



Civic Centre, Riverside, Stafford

Contact Andrew Bailey

Direct Dial 01785 619212

Email abailey@staffordbc.gov.uk

Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 4 August 2021** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

A handwritten signature in black ink, appearing to read "I. Curran".

Head of Law and Administration

PLANNING COMMITTEE – 4 AUGUST 2021

**Chairman - Councillor B M Cross
Vice-Chairman - Councillor E G R Jones**

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.

	Page Nos
5 Planning Applications	3 - 30
6 Planning Appeals	31 - 34

MEMBERSHIP

Chairman - Councillor B M Cross

A G Cooper	P W Jones
B M Cross	W J Kemp
A P Edgeller	B McKeown
A D Hobbs	G P K Pardesi
J Hood	M Phillips
E G R Jones	

(Substitutes - F Beatty, A T A Godfrey, R Kenney, C V Trowbridge)

PLANNING COMMITTEE - 4 AUGUST 2021

Ward Interest - Nil

Planning Applications

Report of Head of Development

Purpose of Report

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

		Page Nos
20/32255/FUL	Former Garages at Trent Close, Moss Pit, Stafford ST17 9EP	4 - 30
	The application was called in by Councillor A M Loughran	
	Officer Contact - John Holmes, Development Manager Telephone 01785 619302	

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:	20/32255/FUL
Case Officer:	Nicholas Lawrence
Date Registered:	1 May 2020
Target Decision Date:	26 June 2020
Extended To:	20 August 2021
Address:	Former Garages at Trent Close, Moss Pit, Stafford ST17 9EP
Ward:	Manor
Parish:	-
Proposal:	Development of three dwellings (bungalows)
Applicant:	Stafford and Rural Homes
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor A M Loughran (Ward Member for Manor) for the following reason:

Over intensification of site and depletion of amenities in the neighbourhood

THE APPLICATION SITE

1. The Application Site (the Site) located on the north side of Trent Close is a concertinaed in shape and totals some 1,225m² in area and is formed of two separate rows of flat roof garage blocks; one parallel to the east boundary of the Site (containing 6 garages); and another parallel to the west boundary of the Site (containing 7 garages). Only 5 of the 13 garages are occupied. There is a large area of hard standing that is used informally for off-street car parking.
2. The boundary of the Site and the character of the area can be described as suburban residential. The dwellings to the south, east, and west of the Site comprise short terraces of two-storey brick and pitched roofed former local authority housing, together with a number of semi-detached variants. The north of the site is marked by the rear gardens, including a number of trees, to those properties (generally large detached and semi-detached dwellings and the odd bungalow) fronting onto Rickerscote Road.

3. Access is from the northern side of Trent Close to the rear of nos. 1-13 Blythe Road. There is a small network of footpaths around the perimeter of the Site that provides pedestrian access from the existing dwellings at Trent Close and Blythe Road. The Site is generally enclosed by existing boundary walls of adjoining residential properties and is generally level.
4. The Site is within the defined settlement boundary of Stafford as shown on the Stafford Inset Plan to The Plan for Stafford Borough 2011-2031 and constitutes previously-developed land (i.e. a brownfield site) as set out in *Annex 2: Glossary* to the National Planning Policy Framework.

BACKGROUND AND PROPOSED DEVELOPMENT

5. Members will recall at the Planning Committee meeting of 23 September 2020 considering this application (i.e. development of three bungalows), albeit in a different form, and resolving to defer consideration of the Application to ask the Applicant to provide additional on street car parking in the area.
6. The proposal relates to the demolition of all the garages and in their place, the erection of 3 dwellings, comprising of a detached bungalow within the northern part of the Site, and 2 dwellings (semi-detached) on the eastern boundary of the Site. Parking is dedicated car parking to each of the dwellings, with 3 visitor parking spaces.
7. In terms of design, the semi-detached properties adopt the form and presence of the surrounding dwellings (i.e. two-storey, pitched roof, and faced in brick) with an aspect of timber treatment to the front elevation. The bungalow, in common with the semi-detached element, is faced in brick with a tiled roof, includes a pitched roof arrangement, save a forward protruding gable feature.
8. Each dwelling would have their own rear garden area that would be enclosed by a 1.8m high timber fence and footpaths would remain to maintain pedestrian access to dwellings located at Blythe Road (west) and Trent Close (east).
9. The original scheme presented to the Planning Committee was for 3 detached bungalows, the other difference, save for the semi-detached two-storey element, is that the original scheme did not include visitor car parking.

OFFICER ASSESSMENT

Main Issues

10. The main issues in determining this matter are:
 - principle of the proposed development; and
 - impact of the proposal upon the character and appearance of the area; and
 - impact upon amenities.

11. All issues have regard to the provisions of the development plan and other material considerations.

Planning policy and material considerations

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
13. In this case the development plan consists of Parts 1 and 2 of The Plan for Stafford Borough 2011-2031 (the PSB) adopted in 2014 and 2017 respectively.
14. Other material considerations include, albeit not limited to, the Supplementary Planning Document on Design (the SPD) issued in 2018; and at the national level the National Planning Policy Framework 2021 (the Framework) and associated Planning Practice Guidance (the Guidance), as well as the National Design Guide (the Guide) and the National Model Design Code (the Code).

Policies and Guidance - The Plan for Stafford Borough 2011-2031

Policies

- SP1 Presumption in favour of sustainable development
- SP3 Stafford Borough sustainable settlement hierarchy
- SP4 Stafford Borough housing growth distribution
- SP7 Supporting the location of new development
- C2 Affordable housing
- T1 Transport
- T2 Parking and manoeuvring facilities and Annex B
- N1 Design
- N6 Cannock Chase Special Area of Conservation (SAC)
- N8 Landscape character
- SB1 Settlement Boundaries
- Stafford 1 Stafford Town

Guidance

- Supplementary Planning Document - Design

Principle of the proposed development

15. Spatial Principle 3 (SP3) of the PSB sets out a hierarchy of settlements as the basis for establishing the future sustainable pattern of growth and facilities, and requires the majority of future development to be delivered through the Sustainable Settlement Hierarchy (the SSH), of which Stafford is the top tier. Spatial Principle 4 (SP4) of the PSB envisages some 70% of housing (7,000 of the 10,000 dwellings) will be provided in Stafford.

