



Civic Centre, Riverside, Stafford

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Dear Members

### **Planning Committee**

A meeting of the Planning Committee will be held on **Wednesday, 26 May 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 - 26 MAY 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.

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<b>5 Planning Applications</b>	3 - 84
<b>6 Planning Appeals</b>	85 - 92

**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)**

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PLANNING COMMITTEE - 26 MAY 2021

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**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**:-

		<b>Page Nos</b>
<b>20/33264/FUL</b>	<b>Aston Hall, Aston Hill, Aston by Doxey</b>	5 - 32
	The application was called in by Councillor M J Winnington	
	Officer Contact - Richard Wood, Development Lead Telephone - 01785 619324	
<b>20/32128/FUL</b>	<b>Rowley House Nursing Home, 26 Rowley Avenue, Stafford</b>	33 - 45
	The application was called in by Councillor C V Trowbridge	
	Officer Contact - John Holmes, Development Manager Telephone - 01785 619302	
<b>20/32679/FUL</b>	<b>6 Mill Farm Barns, Mill Street, Stone</b>	46 - 55
	The application was called in by Councillor I D Fordham	
	Officer Contact - Sian Wright, Interim Development Lead Telephone - 01785 619528	

**15/23264/FUL**      **Land Between Boat Yard and Chandlers Way,  
Newcastle Road, Stone**      56 - 84

This application is submitted to the Committee due to the period of time that has elapsed between the date of the previous Committee resolution and completion of the s106 agreement. The application is therefore referred back to the Planning Committee to endorse the original resolution

Officer Contact - John Holmes, Development Manager  
Telephone - 01785 619302

### **Previous Consideration**

Nil

### **Background Papers**

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

**Application:** 20/33264/FUL  
**Case Officer:** Ed Handley  
**Date Registered:** 16 November 2020  
**Target Decision Date:** 11 January 2021  
**Extended To:** 16 April 2021  
**Address:** Aston Hall, Aston Hill, Aston by Doxey  
**Ward:** Seighford and Church Eaton  
**Parish:** Seighford  
**Proposal:** Installation of hangar and helipad  
**Applicant:** Mr M Goodwin  
**Recommendation:** Approve, subject to conditions

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## REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor M J Winnington (Ward Member for Seighford and Church Eaton) for the following reasons:-

*“On the grounds of local concerns around the associated impact of helicopter movements on the locality in terms of noise, loss of privacy, and impact on local livestock”.*

### Update following Committee deferral on 14 April 2021

Committee deferred this application to seek amendments to the proposed management plan. The management plan included the following requirements:

- A maximum of 60 flying days per year;
- All movements to and from the site to be recorded; and
- Flights to be prohibited on Christmas Day.

Committee requested that the 60-day limit be retained and the following amendments be made to the management plan:

- Restrict each flying day to a maximum of two movements (take-off and landing to count as one movement each); and
- Prohibit flights on bank holidays as well as Christmas Day.

The applicant has however stated that they wish for the application be determined on the basis of the management plan as submitted on 25 March 2021 as it is considered that this satisfies the Council's Environmental Health Officer's view that a satisfactory level of control over amenity impacts would be afforded as well as there being no objections from the National Air Traffic Service, Ministry of Defence, Highways Agency, Natural England, Seighford Parish Council, or Stafford Borough Council's Biodiversity Officer and Conservation Officer.

Furthermore, it is stated that the considerable negotiation between the applicant and the Council's Environmental Health Officer via the Planning Officer has resulted in a reduction in proposed flying days from 104 to 60 and for all warmup/cooling time to be kept to an absolute minimum to minimise potential for disturbance whilst all rotorcraft operation outside of the norm would be recorded and shared with Stafford Borough Council.

Also, that restricting flight days to only two movements would prohibit the applicant from flying on any day where a maintenance or service operation may require a test flight to ensure their safety. An additional movement for technical reasons would not be that dissimilar from the current usage of the site under permitted development whereby a pilot flies to Aston Hall and lands in the applicant's garden, the pilot and applicant then take off and subsequently land before the pilot takes off a final time to leave the site – a cumulative four movements for every single flight the applicant takes. By virtue of the rotorcraft being stored at the site such movements would immediately be halved.

