Dear Members

Planning Committee

A meeting of the Planning Committee will be held in the Oak Room, County Buildings, Martin Street, Stafford on Thursday, 28 November 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.

Interim Head of Law and Administration
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 set out in Section 6 of Digest No. 262 due to be published on 6 December 2019

MEMBERSHIP

Chairman - Councillor R M Sutherland

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

(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 APPENDICES:

<table>
<thead>
<tr>
<th>Application</th>
<th>Description</th>
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<tr>
<td>18/28215/FUL</td>
<td>Land at Ivyhouse Drive, Barlaston, Stoke-On-Trent</td>
<td>4 - 23</td>
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This application was called in by Councillor E G R Jones

Officer Contact - Richard Wood, Development Lead
- Telephone 01785 619324

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 E G R Jones (Ward Member for Barlaston) for the following reason:-

“To allow the committee to assess the probable impact upon local traffic flow resulting from the proposed development in Ivyhouse Drive”.

This report forms an addendum to the Officer Report considered by the Planning Committee on 22 May 2019. The original Officer Report is appended below.

BACKGROUND

As Members may recall this application is for 13 affordable dwellings and a local convenience store.

At the meeting on 22 May 2019 Planning Committee resolved to approve application 18/28215/FUL in accordance with the recommendation of Officers, but subject to conditions and a Section 106 Agreement to secure the affordable housing and a financial contribution of £11,902.46 towards the provision of off-site open space.

This Application is now presented to the Committee following the Applicant’s submission of a financial viability appraisal and its assessment by the District Valuation Service (DVS).

The DVS conclude that on the basis of the provision of a contribution of £11,902.46 for off-site open space the proposed scheme is not financially viable. Furthermore, even without the requirement for this contribution the applicant would still need to contribute to the development from their own internal resources.

The Sports and Outdoor Leisure Policy Officer however states that without the contribution towards open space being secured, the application should be refused. The reason given is
that the additional units would result in increased pressure on the open space available in Barlaston which should be enhanced via developer contributions.

CONCLUDING COMMENTS AND THE PLANNING BALANCE

The scheme would provide 13 affordable dwellings which would assist in meeting the Council’s annual affordable housing shortfall.

Paragraph 008 of the Planning Practice Guidance (PPG) addresses how viability assessments should be treated in the decision making process and states, amongst other things, that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. The tests for Planning Obligations set out in the PPG are also material considerations in terms of them being necessary to make the development acceptable in planning terms, directly related to the development, and being fairly and reasonably related in scale and kind.

On the basis of the scheme being financially unviable, even without the open space contribution, and applying the planning balance particularly in respect of the provision of affordable housing to meet a defined shortfall, the payment of the open space contribution, in these circumstances, is not considered to be necessary to make the development acceptable in planning terms.

The DVS does however recommend that a review mechanism is applied to enable renegotiation in the event that a higher grant is secured or market conditions change. It is recommended that should the approved scheme not be substantially commenced within one year the scheme be reappraised on the basis of the costs and revenues applicable at that time. Furthermore, an overage provision is recommended which usually ensures that the seller of land shares in any uplift in value.

Whilst the recommendations of the DVS are acknowledged it is considered however that such a review mechanism is not necessary as the 13 affordable dwellings would all be available on an affordable rent provision, therefore, the developer would not be achieving greater sales profits should there be an upturn in market conditions.

It is appreciated and acknowledged that the proposed development would not provide a financial contribution towards off-site open space due to being financially unviable. However, in terms of securing affordable housing for which there is a defined need the recommendation is to approve subject to the same conditions which Committee agreed in May 2019 and as listed below, together with the applicant entering into a Section 106 Agreement to secure the provision of the affordable housing.

Consultations

Sports and Outdoor Leisure Policy Officer:
Objection. I would like to highlight that removing the obligation for a contribution towards open space would make the development non-compliant with policy. As the authority has already met its build target I would question whether an application which is not policy compliant should be approved. It is considered that whilst this is a small development the creation of 12 more units would result in increased pressure on the open space available in Barlaston and there is a need to secure funds to enhance this. The application should be refused.
District Valuation Service:
Conclude that on the basis of the provision of the policy section 106 contribution of £11,902.46 for off-site open space, the proposed scheme is not viable at this time.

It can actually be seen that the scheme is unviable even without the requirement for this contribution and the applicant, as a registered provider, would need to contribute to the development from their own internal resources.