16. Spatial Principle 7 (SP7) of the PSB supports, in principle, development within defined settlement boundaries, provided it is appropriate in terms of scale and nature to the settlement and will not adversely affect the residential amenity of the locality. The final paragraph of SP7 notes...*Development proposals should maximise the use of brownfield redevelopment sites within the Borough's towns and villages to reduce the need for greenfield sites.*
17. Outside the Spatial Principles of the PSB, policies N1 and N8 of the PSB, together with the SPD, supports residential development within settlement boundaries in principle subject to, in part, the proposal being of an appropriate design quality, does not harm the character and appearance of the area, makes efficient use of land, and does not harm residential amenity. These policy requirements are embraced within overarching Spatial Principle 1 (SP1) in seeking to achieve sustainable development.
18. In terms of the provision of affordable housing; whilst policy C2 considers this matter, the policy itself does not require affordable housing on sites within the settlement boundary of Stafford on developments of less than 12 dwellings. However, the Strategic Housing Market Appraisal (the SHMA) that underpins policy C2 identified the need for 210 new affordable homes across the Borough over the plan period.
19. At the national level the Framework at paragraph 119 seeks to ensure the effective use of land whilst safeguarding the environment and ensuring safe and healthy living conditions, which is reflective of the overarching objective of achieving sustainable development set out in paragraph 8 of the Framework.
20. The need for the design of proposals to have regard to context is set out within the Framework under the heading of Achieving well-designed places at paragraph 130. Paragraph 134 of the Framework provided that development that is not well-design should be refused and goes on to note...*conversely, significant weight [in the decision-taking process] should be given to...development which reflects local design policies and government guidance on designing into account any local design guidance and supplementary planning documents such as design guides.*
21. The need to consider context and amenity is set out within the Guide at paragraphs 51, 55 and 124 of the Guide (i.e. Government guidance).
22. Whilst this Applicant is Stafford and Rural Homes, regard shall be had to paragraph 64 of the Framework on affordable housing:
- Provision of affordable housing should not be sought for residential developments that are not major developments [this is not a major development], other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, and affordable housing contribution due should be reduced by a proportionate amount.*
23. It is therefore considered that the proposed development is acceptable in principle subject to satisfying the aforementioned policies of the PSB, the SPD, advice contained in national documents, together with any other relevant policies of the PSB and other considerations.

Impact upon the character and appearance of the area

24. Part of the purpose of design is to consider context and respond accordingly. That is not to imply that one of the aims of design should necessarily be to 'fit in'. Difference and variety can be virtues in new proposals as much as sameness and conformity; and of course, different contexts can themselves be more, or less, uniform in their nature. The design of any building or group of buildings should look to establish its own character and add another layer of positive interest to the area within which it will sit.
25. As noted above the Site forms part of a wider residential area of Moss Pit, characterised by semi-detached and terraced housing, two-storey in height, of a polite design that are generally set back from the roadside frontage with most dwellings having private driveways. There are areas of communal parking and open space.
26. The composition of the proposed dwellings draws upon the character of the area (i.e. two-storey with occasional bungalow), able it in a different form. Critically, neither policies N1 or N8 of the PSB, or the overarching principles (i.e. SP7) are prescriptive on what form of development is required and recognise that differing forms of development can maintain the character of an area. This position is acknowledged within the SPD under the heading of *Residential Design Guidelines* whereby the SPD should not *inhibit attractive layouts...design...nor undermines the objectives of the Framework*
27. Whilst the dwellings are 'set apart' from the surrounding residential development, attributable to the Site being garages, it is considered that the proposed development reflects in a different form the suburban character of the area. Consequently, the proposed development accords with the PSB policies SP1, SP7, Stafford1, N1, and N8; the advice within the SPD, together with policy guidance set within the Framework, Guidance, Guide, and Code.
28. On the matter of design; the PSB in common with national guidance adopts the principle that good design is indivisible from good planning and seeks design of an appropriate quality acknowledging that the right development should be in the right place.
29. In this instance the design is clearly comparable to that of the surrounding area and its domesticity and simplicity is maintained by areas of garden. In addition, the siting of the bungalow, does not seek to compete with the gable ends of the surrounding two-storey dwellings. The polite design of the dwellings is reinforced by the pallet of material that draws upon that of the properties to the south, east, and west of the Site.
30. It is recognised that the development would lead to the loss of a communal informal parking area and garages. Whilst the highways implications are considered below, it is considered that the overall loss of this space would not be significantly harmful to the appearance or character of the immediate surrounding area.

31. It is therefore considered that the form, composition, and layout of the proposed development does not harm the character and appearance of the area, and the proposal therefore accords with policies SP1, SP7, N1, and N8 of the PSB, the SPD, together with national guidance.

Impact upon amenities

32. Amenities in relation to this application revolve around; firstly, the impact of the proposed development upon residential amenity (i.e. living conditions); and secondly, the amenity afforded by the current garaging / parking and parking provision within the proposed development.

Residential amenity

33. Sustainable development encompasses an aspect of social responsibility and inclusion, within which falls the consideration of amenity as provided for in SP1 (*Presumption in favour of sustainable development*) and paragraph 8 to the Framework.
34. It is accepted that privacy and the protection of general amenity constitutes a material consideration in the decision-making process and is an important design objective in ensuring the residents of properties bounding any development site feel at ease within and outwith their accommodation.
35. This position is reflected in the requirement to create safe and pleasant places under sections 8 (*Promoting healthy and safe communities*) and 12 (*Achieving well-designed places*) of the Framework. This position is also embraced within policy SP7 (i.e. *will not adversely affect the residential amenity of the locality*), and N1 (i.e. *amenity of adjacent residential areas*), both of which are captured by need to achieve sustainable development (policy SP1).
36. There is a recognition that within suburban and urban environments there will be a degree of overlooking between dwellings and surrounding garden/amenity areas, particularly from above ground floor level. Such views tend to be oblique and where these views are direct their impact is mitigated by adequate separation distances, usually created by gardens/amenity areas or by design solutions.
37. Allowing for the positioning of the proposed dwellings, and height relationships to surrounding dwellings, and the enclosure of the site by existing walls and fences any opportunity for direct overlooking to and from the proposed dwellings would therefore be particularly limited. In addition, there would be no unacceptable loss in terms of loss of daylight or outlook.
38. Having regard to the provisions of the SPD; the requirements of Guideline 2 would be achieved with regard to privacy between front and rear elevations; the minimum private garden areas set out in Guideline 3 would be achieved for all plots; and there would be allocated storage areas for refuse and recycling bins in accordance with Guideline 4. There would also be sufficient space between existing and proposed dwellings.

