



Civic Centre, Riverside, Stafford

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Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 8 December 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 - 8 DECEMBER 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 - 62
6 Planning Appeals	63 - 76

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 - 8 DECEMBER 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
20/33371/FUL	Land off Little Tixall Lane, Lichfield Road, Great Haywood	4 - 54
	The application was called in by Councillor A R G Brown	
	Officer Contact - Richard Wood, Development Lead Telephone 01785 619324	
21/34731/HOU	1 Walnut Tree Farm, Ash Lane, Yarnfield	55 - 62
	This application has been referred to Committee by the Head of Development	
	Officer Contact - Sian Wright, Interim Development Lead Telephone 01785 619528	

Previous Consideration

Nil

Background Papers

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

Application:	20/33371/FUL
Case Officer:	Ed Handley
Date Registered:	25 November 2020
Target Decision Date:	24 February 2021
Extended To:	
Address:	Land Off Little Tixall Lane, Lichfield Road, Great Haywood
Ward:	Haywood and Hixon
Parish:	Colwich
Proposal:	Residential development of 117 dwellings
Applicant:	Lovell
Recommendation:	Approve, subject to the completion of a Section 106 Agreement and conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor A R G Brown (Ward Member for Haywood and Hixon) for the following reasons:-

“The increase of proposed houses from 77 to 119 will result in increased traffic down Coley Lane, potential loss of green space and a strain on local amenities. As such this application needs to be brought before planning committee.”

(During the consideration of the application the scheme has been reduced to 117 dwellings).

Update since Committee deferral

The application was deferred for a second time by the Planning Committee on 27 October for the following reason:

Planning Application number 20/33371/FUL be deferred for consideration at a future meeting due to concerns over compliance with Policy N1, and other aspects of the development, for Members to consider the policy in greater detail and to determine their reasoning for any decision.

At the last Committee meeting Officers advised Members about the need to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Also, in arriving at a different decision to the Officer recommendation Committee were further advised of the need to be able to clearly explain its' judgement in rebalancing the weight given to policies and/or material considerations with appropriate evidence.

In terms of Policy N1 and design the relevant provisions, as previously advised to Committee, are (g) and (h) which are quoted in full below together with the first part of the policy:

“Policy N1 Design

To secure enhancements in design quality, development must, at a minimum, meet the following principles:

g. Include high design standards that make efficient use of land, promote activity and takes into account the local character, context, density, and landscape, as well as complimenting the biodiversity of the surrounding area;

h. Designs must have regard to the local context, including heritage assets, historic views and sight lines, and should preserve and enhance the character of the area including the use of locally distinctive materials;...”

In this case the relevant wording of provision (g) in relation to design is ‘take into account local character, context, density, and landscape’ and for (h) ‘have regard to the local context’ and ‘preserve and enhance the character of the area’.

In applying the above criteria, the overall form of the development needs not only to be considered in relation to the proposal itself but in the context of whether it preserves and enhances the local character of the area.

Leading on from this, provision (g) also refers to developments making an efficient use of land which in turn relates to whether the proposal results in the over intensification of the site, which was another concern that some Members had expressed at the previous Committee meeting.

Of relevance to this issue is paragraph 125 of the National Planning Policy Framework (NPPF) under the subheading ‘Achieving appropriate densities’.

Provision (c) of paragraph 125 of the NPPF states, amongst other things:

“Local planning authorities should refuse applications which they consider fail to make efficient use of land...”

As set out in the previous Officer report this proposal achieves 23 dwellings per hectare (dph) in relation to Marlborough Close and Hazeldene at 24 (dph). In contrast, the scheme approved under outline planning permission 14/20886/OUT for 77 dwellings is 15 dph.

Planning Committee may therefore wish to consider the following in its reasoning for any decision:

1. Is 23 dwellings per hectare in context with the local character of the area or does it result in an over intensification of the site but having regard to whether it achieves an efficient use land ?
2. If over intensification is a concern, what elements of the scheme result in an over intensification of the site when considering the application on its own individual merits ?
3. Taking the above into account does the proposal preserve and enhance the local character of the area having regard to local context, density and landscape ?

It is noted that the extant planning permission for 77 dwellings, has only been implemented in the north eastern part of the site, therefore notwithstanding the development approved under planning permission 14/20886/OUT and 17/25920/REM, 15 dwellings per hectare does not currently exist and does not therefore comprise part of the existing local character.

Since the last Committee meeting a further neighbour representation has been received, together with a photograph, which reiterates and provides further detail on an objection: -

- The photo relates to the point that the SUDS scheme is insufficient for the site and fails to meet the 1 in 100 year planning requirement.
- This is because the calculations for the SUDS takes no account of the water in this picture.
- What you see here is the water that enters the site from surrounding land resulting in the inundation of the SUDS well below the 1 in 100 year requirement and therefore, resulting in surface water flooding in the Uplands and main road.
- This is just one of three locations on the top of the site where there is significant pooling of water, and at one point the 1' 6" newt fence has been over topped by the water entering the site.
- The land feeding this site, and therefore the SUDS system, is greater in size than the land in the development.
- The LLFA (Staffordshire County Council) failed to identify this in the plan for 77 houses, but it must take this point into account now as it will be responsible for the flooding in the village resulting from this inadequate SUDS scheme.

Recommendation

Approve, subject to the completion of a Section 106 Agreement and 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:-

0300 01 (Location plan)
 301 14 (Site plan)
 0302 03 (House type 663)
 0303 03 (House type 859)
 0304 03 (House type 859 open plan)
 0305 03 (House type 912-S)
 0306 03 (House type 979)
 0307 03 (House type 980)
 0308 03 (House type 1015 rear garden)
 0309 03 (House type 1015 side garden)
 0310 03 (House type 1161)
 0311 03 (House type 1173)
 0312 03 (House type 1262)
 0313 03 (House type 1295)
 0314 03 (House type 1437)
 0315 02 (House type 1437 open plan)
 0316 03 (House type 1437 side bay)
 0317 03 (House type 2450 plans)
 0318 03 (House type 2450 elevations)
 0319 03 (House type 763)
 0320 03 (House type 789)
 0321 03 (House type 897)
 0322 03 (House type 912-D)
 0323 02 (Single garage)
 0324 02 (Shared double garage)
 0325 01 (Double garage)
 0328 14 (Materials)
 0329 08 (Boundary treatments)
 P17-0908_01-G (Soft landscape 1 of 4)
 P17-0908_02-G (Soft landscape 2 of 4)
 P17-0908_03-G (Soft landscape 3 of 4)
 P17-0908_04-C (Enhanced LEAP 4 of 4)
 AAC5444 600 P04 (Engineering concept - 117 plots)

3. Other than the access, internal road network and plots 1-7 and 103-117 no development shall take place unless and until a detailed surface water drainage design 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 details. The design shall demonstrate:
- 1) Surface water drainage system(s) designed in accordance with the non-technical standards for sustainable drainage systems (DEFRA, March 2015).
 - 2) SuDS design to provide sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.

- 3) Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change to the agreed 8.2l/s as outlined in the preliminary engineering concept.
 - 4) Detailed design (plans, network details, and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations shall demonstrate the performance of the designed system for a range of return periods and storm durations, to include as a minimum the 100-year plus 40% climate change and the 30-year return periods.
 - 5) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system, including pump failure where applicable. Finished floor levels shall be set higher than ground levels to mitigate the risk from exceedance flows.
 - 6) Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems are maintained and managed for the lifetime of the development. To include the name and contact details of responsible parties.
4. Except for plots 1-7 and 103-117 the glazing and ventilation performance of each dwelling shall comply with the requirements of paragraph 11.2.2 and table 11 of the Noise Risk Assessment and Acoustic Design Statement reference 21307-1 and dated 15 December 2020.
 5. No development shall take place, except for the access, internal road network and plots 1-7 and 103-117, unless and until a Construction Environmental Management Plan (CEMP) 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 CEMP.
 6. The development shall be carried out in accordance with the Ecological Construction Method Statement/Environmental Management Plan, reference edp4233_r005c, dated April 2021.
 7. No dwelling shall be occupied, except for plots 1-7 and 103-117, unless and until a hard and soft landscaping scheme, which is broadly in accordance with the approved plans 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 details. The scheme shall also include a programme of works, a hedgerow along the eastern boundary of the site, and details of the proposed means of enclosure and hard surfaced areas.
 8. No piling or drilling works shall be carried out, except on plots 1-7 and 103-117, unless and until details of any such works together with a timetable for the carrying out of the works 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 details.

9. The agreed off-site highway works shall be constructed in accordance with the approved plans prior to the development first being brought into use:
 - i) Provision of junction off A51;
 - ii) Provision of bus stops;
 - iii) Realignment of Little Tixall Lane;
 - iv) Provision of junctions on Little Tixall Lane; and
 - v) Provision of footway on Little Tixall Lane.
10. No further road and drainage infrastructure work shall commence, except for plots 1-7 and 103-117, unless and until details have been submitted to and approved in writing by the Local Planning Authority indicating all road construction, street lighting, drainage including longitudinal sections, and a satisfactory means of draining roads to an acceptable outfall to SuDS principles. The development shall thereafter be constructed in accordance with the approved details.
11. No individual dwelling shall be occupied, except for plots 1-7 and 103-117, unless and until the parking and turning areas associated with that dwelling have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained as such.
12. The garages hereby permitted shall be retained for the parking of motor vehicles and cycles, and storage purposes wholly ancillary to the associated dwellinghouse. No garage shall at any time be converted to living accommodation without the prior permission of the Local Planning Authority.
13. Other than plots 1-7 and 103-117, no dwelling shall be occupied unless and until the pedestrian and cycle routes shall be provided in accordance with the approved details and they shall thereafter be retained.
14. The Travel Plan (Beacon Transport Planning, dated October 2020, revision A) shall be implemented in accordance with the timetable set out in that plan. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of this permission for a period of five years from first occupation, to the Local Planning Authority for approval.
15. No development shall take place, except for the access, internal road network and plots 1-7 and 103-117, unless and until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period. The statement shall provide for:
 - i) Site compound with associated temporary buildings;
 - ii) Parking provision for vehicles of site operatives and visitors;
 - iii) Loading and unloading of plant and materials;
 - iv) Storage of plant and materials to be used in construction;
 - v) Wheel wash facilities; and
 - vi) Routing and access of deliveries.

16. No vegetation clearance shall be undertaken in the bird nesting season (March to August), unless it can first be demonstrated by the developer that breeding birds will not be affected through the submission of and approval in writing by the Local Planning Authority of a method statement for the protection/avoidance of nesting birds. The development shall thereafter be carried out in accordance with the approved details.
17. No dwelling shall be occupied, except for plots 1-7 and 103-117, unless and until bird boxes have been installed in appropriate locations in mature trees around the site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.
18. Any excavations, which are left open overnight during construction works, shall be provided with a means of escape suitable for badgers, hedgehogs and other mammals.
19. Any external lighting shall be designed to avoid light spill on all existing hedgerows together with those proposed as part of any landscaping scheme secured under this permission.
20. No dwelling shall be occupied, except for plots 1-7 and 103-117, unless and until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The development shall thereafter be carried out in accordance with the approved schedule. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To prevent the increased risk of flooding both on and off site (Policy N2 of the Plan for Stafford Borough).
4. To safeguard the occupiers of the approved dwelling(s) from undue noise. (Policy N1e of The Plan for Stafford Borough).
5. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).

6. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 174 of the National Planning Policy Framework).
7. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
8. To safeguard the occupiers of nearby residential properties from undue noise. (Policy N1e of The Plan for Stafford Borough).
9. To ensure the provision of adequate facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
10. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
11. 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).
12. 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).
13. In the interests of the safety and convenience of pedestrians and cyclists. (Policy T1 and N1o of The Plan for Stafford Borough).
14. In order to promote sustainable travel. (Policy T1 of The Plan for Stafford Borough).
15. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
16. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 174 of the National Planning Policy Framework).
17. In order to ensure that the development results in a net gain in biodiversity. (Paragraph 174 of the National Planning Policy Framework).
18. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 174 of the National Planning Policy Framework).
19. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 174 of the National Planning Policy Framework).

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

Informative(s)

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 The applicants attention is drawn to the comments of Severn Trent Water, the Staffordshire Police Design Advisor and Staffordshire County Council Rights of Way Officer as submitted in response to consultations on this application. All comments can be viewed online through the planning public access pages of the Council's website at (www.staffordbc.gov.uk)
- 3 The applicant's attention is drawn to the possibility of any changes requiring an amended license from Natural England in respect of protected species.

Previous Committee report 27 October 2021

Application:	20/33371/FUL
Case Officer:	Ed Handley
Date Registered:	25 November 2020
Target Decision Date:	24 February 2021
Extended To:	
Address:	Land Off Little Tixall Lane, Lichfield Road, Great Haywood
Ward:	Haywood and Hixon
Parish:	Colwich
Proposal:	Residential development of 117 dwellings
Applicant:	Lovell
Recommendation:	Approve, subject to the completion of a Section 106 Agreement and conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor A R G Brown (Ward Member for Haywood and Hixon) for the following reasons:-

“The increase of proposed houses from 77 to 119 will result in increased traffic down Coley Lane, potential loss of green space and a strain on local amenities. As such this application needs to be brought before planning committee.”

(During the consideration of the application the scheme has been reduced to 117 dwellings).

Update since committee deferral

At the meeting on 1 September 2021 the Planning Committee resolved to defer this application to seek amendments to the design of the proposed development in relation to the following elements and to involve input from the Council’s Design Advisor

1. Integration and linkage to the wider village and Marlborough Close.
2. Distances between windows and garden sizes with regard to the Council’s Design SPD.
3. Improved structural planting within the site with regard to the street scene and the appearance of car parking areas, and to wider views of the development.
4. Consideration of the National Model Design Code.
5. Furthermore, clarification was requested on the density of the proposed development.

In response to the reasons for deferral the applicant has submitted the following revised drawings:

- Site plan. This highlights the following amendments:
 - o Three gardens have been increased in size to ensure compliance with the Council's Design SPD; specifically plots 13, 86 and 96 would be equal to or greater than 65sqm in area.
 - o The distance between frontages is a minimum of 16m; specifically between the following plots:
 - 73 and 117.
 - 19-20 and 65.
 - 30-31 and 61.
 - o Block paving is proposed to parking areas to break up the use of tarmac and visually soften the parking areas which front plots 8-13, 16-18, 32, 33, 36, 37, 75-78 and 87-90.
- Soft landscaping plans to show 14 areas of additional shrubs planting.
- Materials plan to cross-reference with the revised site plan.
- Boundary treatment plan to cross-reference with the revised site plan. The applicant has annotated the drawing to indicate that they remain open to the treatment of part of the eastern boundary of the site where it abuts the Local Green Space (LGS9).

How the above amendments relate to the reasons for deferral are considered in turn below.

1. Integration and linkage

With regard to the qualities of connectivity and integration with the adjacent settlement area, it needs to be acknowledged that the opportunity to change the underlying spatial configuration and function of the layout has passed; the vehicular connection to the A51 and the closure of Little Tixall Lane have previously been approved and this application would not result in any variation to the approved layout in that regard.

The applicant has however put forward a flexible solution to the treatment of the boundary adjacent to LGS9 whereby the Committee could decide, should they resolve to approve the application, whether it would be more beneficial for this to be open or enclosed. It is considered that by eliminating a physical boundary in this location the scheme would provide for better connectivity between the existing residential areas and the proposed development whilst opening up public open space to neighbouring residents and future occupants. The applicant states that due to earlier concerns regarding water run off across the site a land drain along the western boundary was introduced. It is envisaged that this would comprise a 700mm wide gravel-filled trench with a 100mm perforated pipe laid at the bottom. The gravel would be left exposed at the surface and the proposed tarmac footpath at the southern end of the development would cross the trench. Should the boundary in this location be left open there would be a visual linkage between the existing residential areas and the proposed development and a formal footway would also link the two. Whilst the Committee may be minded to secure an alternative appropriate boundary treatment in this location it is recommended that this part of the boundary be left open to aid both visual and physical connectivity to the site.

2. Compliance with residential amenity guidelines

It is considered that garden sizes across the development are acceptable and meet guidance in the Council's Design SPD. Plot 6 remains the only plot which falls below the guidelines however this is already being built out under permission 19/30448/FUL and is within the northern part of the site which remains as approved.

The site complies with the provisions of the Council's Design SPD in relation to site frontages. Facing dwellings are set at a minimum distance of 16m with some variety across the proposed development, resulting in a balance of benefits in terms of privacy and visual amenity.

3. Landscaping

The use of block paving for frontage parking spaces would break up what otherwise would have been a visual mass of tarmac and the use of materials of a more domestic scale and texture.

Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments and that planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

Footnote 50, relating to paragraph 131, states that in specific cases there may be clear, justifiable and compelling reasons why the provision of tree-lined new streets would be inappropriate. Whilst no additional trees are proposed beyond the landscaping scheme previously put to the Committee it should be acknowledged that a significant number of trees of good stock would be planted within the ecological corridor. A total of 149 new trees would be provided across the site. It is noted that the general layout of the site is set by the earlier permission and there would be little space for additional street trees which may cause implications regarding highways maintenance should they be inappropriately located. It is considered that focussing tree planting within the areas of communal open space is a more appropriate approach to planting in this instance. The Council's Tree Officer raises no objection to the proposed landscaping scheme. A condition is recommended to ensure ongoing maintenance and replanting to replace any trees or shrubs which are lost within five years. Regarding the previous Tree Officer's comments in relation to application 17/25920/REM it is acknowledged that the proposed tree planting outweighs the loss of any existing trees within the site. The proposed tree planting is, on balance, considered to be acceptable in the context of paragraph 131.

4. National Model Design Code

The NPPF, as issued on 18 August 2021, states at paragraph 110 that the design of streets and parking areas should reflect current national guidance, including the National Design Guide (NDG) and the National Model Design Code (NMDC). The NMDC sets out design considerations which local planning authorities will be expected to take into account when developing local design codes and guides when determining planning applications. This site benefits from an extant permission for which there is no design code and on this basis it would now be inappropriate for the developer to be expected to follow a specific design code.

Furthermore, neither the site nor the surrounding area is subject to any design code. It is also considered that the NMDC is designed to lead the development of specific codes rather than provide general design guidance as with the NDG. Whilst it is acknowledged that the NPPF (paragraph 129) states that in the absence of locally produced design codes the NMDC should be used to guide decisions it must be noted that a model design code could

not be rigidly applied to a specific site as the model code is not written having taken into account the various contextual elements of the site.

The NMDC makes reference to car parking provision, indicating that parking provision in suburbs (the lowest tier set out within the document) would likely be in-curtilage at the front or side of the property so that cars do not dominate the street. Car parking provision, where it forms rows fronting the street, would be broken up with planting or other access routes.

The NDG states that nature contributes to the quality of a place and is a critical component of well-designed places; natural features should include designed landscapes, public open spaces, street trees, and other trees, grass, planting and water. Some existing trees and hedges are incorporated into the proposed site whilst 149 new trees would be planted, at least a third of which would at maturity be prominent within the street scene. Through the middle of the site, and leading the form of the public open space, the ecological corridor would provide a significant amount of structural planting and an attenuation pond providing an element of water. It is considered that the proposed development comprises an appropriately landscaped scheme.

5. Development density

The approved housing density on this site is 15 dwellings per hectare. The development now proposed would have a density of 23 dwellings per hectare. Local policy refers to the need to ensure that development takes into account the density of the surrounding area. The density of development along Marlborough Close and Hazeldene is 24 dwellings per hectare. On this basis it is considered that the proposed development would result in the development having a similar density to the surrounding development and would subsequently complement the adjacent urban grain. This is considered to be acceptable with regard to the requirements of planning policy and best practice with regard to design.

Other matters

With regard to the recommendation, condition 2 has been amended to refer to the most recent revised drawings and one additional condition (20) has been included to ensure the ongoing retention and any necessary replacement of trees, shrubs and hedgerows within the site.

No additional comments have been received from Colwich Parish Council.

An additional two neighbour representations have been received in objection since the committee meeting, raising points relating to increased traffic, impacts on highway safety, capacity and scarcity of local services, drainage issues, impacts on residents during development, lack of electric vehicle charging points, increased pollution (emissions, noise, light), loss of open space and that the use of other brownfield sites should be considered first.

Summarised comments of the Council's Design Advisor:

- With regard to the qualities of connectivity and integration with the adjacent existing settlement area, it must be acknowledged that the opportunity to change the underlying spatial configuration and function of the layout has passed.
- A modified approach in how the green space within the development would connect and interact with existing green space to the southern end of Marlborough Close could bring a tangible improvement in how the proposed development relates to and functions with the adjacent settlement area.
- The removal of a physical boundary between these spaces would enable them to function as a shared, contiguous, open landscaped amenity space, whereas the space to the southern end of Marlborough Close currently functions as a relatively unattractive dead-end space. If it was more overtly joined with the proposed green space they would as a whole be far more likely to successfully augment the physical connectivity and potential social cohesion between adjacent places.
- The NPPF does not set out national standards/recommendations for density. The local planning authority is therefore to look to best practice to determine densities which support balanced and mixed communities. A key consideration from a design perspective should be whether the density and urban structure/grain of a new development reflects and reinforces the prevalent characteristics of its contextual built environment.
- Although a divergence from local conditions is not inherently unacceptable, it plays an important role in determining the eventual character and quality of new development and how than more widely affects the character and quality of the locality.
- Visually, the density appears relatively accordant with its host and any sense of the scheme's divergence or inappropriateness in its context may be more the result of the urban structure and pattern of the new development being somewhat divergent from the characteristics of the adjacent settlement area.
- Regarding density, the garden sizes and separation distances between properties are not a notably problematic aspect of the layout.
- In respect to the development's reflection of the 2018 National Design Guide, it should be acknowledged that the underlying spatial approach/layout of this proposal had already been approved prior to the production of that guidance document and therefore some of the underlying spatial qualities of the development could not be reasonably held accountable to that guidance. Where practical and relevant, design comments and recommendations have had in mind the guidance set out in that document.
- Regarding the provision of street tree planting within verges to the carriageway rather than within private gardens, it is acknowledged that doing this would potentially necessitate substantial modification of the proposed layout.

Summarised comments of the Council's Tree Officer

- The landscape proposals are acceptable.
- Can we ensure there is ongoing maintenance for at least five years to ensure establishment of the landscaping and replanting of new trees and shrubs should any die during this period.

Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-

0300 01 (Location plan)
 301 14 (Site plan)
 0302 03 (House type 663)
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 0325 01 (Double garage)
 0328 14 (Materials)
 0329 08 (Boundary treatments)
 P17-0908_01-G (Soft landscape 1 of 4)
 P17-0908_02-G (Soft landscape 2 of 4)
 P17-0908_03-G (Soft landscape 3 of 4)
 P17-0908_04-C (Enhanced LEAP 4 of 4)
 AAC5444 600 P04 (Engineering concept - 117 plots)

3. Other than the access, internal road network and plots 1-7 and 103-117 no development shall take place unless and until a detailed surface water drainage design 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 details. The design shall demonstrate:
 - 1) Surface water drainage system(s) designed in accordance with the non-technical standards for sustainable drainage systems (DEFRA, March 2015).
 - 2) SuDS design to provide sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.

- 3) Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change to the agreed 8.2l/s as outlined in the preliminary engineering concept.
 - 4) Detailed design (plans, network details, and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations shall demonstrate the performance of the designed system for a range of return periods and storm durations, to include as a minimum the 100-year plus 40% climate change and the 30-year return periods.
 - 5) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system, including pump failure where applicable. Finished floor levels shall be set higher than ground levels to mitigate the risk from exceedance flows.
 - 6) Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems are maintained and managed for the lifetime of the development. To include the name and contact details of responsible parties.
4. Except for plots 1-7 and 103-117 the glazing and ventilation performance of each dwelling shall comply with the requirements of paragraph 11.2.2 and table 11 of the Noise Risk Assessment and Acoustic Design Statement reference 21307-1 and dated 15 December 2020.
 5. No development shall take place, except for the access, internal road network and plots 1-7 and 103-117, unless and until a Construction Environmental Management Plan (CEMP) 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 CEMP.
 6. The development shall be carried out in accordance with the Ecological Construction Method Statement/Environmental Management Plan, reference edp4233_r005c, dated April 2021.
 7. No dwelling shall be occupied, except for plots 1-7 and 103-117, unless and until a hard and soft landscaping scheme, which is broadly in accordance with the approved plans 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 details. The scheme shall also include a programme of works, a hedgerow along the eastern boundary of the site, and details of the proposed means of enclosure and hard surfaced areas.
 8. No piling or drilling works shall be carried out, except on plots 1-7 and 103-117, unless and until details of any such works together with a timetable for the carrying out of the works 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 details.
 9. The agreed off-site highway works shall be constructed in accordance with the approved plans prior to the development first being brought into use:
 - i) Provision of junction off A51;
 - ii) Provision of bus stops;
 - iii) Realignment of Little Tixall Lane;
 - iv) Provision of junctions on Little Tixall Lane; and
 - v) Provision of footway on Little Tixall Lane.

10. No further road and drainage infrastructure work shall commence, except for plots 1-7 and 103-117, unless and until details have been submitted to and approved in writing by the Local Planning Authority indicating all road construction, street lighting, drainage including longitudinal sections, and a satisfactory means of draining roads to an acceptable outfall to SuDS principles. The development shall thereafter be constructed in accordance with the approved details.
11. No individual dwelling shall be occupied, except for plots 1-7 and 103-117, unless and until the parking and turning areas associated with that dwelling have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained as such.
12. The garages hereby permitted shall be retained for the parking of motor vehicles and cycles, and storage purposes wholly ancillary to the associated dwellinghouse. No garage shall at any time be converted to living accommodation without the prior permission of the Local Planning Authority.
13. Other than plots 1-7 and 103-117, no dwelling shall be occupied unless and until the pedestrian and cycle routes shall be provided in accordance with the approved details and they shall thereafter be retained.
14. The Travel Plan (Beacon Transport Planning, dated October 2020, revision A) shall be implemented in accordance with the timetable set out in that plan. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of this permission for a period of five years from first occupation, to the Local Planning Authority for approval.
15. No development shall take place, except for the access, internal road network and plots 1-7 and 103-117, unless and until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period. The statement shall provide for:
 - i) Site compound with associated temporary buildings;
 - ii) Parking provision for vehicles of site operatives and visitors;
 - iii) Loading and unloading of plant and materials;
 - iv) Storage of plant and materials to be used in construction;
 - v) Wheel wash facilities; and
 - vi) Routing and access of deliveries.
16. No vegetation clearance shall be undertaken in the bird nesting season (March to August), unless it can first be demonstrated by the developer that breeding birds will not be affected through the submission of and approval in writing by the Local Planning Authority of a method statement for the protection/avoidance of nesting birds. The development shall thereafter be carried out in accordance with the approved details.
17. No dwelling shall be occupied, except for plots 1-7 and 103-117, unless and until bird boxes have been installed in appropriate locations in mature trees around the site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.
18. Any excavations, which are left open overnight during construction works, shall be provided with a means of escape suitable for badgers, hedgehogs and other mammals.

19. Any external lighting shall be designed to avoid light spill on all existing hedgerows together with those proposed as part of any landscaping scheme secured under this permission.
20. No dwelling shall be occupied, except for plots 1-7 and 103-117, unless and until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The development shall thereafter be carried out in accordance with the approved schedule. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To prevent the increased risk of flooding both on and off site (Policy N2 of the Plan for Stafford Borough).
4. To safeguard the occupiers of the approved dwelling(s) from undue noise. (Policy N1e of The Plan for Stafford Borough).
5. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
6. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 174 of the National Planning Policy Framework).
7. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
8. To safeguard the occupiers of nearby residential properties from undue noise. (Policy N1e of The Plan for Stafford Borough).
9. To ensure the provision of adequate facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
10. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
11. 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).
12. 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).

13. In the interests of the safety and convenience of pedestrians and cyclists. (Policy T1 and N1o of The Plan for Stafford Borough).
14. In order to promote sustainable travel. (Policy T1 of The Plan for Stafford Borough).
15. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
16. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 174 of the National Planning Policy Framework).
17. In order to ensure that the development results in a net gain in biodiversity. (Paragraph 174 of the National Planning Policy Framework).
18. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 174 of the National Planning Policy Framework).
19. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 174 of the National Planning Policy Framework).
20. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

Informative(s)

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 The applicants attention is drawn to the comments of Severn Trent Water, the Staffordshire Police Design Advisor and Staffordshire County Council Rights of Way Officer as submitted in response to consultations on this application. All comments can be viewed online through the planning public access pages of the Council's website at (www.staffordbc.gov.uk)
- 3 The applicant's attention is drawn to the possibility of any changes requiring an amended license from Natural England in respect of protected species.

Previous committee report 1 September 2021

Application:	20/33371/FUL
Case Officer:	Ed Handley
Date Registered:	25 November 2020
Target Decision Date:	24 February 2021
Extended To:	3 September 2021
Address:	Land Off Little Tixall Lane, Lichfield Road, Great Haywood
Ward:	Haywood and Hixon
Parish:	Colwich
Proposal:	Residential development of 117 dwellings
Applicant:	Lovell
Recommendation:	Approve, subject to the completion of a Section 106 Agreement and conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor A R G Brown (Ward Member for Haywood and Hixon) for the following reasons:-

“The increase of proposed houses from 77 to 119 will result in increased traffic down Coley Lane, potential loss of green space and a strain on local amenities. As such this application needs to be brought before planning committee.”

(During the consideration of the application the scheme has been reduced to 117 dwellings).

Context

The application site covers an area of 5.25 hectares as well as a section of the A51 and a footway link into the neighbouring residential area to the west. An element of Little Tixall Lane, now closed to vehicular traffic also forms part of the site. The site lies southwest of Little Tixall Lane and the A51 and to the east of Marlborough Close, a residential cul-de-sac.

The site is situated within the settlement boundary of Great Haywood and within 8km of the Cannock Chase Special Area of Conservation (SAC). The site also forms part of a larger area noted within the County Historic Environment Record as a ridge and furrow landscape and contains trees which are subject of Tree Preservation Orders. A public right of way (Colwich 51c) runs through the site from west to east, linking Marlborough Close with Little Tixall Lane and land levels fall significantly across the site towards the west and southwest.

A number of planning applications have been submitted with regard to the residential development of this site since 2013, many of which relate to amendments to the original outline permission, reference 14/20886/OUT.

This application is for 117 dwellings (including 34 affordable dwellings) and associated development, including open space, an ecology corridor and a sustainable urban drainage system.

The dwellings proposed comprise a variety of two-storey brick and tile properties with a single bungalow design. Vehicular access is from the A51 whereby a new junction has been completed under permission 19/30448/FUL. This new access dissects Little Tixall Lane which has been closed up to the west and links into the new access road to the east.

The broad layout of the site remains as approved under the outline consent as amended under 19/30448/FUL and reserved matters approval, reference 18/27961/FUL, in terms of the road network, ecological corridor, amenity space and drainage features. Prior to the submission of this application these consents are the most recent revisions of the initial outline and reserved matters approvals. The reserved matters approval (18/27961/FUL) was amended under application 21/33987/FUL in July 2021 with regard to the roof design to house type 1015 only.

The northern part of the site fronting Little Tixall Lane and the second row of dwellings remains as previously approved with 22 units (plots 1-7 and 103-117) being at various stages of completion. The remainder of the site would be varied in terms of the number of dwellings along with their design, orientation and spacing.

Leading east from the western corner of the site would be a SuDS attenuation pond, public open space, an enhanced Local Equipped Area of Play (LEAP), and further public open space. The majority of these areas would be grassed with a number of trees planted.

Officer Assessment – Key Considerations

1. Principle of development

In terms of the planning history of the site an application for outline permission under 13/19532/OUT for up to 157 dwellings was originally refused in February 2014 on the grounds that the application site was in the open countryside and consequently in an unsustainable location. Furthermore, insufficient information was provided to demonstrate whether the proposal would result in undue harm to the character and appearance of the surrounding rural area.

In March 2015 following the adoption of The Plan for Stafford Borough (PfSB) outline permission for 77 dwellings was granted under 14/20886/OUT on the grounds of the site being located immediately adjacent to Great Haywood and the scale of residential development being acceptable.

In January 2017 the settlement boundary for Great Haywood was set out in the adoption of Part 2 of the Plan for Stafford Borough within which the application site is located.

In July 2017 reserved matters to the outline permission for 77 dwellings was approved under 17/25920/REM followed by further amendments to the scheme under applications 18/27961/FUL, 18/28266/FUL, 19/30448/FUL and 20/33257/AMN.

The overarching policy consideration is the presumption in favour of sustainable development (Spatial Principle 1) which reiterates the requirement within the National

Planning Policy Framework (NPPF) that permission should be granted for development which accords with an up-to-date development plan without delay.

Of the 10,000 dwellings required to be delivered in Stafford Borough during the plan period, 12% are proposed for Key Service Villages (KSVs), of which Great Haywood is one, in accordance with Spatial Principles (SP) 3 and 4.

SP 7 states that development within a settlement boundary will be supported where it is of a scale and nature appropriate to secure the sustainability of that settlement and, in the case of housing proposals, these being consistent with the delivery of the proportions of development intended by SP3 and SP4.

The site is also within the settlement boundary defined within the Colwich Neighbourhood Plan (CNP) whereby the development is supported in principle under policy CC1. Furthermore, on the basis of a shortage of one and two-bedroom homes in the Parish the CNP supports the development of such properties under policy CC2.