It is advised that a review mechanism be applied to enable renegotiation in the event that a higher grant is secured or market conditions change. For example should the development not be substantially commenced within one year a reappraisal would be required on the basis of the costs and revenues applicable at that time. Furthermore, an overage provision is also recommended.
## Original Officers report
Committee 22.05.2019

<table>
<thead>
<tr>
<th>Application</th>
<th>18/28215/FUL</th>
<th>Case Officer</th>
<th>Ed Handley</th>
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<tr>
<td>Date Registered</td>
<td>10 May 2018</td>
<td>Target Decision Date Extended To</td>
<td>7 September 2018</td>
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<td>Address</td>
<td>Land at Ivyhouse Drive, Barlaston</td>
<td>Ward</td>
<td>Barlaston</td>
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<td></td>
<td>Barlaston</td>
<td>Parish</td>
<td>Barlaston</td>
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<tr>
<td>Proposal</td>
<td>Demolition of existing garage blocks, local convenience shop, and bungalow; and the creation of 13 new bungalows and local convenience shop</td>
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<td>Applicant</td>
<td>Stafford and Rural Homes</td>
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<td>Recommendation</td>
<td>Approve, subject to conditions and a Section 106 agreement</td>
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### REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor E G R Jones (Ward Member for Barlaston) for the following reason:-

“To allow the committee to assess the probable impact upon local traffic flow resulting from the proposed development in Ivyhouse Drive”.

### Context

The application site comprises an area measuring 0.43ha straddling Ivyhouse Drive in Barlaston which is surrounded by the residential development of Barlaston Park. The site is outside of the settlement boundary for Barlaston and is therefore in the open countryside. The site is also within the North Staffordshire Green Belt.

The site comprises two areas comprising the following elements:
- West of Ivyhouse Drive
  - Turning head/access to substation;
  - 25 garages;
  - One bungalow;
  - One retail unit;
- East of Ivyhouse Drive
  - 34 garages.

The application is for the demolition of all buildings within the site and the erection of 13 bungalows and one convenience retail unit. The bungalows would comprise affordable housing and would have pitched roofs with side-facing gable ends. The bungalows would
all have the same internal layout, including two bedrooms, although some would be handed.

The retail unit would have similar proportions and design to the proposed dwellings, albeit with an off-centre gable feature on the front elevation.

On the western site it is proposed that the bungalows would be sited to face the existing road frontages to Flaxman Close and Ivyhouse Drive. On the eastern site two bungalows would front Ivyhouse Drive whilst the remaining five would front the existing service road.

**Officer Assessment – Key Considerations**

1. **Principle of development**

The site is within a residential estate which is outside of the settlement boundary for Barlaston and in the North Staffordshire Green Belt.

Paragraph 78 in the NPPF states that housing should be located where it would enhance or maintain the vitality of rural communities. Furthermore, paragraph 77 provides support for housing development which reflects local needs and for opportunities to bring forward rural exception sites which would provide affordable housing to meet identified local needs.

Policy C5 provides for affordable housing on rural exception sites where the following criteria are met:
- The site is well related to existing development by being within or adjacent to an existing settlement;
- The site delivers 100% affordable housing in perpetuity;
- The development would provide an element of specialist housing, subject to local needs; and
- The housing is justified by a Parish based local housing needs assessment.

The site would deliver 100% affordable housing which can be secured through a Section 106 agreement.

The Council does not hold any details of need for specialist housing, however it is widely accepted that the population is aging and therefore there will be a greater requirement for housing catering for elderly people in the future. The accompanying assessment of housing need relates to a survey of people between 50 and 83 years of age and provides an insight into what elderly people, or those planning for later years, may require with regard to their housing. Therefore, whilst no defined need for specialist housing has been identified by the Council the provision of bungalows built to ‘Lifetime Homes’ standards is likely to help in meeting future needs.

The application is supported with an analysis by a consultant working on behalf of Stafford and Rural Homes. The analysis is of waiting list data and a survey of Stafford and Rural Homes’ tenants wishing to downsize and comprises an assessment of local housing needs based on the Parish of Barlaston. The Council accepts the conclusions of the analysis in identifying a defined need for affordable housing.
Paragraphs 11 and 12 of the NPPF state that development which conflicts with the provisions of an up-to-date Local Plan should be refused unless other material considerations indicate otherwise.

In terms of the circumstances of this particular case whilst the site is not within or adjacent to an existing settlement it is nevertheless well related to existing development with being within the confines of an established residential estate and the site constituting previously developed land.

Furthermore, in terms of green belt policy paragraph 145 (f) in the NPPF provides for limited affordable housing for local community needs under policies in the development plan including those for rural exception sites. Given the particular circumstances of this case in terms of Policy C5 and a defined need for affordable housing being identified provision (f) in paragraph 145 is considered to be satisfied.

The other element of the scheme is the replacement of the existing retail unit. The replacement of the existing building with a new building in the same use and which is not materially larger than the one it replaces is considered to be appropriate development in the Green Belt in accordance with paragraph 145 (d). Whilst further consideration of the replacement retail unit is given in section 2 of this report this element is therefore considered to be acceptable in principle.

Barlaston Parish Council has prepared a Neighbourhood Plan which has been submitted to Stafford Borough Council and has gone through an independent examination. The proposal does not conflict with policies in the neighbour plan.