39. The Environmental Health Officer also raises no objection to the proposal in principle, subject to several conditions. Should the application be approved it is considered appropriate to attach a condition to ensure a demolition and construction method statement is submitted and approved prior to the commencement of development because the site is bounded by residential properties. It is also considered appropriate to attach conditions relating to the hours of works and associated deliveries. The other requirements fall under the scope of other legislation.

Parking

40. Whilst each of the proposed dwellings have dedicated car parking, together with the provision of 3 visitor spaces, the proposal would result in the removal of the 13 garages spaces together with the informal car parking and turning area. The three proposed dwellings would each have either have 2 or 3 bedrooms. Each would have two off-street car parking spaces
41. As previously noted to the Committee, the Applicant has commented that the Site does not consist of public highway and that the land is entirely within the ownership of Stafford and Rural Homes. They also indicate that the garage spaces themselves are not always used as car parking spaces, and are mostly used for storage. According to their statistics, only 5 of the 13 garages spaces are presently occupied (38%) and that the majority of the remaining garages have been vacant for over two years. Stafford and Rural Homes have indicated any person who presently occupies a garage would be offer alternative garage space at Blythe Road, Penkvale Road, Reason Road, Lilac Grove and Howard Road, all with current availability.
42. There have been representations to both the original and revised proposals, regarding the loss of garages for parking, storage, and the area providing rear access to properties, particularly with regard to deliveries. The Applicant has confirmed that any person occupying a garage would be offered an alternative. On the informal parking area, this is private land and is not part of the highway. It is also noted that parking of vehicles is not restricted on Trent Close. The scheme will maintain a pedestrian access to occupiers of neighbouring properties.
43. The Highway Authority were consulted on the revised scheme and have no objection subject to conditions, one of which requires that none of the dwellings are brought into use until the existing footpath links have been connected with the proposed new footpaths created
44. It is considered that the loss of the garages and the informal parking area, and the replacement of them with 3 dwellings would comply with policies T1 and T2 of the PSB, Annex B on car parking standards, together with national guidance.

OTHER ISSUES

Cannock Chase Special Area of Conservation

45. The site is within 8 km of the Special Area of Conservation (SAC). However, the number of dwellings proposed is below the threshold for a separate contribution towards mitigation of visitor impact. Natural England has confirmed that contributions from schemes for 10 dwellings or more would provide for the mitigation of any likely significant effects on the SAC.

Land Contamination

46. Paragraph 183 of the Framework under the heading of Ground conditions and pollution, notes at point a) that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from land stability and contamination.
47. The Environmental Protection Lead Officer requested that a desktop Phase 1 Contamination Risk Assessment should be submitted with this application because the application site used to form a former coal mine.
48. The Applicant has since submitted a Phase 1 Geo-Environmental Assessment by Travis Baker in July 2020. The report concludes, *inter alia*, that potential contaminants were identified across the site and that chemical testing is required to characterise the various contaminants found on the site so that they can be remediated.
49. Following consultation with the Environmental Protection Lead Officer it considered that the recommendations of the Phase 1 Geo-Environmental Assessment should be implemented. A pre-commenced condition would therefore be required to ensure that no development takes place without first having the chemical testing results submitted with the approach to remediation submitted and considered by the Environmental Health Officer. Such an approach would accord with the guidance set within the Framework.

The Planning balance and conclusion

50. The proposal is within the defined settlement boundary for Stafford where there is an in principle presumption in favour of residential development. The design, form, disposition, and composition of the proposed development will not harm the character or appearance of the area or adversely harm residential amenity. The proposal will not harm highway safety.
51. In terms, of the planning balance, the scheme will result in the loss of garaging and the use of the turning area, either for parking or access enjoyed by local residents over a significant period of time.

52. Whilst representations have been made that the garages and the informal parking space around them are well used, the Applicant states that the land does form part of the public highway and is privately owned, and has provided evidence to state that only 38% of the garages were only used over the last year and that most vacant garages have not been occupied for over 2 years. In addition, the Highway Authority considers that the loss of the garage block would not be a danger to highway safety and therefore does not object to the application, subject to a number of pre-commencement conditions.
53. Taking into account the development as a whole, it is considered that the proposals would comply with the aforementioned policies of the PSB, the SPD, together with national guidance and there are no material considerations that outweigh these policies or guidance. It is recommended that planning permission is granted subject to appropriately worded planning conditions.

Consultations

Highway Authority

14.07.2021

There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

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

The development hereby permitted shall not be brought into use until the existing public footpaths links have been connected with the proposed new footpaths as indicated on drawing 1729/02/PL/02. **[should read Drawing No. 1729/02/PL/07 – added by author]**

The development hereby permitted shall not be commenced until a Traffic Management Plan is submitted to and approved in writing by the Local Planning Authority detailing the management and routing of demolition/construction traffic, delivery times, internal compound arrangements and wheel washing facilities. The approved Traffic Management plan shall be implemented on the commencement of construction and thereafter be adhered to for the full period of construction unless otherwise agreed in writing by the Local Planning

Reason To comply with the Plan for Stafford Borough 2014 - In the interest of Highway Safety

Authority. Informative:

The conditions requiring off-site highway (Footpaths) works shall require a Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing this agreement. The link below provides a further link to a Works Information Pack and an application form for the Works. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Wedgwood Building, Tipping Street, Stafford, ST16 2DH (or email to nmu@staffordshire.gov.uk)

20.08.2020

There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:

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

The development hereby permitted shall not be brought into use until the existing public footpaths links have been connected with the proposed new footpaths as indicated on drawing 1729/02/PL/02.