It is further acknowledged that the figures set out within PfSB are not maximums and additional residential development above these targets is acceptable provided that it does not undermine the development strategy for housing in the PfSB. On the basis of the targets to deliver 12% (1,200) of the required 10,000 dwellings within the KSV's the provision of 40 dwellings would amount to 3.4% of the overall target for housing within the KSVs. It is not therefore considered that the provision of an additional 40 dwellings (beyond those approved under the extant permission) in a sustainable location would undermine the development strategy for housing set out in the development plan.

By reason of the commencement of development it also acknowledged that an extant permission exists for the residential development of this site.

The principle of the proposed development is therefore considered to be acceptable subject to other materials considerations being satisfied. Additionally, whilst it is acknowledged that an outline application for up to 157 dwellings on this site was refused in 2014 it must be noted that the policy context is now different in that the site is within a defined settlement boundary.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 7, 8, 10, 11, 60, 65, 73, and 119

The Plan for Stafford Borough
Policies: SP1 Presumption in favour of sustainable development; SP2 Stafford Borough housing and employment requirements; SP3 Stafford Borough sustainable settlement hierarchy; SP4 Stafford Borough housing growth distribution; SP7 Supporting the location of new development

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

Colwich Neighbourhood Plan
Policies: CC1 Settlement boundaries; CC2 Meeting local housing need

2. Character and appearance

Within wider views of the application site the proposed development is likely to have a generally similar appearance to that approved under 18/27961/FUL although the noticeable difference would be in the number of units and the density of development. The outer rows of dwellings would however be of a similar nature and density to that in the immediate vicinity and generally to those approved under the extant permission.

The Cannock Chase Area of Outstanding Natural Beauty (AONB) Officer originally stated that the proposed development would have an impact upon the setting of the Cannock Chase AONB and that there is potential for views towards housing. A recommendation was made that more robust structural planting, to provide visual mitigation, should be provided. In submitting amendments an increased number of medium and larger stature trees within the ecological corridor are now provided which when mature would be likely to assist in filtering views of the housing when viewed from the AONB. No objection is now raised to the proposal with regard to visual impacts upon the designated site.

Although more houses are now proposed the increased density of the built form now results in more space being given over to public open space, SuDS, and the ecological corridor than as part of the previously approved scheme. The proposed means of enclosure throughout the site would generally be as approved, however more prominent areas would be enclosed by 1.8m high brick panels rather than close boarded fences. It is considered that this would constitute an uplift in the quality of the materials used within the development. The proposed means of enclosure is generally acceptable, however it is considered that the eastern boundary should be subject to hedge planting to ensure a less incongruous boundary facing into open countryside. It is considered that this should be secured via a suitably worded condition on any forthcoming permission.

Due to the increased density of development within the site, there are instances where the separation distance between some of the dwellings is less than previously approved. There would generally be a frontage to frontage width of 16m-22m across the site. This is considered to be acceptable given the size of the proposed development and the road network comprising secondary residential streets as defined by guideline 1 (1b) of the Council's Supplementary Planning Document on Design (SPD). The streets within the development are also designed so as not to turn their backs on the adjacent land and particularly to the east. In this context it is considered that these spur roads also constitute secondary residential streets.

It is noted that the Council's Design Advisor raises concern regarding the implications of the proposed development upon the wider landscape in terms of urban design. However, it is acknowledged that this application is to be considered in the light of an extant permission which is currently being built out. Therefore, it is not considered appropriate to recommend the refusal of this application on grounds relating to connectivity to the existing settlement, or overall layout.

In isolation from the wider setting of the application site it is considered that the spatial qualities of the streets within the proposed development would result in a broadly acceptable urban grain and character. The Council's Design Advisor also notes that the separation distances between buildings and the relationship of frontages to streets is relatively generous across the site.

Notwithstanding that there are a few instances where frontages are dominated by areas of hardstanding, which the Council's Design Advisor suggests are sterile and featureless areas of hardstanding, most car parking provision would be relatively well integrated between properties, allowing their frontages to include a good provision of green space and which

would contribute to the underlying character of the streets. It is considered that a condition should be attached to any permission granted to secure details of the proposed hard surfaces to ensure that this element of the scheme contributes somewhat positively to the character and appearance of the proposed development.

The proposed house types are considered to be acceptable in terms of their design and their siting across the overall scheme. There would also be an appropriate mix of house types and sizes to generate varied street scenes and enhance the quality of the environment.

It is noted that there would be a marked difference in roof pitches across the proposed development and it is considered that this would avoid the potential monotony of a standard design approach across the site. Overall, the detailed design of the house types is considered to be acceptable with having a relatively good sense of scale and massing.

Following amendment to the scheme the two-and-a-half storey units (plots 58, 59, and 69 to 71) are now located centrally within the site, reducing their prominence in wider views of the development. Whilst it is noted that roof of house type 1173 is particularly tall it is considered that, on balance, this would aid the variety of the street scene.

The Council's Design Advisor raised initial concerns over the low roof pitch and over-fenestration of the side elevation of house type 1015 (side garden). Whilst the applicant has acknowledged the roof pitch and sought to amend the design to accommodate a greater roof pitch it is noted that the fenestration of type 1015 is as previously approved. It should also be noted that permission was granted in July 2021 to incorporate the amended roof design across the site under 21/33987/FUL. A separate application was submitted as this house type is present within the part of the application site which is currently under construction. On this basis it is considered to be unreasonable to refuse the application on the basis of the level of glazing on the side elevations of these properties.

It is considered that there would be a reasonable balance between a sufficiently diverse palette of materials whilst retaining a good underlying cohesion between those elected. This balance also extends in a reasonable manner to the colours of window frames and doors and whilst the majority of properties would have white uPVC windows, it is considered that the introduction of cream and grey uPVC windows on approximately 33% of the proposed dwellings and a mix of black, blue and green front doors is on balance acceptable.

It is considered, for the reasons set out above, that the proposal complies with the provisions of policy C1 of the PfSB which seeks to ensure an appropriate mix of housing types, tenures and sizes, including a proportion of affordable housing.

The affordable housing would be spread across the site with some abutting the dwellings along Marlborough Close, the eastern boundary of the site and some within the centre of the site to the north of the public open space and ecological corridor.

Policy C7 provides support to sport and recreation across the Borough and outlines the general principle that such open space, sport and recreation facilities be provided within a development site.

The applicant initially proposed a split on-site and off-site provision. The scheme has however been amended to include a larger area of open space with an enhanced equipped play area whereby the apparatus is of higher quality and value to offset the earlier proposed off-site contribution in order to make up the value of the required open space. The Council's Sports and Leisure Officer raises no objection to the proposal and it is considered that the proposed equipped play area is acceptable on balance. The provision of open space and enhanced play equipment should be secured via a Section 106 Agreement.

The CNP seeks to ensure that development within the parish of Colwich achieves high standards of design and that they respect local character without causing undue harm to residential amenity. On the basis of the broad compliance with the requirements it is considered that the proposal complies with the neighbourhood plan in this regard.

Policy CE2 states that development of local green space shall only be acceptable in very special circumstances. The land to the south of Marlborough Close is defined as LGS9 (local green space) within the CNP. The application does not involve the development of this area, however a pedestrian link through it is proposed. There is already an unmarked pathway around the space and the proposal would result in a footpath linking into LGS9, significantly opening up the space with the proposed public open space and SuDS attenuation basin. It is considered that the proposed link into this space would facilitate the use of the space by more people whilst improving pedestrian connectivity through the area.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 126, 130, 132 and 134

The Plan for Stafford Borough

Policies: C1 Dwelling types and sizes; C2 Affordable housing; C7 Open space, sport, and recreation; N1 Design; N7 Cannock Chase AONB; N8 Landscape character
Supplementary Planning Document (SPD) – Design

Colwich Neighbourhood Plan

Policies: CE1 Design; CE2 Local green space

3. Residential amenity

Except for the properties facing Little Tixall Lane the dwellings proposed along the western boundary of the site would be situated to the rear of dwellings on Marlborough Close. Where these would be back-to-back, sufficient separation would be achieved to ensure adequate amenity. Those dwellings which would present a side elevation to Marlborough Close would also ensure that adequate amenity is safeguarded in line with Guideline 2 of the SPD. The smallest separation distance would relate to plot 86 which would be more than 12m as recommended under the SPD from the rear elevations of 33 and 35 Marlborough Close.

The proposed development would not have any particular relationship with any other existing development which would result in any implication with regard to amenity.

Within the site the separation distances between frontages would generally meet the requirements of Guideline 1 of the SPD.

In terms of the separation distances between rear elevations, it is considered that appropriate spacing would be achieved through the site in order to achieve appropriate levels of privacy.

Guideline 3 of the SPD recommends the provision of private amenity space of at least 65sqm for properties with at least three bedrooms, reducing to 50sqm where the property has only two bedrooms. The proposed development would result in relatively generous plots across the site, however plots 6 and 13 containing three-bedroom dwellings would fall below 65sqm.

It is noted that plot 6 is within the element of the scheme approved under 19/30448/FUL and it is not considered that the size of the garden area to this unit would warrant the refusal of this application. Furthermore, it is considered that a single garden area being 2.5sqm below the recommendations is acceptable and that some future occupiers may wish to have a smaller garden area.

Whilst plots 18 and 80 would have private amenity space measuring only 47sqm and 63sqm respectively, these would be two-bedroom properties therefore complying with the SPD.

Specific bin storage areas are not shown on the application documents however it is clear that each dwelling would benefit from external access into the rear garden whereby refuse and recycling bins could be appropriately stored. To reduce the potential for antisocial behaviour in areas of poor lighting and surveillance, where access would be provided from an alleyway, Planning Committee may be minded to attach a condition to any approval to ensure that gates are provided to all shared alleyways which lead into rear gardens. In the event that Committee agree with such measures the wording of condition 9 (landscaping) to include details of such gates would be required.

The application is supported by a Noise Risk Assessment and statement on acoustic design given the proximity to the A51 to the north. The assessment concludes that the site is likely to be acceptable from a noise perspective. The Environmental Health Officer agrees with the conclusion subject to a condition to ensure that any glazing and ventilation combination meets the required façade sound reduction as specified in table 11 of the report and as concluded at paragraph 12.1.2 of the report. Whilst earlier permissions have not been the subject of conditions relating to acoustic mitigation it is considered appropriate to attach such a condition to ensure that the development results in a place with a high standard of amenity for all future users (paragraph 130 of the NPPF).

The applicant has submitted a Construction Environmental Management Plan (CEMP) to ensure that development would be carried out in an appropriate manner. Following the recommendation of the Environmental Health Officer this has been amended to include reference to a mobile water bowser for dust suppression. The Environmental Health Officer raises no objection to the proposal in this regard, subject to a condition to ensure that development is carried out in accordance with the CEMP.

Further to this, to ensure the protection of the amenity of occupiers of existing residential properties a condition should be attached to any approval to ensure the submission of details and justification of any piling works to be carried out on site.

By reason of the general compliance with the provisions of the PfSB and the SPD it is considered that the proposed development is acceptable with regard to policy CE1 of the Colwich Neighbourhood Plan.

Whilst it is acknowledged that development is underway on site the application is supported by a phase 1 and 2 geo-environmental assessment which recommends additional investigation. The submission of a further technical note and soil desiccation analysis demonstrates that the soils were not visibly desiccated and that ground conditions are suitable for development without the need for gas protection measures adjacent to the backfilled marl pit on the site. The associated report also indicates that no further monitoring is required. The Council's Pollution Control Officer raises no objection to the proposal on the basis of the information submitted and no conditions are recommended in this regard in order to safeguard public health.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 130 and 183

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

Colwich Neighbourhood Plan
Policies: CE1 Design

4. Access and parking

The application site is accessed via a new junction off the A51 which has been provided under permission 19/30448/FUL. The applicant indicates that these works have been completed although no paperwork has been provided to demonstrate that this is the case. The new signalised junction bisects Little Tixall Lane which has now been stopped up in the westbound direction and provides no vehicular access beyond 54 Little Tixall Lane. To the east, Little Tixall Lane crosses the A51 and leads to Coley Lane. Vehicular access to the site is therefore limited to the A51 and Little Tixall Lane east.

The road layout within the site would also remain as previously approved with the access leading into a number of cul-de-sacs whereby there would not be a circulatory route around the proposed development.

All of the proposed units which would have either two or three bedrooms would benefit from at least two external parking spaces, thereby complying with the requirements of appendix B of the PfSB and consequently policy T2.

The majority of plots with four and five bedrooms would benefit from the provision of three parking spaces. However, plots 4, 112 and 115 consist of four-bedroom dwellings with a single garage and one external parking space. Whilst this provision would fail to comply with local plan parking standards it must be acknowledged that these three plots are all as approved and could be erected without this application being approved. Consequently, it is not considered that the failure of three dwellings in meeting parking standards would justify the refusal of this application.

All plots with five bedrooms would benefit from a large private driveway and a double garage, thereby complying with local plan parking standards.

The Highway Authority raise no objection to the proposal acknowledging that it is for 117 dwellings to replace planning permission for 77 dwellings and the submission of an amended Transport Assessment to reflect the additional impact upon the highway network.

Furthermore, it is stated that no additional or amended works would be required relating to the highway works to provide access from the A51. The Highway Authority considers that no significant impact would result upon the highway network above and beyond the impacts arising from the extant permission for 77 dwellings.

A number of conditions are recommended by the Highway Authority relating to access provision; construction method statement; off-site highway works; detailed road design; parking provision; pedestrian and cycle routes and the implementation of the proposed travel plan. It is considered that such conditions would ensure that the proposed development is acceptable with regard to highways matters.

Additionally, it is recommended that the applicant should enter into a Planning Obligation to secure the payment of a travel plan monitoring fee of £7,000.

A public right of way runs through the site from its western boundary with properties along Marlborough Close to its north-eastern corner abutting Little Tixall Lane. It is proposed that this right of way would follow the estate roads through the development and it is acknowledged that the building out of development permitted under 19/30448/FUL would result in the same impact upon the right of way given the road layout is as previously approved. The County Council's Rights of Way Officer states that this intention is clear within the application submission. It is recommended that the attention of the applicant is drawn to the requirement that any planning permission does not construe the right to divert, extinguish, or obstruct any part of the public footpath network and that the applicant should apply to divert the right of way in order to facilitate the development. An informative on any approval would be appropriate in this regard.

Further to the public right of way leading into the site from Marlborough Avenue, a new pedestrian access is proposed to the southern end of Marlborough Avenue into LGS9.

Policy CTR2 of the CNP states that the development of opportunities for walking, cycling, and public transport will be supported, especially where this increases connectivity. Furthermore, policy CTR3 states that development which introduces pedestrian friendly routes which are safe and accessible, connect with existing pedestrian links and promote new links to green spaces will be supported. It is considered that the link between the proposed development and the adjacent residential area would improve pedestrian connectivity. No improvements are proposed to the pedestrian link through LGS9 towards The Uplands. However, it is noted that Staffordshire Police indicate that the walkway should be improved (including lighting being provided) to increase the safety of future users. It is, however, acknowledged that this walkway is an existing feature and the Highway Authority who have control over this land have not recommended that any improvements be made. It is not considered appropriate in this instance to require such works to be carried out on third party land.

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 100, 107, and 108

The Plan for Stafford Borough
Policies: T1 Transport; T2 Parking and manoeuvring facilities; Appendix B – Car parking standards

Colwich Neighbourhood Plan
Policies: CTR2 Sustainable travel; CTR3 Pedestrian facilities; CE2 Local green space

5. Ecology and biodiversity

As the proposal would result in a net increase in dwellings within 8km of the SAC it is considered that an appropriate assessment under the habitat regulations needs to be carried out. The latest evidence suggests that the SAMMMs (Strategic Access Management and Monitoring Measures) will deliver sufficient mitigation and avoidance measures to prevent any likely significant effects arising towards the Cannock Chase SAC from residential development in this area. As the scheme would result in a net increase of more than 10 dwellings it is above the threshold at which point it is considered appropriate for financial contributions towards the SAMMMs to be secured by a planning obligation. Such

contributions, equating to £159 per dwelling (£18,603) would ensure that any likely significant effects to the Cannock Chase SAC can be mitigated. Natural England confirm that this approach is acceptable and raise no objection.

The application is supported by a preliminary ecological appraisal undertaken by EDP and followed by specific surveys for bats and Great Crested Newts. A further follow-up extended phase 1 survey was also undertaken in 2020 to ensure an up-to-date assessment of the site. The supporting reports state that the habitats present within the site have not changed materially in the intervening period since planning permission was granted for 77 dwellings. Therefore, there is no significant constraint to the proposed increase in the number of dwellings on the site. The report concludes that subject to appropriate mitigation measures the proposed scheme can continue to comply with relevant policy.

The application is supported by a Construction Environmental Management Plan (CEMP) which, amongst other aspects, covers pre-construction works and fencing which have been carried out prior to determination of this application and also habitat creation and landscape planting, establishments and management, and monitoring measures which are proposed.