The original officer report as presented to Committee on 14 April 2021 is set out below.

## **Context**

The application site comprises an area of 470 sqm to the southeast of Aston Hall and the land required for vehicular access. The site covers land for the siting of a helipad, hangar and manoeuvring strip.

Aston Hall is a grade II listed building dating from the 17<sup>th</sup> Century.

Except for the vehicular access, the site is outside of the residential curtilage of Aston Hall and is in the open countryside. The site is also within 15km of the Cannock Chase SAC (special area of conservation) and an impact risk zone of a SSSI (site of special scientific interest). There are public rights of way running to the south and east of the application site and a small cluster of buildings immediately to the east, including the grade II listed Holly Bush Farmhouse.

This application is for a hangar and helipad and consequently the change of use of the land to allow private flights to and from the site.

The hangar would be earth-sheltered so that it would only be visible from the west where the opening would be sited. The remaining elevations would have the appearance of an earth bund. Maximum dimensions of the hangar would measure 12.6m x 15.7m with a height of 5.7m. The earth bund would extend to the north, east and south of the hangar. The proposed helipad would be 8m in diameter and be situated 11.75m west of the hangar.

No lighting or other ancillary structures, including fuel storage or windsock, are proposed.

## **Officer Assessment – Key Considerations**

### **1. Principle of development**

Spatial Principle (SP) 1 of The Plan for Stafford Borough states that a positive approach will be taken when considering development proposals which reflect the presumption in favour of sustainable development. Development which accords with the development plan will be approved without delay, unless material considerations indicate otherwise and, where there are no policies relevant to the application, permission will be granted unless material considerations indicate otherwise.

Whilst there are no policies within the local plan which specifically relate to air transport or infrastructure to support helicopter flight (whether private or otherwise) SP7 states that development outside of the sustainable settlement hierarchy will be supported where it, amongst other things, is consistent with the objectives of SP6 and policy E2; it does not conflict with the environmental protection and nature conservation policies of the plan; and provision is made for any necessary mitigating or compensatory measures to address any harmful implications.

SP6 seeks to support the rural sustainability of the Borough by protecting and enhancing its environmental assets and character whilst sustaining the social and economic fabric of its communities by promoting the conservation of the rural environment.

Policy E2 requires that development is well related to an existing group of buildings; that it respects and protects the natural landscape and any heritage assets; that it is of a high quality of design and appropriately designed for its purposes; and that it is not detrimental to the amenity of the area.

Subject to other material considerations being satisfied it is considered that the principle of the proposed development is acceptable.

Policies and Guidance:-

National Planning Policy Framework  
Paragraphs: 7, 8, 10, 11

The Plan for Stafford Borough

Policies: SP1 Presumption in favour of sustainable development; SP6 Achieving rural sustainability; SP7 Supporting the location of new development; E2 Sustainable rural development

The Plan for Stafford Borough: Part 2

Policies: SB1 Settlement boundaries

### **2. Heritage, character and appearance**

The application site lies to the rear of Aston Hall in an area which appears to be outside of the residential curtilage of the dwellinghouse yet within the curtilage of the listed building. It is partly surrounded by trees within an area which has clearly been excavated to sit at the

same level as the adjacent land at some point in time. Beyond this wooded area the site is bound by hedgerows.

The site is 47m from the listed building. The Conservation Officer considers that the design of the proposed hangar (being an earth-sheltered) and located within the wooded area would aid in it blending into the natural landscape and minimising its visual impact within the setting of the listed building, whereby the timber doors would be the only clearly visible element of the structure. Furthermore, the helipad would comprise an 8m diameter concrete slab with a further concrete link to the hangar. Due to the distance from the heritage assets it is not considered that this would cause harm to the character and significance of the grade II listed building.