The development hereby permitted shall not be brought into use until the access drives rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the site boundary.

The development hereby permitted shall not be commenced until a Traffic Management Plan is submitted to and approved in writing by the Local Planning Authority detailing the management and routing of demolition/construction traffic, delivery times, internal compound arrangements and wheel washing facilities. The approved Traffic Management plan shall be implemented on the commencement of construction and thereafter be adhered to for the full period of construction unless otherwise agreed in writing by the Local Planning Authority. Informative:

The conditions requiring off-site highway(Footpaths) works shall require a Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing this agreement. The link below provides a further link to a Works Information Pack and an application form for the Works. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Wedgwood Building, Tipping Street, Stafford, ST16 2DH (or email to nmu@staffordshire.gov.uk)

21/05/2020

Due to Government restrictions it has not been possible to carry out a site visit. There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval: -

- 1 The development hereby permitted shall not be brought into use until the access, parking, servicing, and turning areas have been provided in accordance with the approved plans. The development hereby permitted shall not be brought into use until the existing public footpaths links have been connected with the proposed new footpaths as indicated on drawing 1729/02/PL/02.
- 2 The development hereby permitted shall not be brought into use until the access drives rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the site boundary.
- 3 The development hereby permitted shall not be commenced until a Traffic Management Plan is submitted to and approved in writing by the Local Planning Authority detailing the management and routing of demolition/construction traffic, delivery times, internal compound arrangements and wheel washing facilities. The approved Traffic Management plan shall be implemented on the commencement of construction and thereafter be adhered to for the full period of construction unless otherwise agreed in writing by the Local Planning Authority.

Note to Planning Officer: Although the developer suggests the garages are under used, it also suggests that some garages may have still been in use. There is no indication that provisions have been made for the loss of this parking.

Informative: The conditions requiring off-site highway (Footpaths) works shall require a Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing this agreement. The link below provides a further link to a Works Information Pack and an application form for the Works. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Wedgwood Building, Tipping Street, Stafford, ST16 2DH (or email to nmu@staffordshire.gov.uk).

Environmental Health Officer

24.07.20

The recommendations of the report [Travis Baker report – authors addition for clarity] should be carried out:

6.5.3 It is recommended that chemical testing is undertaken at the site to characterise the various materials encountered. Samples of made ground and natural subsoils should be subjected to a general suite of typical contaminants such as heavy metals and metalloids. It would be prudent to test selected made ground samples for polyaromatic hydrocarbons and asbestos to confirm, or otherwise, that they are suitable for the proposed residential use within areas of gardens and landscaping.

05/05/2020

Thank you for consulting EH. The application should be supported by a desk top phase 1 contaminated land risk assessment because of former land uses and potential former pits [and the following conditions] 1. All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. 2. There should be no burning on site during development. 3. All demolition materials shall be removed from site and properly disposed of. 4. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust. 5. High intensity site lighting during works should be directed away from nearby residences. 6. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of adjacent occupied residential dwellings. (24/07/2020): the recommendations of the report should be carried out: It is recommended that chemical testing is undertaken at the site to characterise the various materials encountered. Samples of made ground and natural subsoils should be subjected to a general suite of typical contaminants such as heavy metals and metalloids. It would also be prudent to test selected made ground samples for polyaromatic hydrocarbons and asbestos to confirm, or otherwise, that they are suitable for the proposed residential use within areas of gardens and landscaping.

Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Neighbours

25 neighbours notified about the original proposals on 01.05.2020. 3 separate letters were received from 2 addresses and a petition containing 37 signatures were objecting to the proposals.

3 further representation were received to the amended proposals in July 2021 from the same addresses. One representation includes photographs of 9 cars parked outside the garages and in the hardstanding area.

Objection to the proposals can be summarised as follows:

- The development would lead to a loss of light and residential amenity
- There would be a loss of parking important to the area
- There may be flood issues
- There would be limited access for emergency vehicles which could endanger lives
- It would lead to the loss of daylight
- There would be no space for those accessing their property only by footpath
- Difficult for deliveries of bulk goods or to unload shopping
- It would create crime

Site Notice: 'B' Major Development - Expiry date: 05.06.2020

Relevant Planning History

- None

Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the 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: -
 - Existing Layout - Plan reference 1729-02-PL-01-rev A2 (1:200)
 - Existing Plans and Elevations - Plan Reference 1729-02-PL-05 A1 (1:50)
 - Proposed Site Layout Plan - Plan reference 1729-02-PL-07
 - Proposed Plans and Elevations 4B6P Bungalow - Plan Reference 1729-02-PL 08
 - Proposed Plans and Elevations 3B5P Semi-detached house - Plan Reference 1729-03-PL 09
 - Proposed fence detail - Plan reference 1729-02-PL-06 REV A A3 (1:50)
3. Notwithstanding any description/details of external materials in the application documents and before any above ground construction works are commenced , 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. The development shall thereafter be implemented in accordance with the approved details.
4. The development hereby permitted shall not be brought into use until the existing public footpaths links have been connected with the proposed new footpaths as shown on drawing 1729/02/PL/07.
5. No dwelling shall be occupied until the associated access drive to the rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the roadside plot boundary.