Polices and Guidance:-

National Planning Policy Framework
Paragraphs: 14, 59, 68, 79, 118, 133, 134, 143, 144 & 145

The Plan for Stafford Borough
Policies: SP3 Sustainable Settlement Hierarchy; SP4 Stafford Borough Housing Growth Distribution; SP7 Supporting the Location of New Development; C5 Residential Proposals outside the Settlement Hierarchy

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

2. Green belt

The application site is within the North Staffordshire Green Belt. Spatial Principle SP7 of The Plan for Stafford Borough states that development in the Green Belt shall be controlled in accordance with national guidance.

Within the Green Belt, where the key objective is to maintain openness, only a limited number of categories of development are accepted as being appropriate development. As explained above, the proposal is considered to satisfy provisions (d) and (f) in paragraph 145 and whilst provision (f) does not refer to openness this is considered below.
The existing buildings have a cumulative footprint of approximately 1,040sqm as would the proposed 13 dwellings and retail unit.

The proposed buildings (4,265m³) would have a volume 88% greater than the buildings which they would replace (2,271m³), although the majority of this increase would arise from the provision of pitched roofs on the dwellings since the existing garages have flat roofs.

Whilst an overall increase in volume of 88% is considered to be significant it has to be acknowledged that the site is within the confines of an existing residential estate and in this context the impact on openness would be less discernible than the development of a green field site.

The existing retail unit has a flat roof with maximum dimensions measuring 11.7m (depth) x 9.75m (width) x 3.6m (height). The floor area measures 113.6sqm. In comparison the proposed retail unit would have maximum dimensions measuring 7.6m (width) x 9.4m (depth), a floor area of 72.3sqm, and a height measuring 5.6m (eaves height of 2.9m).

Both the floor area and volume of the proposed retail unit would therefore be smaller than the existing building.

Policies and Guidance:-

National Planning Policy Framework
Sections: 13

The Plan for Stafford Borough
Policies: E2 Sustainable Rural Development

3. Character and appearance

The application site currently comprises a number of flat roofed garage blocks, a bungalow with flat roof, and a single-storey retail unit with flat roof. The buildings are not considered to offer any benefits to the character and appearance of the area. The site is surrounded by residential development which generally comprises two-storey semi-detached and terraced dwellings, and two-storey terraced rows containing flats.

The site is currently almost exclusively hard surfaced, with minimal areas of incidental open space and few trees. The proposal would result in a significant area of landscaped gardens which it is considered would be a significant improvement to the appearance of the area.

The density of the proposed development would be similar to the surrounding area. Whilst in some places dwellings in the vicinity are separated by longer rear gardens it is not considered that the proposal would result in any significant increase in density overall.

The proposed dwellings and retail unit would generally complement the existing pattern of development.

The proposed dwellings and retail unit would be of brick and tile construction and a condition should be attached to any approval to secure appropriate materials. Whilst the 13 proposed dwellings would have the same appearance and the retail unit would be
almost identical (the gable feature to the front elevation would be to the right hand side rather than centrally positioned) it is considered that they would be significantly more visually appealing than the existing development and would be more in keeping with the style of development in the surrounding area where flat roofs are otherwise scarce.

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

4. Residential amenity

The proposal is considered to be acceptable with regard to the guidance set out in the Council’s Design supplementary planning document (SPD).

The proposal would result in infill development and therefore it is not considered appropriate to refer to guideline 1 as new development should complement the existing urban grain.

With regard to guideline 2, there would be one instance where facing principal windows would be separated by a distance of 19m, 2m (plots 1 and 3). However, given that this relates to principal windows on two bungalows, between which would be a boundary treatment reducing any harm to privacy it is not considered that the proposal should be refused on these grounds.

Each dwelling would benefit from a private garden area of well over 50sqm and therefore the scheme complies with guideline 3.

Guideline 4 requires sufficient space for the storage of refuse and recycling bins. The majority of dwellings would benefit from external access into the rear gardens where adequate space could be provided for the storage of bins, although plot 11 would require bins to be stored to the front of the dwelling.

It is not considered that any of the proposed dwellings would result in any undue loss of privacy. The orientation of dwellings would result in relationships similar to those existing in the immediate vicinity where dwellings back on to each other, separated by rear gardens.

The Environmental Health Officer raises no objection to the proposal, subject to a number of conditions. It is considered that these conditions are reasonable and appropriate to the proposed development, however there is no potential to control of how demolition materials are disposed of and therefore any condition should only refer to the removal of such materials.

Provision of damping down and road sweeping facilities should be covered by the management plan required by the highway authority.
Policies and Guidance:-

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

5. Access and parking

Vehicular access to eight of the proposed dwellings and the shop would be achieved directly off the public highway (Ivyhouse Drive and Flaxman Close, whereas the remaining five would be accessed from a service road within the site which currently provides access to the garage blocks which would be removed. Access onto the wider highway network would be achieved at the junctions of Wedgwood Drive with Bell Lane and Lakewood Drive.

