the written response, a very short adjournment on the day was agreed to allow the applicants’ representatives to review this. Therefore, I am satisfied that this did not unduly prejudice the applicants and any delay in the appeal process was de-minimis.

11. Drawing on the above reasons, I do consider that the Council acted unreasonably in failing to have regard to the fallback in determining the applicants’ planning application. However, to make an award of costs I need to be satisfied that this matter resulted in unnecessary or wasted expense in the appeal process. The fallback position needed to be considered at appeal stage and indeed was discussed at the Hearing and the Council has maintained its reason for refusing the application. I do not therefore consider that the way that the planning application was assessed in itself led to wasted time or expense at the appeal stage.

12. Given all of the foregoing, I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, a full award of costs is not justified.

M Aqbal
INSPECTOR

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Costs Decision

Hearing Held on 10 December 2019 and 18 February 2020
Site visit made on 18 February 2020

by M Aqbal BA (Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State
Decision date: 22 June 2020

Costs application in relation to Appeal Ref: APP/Y3425/W/19/3227057
Land off A34, Stone ST15 0PX
- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Stafford Borough Council for a full award of costs against EG Group and Greene King.
- The appeal was against the refusal of planning permission for demolition of existing buildings and erection of petrol filling station, canopy and ancillary retail sales and the erection of a drive through restaurant with ancillary parking and landscaping and access off the A34.

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The Council’s application for costs is based on the alleged unreasonable behaviour of the applicants and wasted expense, for the reasons considered below.

4. Prior to the Hearing, the appellants submitted as late evidence, Technical Note 1 (TN1). This was in direct response to the Road Safety Audit Stage 1 (RSA) submitted as part of the Council’s Statement of Case. I accepted TN1 for discussion at the Hearing, and the main parties were advised in advance this would happen. A copy of TN1 was also forwarded to the Council.

5. At the Hearing, the Council requested an adjournment, which was primarily based on the Council wanting the authors of the RSA to review TN1. Following discussion with the main parties, I agreed to an adjournment. Whilst failure to adhere to deadlines can be a procedural ground of appeal, in this case and notwithstanding that the RSA was submitted within the appeal timescales, I agreed to accepting TN1 as late evidence, on the basis that it provided me and the Council with a written summary of some of the matters which the appellant was proposing to discuss at the Hearing.

6. I am aware that the Council requested the appellants to undertake a RSA. However, on the available information I cannot be certain that the appellants

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had agreed to this. Consequently, the appellants’ decision not to undertake a RSA, along with the professional opinions expressed in TN1 on the RSA commissioned by the Council are not examples of unreasonable behaviour. Although the Council commissioned a RSA it did so at its own discretion and expense.

7. Given all of the foregoing, I find that the appellants did not act unreasonably in this case. Accordingly, it is not necessary to consider the question of unnecessary or wasted expense. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, a full award of costs is not justified.

M Aqbal
INSPECTOR
Appeal Decision

Site visit made on 9 June 2020 by S Watson BA(Hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI
An Inspector appointed by the Secretary of State

Decision date: 2 July 2020

Appeal Ref: APP/Y3425/W/20/3245721
Egremont, Newport Road, Stafford ST16 1DH

1. The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
2. The appeal is made by Mr N Thompson against the decision of Stafford Borough Council.
3. The application Ref 19/31349/FUL, dated 15 October 2019, was refused by notice dated 17 December 2019.
4. The development is a proposed new dwelling.

Appeal Procedure

1. The appeal is dismissed.

Main Issue

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Reasons for the Recommendation

3. The main issue in this case is the effect of the proposal on the character and appearance of the locality.

4. The appeal site is in the rear garden of a large detached dwelling, Egremont, which is within a row of properties on the north side of Newport Road. These are in a loose but recognisable line, set back from the road within spacious plots. Their long rear gardens separate them from the short row of dwellings served by Upmeadows Drive. These dwellings are detached 2 storey properties set behind modest front gardens and driveways.

5. The new dwelling would be sited close to the boundary with Upmeadows Drive and would appear cramped and prominent in the streetscape because of its scale, height and relationship to nearby development. It would not address this road, yet would be viewed within its context. I find that the proposal would result in an intrusive, alien form of development, along this attractive road. The presence of mature landscaping around the appeal site could not be relied on to soften the impact of the development; indeed, it appears that some of it may need to be removed to accommodate the new dwelling and that which may remain may well die because of the proximity of the proposal to it.

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6. Although the garden serving the proposal would be smaller than nearby development in Newport Road, it would reflect the plot sizes of nearby development in Upmeadows Drive, within which it would be viewed. However, the proposal would be much closer to the dwellings on Newport Road than any of the existing development to the rear. Although this would not be readily legible from Newport Road, this would still harm the clear distinction and separation between the two parallel rows of development. The harm to the grain of development would be exacerbated by the resultant size of the garden serving Egremont which would be reduced to a size much smaller than is typical on Newport Road.

7. I find that the proposed solar tiles and other green principles that would be incorporated into the design would not address the harm that I have identified. The absence of harm to the living conditions of nearby occupiers carries only neutral weight as this is not a benefit brought about by the proposal.

8. I note that the appellant has referred to a pre-application proposal\(^1\) for residential development which the Council found to be acceptable. However, as no details of this have been submitted, I do not know its relevance to this appeal. Nevertheless, pre-application advice cannot prejudice the Council in their assessment of a planning application, and as such this matter does not affect the determination of the proposal before me.

9. Although both parties agree that the principle of residential development in this area is acceptable, and while I also note that the provision of one dwelling would make a small contribution to the housing land supply, I find that these matters do not outweigh the harm that I have identified and the conflict with the development plan.

10. In conclusion I find that the proposal would be harmful to the character and appearance of the area. As such the proposal would conflict with Policy N1 parts (g) and (h) of the *Plan for Stafford Borough* which, amongst other things, requires development to be of a high quality, having regard to the local context and density. There are no material considerations which indicate that the appeal should be determined other than in accordance with the development plan.

**Recommendation**

11. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

*S Watson*

APPEAL PLANNING OFFICER

**Inspector’s Decision**

12. I have considered all the submitted evidence and the Appeal Planning Officer’s report and concur that the appeal should be dismissed.

*R C Kirby*

INSPECTOR

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\(^1\) 18/2979/PAA

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