6. No development shall be commenced until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority detailing the management and routing of demolition/construction traffic, delivery times, internal compound arrangements and wheel washing facilities. The approved Traffic Management plan shall thereafter be implemented on the commencement of construction works and be adhered to for the full period of construction.
7. Before the development is first brought into use, the access, parking, servicing and turning areas shall be provided in accordance with the approved drawings and be thereafter retained for the duration of the development.
8. All works, including demolition, site works and construction, together with any associated deliveries shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
9. No above ground construction works shall take place until details of hard landscape works have been submitted to and approved in writing by the local planning authority. Such details shall include means of enclosure and hard surfacing materials. The approved hard landscaping works shall thereafter completed prior to the occupation of the development.
10. Pursuant to the Phase 1 Geo-Environmental Assessment by Travis Baker submitted July 2020, no development shall commence until an assessment of the risks posed by contamination as detailed in the submitted assessment specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 56 days of the report being completed and approved in writing by the local planning authority.
11. No above ground construction shall commence unless and until details showing the removal of the section of the existing southern boundary wall adjacent to the car parking spaces to Plot 3 have been submitted to and approved in writing by the Local Planning Authority. Plot 3 shall not thereafter be occupied until the section of wall has been removed and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended no other wall or other means of enclosure shall be erected in its place without the prior approval of the Local Planning Authority.
12. No development, including the demolition of the existing garages, shall take place until a demolition and construction method statement has been 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 comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. In the interests of the safety and convenience of users of the highway. (Policy T1 of The Plan for Stafford Borough).
5. In the interests of the safety and convenience of users of the highway. (Policy T1 of The Plan for Stafford Borough).
6. In the interests of the safety and convenience of users of the highway. (Policy T1 of The Plan for Stafford Borough).
7. In the interests of the safety and convenience of users of the highway. (Policy T1 of The Plan for Stafford Borough).
8. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
9. To ensure the satisfactory appearance of the development and to ensure an adequate level of privacy for occupiers of the proposed and adjacent dwellings. (Policies N1 e, g, and h of The Plan for Stafford Borough).
10. To prevent pollution. (Paragraph 178 of the National Planning Policy Framework).
11. In the interests of the safety and convenience of users of the highway. (Policy T1 of The Plan for Stafford Borough).
12. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).

Informative(s)

- 1 The Local Planning Authority consider the proposal to be a sustainable form of development and therefore complies with the provisions of the National Planning Policy Framework.
- 2 The conditions requiring off-site highway (Footpaths) works shall require a Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing this agreement. The link below provides a further link to a Works Information Pack and an application form for the Works. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Wedgwood Building, Tipping Street, Stafford, ST16 2DH (or email to nmu@staffordshire.gov.uk)

Previous committee report 23 September 2020

Application:	20/32255/FUL
Case Officer:	Craig Miles
Date Registered:	1 May 2020
Target Decision Date:	26 June 2020
Extended To:	-
Address:	Former Garages At Trent Close, Moss Pit, Stafford, ST17 9EP
Ward:	Manor
Parish:	-
Proposal:	Development of three dwellings (bungalows)
Applicant:	Stafford and Rural Homes
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor A M Loughran (Ward Member for Manor) for the following reason:-

"Over intensification of site and depletion of amenities in the neighbourhood"

Context

The application site is within the residential area of Moss Pit, located on the north side of Trent Close, Stafford. The land is formed of two separate rows of flat roof garages blocks; one parallel to the east boundary of the site (containing 6 garages), and another parallel to the west boundary of the site (containing 7 garages). Only 5 of the 13 garages are occupied. There is also a large area of hard-standing that is used informally for off-street car parking. The boundary of the site is surrounded by residential properties forming two-storey terraced dwellings to the east, west and south, and detached and semi-detached housing to the north of the site along Rickerscote Road.

The site is accessed from the northern side of Trent Close to the rear of nos. 1-13 Blythe Road. There is a small network of footpaths around the perimeter of the site that provide pedestrian access from the existing dwellings at Trent Close and Blythe Road. The site is generally enclosed by existing boundary walls of adjoining residential properties. The topography of the site is generally level and is not an area identified as being at a high risk

of flooding. The site is not in or adjacent to a conservation area and contains no listed buildings.

The proposals relate to the demolition of all the garages and replacement with three bungalows. One detached bungalow would be located on the west portion of the site and a pair of semi-detached bungalows on the east part. The applicant states within their Design and Access Statement that the development would consist of affordable housing and “create a series of accessible dwellings suitable for tenants with physical disabilities or wheelchair use.”

The proposed dwellings would be similar in design being single-story in height with a pitched roof (5.6m to ridge) and all would have a gable feature on the front elevation. The materials indicated on the submitted drawings detail that the walls would be formed of facing brickwork, the roofs would comprise of concrete roof tiles and the windows and doors would be upvc.

Each dwelling would have its own rear garden area that would be enclosed by a 1.8m high timber fence. Each dwelling would also have two off-street car parking spaces within their curtilage. Footpaths would remain to maintain pedestrian access to dwellings located at Blythe Road (west) and Trent Close (east).

The proposed access and car parking space to plot 3 would be alongside a brick wall approximately 1.8m high. To enable suitable access and egress from these off-street car parking spaces, the applicant has confirmed that the 1.8m high wall forming part of the southern boundary of the application site (and what is to be Plot 3) would be removed prior to the occupation of the dwelling.

Officer Assessment – Key Considerations

1. Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The Plan for Stafford Borough 2011-2031 is the development plan for Stafford Borough.

The site lies within the Settlement Boundary of Stafford which is at the top of the Sustainable Settlement Hierarchy for residential development as defined in Spatial Principle 3 of The Plan for Stafford Borough.

The site is also previously developed land and represents a sustainable location for residential development

On this basis the proposals are considered acceptable, in principle, subject to relevant material considerations being satisfied.

Policies and Guidance:-

National Planning Policy Framework:
Paragraphs 11, 63, 67, 68, 117.

The Plan for Stafford Borough:
 Spatial Principle 1 Presumption In Favour of Sustainable Development
 Spatial Principle 3 Stafford Borough Sustainable Settlement Hierarchy
 Spatial Principle 4 Stafford Borough Housing Growth Distribution
 Policy SB1 Settlement Boundaries

2. Character and Appearance

Trent Close forms part of a wider residential area of Moss Pit. The dwellings alongside the application site are similar in design, generally being semi-detached or terraced housing, two story in height, with red facing brick and concrete roof tiles. Dwellings are also generally set back at equal distances from the roadside frontage.