The Council's Biodiversity Officer (BO) raises no objection to the proposal following amendments to the green corridor to bring it back in line with the earlier approved scheme. The BO also advises that the scheme, as it stands, poses no significant change to the landscaping agreed between the developer and Natural England with regard to the mitigation measures for Great Crested Newts. As the proposed development goes beyond the scope of that previously approved it is possible that a new licence would be required from Natural England. However, this is a matter for the applicant to resolve and an informative should be attached to any approval to bring this requirement to their attention. Also, that the scheme continues to provide adequate biodiversity interest as the planting schedules provide a variety of plants and trees which would be planted and managed in order to present an attractive development and safe environment and which is sensitive to wildlife and maintains the biodiversity value of the site. The BO also confirms that the CEMP and Landscape Environmental Management Plan are acceptable. Conditions are also recommended to ensure the following:

- The design and management of the green corridor and other soft landscaping in accordance with the supporting documents;
- Lighting schemes to be designed to avoid light spill on hedgerows;
- Vegetation clearance to be undertaken outside of the bird nesting season (March to August) unless it can be demonstrated that breeding birds would not be affected;
- The installation of bird boxes in appropriate locations in mature trees around the site; and
- The provision of a means of escape to any excavations left open overnight and precautionary measures applied for hedgehogs.

The Cannock Chase AONB Officer initially raised concern about the site's relationship to the setting of the Cannock Chase AONB and that there is potential for views towards housing on the higher parts of the site. Furthermore, the proposed route of the public right of way would result in views towards the AONB being obscured resulting in an impact upon the appreciation of the AONB by the wider community.

However, it needs to be acknowledged that the site benefits from an extant permission for 77 dwellings and that development has commenced on site. This application therefore relates to an increased density and revised orientation of dwellings in the southern part of the site rather than comprising the new development of a greenfield site. Structural planting was also recommended to provide visual mitigation which was welcomed the AONB Officer. The AONB Officer states that the soft landscaping proposal appears to include a small increase in the number of medium and larger stature trees within the ecological area which, when

mature may assist in filtering views of the housing in the northern part of the site when viewed from the AONB.

There are various trees within and abutting the application site, one of which is an Oak within the northern boundary. The Council's Tree Officer considered this tree to be of such significance to warrant it being a prohibitive constraint to development. Whilst concern is raised that plots 109 and 110 and the associated access would be within the nominal root protection area of this tree it needs to be acknowledged that the siting of these plots is as approved under permission 18/27961/FUL. On this basis, the initial comments of the Council's Tree Officer have been retracted and no objection is raised.

Policy CE3 of the CNP requires that development is designed in a way which incorporates biodiversity and encourages the enhancement of wider networks and corridors. The proposed development would maintain the ecological corridor set out within the earlier approval which would create a biodiverse green infrastructure through the site and achieve an ecological net gain on this site.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 8, 120, 153, 154, 174, 179, 180, 181 and 182

The Plan for Stafford Borough

Policies: N2 Climate change; N4 The natural environment and green infrastructure; N5 Sites of European, national and local nature conservation importance; N6 Cannock Chase special area of conservation; N7 Cannock Chase AONB

Colwich Neighbourhood Plan

Policies: CE3 Biodiversity

6. Flooding and drainage

The site lies within flood zone 1 and the application is supported by a revised Flood Risk Assessment (FRA) dated April 2021. The FRA concludes that all uses of the land are acceptable and that there is a low risk of groundwater flooding or flooding from other sources across the site. The FRA also found that soil types would not support the effective use of infiltration SuDS features and therefore the drainage strategy incorporates permeable surfaces, detention basin, and discharging attenuated runoff into the adjacent Severn Trent Water public sewers. Consequently, the FRA concludes that there would be no increased risk of flood or any adverse impacts on surface water drainage as a result of the proposed development.

Severn Trent Water raise no objection to the proposed development on the basis that all foul sewage is to be discharged to the public foul sewer at manhole 1507 and surface water is to be discharged to the public surface water sewer at a rate of 25 litres per second at manhole 1505. It is considered that this is a satisfactory means of discharge. The comments of Severn Trent Water raise the prospect of there being a public sewer located within the application site therefore an informative should be attached to any approval to bring these comments to the attention of the applicant.

Following extensive consultation and various amendments to the general drainage design the Lead Local Flood Authority confirm that the proposed development is acceptable, subject to a condition to secure a detailed drainage design. It is acknowledged that the 22 dwellings under construction are being erected under an earlier permission and subject to an earlier drainage design. Any further approval would need to be subject to a condition to ensure that

a detailed design is approved before development commences with regard to the overall scheme for 117 dwellings. Furthermore, it is noted that the extant consent is subject to a condition to secure the provision of a French drain on the western boundary, such provision is shown on the submitted drawings and it is considered that if this is required as part of a functioning drainage system it would form part of the detailed drainage design to be secured by condition. It is therefore not recommended that a separate condition is necessary in this instance.

Initial concerns indicated that there is surface water risk, particularly from two separate 1000-year extent flow paths which would likely be intercepted by on site positive drainage. The applicant was advised that the drainage design was broadly acceptable, however further details relating to the discharge rate, impermeable areas, groundwater variability, and basin capacity were required. It is considered that the applicant has provided sufficient information to demonstrate that an adequate drainage design would be achieved.

On this basis it is considered that the proposal complies with the provisions of policy N2 in that it would incorporate sustainable design features, including the proposed surface water drainage, which would mitigate against the impacts of climate change and ensure protection from, rather than worsening the potential for, flooding through the use of SuDS which limits surface water discharge, separates foul and surface water runoff, and is sympathetically designed.

Policy CI1 of the CNP states that, where possible and appropriate, development should incorporate SuDS and that the enhancement of wildlife and biodiversity as part of these systems would be supported. It is considered that the proposal complies with the requirements of the neighbourhood plan in this regard.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 8, 153, 154, 159, 161, 163, 164, 167, 168

The Plan for Stafford Borough

Policies: N2 Climate change; N4 The natural environment and green infrastructure; N5 Sites of European, national and local nature conservation importance

Colwich Neighbourhood Plan

Policies: CI1 Flooding

7. Other

The application site lies within a larger area listed on the Staffordshire Heritage Environment Record as a ridge and furrow formation although it is acknowledged that this is not statutorily protected. Furthermore, the extant permission for the residential development of this site is not subject to any conditions relating to archaeology. Consequently, it is not considered that the requirement for any further detail on this matter or the attachment of any conditions relating to archaeology would be reasonable in this instance.

The applicant has provided a heritage statement written in support of the earlier application for 77 dwellings on the site. The report concludes that the application site is not visible from the designated house, park, or garden of the Shugborough Estate and that hedgerows should be retained in order to retain landscape character and legibility of the landscape as best as possible. The Council's Conservation Officer was not consulted during the consideration of the extant outline consent (14/20886/OUT) and it is not considered necessary to seek their views with regard to this application on the basis that the proposal

would result in the increased density of the proposed development beyond that of 77 dwellings, and that this is not likely to be particularly evident in any significant views from or toward the conservation area.

The Staffordshire Police Design Advisor states that the submission identifies that reducing opportunity for crime and disorder has been considered and welcomes the inclusion of a safe place for younger children and families to play and reconfiguration of the public open space whereby dwellings would generally face onto the open space. Concerns relating to access via garden paths and the security of the link to The Uplands are considered in more detail within this report, whilst other recommendations made should be brought to the attention of the applicant via an informative on any approval.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 8; 130, 189, 192, 194, 195, 197, 199, 200, 202, and 203

The Plan for Stafford Borough

Policies: N1 Design; N9 Historic Environment; C7 Open space, sport, and recreation

8. Planning obligations

Affordable housing

Policy C2 sets out that development of 12 or more dwellings within Great Haywood requires the provision of at least 30% affordable housing. The development of 117 dwellings in this location would therefore require the provision of 35 affordable houses. Whilst the Council's Housing Manager would generally expect an 80/20 split across such a development, the tenure mix of the 35 affordable houses to be provided on-site is yet to be agreed. It would be appropriate for this matter to be agreed as part of the Section 106 Agreement.

It is noted that policy C2 also requires that on large sites affordable housing should be clustered in small groups of up to 15 homes distributed across the development and that their appearance should be indistinguishable from that of open market homes. In terms of their detailed design and materiality it is not considered that the proposed affordable housing would be distinguishable from market housing. It is also noted that the affordable housing would be provided in two clusters of 17 and 18 dwellings (two and three above that which is generally considered to be acceptable). However, it is acknowledged that the clusters are spread across a number of streets where they would be directly opposite market housing. Furthermore, the clusters are separated by footpaths and roads and smaller groups within these clusters would be more closely associated with adjacent market housing with which they share vehicular access or street frontages. It is not considered that the proposed clusters of affordable housing would result in their dominance in any particular part of the development.

On balance the proposal is considered to be acceptable with regard to the provision of affordable housing and the provision of such should be secured via a Section 106 Agreement.

Education

During consideration of this application the County Schools Organisation advised that financial contributions are required towards education provision. Depending on the tenure mix the development of 117 dwellings would result in a contribution as outlined below. The tenure mix would be determined and agreed within the Section 106 Agreement to which any approval would be subject.

Tenure mix		Financial contribution		
Social rent	Intermediate	Primary	Secondary	Total
80%	20%	£360,050	£243,386	£603,436
70%	30%	£360,050	£262,108	£622,158
65%	35%	£360,050	£262,108	£622,158

Highways

The Highway Authority recommend that the development be carried out and occupied in accordance with the travel plan submitted in support of the application and that a travel plan monitoring fee of £7,000 is secured by a Section 106 Agreement to cover the costs of monitoring for a period of five years from the date of the first occupation of the development.

Open space

Policy C7 requires that, as a general principle, open space and recreation facilities be provided within the development site. Whilst the applicant initially proposed a combination of on and off site provision the scheme has been amended at the request of the Council's Sports and Leisure Officer to include a smaller area of public open space than would otherwise be requested with this offset by the provision of enhanced equipment within the play area.

It is noted that the extant permission includes some on-site provision and a financial contribution towards off-site provision at Jubilee Playing Field. It is apparent that because the earlier scheme was smaller (77 dwellings) an off-site provision was considered acceptable at the time the application was first considered. In the intervening period a number of financial contributions have been made from elsewhere which have been spent on enhancements of this open space and consequently it is considered that there is little remaining scope for additional enhancements to be made.

The current application, a scheme comprising 117 dwellings, is considered to be of a size whereby contributions to off-site open space is not appropriate and the Council's Sports and Leisure Officer has stated this in each representation made with regard to this application.

The development of 117 dwellings would trigger the requirement for the provision of on-site open space covering an area of 6,978.82sqm, equating to a monetary value of £107,122.10. Due to constraints on the site, including the retention of the ecological corridor the on-site open space proposed is 4,960sqm (to a value of £75,992.60), a shortfall of 2018.82sqm (£31,129.50). In the context of this specific site and the surrounding area it is considered that the physical quantum of on-site provision would be acceptable in this instance provided that the shortfall in monetary terms is reinvested into the on-site provision through the provision of an enhanced equipped play space.

Furthermore, financial contributions towards the provision and enhancement of sports facilities in the area are required. Both the provision of on-site open space and these contributions should be secured via a Section 106 Agreement.

Cannock Chase SAC

As set out in section 5 of this report it is considered that the applicant should be required to contribute a total of £18,603 towards the Cannock Chase SAC SAMMMs, equating to £159 per dwelling. Such payment should be secured by a Section 106 Agreement.

Mechanism for delivery

Development has already commenced on the site under planning permission 19/30448/FUL and which is the subject of a Section 106 Agreement to secure the following planning obligations:

- Affordable housing
- Education
- Highways
- Open space
- Cannock Chase SAC

The applicant has indicated its intention to construct plots 1-7 and 103-117 (22 dwellings) under permission 19/30448/FUL. Given the overlap between this application and the previous permission, any approval should be subject to a section 106 agreement restricting the operation of permission 19/30448/FUL, once the 22 dwellings have been constructed, and ensuring that any outstanding obligations arising from the previous permission are accounted for, in addition to providing for obligations securing affordable housing, education, highways, open space and Cannock Chase SAC

Policies and Guidance:-

National Planning Policy Framework
Paragraphs: 55, 56, 57, and 58

The Plan for Stafford Borough
Policies: C2 Affordable Housing; C7 Open space, sport, and recreation; T1 Transport; I1 Infrastructure delivery policy

9. Conclusion and planning balance

The principle of development is clearly acceptable as the site is within the settlement boundary and an extant permission is currently being carried out.

Having acknowledged the extant consent which could be implemented in full and is part constructed, on balance, the overall design of the proposed residential development is considered to be acceptable. It is not considered that the increased density of development would result in any undue harm with regard to the character and appearance of the area and the residential amenity of occupiers of existing residential properties and those proposed would remain acceptable.

The main access into the site has been constructed in accordance with earlier approvals and the internal road network remains as approved, as does the ecological corridor running roughly east to west through the site. Future occupiers would benefit from adequate parking provision.

The applicant has demonstrated that an appropriate drainage design could be achieved to service the development and a detailed scheme would need to be secured by condition. The design would also need to take into account the system in place to service the 22 dwellings which are currently under construction.

In order to render the scheme acceptable the developer would be required to meet obligations relating to the provision of affordable housing and open space, and financial contributions relating to education provision, highways matters and the protection of the Cannock Chase SAC. Such obligations must be secured via a Section 106 Agreement.

Consultations

Design Advisor:

Comments dated 21 June 2021:

- In relation to the applicants proposal to further increase the provision of units with windows/doors in the alternative colours suggested to 33% as opposed to their initially 0 and then 15%, I would advise that although this remains less than recommended and less than has been secured elsewhere, it nonetheless now at least represents a notable improvement to the finer grained qualities of the scheme. Additionally, given the more fundamental design weaknesses of the development I do not consider in this instance that further increased provision of alternative window/door colours would have a further substantially positive impact on the overall design quality of this development and so on balance I am content to accept it.

Comments dated 7 June 2021:

- The variation in colour of the doors is a welcomed, albeit minor improvement but it does not go far enough to allay the earlier concerns. A variation in the colours of windows would make a substantive difference.

Comments dated 21 May 2021:

- The approach taken to the principle external materials is acceptable as they strike a reasonable balance between providing sufficient diversity and a good sense of cohesion in their application.
- The 'other materials', including doors, windows, fascias, eaves, etc would exert a monotonising impact on the overall character and feel of the development. A wider range of perhaps 3 different but complimentary colours should be specified for windows, front doors, garage doors, etc to be introduced across the site in a manner which compliments the application of the principle external materials.

Comments dated 4 February 2021:

- Concerns relating to connectivity/legibility with the existing settlement remain;
- The layout remains largely a cul-de-sac and fails to explore the option of linking to Marlborough Close and retain the existing function and hierarchical status of Little Tixall Lane in the wider movement network;
- The junction with the A51 and potential to unlock further development opportunities appears to be the priority;
- Pedestrian and cycle connectivity is reasonably well provided, however the potential of Little Tixall Lane as a key link to the existing settlement has been significantly eroded and the new arrangement isolates the proposed development;
- The development would function as its own separate residential estate; almost every edge of the proposed layout is inward facing and fails to engage and activate the space around it;
- The eastern boundary would provide a visually hard edged, stark, and inactive fence line which fails to provide a high quality edge of settlement relationship with the surrounding landscape;
- The most beneficial outward facing edge would be Little Tixall Lane to generate an active and enlivened street scene. It is disappointing that despite the proposed bungalows helping the proposal sit comfortable next to the existing development the locally prevalent form of development is not reinforced. The approach furthers the underlying sense of separateness and isolation that the scheme has in relation to its host settlement;
- There is little sense of a natural hierarchy to the movement network within the proposed development which could contribute to its legibility and character;
- The layout also appears to preclude the development from including street tree planting within verges to assist the articulation of the network hierarchy or to contribute to the

structural character and quality of the street scene. The majority of trees within streets would be within private garden space and there would be little certainty to their long-term retention;

- In isolation the spatial qualities of the streets generate a generally acceptable grain and character;
- The building to building distances and the relationship of frontages to street is relatively generous;
- There are a few instances where frontages are dominated by large areas of sterile and featureless hardstanding but most parking is relatively well integrated between properties, allowing their frontages to include a good provision of green space which would contribute to the underlying character of the streets;
- There is a good mix of housing types and sizes to generate a more varied and informal character to the quality of the environment;
- The detailed design of the house types mostly appears to demonstrate a relatively good sense of scale/massing and a generally acceptable sense of proportion in the composition of the elevations;
- It is positive that there is a marked difference in roof pitches across the site as this would help to enrich what could be a monotonous aspect of new development;
- There are some concerns with house types:
 - Type 1015 has a low roof pitch and the side elevation is slightly over-fenestrated;
 - Type 1173 has a very tall and over-bearing roof;
- Generally two-and-a-half storey units at the outer edges is not acceptable as this unnecessarily increases the perceived scale and massing of the development within its wider landscape setting, but given that only two such pairs of units trigger this concern they would be unlikely to have such a detrimental impact on the overall impression of the development from distance to constitute a substantially negative impact. However, if they could be relocated within the development it would be welcomed;
- The use of materials across the site seems to strike a reasonable balance between a sufficient diversity of principle external materials and a good underlying sense of cohesion;
- There is no specification for windows, doors, fascias, eaves, etc. the site should be varied in this respect in a similar manner to the rationale of the facing materials;
- The boundary treatments proposed are broadly supported, however the necessity and desirability of completing fencing in the principle area of public open space is questioned as this appears to render the space inaccessible.