The application is supported by a transport statement which makes the following points:
- The 54 garages to be demolished are used for non-vehicular storage given their internal dimensions not being sufficient to accommodate modern cars;
- On-street parking within the vicinity is not at capacity at peak times;
- It is unlikely that the proposed development would result in any additional pressures on roads nearing or at capacity;
- Any reduction in on-street parking would be along roads which are not at capacity;
- Local facilities are within desirable and acceptable walking distances;
- The site is served by the public transport (bus) network and there are railway stations within 6km and 8km;
- Parking provision would meet local parking standards; and
- Traffic flow increases are estimated to be a maximum of 29 two-way vehicular movements during the evening peak – this is not a material impact on the adjacent highway network.

The bus network now comprises of a single service on school days only on service 14A which runs at 07.56 to Barlaston and Stone, and at 16.11 to Stoke and Hanley. The other service referred to in the transport statement, 12 was withdrawn in 2018.

The railway stations referred to in the transport statement are at Longton 5.7km away and Stone 7.3km away. The station at Longton had previously been served by the 12 service. These are not considered to be within a reasonable walking distance, although the transport statement states that they can be reached in 20 and 22 minutes respectively by cycle.

Each of the 13 dwellings would have two bedrooms requiring two parking spaces within their curtilage. The site plan demonstrates this provision on the site frontage of each plot.

The retail unit would have a gross floor area measuring 72.3sqm. Local parking standards require the provision of one space per 20sqm of floor area up to 1,000sqm for shops within use class A1. On this basis there would be a requirement for three parking spaces, fewer than the seven which would be provided.

The Highway Authority raises no objection to the proposal. It is noted that the on-street parking surveys indicate that parking demand is below available capacity and the proposal
is unlikely to generate additional demand for on-street parking. Furthermore, the garages to be lost have insufficient internal dimensions to accommodate modern vehicles. The recommended conditions to secure the following are considered to be appropriate and should be attached to any approval:

- Provision of access, parking, servicing, and turning areas;
- Development to be carried out in accordance with a Construction Management Plan to first be approved;
- Provision of footpath prior to occupation of plots 10-14; and
- The driveways shall be surfaced in a bound material and sustainably drained.

An informative should be attached to any approval to bring the comments of the Highway Authority (dated 13 June 2018) to the attention of the applicant.

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

6. Other

There are a number of trees within the application site and on land immediately adjacent to the site. Whilst the applicant contends that there are no noteworthy areas of trees that would cause implications to the development the Tree Officer states that there are three trees which warrant being a material constraint to development.

The recommended conditions to secure tree protection measures, a schedule of pruning/removal works, and an arboricultural method statement relating to the proposed development should therefore be attached to any approval.

A neighbour, in objection to the proposal, has provided a photograph of a newt in the immediate vicinity of the application site. The Biodiversity Officer states that the photograph is not clear enough to identify the type of newt. On this basis and because there would be no loss of habitat and the nearest ponds are located through the estate a precautionary approach is considered to be appropriate and a condition should be attached to any approval to ensure that an ecological clerk of works or ecologist is present during any clearance works to check for Great Crested Newts. The applicant has agreed that this could be dealt with via a pre-commencement condition.

Although the site is within flood zone 1 and there is therefore no inherent flood risk the Lead Local Flood Authority (LLFA) has an interest in the scheme given its scale. A drainage design has been submitted to which the LLFA raises no objection to the proposal on the basis that the scheme represents a 30% reduction in runoff discharging to the wider drainage network as a result of the reduced impermeable area and as permeable paving would be used for driveways. A condition should be attached to secure the provision of permeable paving where indicated on drawing 17240_001.
A number of recommendations are made by the Police Design Advisor. It is considered that the applicant should take these into account when finalising any details required to be submitted by conditions on any approval. An informative should be attached to any approval to bring these comments to the attention of the applicant.

Cadent have confirmed that there is operational gas apparatus in the vicinity of the application site which may be affected by the proposal and which may include a legal interest (easement or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The applicant should be advised, via an informative on any approval, to seek advice from Cadent in this regard.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 8, 118, 149, 150, 155, 157, 159, 160, 163, 164, 170, 174, 175, 176 & 177

The Plan for Stafford Borough
Policies: N2 Climate Change; N4 The Natural Environment & Green Infrastructure; N5 Sites of European, National & Local Nature Conservation Importance

7. Planning obligations

The scheme comprises 13 dwellings and one (convenience) retail unit. Policy I1 of The Plan for Stafford Borough states that new development which provides additional residential or commercial development must be supported by appropriate levels of physical, social, and environmental infrastructure at a timely stage and that appropriate levels of contributions should be secured by section 106 agreements and legal agreements to ensure that new developments contribute to new and/or improved infrastructure and services (including community needs).