The proposed dwellings would be clearly set within their own grounds, appropriately separated from adjacent dwellings and one-another.

The development would lead to the loss of a communal informal parking area and garages. Whilst the highways implications are considered below, it is considered that the overall loss of this space would not be significantly harmful to the appearance or character of the immediate surrounding area.

The siting is therefore considered appropriate in the context of the surrounding pattern of development.

In terms of design, whilst each dwelling would be single storey, they would not feature prominently within the surrounding area given that the site is well enclosed. It is also considered that the scale and massing and general design of the bungalows, including materials, is acceptable in the context of the character and appearance of the surrounding area.

Given the openness of the site and the lack of specific details in relation to landscaping and materials these should be secured by condition on any grant of permission.

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. Residential Amenity

The proposal relates to the development of three bungalows on a site that is bound predominately by existing walls and fences up to approximately 1.8m in height. Any opportunity for direct overlooking to and from the proposed dwellings would be therefore be limited particularly as the rear garden areas would be enclosed by a fence and the frontages would face towards the roadside boundary, away from existing dwellings.

Having regard to the provisions of the Council's Design - Supplementary Planning Document (SPD); the requirements of Guideline 2 would be achieved with regard to privacy between front and rear elevations of Plot 1. The rear elevations of Plots 2 and 3 would however be marginally below the suggested 21m to the rear elevations 18 and 20 Trent Close. The guidance does however state that proposals should be considered on their own merits and in circumstances where privacy is less of an issue relaxation of the guidance will be considered. In this instance Plots 2 and 3 would be divided by a 1.8m high close boarded fence. The design of Plots 2 and 3 would consist of semi-detached bungalows and there are no windows proposed within their roof space. The opportunities for any direct overlooking to and from the proposed bungalows at Plot 2 and 3 would therefore be limited. On this basis it is considered that an appropriate degree of privacy would be achieved and there would be sufficient space between existing and all proposed dwellings.

The minimum private garden areas set out in Guideline 3 would be achieved for all plots; and there would be allocated storage areas for refuse and recycling bins in accordance with Guideline 4.

Guideline 6 relates to extensions to existing houses rather than the design of new houses, however the design principles are still relevant. Part 6(c) indicates that there should be a minimum distance of 8 metres between a principle window and a facing single story structure. In this instance the proposed window serving bedroom 2 on the south elevation of Plot 3 would only be approximately 3 metres from the boundary with the adjacent garage block (which is to remain). Whilst this would be less than the suggested distance, the proposals would not create any issues of direct overlooking and the proposed window would be serviced by adequate levels of sunlight and daylight given that it is south facing. It is also unlikely that any window would be formed in the side elevation of the garage block it would face onto. In these circumstances, it is considered that this arrangement would not cause such harm to potential occupiers in terms of limited outlook to refusal the proposal on this ground.

Owing to the height of the proposed dwellings together with the proximity and orientation of nearby dwellings, there would be no unacceptable loss of sunlight or daylight. As such, it is considered that there would not be any significant harm in regard to the outlook and/or privacy between the three proposed dwellings and any neighbouring property.

The Environmental Health Officer also raises no objection to the proposal in principle, subject to several conditions. Should the application be approved it is considered appropriate to attach a condition to secure a Demolition and Construction Method Statement because the site is bounded by residential properties. It is also considered appropriate that conditions relating to the hours of works and associated deliveries, noise, burning of materials and management of dust are applied in the interests of residential amenity.

Policies and Guidance:-

The Plan for Stafford Borough

Policies: N1 Design

Supplementary Planning Document (SPD) - Design

4. Access and Parking

The proposal would result in the removal of 13 garage spaces together with an informal car parking and turning area. The three proposed bungalows would each have 3 bedrooms for which two on-site car parking spaces are provided satisfying Local Plan car parking standards.

The owner of the application site “Staffordshire Rural Homes” notes that the application site does not consist of a public highway and indicates that the land is entirely within the ownership of Staffordshire Rural Homes. They also indicate that the garage spaces themselves are not always used as car parking spaces, and are mostly used for storage. According to their statistics, only 5 of the 13 garages spaces are presently occupied (38%) and that the majority of the remaining garages have been vacant for over two years. Staffordshire Rural Homes have indicated any person who presently occupies a garage would be offered alternative garage space at Blythe Road, Penkvale Road, Reason Road, Lilac Grove and Howard Road, all with current availability.

It is acknowledged that here has been representations made by local occupiers regarding the loss of informal car parking spaces and the garages themselves, however the informal parking and turning area forming the majority of the application site is within private ownership and does not form part of the public highway. Whilst there would clearly be a loss of garage space it is evident that there is a limited demand for them, and the applicant has confirmed that alternative garage space could be provided.

The Highway Authority has been consulted on the proposals and following clarification regarding the use of the occupancy of the garage spaces and the ownership of the site, they have no objections on highway grounds to the proposed development, subject to conditions requiring a traffic management plan and that the access, parking, servicing and turning areas are provided in accordance with the submitted plans.

It is considered that the loss of the existing garage spaces and the replacement of them with 3 dwellings would comply with policy T1 Transport; T2 Parking and Manoeuvring Facilities; Appendix B – Car Parking Standards of the Local Plan for Stafford.

A condition should however be attached to any permission to ensure that the reconfiguration of this part of Trent Close (including off-street car parking spaces) are in place prior to the occupation of the proposed dwellings.

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. Cannock Chase Special Area of Conservation

The site is within 8 km of the Special Area of Conservation (SAC) but the number of dwellings proposed is below the threshold for a separate contribution towards mitigation of visitor impact. Natural England has confirmed that contributions from schemes for 10 dwellings or more would provide for the mitigation of any likely significant effects on the SAC.

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 170, 175, 177.

The Plan for Stafford Borough

N4 The Natural Environment and Green Infrastructure

6. Land Contamination

The Environmental Protection Lead Officer requested that a desktop Phase 1 Contamination Risk Assessment should be submitted with this application because the application site used to form a former coal mine.