Highway Authority:

Comments dated 25 June 2021:

No objection. Refer to previous comments.

Comments dated 27 January 2021:

- An additional parking space is required at plots 4, 114, and 117.
- The condition for off-site highway works would be required to ensure that the works are secured and would be completed.

Comments dated 21 January 2021:

No objection.

- The works to the access from the A51 has been considered against the amended transport assessment and requires no additional or amended work;
- The proposed development would not have a significant impact on the highway above that which would result from the extant permission for 77 dwellings on this site;
- Conditions to secure the following are recommended:
 - o Completion of access to binder course prior to the commencement of development and completion of access to surface course prior to occupation;

- Offsite highway works to be completed prior to first occupation;
 - Provision of road construction, street lighting, and drainage details;
 - Provision of parking and turning areas;
 - Provision of pedestrian and cycle routes;
 - Retention of garages for parking or motor vehicles and cycles;
 - Implementation and monitoring of the travel plan; and
 - Provision of a construction method statement.
- The developer would be required to enter into a s106 agreement to secure a travel plan monitoring fee of £7000.

County Rights of Way Officer:

Comments dated 8 December 2020:

- Whilst the submission acknowledges the presence of the public footpath (Colwich 51) it is not shown in its correct alignment. The submission indicates the intention to divert the footpath along the proposed estate roads and pavements.
- The attention of the developer should be drawn to the requirement that any planning permission does not construe the right to divert, extinguish, or obstruct any part of the public path network. The path would need to be diverted as part of the proposal and therefore the developer should apply to divert the rights of way in order to allow the development to commence.
- Trees should not be planted within 3m of the public right of way unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.

Lead Local Flood Authority:

Comments dates 7 July 2021:

No objection.

- The proposed drainage strategy is acceptable.
- A condition should be attached to any approval to ensure that no development commences before a final detailed surface water drainage design is submitted to and approved by the Local Planning Authority.

Comments dated 26 May 2021:

Objection.

- The basin sizing issue remains unresolved.
- Regarding points 1 and 2 of report AAC5444:
 - If flows from permeable areas are intercepted by the positive drainage this should be included within the contributing area within the calculations.
 - The basin should be sized to accommodate controlled discharge up to the 100-year plus climate change standard and should accommodate all anticipated flows.
 - The proposed 25l/s limiting discharge is based on the total site area yet only the impermeable area is included within the MD calculation's contributing area.
- Regarding points 3 and 4 of report AAC5444:
 - Any freeboard allowance should be provided in excess of the design top water level (TWL) where this level is based on a methodology which includes all anticipated flows.

Comments dated 22 April 2021:

Objection.

- Many of the previous concerns have been addressed, however the issue of the attenuation basin remains outstanding.
- There are known issues regarding the attenuation basin's location, specifically the way it would intercept a natural drainage path. Consequently, it would collect more flow than simply from the positive drained impermeable area.

- Due to previous agreements now brought to our attention the 25l/s discharge rate is considered to be acceptable, provided the basin capacity can be addressed.

Comments dated 22 March 2021:

Objection.

- Having reviewed the response to our earlier representation, together with the updated contributing area plan the following comments are offered:
 - o Proposed discharge rate: Irrespective of any agreement with Severn Trent the remit of the LLFA includes the setting/agreement of the proposed discharge rate(s). The rate should be limited to greenfield QBAR (for a design with single control) with the area term should be based on the proposed impermeable area. Therefore the proposed 25l/s rate is too high unless it can be adequately justified otherwise.
 - o Contributing areas:
 - Plots 21-26 are not included in the impermeable area, this appears to be an error.
 - The pond should be considered as a contributing area.
 - o Attenuation basin:
 - The drainage strategy plan shows a dwelling with a FFL of 91mAOD immediately to the north of the pond and would be at the same level as the basin top of bank. The FFL or basin design should be revised or clarification provided.
 - Previous comments relating to off-site FFLs should be re-addressed with regard to exceedance routes.
 - o Previous comments on basin capacity have not been addressed.

Comments dated 8 February 2021:

Objection.

- Irrespective of agreement with Severn Trent the proposed discharge rate is not based on sound reasoning and should be revised.
- A plan should be provided to show the proposed contributing areas to verify the modelled values.
- Detail is required regarding existing land drainage.
- There is risk from exceedance flows. To properly understand the risk to certain properties their threshold levels must be established and marked on a plan. More evidence is required to demonstrate that the proposal is acceptable with regard to exceedance of the proposed basin.
- Evidence is required of assessment of seasonable variability in groundwater levels as the position of the basin may result in it filling with groundwater ingress and/or runoff from upstream.

Comments dated 14 January 2020:

Objection.

- The site is within flood zone 1.
- There is surface water risk; there are two separate 1000-year extent flow paths but they originate on site and are likely to be intercepted by on site positive drainage.
- There are no past flooding records within 20m of the site.
- There are no watercourses within 5m of the site.
- The existing pond should remain unaffected by the proposed development.
- Whilst the conceptual approach is generally satisfactory and the detailed design could be secured by pre-commencement condition, the following issues should be addressed at this stage:
 - o Derivation of the maximum discharge rate of 25l/s should be shown. A rate based on the greenfield QBAR would be acceptable with the area term based on the area to be positively drainage (usually the proposed impermeable area).

- Evidence of a connection agreement with Severn Trent Water is required to demonstrate that the proposed point of discharge is viable.

Severn Trent Water:

Comments dated 1 June 2021:

No objection.

All foul sewage is to discharge to the public foul sewer at MH 1507 and surface water is to discharge at 25 litres/second to the public surface water sewer at MH 1505.

Comments dated 16 December 2020:

No objection, subject to conditions to secure the provision of drainage plans for the disposal of foul and surface water flows to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

There may be a public sewer located within the application site which may be protected.

Biodiversity Officer:

Comments dated 14 April 2021:

No objection.

- There are no significant changes to the landscaping agreed with the developer and Natural England with regard to Great Crested Newt mitigation and the landscaping would provide adequate biodiversity interest.
- The CEMPT and LEMP are acceptable.
- The design and management of the green corridor and other soft landscaping should be carried out as stated.

Comments dated 22 January 2021:

Conditions to secure a Landscape ecological management plan (LEMP) and Construction environmental management plan (CEMP) are also recommended.

Comments dated 21 January 2021:

No objection.

EDP undertook a preliminary ecological appraisal followed by specific surveys for bats and great crested newts and a follow-up further extended phase 1 survey in 2020 to ensure up-to-date assessment of the site. The recommendations made in the survey report should be carried out as stated and will include:

- Great crested newts:
 - A large amount of surveying work has been carried out over many years. Natural England licensing worked with EDP and the developer to mitigation proposals creating an ecological corridor through the site to allow movement and dispersal.
 - The amended landscaping plan (02B) indicates the removal of a pond on the eastern section of the corridor; this should be reinstated in line with the original mitigation plan in order to aid great crested newts and other aquatic biodiversity and help to strengthen the corridor.
- Bats:
 - A sensitive lighting scheme should be designed to avoid light spill on hedgerows.
- Nesting birds
 - Vegetation clearance should be undertaken outside of the nesting season (March to August) unless it can be demonstrated that breeding birds would not be affected.
 - Schwegler bird boxes should be installed in appropriate locations in mature trees around the site.

- Mammals:
 - o During construction, any excavations left open over night should be provided with a means of escape. Precautionary measures should be applied for hedgehogs.
- Habitats/landscaping:
 - o Planting schedules are satisfactory and provide a good variety of plants and trees.

Natural England:

Comments dated 21 December 2020:

No objection.

- Natural England concur with Stafford Borough Council's habitat regulations assessment in that the adverse effects arising from the proposal are wholly consistent with the effects detailed in the Cannock Chase SAC evidence base and that these effects can be satisfactorily mitigated by the measures set out in the SAMMMs.
- An appropriate obligation should be attached to any approval to secure these measures.

AONB Officer:

Comments dated 1 April 2021:

- The soft landscaping proposal appears to indicate a small increase in the number of medium and larger stature trees in the ecological area which, when mature may assist in filtering views of the housing in the northern part of the site when viewed from the AONB. This is welcomed.

Comments dated 21 January 2021:

- It is disappointing that the proposal does not provide more large stature trees. Whilst species selection should consider proximity to buildings, the ecological area offers space to accommodate several large stature native trees away from buildings which would deliver a higher level of visual mitigation.
- There appears to be a mistake in the calculation of native hedgerow mix to the west of the existing pond retained. The numbers seem a bit low considering the length of the hedge indicated.

Comments dated 16 December 2020:

- The site is in the setting of the Cannock Chase AONB and it is disappointing that this is not acknowledged within the application submission.
- There is potential for views towards housing on the higher site elevations and, therefore, structural planting is essential to provide visual mitigation. The ecological corridor offers the opportunity to deliver landscape structure but the plans do not show evidence of this, therefore a more robust scheme of planting is sought.
- As the proposed route of Colwich 51 mainly follows estate roads and pavements, views towards the AONB would be additionally obscured by housing, impacting upon the appreciation of the AONB by the wider community.

Tree Officer:

Comments dated 20 January 2021:

No objection.

- In light of the layout of the extant permission please disregard my original comments.

Comments dated 14 January 2021:

Objection.

- Arboricultural comments have previously only been provided with regard to proposed landscaping of the site;
- There are a number of trees within and abutting the site which would potentially be impacted by the proposed development;
- The Oak on the northern boundary was at risk under the initial consent unless tree protection measures are adhered to rigorously;

- Plots 109 and 110 (including the associated access) would be both well within the nominal root protection area and the physical crown spread of the tree itself. The tree is very likely to sustain significant damage requiring limb removals and reductions and severe ground compaction which is likely to result in the swift decline of the tree and its premature loss;
- The remaining trees are of much poorer quality and do not merit being a material constraint to development; and
- Given the significant value of the Oak tree and that it is the only tree on site worthy of being a prohibitive constraint to development, a redesign of the layout to wholly remove plots 109 and 110 from within the nominal root protection area of this tree would be sufficient to enable me to retract my objection.

Pollution Control Officer:

Comments dated 13 May 2021:

No objection.

- The reports are satisfactory and there are no additional recommendations.

Comments dated 11 January 2021:

- The phase 2 investigation report recommends additional investigation of the marl pit and ephemeral pond. It is unclear whether this has been carried out and the assessment available.

Comments dated 23 December 2020:

Objection.

- The information provided is insufficient to determine on suitability or remediation. A report based on fieldwork findings is required.

Comments dated 3 December 2020:

Objection.

- The application should be supported by a phase 1 desktop land contamination risk assessment with particular focus on former marl pits and potential infill.

Environmental Health Officer:

Comments dated 5 August 2021:

No objection.

- It is unclear if piling is proposed;
- The CEMP is light on detail regarding reactive dust suppression mitigation. A statement should include the use of a dust suppression cannon with adequate water supply where shown to be necessary. Confirmation is required that this option would be made available on site. Otherwise the CEMP is satisfactory.

Comments dated 8 January 2020:

No objection, the noise report is satisfactory.

- A condition is recommended that any glazing and ventilation combination meets the required façade sound reduction as specified in table 11 of the report and as concluded at paragraph 12.1.2 of the report.

Comments dated 22 December 2020:

No objection, subject to conditions to secure the following:

- Submission of a Construction Environmental Management Plan;
- Details and justification of any piling works; and
- Provision of appropriate refuse and recycling bin storage.

Housing Manager:

Comments dated 14 December 2020:

No objection.

- The proposed development of 119 dwellings would require 35 affordable homes;
- Stafford Borough has an annual affordable housing shortfall of 210 dwellings;
- The Strategic Housing Market Assessment identified an annual shortfall in general needs accommodation of approximately 154 units and a shortfall of 55 for older persons' accommodation. The proposed development would help to reduce the shortfall;
- Council policy suggests that affordable housing should be provided at a ratio of 80% social rent and 20% intermediate affordable housing. Therefore, this proposal should deliver 28 social rented homes and 7 intermediate affordable homes;
- Whilst there is an identified undersupply of one and two-bedroom homes and it would usually be beneficial to see one-bedroom properties within the development, a significant number of one-bedroom homes have been provided recently in Great Haywood, meeting much of the current demand, and in this instance the proposed mix is acceptable.

Sport and Leisure Officer:

Comments dated 10 August 2021:

No objection.

- An off-site contribution is not suitable as this is a large development and as such should have an element of on-site provision. Additionally, the existing provision within the area has had a number of contributions for other development and there are limited opportunities to provide additional enhancements.
- The development of 117 dwellings should provide open space on-site to the size of 6,978.82sqm, to a value of £107,122.10.
- Due to constraints on the site the on-site open space proposed is 4,960sqm (to a value of £75,992.60), a shortfall of 2018.82sqm (£31,129.50).
- Through discussion with the applicant, it has been agreed that the lesser physical amount of on-site provision would be acceptable and that the monetary shortfall be reinvested into the on-site provision through an enhanced equipped play space.

Comments dated 22 June 2021:

No objection.

Comments dated 19 January 2021:

No objection.

- All open space provision should be on site.
- Whilst it would be preferable for the play space to be more central to the site it is recognised that the location takes into account the constraints of the site due to biodiversity implications but also providing a link between the identified open space at the end of Marlborough Close.
- The developer has expressed the desire to provide a split provision with some open space being provided onsite, not a formal play space, and a contribution for offsite. After reviewing the open space assessment it is highlighted that the on-site provision does not meet the requirements. An offsite contribution is not acceptable.
- It is recommended that the applicant investigates how additional space can be used towards play space and other equipment should be investigated.

Comments dated 15 December 2020:

Objection.

- Sports pitch provision and built associated facilities within the area fall short of national standards.
- Due to the size of the proposed development the Council is reasonably entitled to request a quantitative provision of 26.6sqm per person of open space provision. All open space provision should be on site. An off-site contribution is not acceptable.

- The contribution required for this development would be £108,953.52 (capital cost);
- The open space should cater for a wide range of users, with dedicated play space equipment for toddlers and juniors which encourages balancing, climbing, sliding, swinging, group, and individual play.
- The space should be provided central to the site to encourage social cohesion, maximum use, and natural surveillance.
- On the basis of the shortfall in leisure facilities the following contributions are required:
 - o £37,162 (pool);
 - o £24,661 (sports courts/halls); and
 - o £5,470 (artificial sports pitches).
- Any footpath or cycleway and associated infrastructure should be adopted by the local highway authority.
- Alternative management methods for the open space must be secured.
- Trees planted adjacent to footpaths or hardstanding should be in tree pits and liner pavement protected should be installed.

County Schools Organisation:

Comments dated 9 August 2021:

- The following contributions would be required, depending on the agreed mix of tenure:
 - o 80% social rent / 20% intermediate: £360,050 (primary) + £243,386 (secondary) = £603,436 (total);
 - o 70% social rent / 30% intermediate: £360,050 (primary) + £262,108 (secondary) = £622,158 (total);
- The primary contribution would remain the same due to the method of calculation.

Comments dated 16 June 2021:

No objection, subject to a contribution of £622,158 to mitigate the impact on education resulting from the proposed development, relating to primary education (£360,050) and secondary education (£262,108).

Comments dated 16 December 2020:

No objection, subject to a contribution of £697,046 (index linked) to mitigate the impact on education resulting from the proposed development, relating to primary education (25 places x £14,402 = £360,050) and secondary education (18 places x £18,722 = £336,996).

Staffordshire Police Design Advisor:

Comments dated 30 March 2021:

- The reconfiguration of the public open space is an improvement in the layout.
- The inclusion of a safe place for younger children and families to play is beneficial.
- Good sight lines and natural surveillance should be retained.
- The footpath link halfway along Marlborough Close is less problematic.
- Improvements should be made for pedestrian linkage along this footpath and Little Tixall Lane.
- The link to The Uplands is far from ideal; it is narrow, not straight, enclosed with fencing or high hedges, has an unrestricted alley leading off it, and the lighting is questionable. This is within the application site boundary and improvements should be made to benefit pedestrian safety.

Comments dated 24 December 2020:

No objection.

- Generally the proposal is viewed favourably in terms of the likely impact upon the opportunity for crime and disorder. That the applicant has given consideration to such matters is evident from reference made within the design and access statement.
- However, the following points should be taken into consideration:

- Access to the rear access paths would not appear to be restricted to deny unauthorised access;
- Some rear garden boundaries would abut publicly accessible space, leaving them vulnerable. The layout should be re-thought or consideration be given to enhancing the intruder-resistance of the boundary treatments.
- Additional windows should be provided to allow surveillance of parking provision;
- An appropriate lighting scheme is required to facilitate natural surveillance; and
- The provision of certified attack-resistance doors and windows should be used.