Concern is raised with regard to external illumination as it is considered that this may have an impact on the setting of the historic building. The applicant has however confirmed that no external lighting is required and that movements would only be undertaken during daylight hours, and additionally there is no requirement for a windsock. A condition should therefore be attached to any approval to prohibit the installation of any external lighting in order to prevent any undue harm to the setting of the listed building.

The proposed helipad and manoeuvring link are designed entirely for their stated functions comprising a concrete surface which would not be visible from outside of the site.

Whilst the proposed hangar would, in itself, be a relatively large building it is considered that through sensitive design and location it is not likely to result in any significant adverse impact upon the character and appearance of the area. The structure would be sited adjacent to, and partly surrounded by a wooded area which would provide significant screening of the proposed development on three sides. Whilst the front elevation of the hangar would be visible from the west this would be through or over hedgerow boundaries and the massing of the building would be absorbed into the landscape by virtue of its earth sheltered design and the presence of the trees immediately behind.

Subject to a condition to secure details of the proposed timber doors it is considered that the proposed development is acceptable with regard to its appearance.

Policies and Guidance:-

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

The Plan for Stafford Borough  
Policies: N1 Design; N8 Landscape character; N9 Historic environment  
Supplementary Planning Document (SPD) – Design

### **3. Residential amenity**

It must be acknowledged that section 79(6) of the Environmental Protection Act 1990 (as amended) specifically exempts aircraft noise (including helicopters taking off and landing) from the general noise nuisance controls which exist under that legislation.

Planning powers are concerned with the use of land and it is not appropriate to impose conditions to control the movement of or noise emitted by aircraft in flight as such powers are contained in Civil Aviation legislation for the control of aircraft noise during landing and take off.

Conditions could be imposed relating to idling time on the ground, however much of the concerns surrounding the noise impacts on horses and livestock arising from local residents relate to the impacts during flight movements. Such impacts could arise through the lawful use of the land for landing a helicopter on a limited basis as provided for under the General Permitted Development Order (GPDO) and it is considered that in granting permission subject to conditions the Local Planning Authority would secure a degree of control over amenity concerns.

The Council's Environmental Health Officer recommends that the hours of proposed use are restricted and that any high intensity lighting be supported by a lighting design report with recommendations to minimise impacts. Furthermore, additional conditions relating to the development phase are recommended. Whilst it is considered that conditions relating to hours of works and high intensity site lighting are reasonable, other suggested conditions are better controlled under separate Environmental Health legislation given the nature of the development and the context of the site.

A noise report has been submitted in support of the application at the request of the Council's Environmental Health Officer. The report concludes that the individual event noise level from a helicopter taking off or landing is within the typical daytime noise level range for the external environment and the impact would be low for all receptors based on one take-off and one landing per day.

The Environmental Health Officer (EHO) states that the report indicates that the noise impacts from a helipad can be very significant and whilst considering an idling time of 30 seconds this fails to fully consider the impact upon garden use at neighbouring properties. Notwithstanding this, the EHO states that complaints about helicopter noise are very likely should the proposed development be approved and subsequently implemented.

The EHO further states that whilst the methodology taken in compiling the noise report has the effect of smoothing out the short but intense noise impacts it indicates that noise impacts from a helicopter pad can be very significant. It is therefore clear that movements on any day, but especially Sundays and bank holidays, are likely to generate complaints. Furthermore, on the basis that other physical mitigation measures do not seem practicable it is considered that the main response should be to restrict flight frequency and avoid sensitive times of the day so that, irrespective of any modelled noise levels, use of the proposed development should not result in significant nuisance. In order to do this, the operation of the proposed development should be carried out in accordance with an agreed management plan.

Whilst the noise impacts of aircraft in flight is not a planning matter it is acknowledged that the provision of a helipad and the use of the land for take-off/landing would likely result in greater disturbance than the temporary use of the land under the GPDO on no more than 28 days per calendar year as it is currently used.