The applicant has since submitted a Phase 1 Geo-Environmental Assessment by Travis Baker in July 2020. The report concludes, amongst other things,, that potential contaminants were identified across the site and that chemical testing is required to characterise the various contaminants found on the site so that they can be remediated.

Following consultation with the Council's Environmental Protection Lead Officer it considered that the recommendations of the Phase 1 Geo-Environmental Assessment should be implemented and which can be secured by condition should permission be granted.

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 170, 175, 177.

The Plan for Stafford Borough

N4 The Natural Environment and Green Infrastructure

Conclusion

The proposals are within the main urban area of Stafford where there is a general presumption in favour of development. The design and layout of the proposed dwellings are suitable to the character of the surrounding residential area. The dwellings being single storey in height and having enclosed spaces around them mean that the wider impact both visually and in terms of any potential loss of amenity (i.e. loss of sunlight/ daylight / overlooking) would be limited.

The critical issue is whether the loss of 13 garage spaces together with the informal parking area is harmful to highway safety, including the addition of what would be 3 additional dwellings. Whilst representations have been made that the garages and the informal parking space around them are well used, the applicant states that the land does form part of the public highway and is privately owned, and has provided evidence to state that only

38% of the garages were only used over the last year and that most vacant garages have not been occupied for over 2 years. In addition, the Highway Authority considers that the loss of the garage blocks would not be a danger to highway safety and therefore does not object to the application, subject to conditions.

Taking into account the development as a whole, it is considered that the proposals would comply with the relevant local and national planning policies relating to design and access, and having considered all representations, there are no other reasons that outweigh the conclusion that planning permission should be granted.

Consultations

Highway Authority:

(19/08/2020):

There are no objections on Highway grounds to the proposed development subject to conditions relating to the provision of the access, parking, servicing and turning areas; existing public footpaths links being connected with the proposed new footpaths; surfacing of the access drives in a bound and porous material and the provision of a Traffic Management Plan.

(21/05/2020):

Due to Government restrictions it has not been possible to carry out a site visit. There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:

Provision of the access, parking, servicing and turning areas; existing public footpaths links being connected with the proposed new footpaths; surfacing of the access drives in a bound and porous material and the provision of a Traffic Management Plan.

Environmental Health England

(05/05/2020):

The application should be supported by a desk top phase 1 contaminated land risk assessment because of former land uses and potential former pits [and the following conditions] 1. All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. 2. There should be no burning on site during development. 3. All demolition materials shall be removed from site and properly disposed of. 4. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust. 5. High intensity site lighting during works should be directed away from nearby residences. 6. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of adjacent occupied residential dwellings.

(24/07/2020):

The recommendations of the report should be carried out: It is recommended that chemical testing is undertaken at the site to characterise the various materials encountered. Samples of made ground and natural subsoils should be subjected to a general suite of typical contaminants such as heavy metals and metalloids. It would also be prudent to test selected made ground samples for polyaromatic hydrocarbons and asbestos to confirm, or

otherwise, that they are suitable for the proposed residential use within areas of gardens and landscaping.

Natural England:

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Neighbours:

25 neighbours notified about the original proposals on 01.05.2020. Two separate letters were received and a petition containing 37 signatures objecting to the proposals on the following grounds:

The development would lead to a loss of light and residential amenity

There would be a loss of parking important to the area

There may be flood issues

There would be limited access for emergency vehicles which could endanger lives

It would lead to the loss of daylight

There would be no space for those accessing their property only by footpath

It would create crime

Site Notice: 'B' Major Development - Expiry date: 05.06.2020

Relevant Planning History

None

Recommendation

Approve subject to the following conditions:

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

Existing Layout - Plan reference 1729-02-PL-01-rev A2 (1:200)

Existing Plans and Elevations - Plan Reference 1729-02-PL-05 A1 (1:50)

Proposed Site Layout Plan - Plan reference 1729-02-PL REV C A1 (1:100)

Proposed Plans and Elevations - Plan Reference 1729-02-PL 03 REV C A1 (1:50)

Proposed Plans and Elevations - Plan Reference 1729-03-PL 04 REV C A1 (1:50)

Proposed fence detail - Plan reference 1729-02-PL-06 REV A A3 (1:50)

3. Notwithstanding any description/details of external materials in the application documents and before any above ground construction works are commenced , 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. The development shall thereafter be implemented in accordance with the approved details unless alternative materials are otherwise first approved in writing by the Local Planning Authority.
4. The development hereby permitted shall not be brought into use until the existing public footpaths links have been connected with the proposed new footpaths as shown on drawing 1729/02/PL/02 revision C.
5. No dwelling shall be occupied until the associated access drive to the rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the roadside plot boundary.
6. No development shall be commenced until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority detailing the management and routeing of demolition/construction traffic, delivery times, internal compound arrangements and wheel washing facilities. The approved Traffic Management plan shall thereafter be implemented on the commencement of construction works and be adhered to for the full period of construction unless otherwise agreed in writing by the Local Planning Authority.
7. Before the development is first brought into use, the access, parking, servicing and turning areas shall be provided and be thereafter retained in accordance with the approved plans.
8. There shall be no burning on site during development.
9. All high intensity site lighting during development shall be directed away from nearby residences.
10. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of adjacent occupied residential dwellings.
11. Facilities shall be provided at the site for damping down to prevent excessive dust.
12. All demolition materials shall be removed from the site.
13. All works, including demolition, site works and construction, together with any associated deliveries shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
14. No above ground construction works shall take place until details of hard landscape works have been submitted to and approved in writing by the local planning authority. Such details shall include means of enclosure and hard surfacing materials. The approved hard landscaping works shall thereafter completed prior to the occupation of the development.