The applicant advises that all 13 of the proposed dwellings would be affordable. The Health and Housing Officer acknowledges that the proposal would deliver 100% affordable housing and that the proposal would help to reduce Stafford Borough’s annual affordable housing shortfall of 210 dwellings (general needs accommodation 154 and older persons' 55). Whilst Council policy suggests an affordable housing mix of 80% social rent and 20% intermediate affordable housing the scheme is 100% affordable in order to comply with policy C5 and any tenure mix can be agreed through a s106 agreement.

There is a deficiency in sport pitch provision and associated facilities in the area fall short of national standards and are in need of refurbishment. Due to the size of the development a sport contribution is not required. However, the Sport and Outdoor Leisure Officer requests a quantitative provision of 30.81sqm per person of open space provision. Given the size of the proposed development it is considered that the open space provision should be offsite and, therefore, a contribution of £11,902.46 should be secured via s106 agreement.

A financial contribution would, also, usually be required in regard to educational facilities as the scheme would involve ten or more dwellings. However, the County Schools Organisation state that due to the proposed dwelling type and tenure there would be no request for education contributions.

Policies and Guidance:-
8. Conclusion

The principle of a 100% affordable housing scheme on this rural exception site is considered to be acceptable given the circumstances and location of the proposal, and also in respect of green belt policy.

It is not considered that there would be any undue harm with regard to the character and appearance of the area; residential amenity; access and highway considerations; biodiversity; or flood risk.

Consultations

Forward Planning:
No representation received.

Highway Authority:
(Comments dated 4 March 2019):
No objection. Please refer to original form X.
(Comments dated 13 June 2018):
None of the 54 garages to be lost are currently used for vehicular storage and have internal dimensions that are not sufficient to accommodate a modern car. The developer has carried out on-street parking surveys which indicate that parking demand is below the available capacity. Parking requirements of the proposal is unlikely to generate additional demand for on-street parking.
No objection, subject to conditions to secure the following:
- Provision of access, parking, servicing, and turning areas;
- Development to be carried out in accordance with a Construction Management Plan to first be approved;
- Provision of footpath prior to occupation of plots 10-14; and
- The driveways shall be surfaced in a bound material and sustainably drained.

Lead Local Flood Authority:
(Comments dated 1 March 2019):
No objection. The amended plans confirm that the proposed development represents a 30% reduction in runoff discharging to the wider drainage network as a result of the reduced impermeable area and permeable paving has been included for driveways where possible to provide improved water quality. The proposals are acceptable.
(Comments dated 24 July 2018):
Objection.
The applicant should submit a drainage design to demonstrate that there is a sufficient safe means of disposing of surface water, that the site is safe for the 1:100 year plus climate change storm event, and that the flood risk to any third party is not increased.

Tree Officer:
(Comments dated 19 February 2019):
Having reviewed the alterations made to the layout (re: plot 1) I am satisfied that the tree (L) can be successfully retained and, therefore, I have no further objection.

(Comments dated 6 August 2018):
During consultation the existing trees were assigned letters as identification as follows:
- Tree A (Southeast of 71-75 Flaxman Close): this tree warrants being a material constraint to development and should be retained as part of any proposal.
- A 30% crown reduction should be carried out as part of any arboricultural schedule of works prepared and implemented as part of this development;
- Trees B & C (east of 45 & 45A Ivyhouse Drive): these trees do not warrant being a material constraint to development and subsequently can be considered expendable as part of any proposal;
- Tree D (west of 48 Ivyhouse Drive): this tree is not at risk of damage as a result of the proposal and should be retained as part of any development;
- Trees E, F, G, J, & K (south of 45 Ivyhouse Drive; west of 43 Ivyhouse Drive; south of 81-85 Flaxman Close): these trees do not warrant being a material constraint to development and subsequently can be considered expendable as part of any proposal;
- Hedgerow H1 (south of 89-93 Flaxman Close): these trees do not warrant being a material constraint to development and subsequently can be considered expendable as part of any proposal; and
- Tree L (southwest of 89-93 Flaxman Close): this tree warrants being a material constraint to development and should be retained as part of any proposal. The retention of this tree would necessitate a redesign of Plot 01 and the surrounding area by removing or relocating the parking bay allocated for the nearby substation. If such a bay is required then this could be achieved by redesigning the layout of the parking allocation for Plot 01.

Conditions are required to secure tree protection; a schedule of pruning/removal works; and an arboricultural method statement.

Biodiversity and Landscape Officer:
(Comments dated 28 March 2019):
The photograph submitted by a neighbour is not clear enough to make an identification of Great Crested Newt; it could be a Common Newt.
As there is no loss of habitat and the nearest ponds are located through the estate I would advise that a precautionary approach is applied with appropriate reasonable avoidance measures; an ecological clerk of works or ecologist should be present during clearance to check for Great Crested Newts. A method statement should be submitted to this effect.
(Comments dated 13 August 2018):
No objection.