Colwich Parish Council:

Comments dated 2 February 2021:

Objection.

- Further to the earlier comments of the Parish Council there is concern that the proposed play area is close to the sustainable drainage features.
- Furthermore, the means of enclosure separating the SuDS from Little Tixall Lane East is inadequate.

Comments dated 18 December 2020:

Objection.

- The increased size of the proposed development is unsustainable due to its scale in relation to Great Haywood.
- There is insufficient space to provide 119 dwellings and associated open space within the application site.
- Without vehicular connectivity to Great Haywood the site should not be viewed as being within the settlement boundary and that there is an extant permission for development of the site is immaterial as the context of the site has changed since Little Tixall Lane has been closed.
- The Stafford Borough Local plan 2020-2040 Issues and Options Consultation Document makes no provision for additional development in the Colwich Parish Area and it recognises that the parish area (in particular Great Haywood) has received a disproportionate amount of housing.
- Management of the public footpath must be taken into account.
- The provision of the new link road to the A51 will lead to a significant increase in traffic on Little Tixall Lane East and Coley Lane.
- An access point is proposed over a designated local green space and includes an unadopted route into Great Haywood which is not considered to be acceptable.
- There is no provision for bus stops on the link road; the nearest bus stops are within the centre of Great Haywood.
- There is no safe pedestrian access into the village;
- Colwich parish does not have the amenities to support a further 119 dwellings;
- The transport report is inaccurate and fails to reflect the true context, for example there are no safe cycle routes between Great Haywood and either Stafford or Hixon; and
- There is insufficient surface water drainage in the village.

Neighbours:

66 consulted: 17 representations received in objection, raising the following points:

- The number of dwellings in the original scheme was reduced in order to obtain approval and increasing the number of units is not acceptable;
- Great Haywood, Little Haywood, and Colwich are merging and losing their separate character;
- The application site has no connectivity with Great Haywood and should be considered outside of the settlement boundary ('rest of Borough area');
- Great Haywood has taken the required quote of residential development;
- Additional homes are not required in Stafford Borough as there are numerous empty homes;

- There are insufficient services and facilities (healthcare and education) to support additional residential development;
- Overdevelopment of the site so that it would not be in keeping with the prevalent densities of the surrounding area;
- The proposed open space would be inadequate;
- The proposed development would exacerbate flooding;
- Appropriate surface water drainage would be required;
- The assessment includes no mention of surface water which currently flows into the site;
- The flood risk assessment is inadequate;
- Harm to biodiversity in the vicinity;
- Loss of mature trees and hedgerows;
- Works carried out in forming the access has caused damage to the hedgerows;
- Increased disturbance during development;
- Inadequate public transport system;
- Increased traffic on a constrained local highway network and consequent safety issues;
- Improved safety measures are required along Coley Lane;
- Little Tixall Lane should be restricted to the east of the site;
- Proposed road layout is insufficient for large delivery vehicles;
- The lack of connectivity will result in visitors parking on Marlborough Close;
- The travel plan does not accurately reflect the proposed development, location, and potential impacts;
- There is no pedestrian connectivity to the village of Great Haywood given the width of the link towards The Uplands;
- This link should be increased in width;
- Low cost housing should be provided;
- Any affordable housing should be for local people;
- Dust emissions during development may cause health issues;
- Longer construction period will result in greater impacts;
- Loss of daylight;

One further representation has been received in objection, from 'The Haywood Society', a local resident's group, raising the following concerns:

- The concerns raised in 2013 remain:
 - o Flooding due to surface water run-off;
 - o Poor vehicular connection with Great Haywood; and
 - o Accessibility by public transport;
- Additional houses in the area increases built density, water run-off, and traffic congestion;
- The new junction with the A51 has cut off connection to Great Haywood;
- Public transport provision has decreased; and
- The provision of cycle storage and encouragement of the use of canal towpaths, local land, and cycle paths is impractical in terms of easing congestion.

Site notice expiry date: 8 January 2021

Newsletter advert expiry date: 6 January 2021

Relevant Planning History

- 13/19532/OUT – Outline residential development of up to 157 units with all matters reserved except for means of access – Refused 10 February 2014
- 14/20886/OUT – Outline development of 77 houses – Approved 13 March 2015
- 17/25920/REM – Reserved matters (14/20886/OUT) addressing the appearance, landscaping, layout, and scale – Approved 4 July 2017
- 18/27961/FUL – To vary conditions 2, 4, and 5 and to remove conditions 11, 13, and 14 of 17/25920/REM – Approved 4 May 2018
- 18/28266/FUL – Variation of conditions 13, 14, 15, and 16 of 14/20886/OUT – Approved 1 June 2018
- 19/30448/FUL – Variation of conditions 2, 11, and 12 of 18/28266/FUL – Approved 7 January 2020
- 20/33257/AMN – Non-material amendment to permission 18/27961/FUL – Approved 27 November 2020
- 21/33987/FUL – Variation of condition 2 (plans) on 18/27961/FUL – approved 30 July 2021

Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-

0300 01 (Location plan)
 301 10 (Site plan)
 0302 03 (House type 663)
 0303 03 (House type 859)
 0304 03 (House type 859 open plan)
 0305 03 (House type 912-S)
 0306 03 (House type 979)
 0307 03 (House type 980)
 0308 03 (House type 1015 rear garden)
 0309 03 (House type 1015 side garden)
 0310 03 (House type 1161)
 0311 03 (House type 1173)
 0312 03 (House type 1262)
 0313 03 (House type 1295)
 0314 03 (House type 1437)
 0315 02 (House type 1437 open plan)
 0316 03 (House type 1437 side bay)
 0317 03 (House type 2450 plans)
 0318 03 (House type 2450 elevations)
 0319 03 (House type 763)
 0320 03 (House type 789)
 0321 03 (House type 897)
 0322 03 (House type 912-D)
 0323 02 (Single garage)
 0324 02 (Shared double garage)
 0325 01 (Double garage)

0328 11 (Materials)
 0329 05 (Boundary treatments)
 P17-0908_01-E (Soft landscape 1 of 4)
 P17-0908_02-E (Soft landscape 2 of 4)
 P17-0908_03-E (Soft landscape 3 of 4)
 P17-0908_04-C (Enhanced LEAP 4 of 4)
 AAC5444 600 P04 (Engineering concept - 117 plots)

3. Other than the access, internal road network and plots 1-7 and 103-117 no development shall take place unless and until a detailed surface water drainage design 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 details. The design shall demonstrate:
 - 1) Surface water drainage system(s) designed in accordance with the non-technical standards for sustainable drainage systems (DEFRA, March 2015).
 - 2) SuDS design to provide sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.
 - 3) Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change to the agreed 8.2l/s as outlined in the preliminary engineering concept.
 - 4) Detailed design (plans, network details, and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations shall demonstrate the performance of the designed system for a range of return periods and storm durations, to include as a minimum the 100-year plus 40% climate change and the 30-year return periods.
 - 5) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system, including pump failure where applicable. Finished floor levels shall be set higher than ground levels to mitigate the risk from exceedance flows.
 - 6) Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems are maintained and managed for the lifetime of the development. To include the name and contact details of responsible parties.
4. Except for plots 1-7 and 103-117 the glazing and ventilation performance of each dwelling shall comply with the requirements of paragraph 11.2.2 and table 11 of the Noise Risk Assessment and Acoustic Design Statement reference 21307-1 and dated 15 December 2020.
5. No development shall take place, except for the access, internal road network and plots 1-7 and 103-117, unless and until a Construction Environmental Management Plan (CEMP) 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 CEMP.
6. The development shall be carried out in accordance with the Ecological Construction Method Statement/Environmental Management Plan, reference edp4233_r005c, dated April 2021.

7. No dwelling shall be occupied, except for plots 1-7 and 103-117, unless and until a hard and soft landscaping scheme, which is broadly in accordance with the approved plans 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 details. The scheme shall also include a programme of works, a hedgerow along the eastern boundary of the site, and details of the proposed means of enclosure and hard surfaced areas.
8. No piling or drilling works shall be carried out, except on plots 1-7 and 103-117, unless and until details of any such works together with a timetable for the carrying out of the works 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 details.
9. The agreed off-site highway works shall be constructed in accordance with the approved plans prior to the development first being brought into use:
 - i) Provision of junction off A51;
 - ii) Provision of bus stops;
 - iii) Realignment of Little Tixall Lane;
 - iv) Provision of junctions on Little Tixall Lane; and
 - v) Provision of footway on Little Tixall Lane.
10. No further road and drainage infrastructure work shall commence, except for plots 1-7 and 103-117, unless and until details have been submitted to and approved in writing by the Local Planning Authority indicating all road construction, street lighting, drainage including longitudinal sections, and a satisfactory means of draining roads to an acceptable outfall to SuDS principles. The development shall thereafter be constructed in accordance with the approved details.
11. No individual dwelling shall be occupied, except for plots 1-7 and 103-117, unless and until the parking and turning areas associated with that dwelling have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained as such.
12. The garages hereby permitted shall be retained for the parking of motor vehicles and cycles, and storage purposes wholly ancillary to the associated dwellinghouse. No garage shall at any time be converted to living accommodation without the prior permission of the Local Planning Authority.
13. Other than plots 1-7 and 103-117, no dwelling shall be occupied unless and until the pedestrian and cycle routes shall be provided in accordance with the approved details and they shall thereafter be retained.
14. The Travel Plan (Beacon Transport Planning, dated October 2020, revision A) shall be implemented in accordance with the timetable set out in that plan. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of this permission for a period of five years from first occupation, to the Local Planning Authority for approval.
15. No development shall take place, except for the access, internal road network and plots 1-7 and 103-117, unless and until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period. The statement shall provide for:
 - i) Site compound with associated temporary buildings;

- ii) Parking provision for vehicles of site operatives and visitors;
 - iii) Loading and unloading of plant and materials;
 - iv) Storage of plant and materials to be used in construction;
 - v) Wheel wash facilities; and
 - vi) Routing and access of deliveries.
16. No vegetation clearance shall be undertaken in the bird nesting season (March to August), unless it can first be demonstrated by the developer that breeding birds will not be affected through the submission of and approval in writing by the Local Planning Authority of a method statement for the protection/avoidance of nesting birds. The development shall thereafter be carried out in accordance with the approved details.
 17. No dwelling shall be occupied, except for plots 1-7 and 103-117, unless and until bird boxes have been installed in appropriate locations in mature trees around the site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.
 18. Any excavations, which are left open overnight during construction works, shall be provided with a means of escape suitable for badgers, hedgehogs and other mammals.
 19. Any external lighting shall be designed to avoid lightspill on all existing hedgerows together with those proposed as part of any landscaping scheme secured under this permission.

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

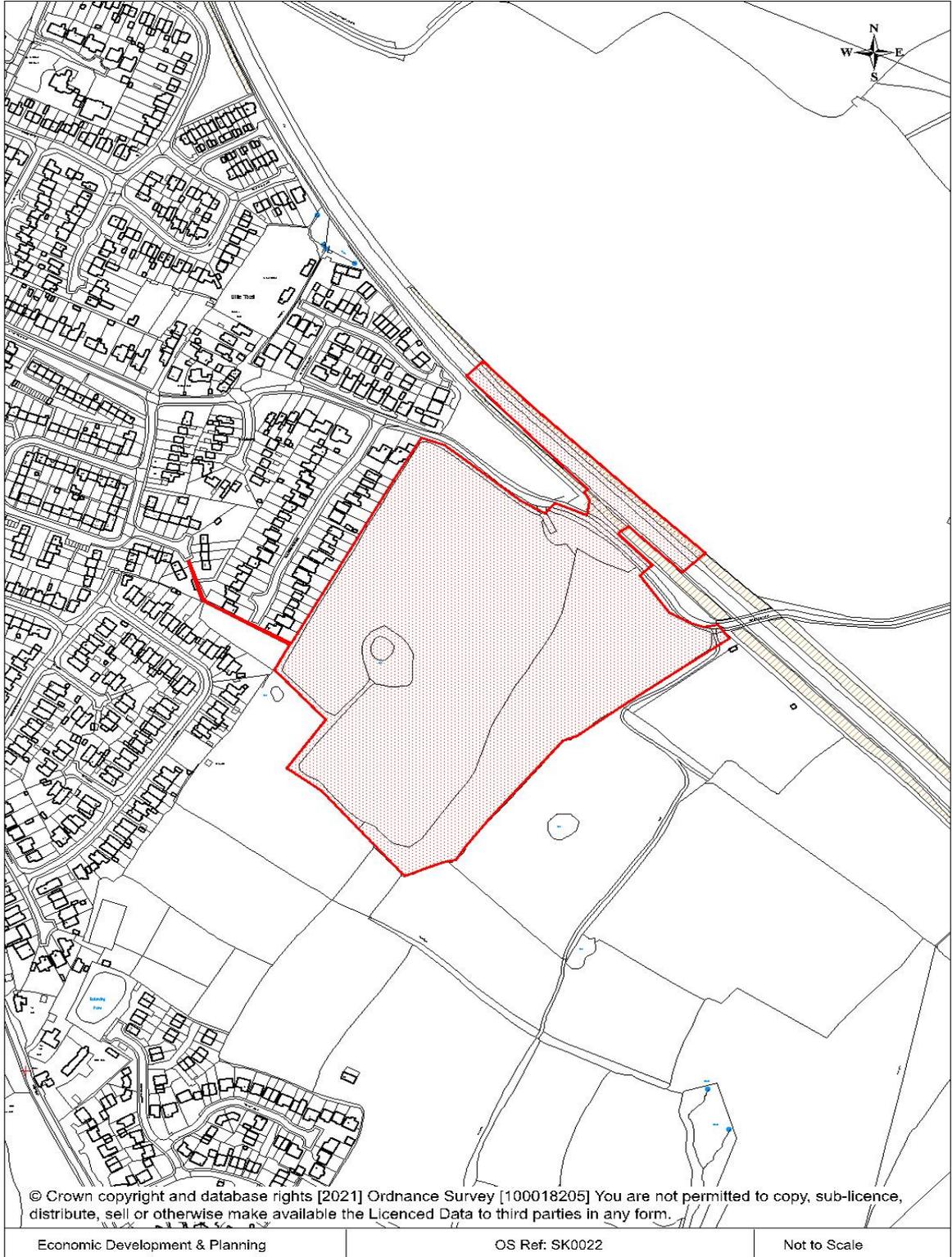
1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To prevent the increased risk of flooding both on and off site (Policy N2 of the Plan for Stafford Borough).
4. To safeguard the occupiers of the approved dwelling(s) from undue noise. (Policy N1e of The Plan for Stafford Borough).
5. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
6. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 174 of the National Planning Policy Framework).
7. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
8. To safeguard the occupiers of nearby residential properties from undue noise. (Policy N1e of The Plan for Stafford Borough).

9. To ensure the provision of adequate facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
10. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
11. 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).
12. 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).
13. In the interests of the safety and convenience of pedestrians and cyclists. (Policy T1 and N1o of The Plan for Stafford Borough).
14. In order to promote sustainable travel. (Policy T1 of The Plan for Stafford Borough).
15. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
16. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 174 of the National Planning Policy Framework).
17. In order to ensure that the development results in a net gain in biodiversity. (Paragraph 174 of the National Planning Policy Framework).
18. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 174 of the National Planning Policy Framework).
19. In order to ensure that the development does not result in damage or harm to legally protected species or their habitat/roost. (Paragraph 174 of the National Planning Policy Framework).

Informative(s)

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 The applicant's attention is drawn to the comments of Severn Trent Water, the Staffordshire Police Design Advisor and Staffordshire County Council Rights of Way Officer as submitted in response to consultations on this application. All comments can be viewed online through the planning public access pages of the Council's website at (www.staffordbc.gov.uk)
- 3 The applicants attention is drawn to the possibility of any changes requiring an amended license from Natural England in respect of protected species.

**20/33371/FUL
Land Off Little Tixall Lane
Lichfield Road
Great Haywood**



Application: 21/34731/HOU
Case Officer: Hannah Cross
Date Registered: 27 July 2021
Target Decision Date: 18 October 2021
Extended To: N/A
Address: 1 Walnut Tree Farm, Ash Lane, Yarnfield, Stone ST15 0NQ
Ward: Swynnerton and Oulton
Parish: Yarnfield and Cold Meece
Proposal: Retrospective application for retention of existing triple garage with hard surfacing to front driveway.
Applicant: Mr Richard Murphy
Recommendation: Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE:

Head of Service, Karen Tierney, has referred this to Planning Committee.

Context

Application Site

1 Walnut Tree Farm is a large two storey detached dwelling situated on a residential estate in the settlement of Yarnfield. The site forms part of a wider development of residential dwellings approved under 14/20464/REM. The estate is accessed from a privately owned section of 'Ash Lane' and is characterised by detached two and three storey dwellings of modern brick and tile construction.

Proposed Development

In brief retrospective planning permission is sought for the retention of an existing triple garage on site adjoining the dwelling and tiled hard surfacing to front driveway (replacing block paving).