15. Pursuant to the Phase 1 Geo-Environmental Assessment by Travis Baker submitted July 2020, no development shall commence until an assessment of the risks posed by contamination as detailed in the submitted assessment specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 56 days of the report being completed and approved in writing by the local planning authority.
16. No above ground construction shall commence unless and until details showing the removal of the section of the existing southern boundary wall adjacent to the car parking spaces to Plot 3 have been submitted to and approved in writing by the Local Planning Authority. Plot 3 shall not thereafter be occupied until the section of wall has been removed and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended no other wall or the means of enclosure shall be erected in its place without the prior approval of the Local Planning Authority.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. In the interests of the safety and convenience of users of the highway. (Policy T1 of The Plan for Stafford Borough).
5. In the interests of the safety and convenience of users of the highway. (Policy T1 of The Plan for Stafford Borough).
6. In the interests of the safety and convenience of users of the highway. (Policy T1 of The Plan for Stafford Borough).
7. In the interests of the safety and convenience of users of the highway. (Policy T1 of The Plan for Stafford Borough).

8. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
9. To safeguard the occupiers of nearby residential properties from general disturbance from light. (Policy N1e of The Plan for Stafford Borough).
10. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
11. To safeguard the occupiers of nearby residential properties from excessive dust. (Policy N1e of The Plan for Stafford Borough).
12. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
13. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
14. To ensure the satisfactory appearance of the development and to ensure an adequate level of privacy for occupiers of the proposed and adjacent dwellings. (Policies N1 e, g, and h of The Plan for Stafford Borough).
15. To prevent pollution. (Paragraph 178 of the National Planning Policy Framework).
16. In the interests of the safety and convenience of users of the highway. (Policy T1 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 The conditions requiring off-site highway (Footpaths) works shall require a Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing this agreement. The link below provides a further link to a Works Information Pack and an application form for the Works. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Wedgwood Building, Tipping Street, Stafford, ST16 2DH (or email to nmu@staffordshire.gov.uk)

20/32255/FUL Former Garages At Trent Close Moss Pit



 PLANNING COMMITTEE - 4 AUGUST 2021

Ward Interest - Nil

Planning Appeals

Report of Head of Development

Purpose of Report

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

Decided Appeals

Application Reference	Location	Proposal
20/32836/FUL Appeal Dismissed	Land Rear Of Egremont Newport Road Stafford	Proposed new dwelling

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 22 June 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2021

Appeal Ref: APP/Y3425/W/21/3271928

Egremont, Newport Road, Stafford ST16 1DH

- 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 N Thompson against the decision of Stafford Borough Council.
 - The application Ref 20/32836/FUL, dated 4 August 2020, was refused by notice dated 16 December 2020.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The evidence before me indicates that the site is located within 8km of the Cannock Chase Special Area of Conservation (SAC) which is a European designated site. The Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations) require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
3. The appropriate assessment carried out by the Council suggests that the Strategic Access Management and Monitoring Measures (SAMMMs) will deliver sufficient mitigation and avoidance measures and that any likely significant effects to the SAC would be mitigated by financial contributions provided by developments of 10 dwellings or more within the 0 – 8km zone of influence. This implies that no specific mitigation would need to be secured in respect of the appeal proposal. However, Natural England (NE) have confirmed that they concur with the Council's appropriate assessment conclusions providing that all mitigation measures are appropriately secured in any permission given.
4. There is therefore some ambiguity as to whether or not any mitigation measures would need to be secured. Given I am dismissing the appeal I have not explored this issue in any further detail. However, if the circumstances leading to a grant of permission had been present, I would have been required to give further consideration to the impact upon the European Site in accordance with the Habitats Regulations.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. Egremont is a two-storey detached dwelling situated within a row of detached dwellings orientated with their principal elevations facing Newport Drive. The spacious rear gardens serving Egremont and its immediate neighbours form part of a generous and distinct gap between a similarly orientated parallel row of development to the north which includes dwellings accessed from Upmeadows Drive. The relative consistency in the layout and degree of separation between buildings forms part of an attractive and spacious residential character to this part of Newport Road.
7. The position of the dwelling between long rear gardens would be at odds with the layout of neighbouring dwellings on Newport Road. It would intrude upon the well-defined gap between the parallel line of development to the rear. The development would also significantly curtail the rear garden serving Egremont. The contrasting orientation of the dwelling and its plot would appear particularly contrived and cramped when experienced from within the environs of neighbouring gardens and from windows serving properties on Newport Road.
8. My attention has been drawn to a previously dismissed appeal¹ which related to a proposal for a two-storey dwelling. In that case, the Inspector referred amongst other things to the position of the proposal being much closer to the dwellings on Newport Road than any of the existing development to the rear. Whilst the Inspector acknowledged that this would not be readily legible from Newport Road, they found it would still harm the clear distinction and separation between the two parallel rows of development. Even though the current proposal is for a dormer bungalow, it would similarly be perceived as introducing a greater density of built form within this gap which would erode the spacious characteristics of this part of Newport Road.
9. The appellant contends that the development on Upmeadows Drive was itself a backland development. Even if that was the case, Egremont and its immediate neighbours on Newport Road retain rear gardens of comparable depth. Therefore, the appeal proposal is not comparable to this neighbouring development. The Council's requirements in terms of distances between dwellings relate to the protection of neighbouring living conditions. Therefore, this is not a matter which persuades me that the position and layout of the development would reflect the surrounding pattern of development.
10. I conclude the development would have a significantly harmful effect on the character and appearance of the area. In that regard, the development would conflict with the sustainable principles and aims to secure good design which takes into account local character and context in Policies SP1 (Presumption in favour of sustainable development and N1 (Design) of The Plan for Stafford Borough (2014) (The Plan), The Stafford Borough Council Design Supplementary Planning Document (2018) (SPD) and the National Planning Policy Framework.

Other Matters

11. The Council's decision also refers to Policies SP7 and N8 of The Plan which amongst other things support the principal of new development within

¹ Appeal Ref: APP/Y3425/W/20/3245721

settlement boundaries and seek that development proposals are sympathetic to landscape character and quality. The parties are not in dispute that the principle of residential development in this area is acceptable and I acknowledge that the development would make a small but positive contribution towards the Council's housing requirements. Furthermore, the development would sit within the built-up area rather than within an area of distinct natural landscape quality. Therefore, I have not identified any specific conflict with these particular policies. Even so this does not override the harm identified under the main issue.

Conclusion

12. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

M Russell

INSPECTOR