Environmental Health Officer:
No objection, subject to conditions to secure the following:
- Restriction of hours of works and associated deliveries;
- No burning on site during development;
- All demolition/surplus materials to be removed from the site and properly disposed of;
- Provision of damping down facilities;
- Provision of road sweeping facilities; and
- High intensity site lighting during works should be directed away from nearby residences.

Health and Housing Officer:
Following the submission, by the applicant, of local housing needs data it is agreed that there is evidence to show demand for affordable housing in the area, including two-bedroom bungalows. I therefore support this application.

(Comments dated 9 August 2018):
- We recognise that the proposal would deliver 100% affordable housing. Stafford Borough has an annual affordable housing shortfall of 210 dwellings (general needs accommodation 154 and older persons' 55). The development will help to reduce the shortfall.
- Council policy suggests an affordable housing mix of 80% social rent and 20% intermediate affordable housing. As the scheme is 100% affordable we will work with the Registered Provider to agree the mix.
- There is an undersupply of 1 and 2 bedroom homes and an oversupply of 3 bedroom homes; a mix of these would be expected on site.
- Affordable housing must at least meet the standards recommended by Homes England.
- A mix of property sizes is recommended to accommodate more than the minimum persons. Some 2 bed homes may be expected to accommodate 4+ occupants rather than the minimum of 2.
- 1 bedroom homes should contain a minimum of 3 habitable rooms, particularly in units designed for older people who are not part of a flexi-care style scheme.
- The affordable housing should provide a mix of properties to meet the identified needs of residents and must meet the identified design standards.

Sports and Outdoor Leisure Policy Officer:
Sport pitch provision and associated facilities in the area fall short of national standards and are in need of refurbishment. Due to the size of the proposed development the Council is reasonably entitled to request a quantitative provision of 30.81sqm per person of open space provision under its current policy; all open space provision should be off site. The capital cost for the development of open space for this development is £11,902.46. Given the size and location of the development an offsite contribution should be made to existing open space within the Barlaston ward. Due to the size of the development a sport contribution is not required. The adoption of any footpath or cycleway and associated infrastructure will not be sought. Sycamore trees should not be planted under any circumstances; trees planted adjacent to footpaths or hardstanding should be planted in tree pits with pavement protection installed.

Schools Organisation:
Due to the proposed dwelling type and tenure there would be no request for education contributions. However, should the mix and use of the dwellings change we would request notice so that any impact on school places could be reconsidered.

Cadent:
There is operational gas apparatus in the vicinity of the application site which may be affected by the proposal. This may include a legal interest (easement or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The applicant should contact Plant Protection before any works are carried out to ensure that the apparatus is not affected by any of the proposed works.

Staffordshire Police Crime Prevention Design Advisor:
The scheme should attain Police Secured by Design (SBD) accreditation.
Recommendations are made with regard to the following aspects of the proposed development:
- Landscaping;
- External lighting;
- Means of enclosure;
- Provision of smart utility meters;
- Door and window specification;
- Party walls;
- Sound insulation;
- Alarms;
- Construction materials of the retail unit; and
- Provision of shutters

Barlaston Parish Council:
The parish council supports the application, and raises the following points:
- Concerns are raised with regards to the timing of construction traffic, particularly during peak times and weekends; and
- The provision of a shop should remain part of the scheme.

Neighbours (59 consulted):
Eight representations received in objection, the following points, relevant to the consideration of this application were raised:
- Parking provision is already a problem;
- Loss of garages and additional dwellings would exacerbate the traffic problems;
- Retail unit should be supported to ensure it is viable;
- Density of development is too great;
- Lack of facilities;
- Lack of public transport;
- Impacts of noise and dust during development;
- Loss of privacy in gardens;
- Impacts on access to rear of existing properties; and
- Newts have been found in the immediate vicinity.

Two representations received in support, raising the following points:
- The proposal would improve the appearance of the area.

One representation received, neither in support nor objection, raising the following points:
- Impacts during development – noise, dirt, and parking.

Site notice expiry date: 15 June 2018

Newsletter advert expiry date: 20 June 2018

Relevant Planning History

None.

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 to be otherwise first agreed in
writing by the Local Planning Authority to secure affordable housing and a financial 
contribution towards open space provision, permit subject to the following conditions:

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

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

   1725-PL-02
   1725-PL-03 A
   1725-PL-04
   1725-PL-05
   1725-PL-06
   1725-PL-08
   1725-PL-09
   17240-001
   17240-002

3. Notwithstanding the provisions of the Town and Country Planning (General 
Permitted Development) (England) Order 2015 (as amended), or any other 
subsequent equivalent order, plot 07 shall only be used for purposes within use class 

4. No development shall commence unless and until a method statement, to 
demonstrate reasonable avoidance measure with regard to Great Crested Newts 
during site clearance works, has been submitted to and approved in writing by the 
Local Planning Authority.