The proposed garage is single storey with a pitched roof and adjoins the host dwelling, measuring approximately 8m (width) x 6.8m (depth) with a maximum height of 4.1m and an approximate eaves height of 2.7m. Materials include facing brick and tile to match the host dwelling with composite garage doors in an anthracite grey finish.

The structure replaces a detached double garage approved under 14/20464/REM.

The hard surfacing to front driveway consists of tiles in a mottled brown/grey finish to replace previously approved block paving as shown as hatched area on drawing No 3 Revision C.

Since submission of the original scheme, the description of the proposal has been amended from 'extension to existing garage' to 'retrospective application for retention of existing triple garage with hard surfacing to front driveway' following concerns raised by neighbouring occupiers, and drainage provision has been shown on plans. The latest revised plans show a correction of the red edge shown on location and site plan to revert this to that originally submitted (extending to the nearest adopted highway).

Planning policy framework

Section 38(6) of the 2004 Planning and Compulsory Purchase Act and section 70 of the Town and Country Planning Act 1990, as amended, require decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the purposes of this application comprises The Plan for Stafford Borough 2011-2031 Parts 1 and 2 (TPSB) .

It is noted a Neighbourhood Plan for Yarnfield and Cold Meece is currently under preparation however is yet to be finalised and adopted.

Officer Assessment - Key Considerations

1 Principle of Development

The application site is located within Yarnfield which is listed as one of the settlements in the Sustainable Settlement Hierarchy under Spatial Principle 3 of TPSB and its defined settlement boundary under Policy SB1 and as shown on the associated Inset map for Yarnfield.

The principle of development is therefore considered to be acceptable given that the property is located within a sustainable location in the Yarnfield settlement boundary, but subject to other material considerations being satisfied, including: -

- Impact upon the character and appearance of the host dwelling and the surrounding area.
- Residential amenity.
- Car parking provision.

Polices and Guidance: -

National Planning Policy Framework 2021 (NPPF)

Paragraphs 8 and 11

The Plan for Stafford Borough 2011-2031 (TPSB)

Part 1 - Spatial Principle 1 (Presumption in Favour of Sustainable Development, Spatial Principle 3 (Sustainable Settlement Hierarchy), Spatial Principle 7 (Supporting the Location of New Development)

Part 2 - SB1 (Settlement Boundaries)

2 Character and Appearance

Policy N1 of the TPSB sets out design criteria including the requirement for design and layout to take account of local context and to have high design standards which preserve and enhance the character of the area. Section 8 of the Supplementary Planning Document on Design (SPD) then provides further detailed guidance on extensions and alterations to dwellings.

The garage is single storey with a pitched roof and has 3 x bays with composite doors. Whilst larger than the double garage it has replaced, by virtue of the additional bay, the garage remains single storey in height and is considered proportionate in terms of its overall design and scale in relation to the main dwelling. The garage whilst now adjoining to the main dwelling, is considered to retain a subservient form in relation to what is a large, detached two storey host dwelling. The design of the garage which has a pitched roof is considered sympathetic to the host dwelling and those in the surrounding area.

Facing brick work and tiles to match the existing dwelling and dwellings in the immediate vicinity and are therefore considered appropriate. The anthracite grey composite doors match the fenestration at the existing property and are found acceptable.

As previously referenced, the wider estate is made up of brick and tile detached two and three storey dwellings of modern construction. The garage is readily viewable from 'Ash Lane' however considering the above design considerations and the modern nature of the surrounding dwellings, as well as acknowledging the double garage previously in situ, it is not considered the proposal would result in detrimental harm to the appearance of the dwelling or wider area.

Whilst the proposed tiled driveway does not replicate the block paving to driveways in the immediate area, it is considered on balance that the appearance of this surface is acceptable in the context of the surrounding modern estate.

It is noted that a Lawful Development Certificate application (application reference 21/35096/LDCP) has also been submitted for a detached garage and hard surfacing to demonstrate a fallback position, however at the time of writing this application is yet to be determined.

Policies and Guidance: -

National Planning Policy Framework 2021 (NPPF)

Section 12 - Achieving well-designed places

The Plan for Stafford Borough 2011-2031 (TPSB) N1 (Design)

Supplementary Planning Document – Design (SPD)

3 Residential Amenity

Criteria (e) of Policy N1 of the TPSB and the SPD require design and layout to take account of adjacent residential areas and existing activities.

Whilst the garage is readily viewable when entering the estate and is viewable from a number of properties in the surrounding area given the confined nature of the residential estate; taking account of the separation distances between the garage and surrounding

neighbouring properties, its single storey form, the use of the building as a garage and acknowledging the double garage previously located in this position on the site, it is not considered the proposal results in any material harm to residential amenity to warrant refusal of the application.

Policies and Guidance: -

National Planning Policy Framework (NPPF) - Paragraph 130

The Plan for Stafford Borough (TPSB) 2011-2031 - Policy N1 Design

Supplementary Planning Document (SPD) - Design

4 Parking Provision and Highways

Appendix B of the TPSB require 3 car parking spaces to be provided for a 4 bedroomed dwelling.

The previously approved block paving has been replaced with tiles which forms part of this application. A number of representations have raised the issue of surface water drainage in relation to the adjacent highway.

The Highway Authority have confirmed they have no objection to the proposal given that this section of Ash Lane is not adopted and is not set to become adopted in the near future. Details have been provided to show existing and proposed drainage to include a new surface water drain and ACO drainage channel at the end of the driveway which, should prevent surface water drainage issues. Should planning permission be granted, a condition should be attached to ensure that the ACO drainage channel is installed in a specified time period.

Furthermore, it is considered the proposal is acceptable in terms of parking provision and highway safety and convenience.

Policies and Guidance: -

National Design Guide (NDG)

National Planning Policy Framework (NPPF) – Section 9. Promoting sustainable transport

The Plan for Stafford Borough (TPSB) 2011-2031 – Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B – Car Parking Standards

5 Other matters (Public representations)

Neighbouring occupiers refer to existing covenants on the site set out within the deeds of the property. This is a private legal matter which does not fall under the control of the Local Planning Authority.

Neighbouring occupiers raised the matter of other extensions / alterations at the property which they considered to require planning permission. The current application deals solely with the triple garage and new hard surfacing on site and it is recommended that these matters should be investigated and dealt with separately.

Whilst several representations have raised the issue the retrospective nature of the works, this does not affect the assessment of the scheme in relation to the relevant planning policies, as assessed above.

6 Concluding comments and planning balance

The proposed triple garage and tiled driveway is not considered to result in harm to the appearance of the host dwelling or surrounding area. The proposal is not considered to raise any parking or highway issues or any matters relating to surface water drainage. It is therefore recommended that planning permission be granted subject to conditions.

Consultations

Highway Authority:

Surgery comments dated 17.11.2021 No objections on the basis this section of Ash Lane is private and is not set to be adopted in the near future. As such the development does not affect an adopted public highway. These comments are to supersede previous comments which were submitted under the impression this section of road was adopted

Surgery comments dated 11.10.2021: We will not object , if the surface water drainage is installed

Surgery comments dated 11.10.2021 I think they would need to show where the surface water drains to. It should not drain onto the highway. Can we ask that question? However as its already done then I think we would find it difficult to object to

Parish Council: The Parish Council at their meeting on 13 October 2021 considered the planning application for No. 1 Walnut Tree Farm, Ash Lane, Yarnfield. The property has already undergone substantial enlargement. The Parish Council, having considered the application, believes the demolition of the former double garage and replacement with a three bay garage is not in keeping with the other houses in the area.

There is a known problem with surface water on the Walnut Tree Farm estate. The removal of the block drive at this property and replacement with an impervious slab drive can only add to this problem.

For the reasons stated above the Parish Council believe the application should be refused and that a site visit is made to assess the full impact of the proposed development.

The councillors were concerned that this is another example of a retrospective planning application for work that has already been carried out. While this does not affect the comments made the councillors are disappointed to see such applications being made.

Neighbours (15 consulted):

15 representations received to original scheme (4 in support, 9 objecting), comments summarised below:

- The garage is out of scale with surrounding properties
- Raising concern surrounding proposal description and pointing out the approved detached garage has been wholly demolished
- Negative impact on surface water drainage
- Removal of drainage channel
- The garage is too large and not in-keeping with the original design of the development

- Representations raising the issue of the retrospective nature of the works
- Proximity of structure to boundary
- Representation in support of the application stating the works are a visual improvement
- The works have enhanced the appearance of the property and fit in with the varying house designs on the estate
- Roller shutter garage doors resemble an industrial estate unit
- Greater risk of flooding/surface water drainage issues
- Raising separate issue of covenant requirements
- Raising separate issue of other works carried out at the property (not relevant to the current proposal)

2 representations received to amended scheme (2 objections), comments summarised below:

- Raising concern surrounding proposal description and pointing out the approved garage has been wholly demolished
- Comments raising separate issue of covenant requirements
- Raising separate issue of other works carried out at the property (not relevant to the current proposal)

Relevant Planning History

21/35096/LDCP - Replacement detached garage and extension of existing hardstanding - Pending consideration

14/20464/REM - Reserved matters application following grant of outline consent
13/19226/OUT - Permitted 24.09.2014

13/19226/OUT - Erection of 10 detached 2 and 2.5 storey dwelling houses and ancillary works. Demolition of existing agricultural buildings and farm house - Permitted 12.12.2013

Recommendation

Approve subject to the following conditions::

- 1 This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence: -
 - Drawing No 03 Revision C
 - Drawing No 04 Revision A
- 2 The surface water drainage provision as shown on Drawing No 03 Revision C to include the new ACO drainage channel shall be implemented within 3 months of the date of this permission.

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

- 1 To define the permission.
- 2 To ensure that the development is provided with a satisfactory means of drainage.

Informative(s)

- 1 In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

21/34731/HOU
1 Walnut Tree Farm
Ash Lane
Yarnfield



 PLANNING COMMITTEE - 8 DECEMBER 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**.

Notified Appeals

Application Reference	Location	Proposal
20/33273/HOU Delegated refusal	Bracken Barn Long Lane Haughton	Replacement of windows and doors with UPVC

Decided Appeals

Application Reference	Location	Proposal
USE/00178/EN19 Notice to be Varied	Land Opposite The Homestead Gnosall Road	Caravan and access
20/32341/FUL Appeal Dismissed	Norbury Manor Barns Norbury	Conversion of Dutch Barn to provide garaging and domestic storage/home office
19/31094/FUL Appeal Allowed	Beacon Business Park Unit L Weston Road	The demolition of existing outbuildings, proposed KFC drive through and restaurant with associated external works, A3-A5 use classes.

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager, 01785 619302



Appeal Decision

Site visit made on 24 August 2021

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 20th October 2021

Appeal Ref: APP/Y3425/C/21/3275867

The land adjacent to Gnosall Road, Beffcote, Stafford

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Colin Hunt against an enforcement notice issued by Stafford Borough Council.
 - The enforcement notice was issued on 15 April 2021.
 - The breach of planning control as alleged in the notice is: Without planning permission, change of use of the land from agricultural land to a mixed use of agricultural and the siting of a caravan for residential purposes.
 - The requirement of the notice is
 - (i) Stop using the land for the siting of a caravan for residential use.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. It is directed that the enforcement notice be varied and corrected as follows:
 - 1) Deleting the requirement in full and replacing it with "Cease the use of the land for the siting of a caravan for residential use and remove the residential caravan from the Land"
 - 2) by the substitution of "*4 months*" rather than "*3 months*" in the period for compliance
2. Subject to these variations and corrections, the enforcement notice is upheld.

The Notice

3. The single requirement of the notice states "Stop using the land for the siting of a caravan for residential use." There is no further requirement to remove the residential caravan although removal of the caravan is referred to in the Council's delegated report. At the time of my site visit, the caravan had been moved to a different location within the appeal site but was still in residential use. A Certificate of Lawful Use ¹ (the LDC) was issued on the 1 February 2018 which permitted the "siting of a non- residential caravan for use in association with the agricultural use of the land edged blue on the application plan."
4. In order to avoid inadvertently allowing for two non-residential caravans to be allowed on the appeal site due to under-enforcement once the residential use

¹ 17/271150/LDC

ceases as a result of the consequences of Section 173(11) of the Act, a requirement for the residential caravan which is the subject of the notice to be removed is needed. I shall therefore add the wording "and remove the residential caravan from the Land." As the existence of the LDC is not in any way affected by the notice, I do consider that the requirement can be added to provide clarity without causing injustice to either party when it was not envisaged by either party that two caravans could remain on the land as a result of compliance with this notice. I will therefore amend the wording accordingly.

The appeal under ground (g)

5. An appeal under ground (g) is that the period of compliance falls short of what is reasonable. The time for compliance is 3 months whereas the appellant has asked for a 6 month compliance period. Where an appeal is made on ground (g) only, the Inspector can take into account the amount of time taken in the appeal process when considering what would be a reasonable time to comply. The appellant has been aware since he lodged his appeal that he would need to find alternative accommodation in order to comply with the notice. The Council has indicated that there is accommodation on "Right Move" to rent within a 5 mile radius although it is not clear as to what the nature of that accommodation is in terms of suitability and size.
6. At the time of lodging the appeal in May 2021, the appellant stated that he was unlikely to be able to find alternative accommodation in 3 months given the current housing market due to the global pandemic and that there were no properties to rent on Right Move within a 5 mile radius. However, no further information was provided by the appellant as to what steps he had taken since appealing the notice to find alternative accommodation and Covid restrictions have now been lifted.
7. However, a 6 month compliance period from the issue of the decision letter would, in my view, be excessive particularly given the period that has passed since the appeal was lodged. Nevertheless, it is the case that the appellant will lose his current home. On balance, I consider 4 months for compliance to be a reasonable and proportionate balance between the public interest in securing compliance and the appellant's personal circumstances. The appeal therefore succeeds to that limited extent and I will vary the notice accordingly.

Other Matters

8. Although third party comments have been received, they relate to matters outside the remit of this appeal which is limited to the period for compliance.

Conclusion

9. For the reasons given, subject to the variations and corrections previously referred to, the enforcement notice is upheld.

E. Griffin

INSPECTOR



Appeal Decision

Site Visit made on 29 June 2021

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th November 2021

Appeal Ref: APP/Y3425/W/21/3270915

Norbury Manor Barns, Manor Drive, Norbury, Stafford ST20 0RL

- 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 Steve Spencer (Norbury Park) against the decision of Stafford Borough Council.
 - The application Ref 20/32341/FUL, dated 12 May 2020, was refused by notice dated 3 December 2020.
 - The development proposed is the conversion of Dutch Barn to provide garaging and domestic storage/home office.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework was published in July 2021 (the Framework). Whilst the paragraph numbers have changed in regard to those relevant to the main issues of this case, the substance thereof remains the same as the 2019 iteration. I have sought comments from the main parties and taken any made into consideration.

Main Issues

3. The main issues are:
 - (a) whether the existing building's physical form is capable of conversion to facilitate the proposed use; and
 - (b) if so, the effect of the development on the character and appearance of the area.

Reasons

Conversion

4. The appeal site comprises of a 'Dutch' barn which has a rectangular plan form. It is an open structure, with the roof supported on a metal frame. The proposal puts forward a scheme that seeks to convert the existing structure to create garages on the ground floor and storage/home office space above each respective garage.
5. Policy E2 of The Plan for Stafford Borough 2011-2031 (The Plan) sets out to support the achievement of rural sustainability. Within rural areas, it states that developments that provide for the sustainable use and re-use of rural

buildings for appropriate uses will be permitted. The policy goes on to set out a number of criteria by which such proposals will be assessed. One of these states that the building should be structurally sound and is capable of conversion without the need for extension or significant alteration or rebuilding.

6. The submitted Structural Report (April 2020), states that the structure of the appeal building is commensurate with its age and it remains suitable for its intended use. I have no reason to doubt this and note that the existing metal frame is to remain without the need to rebuild this external structure. However, in order to comply with the relevant criteria of Policy E2 of The Plan, the building needs to be capable of conversion without the need for significant alteration.
7. As the building is an open structure without any walls, the proposal would require fully enclosing. This would include external blockwork with significant cladding as well as large barn doors. Further works comprise of new internal walls and a new timber first floor structure. Beyond this, I have been provided with limited information on the full extent of building operations required to undertake the scheme proposed, but it is clear that extensive foundations will be required to support the new walls. Although the proposal would be contained within the existing footprint of the barn and there would be no extension beyond this, given the extensive alterations proposed, its conversion would necessitate significant alteration.
8. To conclude, the proposal has failed to demonstrate that the existing building's physical form is capable of being converted to facilitate the proposed use. As such, it would conflict with Policy E2 of The Plan, which seeks, amongst other matters, the re-use of rural buildings that are capable of conversion without the need for significant alteration.