The EHO states that there is concern that the Environmental Health section would be excluded from taking noise nuisance actions, if required, in the future. However, no objection is raised with regard to the proposed development on the basis that planning conditions can be used to protect neighbour amenity and that the operation of the site in accordance with the proposed management plan is a fair compromise in this situation, and allows reasonable planning controls to minimise noise impacts which it is considered would make the proposed development acceptable.

The management plan, provided by the applicant and agreed by the EHO covers the following elements:

- The maximum gross weight of rotorcraft to be stored at, and operated from, the site (2,250kg);
- Operation to be prohibited outside of the following hours and allowed only during hours of daylight:
  - Weekdays 08:00 – 21:00; and
  - Weekends and bank holidays 09:00 – 20:00;
- No flying on Christmas day;
- There shall be no more than 60 active flying days per year;
- The primary flight path shall be used unless meteorological conditions make it unsafe to do so;
- Departing from the helipad out of the area and returning to the helipad shall be done as expediently as is safe to do;
- Engine warmup/cooldown and idling times shall be kept to the minimum in line with the aircraft operating manual/procedures;
- All engine warmup/cooldown and idling times outside of the operating manual/procedure guidelines shall be manually recorded. Records shall be retained for 12 months and made available to the Local Planning Authority on request;
- The records will also include details of any routine testing maintenance carried out at the site;
- Records shall be kept of all flights made from the site in the pilot's logbook. Records shall be retained for 12 months and made available to the Local Planning Authority on request; and
- The helipad and hangar shall be restricted to private use associated with the occupier of the dwellinghouse, Aston Hall, and shall not be used for any commercial purposes.

It is considered that the management plan would provide appropriate control to the Local Planning Authority with regard to noise and disturbance and provided that the proposed development is to be operated in accordance with this plan it is considered to be acceptable. Operation in accordance with the management plan can be secured by condition on any forthcoming planning permission.

It is considered that by limiting the number of active flying days to 60 and the flight window to daylight hours, as set out in the agreed management plan rather than the number of movements per day, the potential impacts would be lessened. Furthermore, it must be acknowledged that without planning permission, under the provisions of the GPDO, the land could be used without the number of movements being limited for up to 28 days per year. Therefore, it is considered that the proposed limited flight window and other record taking would assist in reducing impacts in terms of residential amenity.

It is not considered that the proposed development, comprising the use of the land and operational development would have any impact upon privacy. The applicant or any other party could fly a helicopter over this location without any consideration to privacy. Furthermore, it is acknowledged that the applicant can, under the provisions of the General Permitted Development Order, use the land as a temporary landing site for no more than 28 days in any single calendar year.

Policies and Guidance:-

The Plan for Stafford Borough

Policies: N1 Design

Supplementary Planning Document (SPD) - Design

#### **4. Transport, access, and parking**

The Civil Aviation Authority has not been consulted as they are not a statutory consultee and their guidance suggests that for this type of application the only time that they should be consulted is if the Local Planning Authority is minded to grant approval contrary of the advice of NATS (National Air Traffic Services). NATS state that having examined the proposed development from a technical safeguarding aspect it does not conflict with their safeguarding criteria. Furthermore the Ministry of Defence (Defence Infrastructure Organisation) raise no objection on the basis that the site is outside of their safeguarding areas.

The application site lies approximately 500m from the M6 carriageway whereby low flying or manoeuvring helicopters may catch the attention of motorists. Highways England do however raise no objection to the proposal.

The Highway Authority raise no objection to the proposal provided that the helicopter pad and hangar are not used for commercial purposes. A condition can be attached to any forthcoming approval to ensure that the development is for the private use associated with the occupier of the adjacent dwellinghouse in order to reduce impacts on the surrounding area and particularly with regard to vehicular traffic to and from the site.

The application site is immediately adjacent to a network of public rights of way which are not referenced on the application documents. Whilst the County Rights of Way Officer raises no objection, the applicant's attention should be drawn (via informative on any approval) to their comments and that any planning permission would not construe the right to divert, extinguish or obstruct any part of the public path. Furthermore, the Rambler's Association objects to the proposal as it is unclear how the safety of users of the path could be assured and on the basis that the amenity of walkers using the local network would be impacted. It is not considered that the use of private land for the landing of helicopters would impact upon the right or the ability of people to use the adjacent public rights of way.