5. No above ground construction works shall commence unless and until details of the 
finished floor levels of the proposed building(s), including their relationship to the 
levels of the highway and existing development, have been submitted to and 
approved in writing by the Local Planning Authority. The development shall 
thereafter be carried out in accordance with the approved details.

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

7. Details of hard and soft landscaping, including all boundary treatments, to be broadly 
in accordance with drawing 1725-PL-07, shall be submitted to and approved in 
writing by the Local Planning Authority. The approved landscaping scheme shall 
thereafter be provided for each plot before the associated plot is first brought into 
use.

8. The landscaping scheme to be submitted in pursuance of condition 7 shall include 
permeable block paving where indicated on drawing 17240-001.
9. The development shall not be brought into use unless and until the access, parking, servicing, and turning areas have been provided in accordance with the approved plans.

10. The development shall be carried out in accordance with a Construction Environmental Management Plan (CEMP) which shall first be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include but not be limited to the following details:-
   - construction access
   - routing of HGVs
   - delivery times
   - the location of contractors compounds, cabins, material storage areas and contractors parking
   - a scheme for the management and suppression of dust from construction activities
   - the provision of a vehicle wheel wash facility
   - a method statement for demolition operations

   The approved CEMP measures shall thereafter be carried out and maintained throughout the construction period.

11. Plots 10-14 shall not be brought into use unless and until a 2m wide footpath to the north side of the service road serving plots 10-14 has been provided in accordance with full details which shall first be submitted to and approved in writing by the Local Planning Authority.

12. No dwelling shall be occupied unless and until the driveway associated with that plot has been surfaced in a bound and permeable material with sustainable drainage provision, in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

13. No development, including the delivery to site of any materials or equipment, shall commence unless and until a tree protection plan to include all trees, shrubs, and hedges which are to be retained, and which is compliant with BS5837:2012 “Trees in relation to design, demolition, and construction - Recommendations” has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.

14. No development, including the delivery to site of any materials or equipment, shall commence unless and until an arboricultural method statement covering all aspects of development within the root protection areas of retained trees, or that have the potential to result in damage to those retained trees, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved statement.

15. No tree removal or pruning of any kind shall be carried out unless otherwise approved in writing by the Local Planning Authority.

16. All construction works, including demolition and associated deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
17. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.

18. There shall be no burning on site during development.

19. All demolition materials shall be removed from the site.

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

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

2. To define the permission.

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

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

5. To safeguard the character and appearance of the area (Policy N1h 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).

8. To ensure the provision of adequate drainage facilities and to prevent the pollution of any adjacent watercourses, wells and aquifers. (Policy N2 of The Plan for Stafford Borough).

9. 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).

10. To safeguard the amenities of the area. (Policy N1 of the Plan for Stafford Borough).

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

12. In order to ensure that the road and footway proposals and related drainage are satisfactory to serve the development and to ensure the safety of all road users thereafter (Policies T1c and N1m and N2 of the Plan for Stafford Borough).
13. To enable the Local Planning Authority to consider the scheme of development and the landscaping proposals in relation to the existing trees and hedges. (Policy N4 of The Plan for Stafford Borough).

14. To enable the Local Planning Authority to consider the scheme of development and the landscaping proposals in relation to the existing trees and hedges. (Policy N4 of The Plan for Stafford Borough).

15. To enable the Local Planning Authority to consider the scheme of development and the landscaping proposals in relation to the existing trees and hedges. (Policy N4 of The Plan for Stafford Borough).

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

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

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

19. To 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 considers the proposal to be a sustainable form of development and that it complies with the provisions of the National Planning Policy Framework.

2. The applicant's attention is drawn to the comments of the Highway Authority (dated 13 June 2018), Cadent, and the Staffordshire Police Crime Prevention Design Advisor. All comments can be viewed online through the planning public access pages of the Council's website (www.staffordbc.gov.uk).
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>
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</thead>
<tbody>
<tr>
<td>19/30637/COU Delegated Refusal</td>
<td>Land North Of Fairbanks Cottage The Green Chebsey</td>
<td>Change of use of agricultural building to residential with minor alterations, formation of a domestic curtilage with erection of fence and hedge-planting, formation of a parking area, plus demolition of pole barn</td>
</tr>
</tbody>
</table>

Appeal Decisions

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Location</th>
<th>Proposal</th>
<th>Sent to CS</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/29636/COU Appeal Dismissed</td>
<td>Outbuilding At Bridge Lane Stowe By Chartley</td>
<td>Change of use of agricultural building to dwelling (C3) (revised scheme)</td>
<td></td>
</tr>
</tbody>
</table>

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302
Appeal Decision
Site visit made on 16 July 2019

by C Beeby BA (Hons) MIPROW
an Inspector appointed by the Secretary of State
Decision date: 15th November 2019

Appeal Ref: APP/Y3425/W/19/3228798
Agricultural Building, Bridge Lane, Stowe by Chartley
- 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 James Brown against the decision of Stafford Borough Council.
- The application Ref 18/29636/COU, dated 15 November 2018, was refused by notice dated 29 April 2019.
- The development proposed is the change of use of an agricultural building to a dwelling (revised scheme).