Character and Appearance

9. The barn is accessed from Norbury Junction along a long private road. It is located close to a group of former agricultural buildings that have previously been converted to residential use. There are a small number of other buildings in the vicinity of the appeal site. However, the pattern of development is scattered and is dominated by large areas of agricultural land, fields and areas of woodland which all contribute to the rural character and appearance of the area.
10. The appeal barn is a tall structure, but this is tempered by its open walls which allow views through it to the surrounding countryside. In contrast, the proposal, which would involve the building's full enclosure would result in a significant change from its currently utilitarian agricultural appearance to that of a solid structure, which would instead have a dominant presence in the landscape.
11. Although the appellant considers that overriding views would be maintained, it is evident that current views through the structure, which is supported by a slender metal frame would be obstructed by the walls and doors. The development would make use of agricultural features, such as black corrugated cladding and local timber. I note the palette of materials and also that the original steel frame would remain exposed. The works would also minimise domestic features such as windows. Nevertheless, these points would be

outweighed by the extent of the proposed development and its impact on the open, rural character of the area.

12. I appreciate that if the building was being use for agricultural purposes, it would contain hay, straw or other equipment and this would interrupt views through the structure. Nonetheless, I do not consider this to be comparable to the impact of the permanent solid form proposed. It has also been stated that the proposal strengthens the street frontage, but the appeal site is located in a rural area and despite the proximity to the nearby dwellings, there is no continuous street frontage. The enclosure in this context would have a harmful impact on the rural, spacious character of the area.
13. To conclude therefore on this issue, the proposed development would be harmful to the character and appearance of the area. As such, it would conflict with Policies N1 and E2 of The Plan, which seek, amongst other matters, high quality design. It would also be contrary to Paragraph 130 of the Framework, which seeks to ensure that development is sympathetic to local character, the surrounding built environment and landscape setting.

Other Matters

14. The proposal seeks to make efficient use of land through utilising an existing structure. It would also support home working and the appellant has set out the health, productivity and the environmental benefits arising from not travelling to a workplace. The provision of garages and storage would also ensure additional car parking that is discreet as well as the visual benefits of removing domestic paraphernalia and supporting the retention of tenants on this estate. The appellant has also set out the consideration of alternatives and that an open structure would not provide secure storage or protection from the weather. I attach some weight to these matters but, even when taken together, they would be insufficient against the substantial weight I attach to the harm I have found in relation to the main issues and the conflict with the development plan.
15. My attention has been drawn to Policy C5 of The Plan. Although the appellant has stated that the proposal could be considered as an extension to the existing dwellings, the appeal building is physically separate from these nearby buildings. In any case, this and other policies referenced require the consideration of the effect on the character of the surrounding area. I have found in this regard that the development would be harmful to the character and appearance of the surrounding area.
16. The proposal would be acceptable in relation to flood risk, is not subject to any heritage designations and I note that no objections were received from consultees. The development would also not compromise high quality agricultural land nor the living conditions of residential properties. The Public Right of Way would not be adversely impacted, and the garage and storage/home office use would be cohesive with the surrounding uses. These are however neutral considerations and not matters which weigh in favour of the development.

Conclusion

17. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

F Rafiq

INSPECTOR



Appeal Decision

Site Visit made on 26 August 2021

By JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2021

Appeal Ref: APP/Y3425/W/21/3274407

Unit L Beacon Business Park, Weston Road, Stafford ST18 0WL

- 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 Barnett Ratcliffe Partnership & Gastronomy Foods UK Ltd (on behalf of KFC) against the decision of Stafford Borough Council.
 - The application Ref 19/31094/FUL, dated 21 August 2019, was refused by notice dated 6 November 2020.
 - The development proposed is the demolition of existing buildings, and the erection of a proposed KFC drive-through and restaurant with associated external works, A3-A5 use classes.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings, and the erection of a proposed KFC drive-through and restaurant with associated external works, A3-A5 use classes, at Unit L Beacon Business Park, Weston Road, Stafford ST18 0WL in accordance with the terms of the application, Ref 19/31094/FUL, dated 21 August 2019, subject to the conditions in the Conditions Schedule below.

Main Issues

2. The main issues in this case are
 - a) the effect of the proposal on the delivery of employment land
 - b) whether it is contrary to the intention of locating such uses in Town Centres and other similar centres, and
 - c) its impact on public health.

Reasons

The loss of employment land

3. The appeal site is within the settlement boundary of Stafford in an industrial area that was formerly an RAF storage depot. In 2003 a Certificate of Lawfulness was granted for the use of the depot for storage and distribution together with ancillary offices, canteen and associated infrastructure facilities (the 2003 Certificate). The appeal site fell under the area covered by the 2003 Certificate, being ancillary offices at the site entrance. I have been told that since then it has been used as standalone offices in Class B1 of *The Town and Country Planning (Use Classes) Order* (the UCO), but has been vacant for a number of years.

4. Subsequently, much of the RAF Depot has been developed for business purposes following the grant of outline planning permission in 2007 as part of the first phase of the Beacon Business Park (BBP1). Outline planning permission was granted for a second phase of the business park adjacent in 2014.
5. The development plan includes *The Plan for Stafford Borough 2011-2031* (Local Plan 1) and *The Plan for Stafford Borough: Part 2 2011-2031* (Local Plan 2). In the Local Plan 1 the appeal site is not identified as within any specific designation. Policy Stafford 1 states that development should not result in the loss of employment land to non employment generating uses unless certain circumstances are met. In Local Plan 2 the site is within a 'Protected Employment Area'. Policy SB3 says that in employment areas only employment uses consistent with Policy Stafford 1 will be permitted.
6. I have not been told that an employment use has been defined in any glossary or similar in the Local Plan. In considering the definition of employment uses the Officer Report refers to Policy E3 in Local Plan 1, which defines them as being Class B uses in the UCO but excluding B1 offices. However, that definition is given in the explanatory text to a policy that relates to development within specifically defined Recognised Industrial Estates. There is no reason to infer it should have wider application across the plan as a whole, and there is nothing in or around Policies Stafford 1 or SB3 to confirm or imply it is relevant to those.
7. In its statement though the Council said employment was synonymous with uses in Class B of the schedule to the UCO. Moreover, it adds that Policy SB3 seeks to protect and retain uses in UCO Class B in Protected Employment Areas and resist their loss to other uses. These therefore point to a broader definition of employment uses than given in the text accompanying Policy E3, as it encompasses B1 offices. Moreover, such a use of the term appears to be in line with how it is used in paragraphs 20 and 123 of the *National Planning Policy Framework* (the Framework), where similarly it is undefined. Indeed, it also tallies with Condition 5 on the permission for BBP1 that restricted uses to those in Class B1 and/or B8 of the UCO. Clearly that condition would sit uncomfortably with the definition given in the text for Policy E3.
8. Furthermore, non employment generating uses are also undefined. Whilst it could be reasonably contended that, as it is a different phrase, an employment generating use is not the same as an employment use, I have no alternative definition before me and so shall assume they have similar meanings.
9. The 2003 Certificate concerned a storage and distribution use. That does not mean that its ancillary elements, even if clearly defined, are then able to be deemed lawful uses in their own right. Since that date no further Certificate of Lawfulness has been granted for this site, and so I am unable to find its lawful use is in Class B1 at present. However, I have also been told of no planning permission having been forthcoming since the 2003 Certificate was granted. As such, I accept the lawful use of the site still falls in Class B of the UCO.
10. The proposal would employ a significant number of staff, even when taken on a full-time equivalent basis, but I have difficulty accepting that means it is an employment use or even an employment generating use for the purposes of interpreting planning policy. This is because most uses apart from maybe dwellings or flats could potentially employ people, and so to my mind defining

the term so broadly renders the concept of an employment use virtually meaningless.

11. Therefore, in the light of the above, it is reasonable to interpret employment land and uses as being those in Class B of the UCO, and so this scheme would result in the loss of employment land.
12. Local Plan 2 Policy SB3 requires consistency with Local Plan 1 Policy Stafford 1, and that accepts the loss of employment land to non-employment generating uses in 2 circumstances. The first is if the existing use causes environmental problems (Criterion 1), which is not relevant in this instance.
13. However, the second accepts such a loss if each of 3 other criteria are met. To my mind there is substantial evidence submitted by the appellant to show the site has been marketed without success, even before KFC showed an interest, for what could be considered as employment-generating uses (Criterion 3). Although I accept this evidence was forthcoming at the appeal stage, to my mind its submission seems a reasonable response to the decision notice and the Council has had opportunity to respond. Consequently, contrary to the Council's request, it is not evidence I propose to disregard.
14. Moreover, given my findings in relation to Criterion 3, I have no reason to conclude that losing this land would result in a reduction in the range or diversity of jobs available (Criterion 2) as there appears to be no latent demand for this site to be taken over by a Class B use. Furthermore, being satisfied that it has been marketed for employment uses without success, I see little benefit in retaining the site for its existing use (Criterion 4). Therefore, the use of this land for non-employment uses accords with the second circumstance in this policy.
15. Accordingly, I conclude that the scheme would result in the loss of employment land to a non employment generating use, but compliance with Criteria (2)-(4) means it would not conflict with Local Plan 1 Policy Stafford 1, or be inconsistent with Local Plan 2 Policy SB3.

Whether the scheme is contrary to the intention of locating such uses in Town Centres

16. Policy E8 in Local Plan 1 says planning permission will be granted for hot food uses such as this by applying 2 criteria, which broadly state that the development is within a town, local or other centre and it would not cause unacceptable disturbance to nearby residents. The second one is not an issue here given its distance from housing, but this development lies outside of any recognised centre. To my mind while this policy says such uses would be granted planning permission in those centres, it does not expressly state that such uses would not be permitted outside of those 2 criteria. This indeed seems to be accepted in the Officer Report where it states that '*by implication*' such uses are unacceptable outside such centres. Therefore, while not authorised by the policy the development is not explicitly prevented by it either.
17. From the supporting text to the policy, it appears that its aim is to promote competitive town centre environments through vitality and viability, provide local services and minimise car trips. I have no evidence to show the vitality and viability of any centre would be compromised by this scheme being located here. Indeed, the Council accepted that the proposal meets the sequential test

for the use in an out-of-centre location. Moreover, given the unit's location on a large industrial area next to a main road in to/out of the town, I anticipate that much of its custom would be drawn from around the site, whether it would be serving local employees or passing motorists.

18. As a result, I see no direct conflict with Policy E8, but if I did find a conflict with the wording, the lack of harm resulting could well be another consideration that indicated the decision should be otherwise than in accordance with the development plan conflict.
19. Accordingly, I conclude that the development would not conflict with Local Plan 1 Policy E8 and would provide a local service, would not fail to promote competitive town centre environments through vitality and viability and would not undermine the aims of minimising car travel.

Its impact on public health

20. The Framework states that planning decisions should aim to achieve healthy places by, among other things, enabling and supporting healthy lifestyles. Moreover, in relation to a healthier food environment, the *Planning Practice Guidance* states that

'Planning policies and supplementary planning documents can, where justified, seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate'

21. The appeal site is directly opposite a secondary school. However, from the above, it is clear there is no specific national policy automatically preventing hot food uses close to schools. Rather, they can be resisted '*where justified*' and '*where evidence demonstrates*'. In this case I have no specific evidence put forward to show why the use should be resisted on this ground, and there is no policy basis in the development plan.
22. I note the contention that the development plan is out-of-date because it pre-dates such guidance coming forward. However, even if I were to rely on national policy to determine the scheme, as is shown by the above, it still identifies a need for justification and evidence to resist the proposal.
23. Accordingly, noting the guidance contained in the Framework and the *Planning Practice Guidance*, and in the absence of local policy or any evidence to demonstrate otherwise, I conclude that I have no basis to resist this scheme on the grounds of public health.

Other Matters

24. There is no specific evidence to show that safeguarding and anti-social behaviour will cause an unacceptable problem here. The contribution of the development to traffic passing the site is likely to be minimal, whilst a crossing outside the school, and I am aware that a small supermarket and other hot food outlets are on the same side of the road as the proposal. Consequently, I am not satisfied that the effect on highway safety would be worse than at present. The issue of the concentration of pupils is not a matter on which the appeal can be dismissed. I consider I have insufficient grounds to dismiss the scheme on the basis of a possible litter nuisance or to find that odour would be unacceptable in this location.

25. The site is within the 8km Zone of Influence around the Cannock Chase Special Area of Conservation (the SAC), which is a large area of European Dry Heath habitat. Likely significant effects on its conservation objectives may occur from pollutants from roads near to the SAC, recreational pressure, water abstraction, eutrophication, and increased development. Given its nature and the distances involved, even if I were to take into account the precautionary principle, I consider there to be no pathway that would result in the proposal having a likely significant effect on any important features of the SAC, whether alone or in combination with other developments.
26. A Unilateral Undertaking has been submitted in relation to travel plans, and I have no basis to consider this is not in line with Regulation 122 in the *Community Infrastructure Levy Regulations 2010*.

Conditions

27. For the avoidance of doubt the development should be in accordance with the approved plans. In the interests of the appearance of the locality details of the building's materials and means of enclosure should be approved before the development advances above slab level, the existing trees to be retained should be safeguarded and a landscaping scheme should also be agreed and implemented. Moreover, highway safety concerns mean the parking and access should be provided, as should the footpath alongside the car park serving the Costa unit.
28. Having regard to promoting alternative means of travel, the cycle stands should be provided and a travel plan agreed. Although I note that the matter of the travel plan is addressed in some respects in the Unilateral Undertaking, the suggested condition covers slightly different matters. The submission of compliance reports over time could be a requirement of the travel plan and need not be referenced explicitly in the condition.
29. Finally, having regard to ecological matters bat and bird boxes should be introduced and if there is any external lighting it should only be in accordance with details first agreed with the local planning authority. Otherwise, I consider the Council's suggested condition requiring compliance with the submitted ecological appraisal and activity survey for bats to suffice.
30. However, given its location in an industrial estate it is unclear why, under planning legislation, a construction management plan should be sought, burning should be prohibited or the hours of working restricted. I also see no clear justification to remove the 'permitted development' rights, or indeed any other rights, concerning boundary fencing or the changing of use of the building. I consider there is no particular reason to agree the materials and finishes of the gantry or pedestrian barriers, and given the development's proximity to the trees and mindful of the presence of other legislation, a condition relating to work during the bird nesting season is not justified in this instance.

Conclusions

31. In the light of the above the appeal is allowed.

JP Sargent

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise modified under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 1918/PL/01 Rev B; 1918/PL/02 Rev A; 1918/PL/03 Rev B; 1918/PL/04 Rev D; 1918/PL/05 Rev A; 19076 100 Rev A; 19076 101 Rev A; 19076 102 Rev A; 19076 103 Rev A; 19076 104 Rev A; 19076 105 Rev A.
- 3) No development shall commence above slab level until details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No development shall commence above slab level until details of the proposed boundary treatments and means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall commence above slab level until details of the proposed hard and soft landscaping scheme for the site (including tree planting) has been submitted to and approved in writing by the local planning authority, together with a timetable for its implementation. The approved landscaping scheme shall then be implemented in accordance with the approved details and timetable, and any plants that, within 5 years of planting, die, become diseased or are removed, shall be replaced with the same species no later than in the next planting season.
- 6) No development shall commence above slab level until details of the location and design of cycle parking stands have been submitted to and approved in writing by the local planning authority. The development shall not be first used until the approved cycle stands have been installed and they shall thereafter be retained.
- 7) Before the first use of the building hereby approved, details shall be submitted to and approved in writing by the local planning authority of the position of 2 1FR Schwegler bat roosting tubes and a 1SP Schwegler Sparrow Terrace nesting box, together with a timetable for their installation, and the tubes and nesting box shall then be installed in accordance with the approved details and timetable and thereafter retained.
- 8) Before the first use of the building hereby approved, the access, parking, servicing and turning provision shall be provided in accordance with plan 1918/PL/04 Rev D and thereafter retained.
- 9) Before the first use of the building hereby approved, the walkway shown on plan 1918/PL/04 Rev D that would run from the building towards the A518 along the southern edge of the parking area to the Costa unit shall be provided
- 10) Before the first use of the building hereby approved, a travel plan to promote travel by sustainable modes, together with a timetable for its

implementation, shall be submitted to and approved in writing by the local planning authority. The approved travel plan shall be implemented in accordance with the approved timetable.

- 11) With the exception of limiting tree removals to T0578, T0592 and T0593 in accordance with plan 1918/PL/04 Rev D, the development hereby approved shall be carried out in accordance with plan Q1868 TPP & AMS A1 entitled *Plot R24 Tree Protection Plan & Arboricultural Method Statement For Link Footway* by Rob Keyzor Tree Surgeons. All measures shall be implemented and maintained throughout development until completion of all construction related activity.
- 12) The development hereby approved shall be carried out in strict accordance with the recommendations, methods of working and mitigation measures, detailed within submitted *Preliminary Ecological Appraisal*, dated October 2019 and the *Activity Survey for Bats*, dated August 2020, both produced by Absolute Ecology.
- 13) There shall be no external illumination other than in accordance with details that have first been submitted to and approved in writing by the local planning authority