Decision
1. The appeal is dismissed.

Main Issue
2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons
3. The appeal building is an agricultural barn of a relatively modern construction. It is set within a field which lies off a rural lane, and clear views of the site are available through the field gateway and from the adjacent elevated highway, despite the prevalence of roadside hedgerow in the vicinity.

4. Whilst there is no indication that the surrounding landscape has any formal protection, the barn has an attractive backdrop of open rural parkland, within which built form is only minimally visible. Notwithstanding the barn’s somewhat dilapidated appearance, it has a neutral effect on its surroundings and it is unobtrusive within views of the rural landscape. This is due to its evident agricultural purpose and its muted colours and lack of significant glazing.

5. Prior approval for a change of use of the building to a dwelling under Class Q of the General Permitted Development Order 2015 was granted by the Council in a decision1 of April 2018. As such, this approval is extant and capable of being implemented. I am not aware of any impediments to its implementation and thus I consider that there is a greater than theoretical possibility that the fallback development might take place.

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1 Local Planning Authority Ref: 18/27820/PAR

https://www.gov.uk/planning-inspectorate
6. The extant approval provides for the retention of the building’s corrugated sheeting and concrete blockwork, together with the insertion of fenestration and some larger glazed panels. Whilst some of the glazed panels would be present on the front elevation of the approved proposal and hence would be highly visible from the highway, they would replace areas of metal sheeting currently used as doors. Thus, they would be in keeping with the original design of the building.

7. The appeal scheme proposes the use of timber or metal cladding which would be visible instead of the sheeting and blockwork. This would have a more contemporary and domestic appearance than the approved use of the existing materials, which would retain the agricultural appearance of the building by a greater degree.

8. Further proposed works include the alteration of fenestration to the front and side elevations which are visible from the highway, including the use of additional substantial glazed panels. These would have a commercial and urbanising effect which would be incongruous within their highly rural setting.

9. Furthermore, whilst such agricultural buildings often feature full height openings, these are generally limited. The extant approval scheme includes less full height glazing than that proposed, and it would therefore resemble an agricultural barn to a greater extent than the appeal proposal.

10. Thus, I conclude that the effect of the fallback position on the character and appearance of the area would be less harmful than that of the appeal proposal. Therefore the fallback does not provide justification for a grant of permission for the appeal proposal.

11. My attention has been drawn to a judgment which concerned a proposal for which a fallback position was found to exist. However, I note that the Council concerned considered that the fallback scheme would be to the visual detriment of the site concerned. I have not identified such harm in the case of the fallback position for the appeal proposal, and thus the circumstances of the judgment concerned are materially different, such that I attach only limited weight to its relevance in determining the appeal.

12. Policy E2 of the Plan for Stafford Borough (2014) (“the PSB”) discourages the conversion of rural buildings unless they are structurally sound and capable of conversion without significant alteration or rebuilding works. This supports the aims of the policy with regard to design in rural areas.

13. A survey of the building was completed in January 2017 to accompany the prior approval application. It concluded that the property was a reasonable proposition for conversion to a dwelling. There is no significant evidence to the contrary and thus the proposal complies with the requirements of the policy in respect of structural soundness.

14. However, the appeal entails works which include the replacement of roof cladding, the use of extensive new timber cladding to the walls and the removal of substantial sections of the structure to accommodate the glazed panels. The totality of the proposed alterations would result in a building with a considerably altered and contemporary appearance which, as set out above,
would be less responsive to its agricultural origins than the extant approval scheme.

15. Thus, the proposal would result in significant alterations to the building and would have an unacceptably harmful effect on the character and appearance of the area. It would therefore conflict with Policy E2 of the PSB, which states that the design of rural buildings should be in keeping with their surroundings and that conversions should not include significant alteration or rebuilding works.

Other Matters

16. The appeal site lies near to the Cannock Chase Special Area of Conservation (“SAC”), which is a European site. The appeal site already has an extant approval for the conversion of the building to a dwelling. Therefore it would not result in an overall increase in the number of dwellings approved within the SAC catchment area. Furthermore, Natural England, the government’s advisor on such matters, has been consulted and has raised no objection to the proposal. Thus, in view of these considerations and my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary for me to consider this matter any further in this case.

17. I have had regard to other matters raised including concerns about highway safety and the capacity of local services. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

Conclusion

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

C Beeby

INSPECTOR