It is acknowledged that civil helicopter operations are governed by The Air Navigation Order 2005 and The Rules of the Air Regulations 1996 (as amended). The responsibility for the safety of all helicopter flying operations therefore lies wholly with the helicopter operator and whether any individual pilot would comply with such legislation is not a planning consideration.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 98, 105 & 106

The Plan for Stafford Borough

Policies: T1 Transport; T2 Parking and manoeuvring facilities; Appendix B – Car parking standards

## 5. Other

The site is within 15km of the Cannock Chase Special Area of Conservation (SAC). However, due to the nature of the proposal it is not considered that the development would result in any impact on the reasons for the designation of the SAC. The Council is therefore not required to carry out an appropriate assessment.

Furthermore, Natural England raise no objection to the proposal with regard to any Site of Special Scientific Interest or other designated site.

The Council's Biodiversity Officer also raises no objection to the proposal with regard to other ecological matters.

It is acknowledged that the application site is surrounded by a number of trees. The Council's Tree Officer states, in raising no objection to the proposed development, that it would not result in the loss of, or damage to, any tree of significant value. Furthermore, given the design it is not considered that the proposed development would result in any long-term implications for retained trees in close proximity to the proposed development.

Policies and Guidance:-

National Planning Policy Framework

Paragraphs: 8, 118, 149, 150, 170, 174, 175, 176 & 177

The Plan for Stafford Borough

Policies: N2 Climate change; N4 The natural environment & green infrastructure; N5 Sites of European, national & local nature conservation importance; N6 Cannock Chase Special Area of Conservation

## 6. Conclusion

On the basis of the functional design and recessive nature of the proposed hangar and helipad it is considered that the proposed development would be acceptable with regard to its impacts on the character and appearance of the surrounding area and the significance of the listed building and its setting.

Concerns relating to noise and disturbance may arise from the use as a helipad without planning permission and it is considered that the management plan provided in support of this application would afford the Local Planning Authority an appropriate level of control in this regard. The management plan, amongst other things, would limit the size of the rotorcraft and the hours of use so that disturbance during unsociable hours would be

avoided and undue harm during sociable hours of the day would be appropriately limited through securing the provisions of the agreed management plan.

It is not considered that the proposal would result in any undue harm with regard to highways matters or ecology and biodiversity.

Subject to appropriate conditions, specifically relating to the proposed management plan, it is considered that the proposed development is acceptable and that permission should be granted.

## **Consultations**

### **NATS Safeguarding:**

No objection.

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

### **Ministry of Defence:**

No objection.

The site is outside of MoD safeguarding areas.

### **Staffordshire Gliding Club:**

No representation received.

### **Conservation Officer:**

No objection.

- Aston Hall is a grade II 17<sup>th</sup> Century building.
- The proposed helipad and hangar would be approximately 47m from the main listed building, the hangar in a wooded area to the southeast of the Hall.
- By reason of the design and siting of the proposal it is not considered that the helipad or hangar would cause harm to the character and significance of the listed building.
- Concern is raised with regard to external lighting as no details have been submitted. The amount, design, location, luminance of external illumination may have an impact upon the setting of the listed building.
- The well thought out design of the structure, its location, and substantial screening would result in the substantial building having a negligible impact on the setting of the listed building.

### **Environmental Health Officer:**

(Comments dated 26 March 2021):

No objection. The revised management plan (received 25 March) should still afford a satisfactory level of control of amenity impacts.

(Comments dated 15 March 2021):

No objection.

- Concern remains that the Environmental Health section would be excluded from taking noise nuisance actions in this matter, if required, in the future.
- Planning conditions are the only principal method to protect neighbourhood amenity.
- The operation of the site in accordance with the management plan is a fair compromise in this situation and affords planning control to minimise noise impact.

(Comments dated 4 March 2021):

- With compromise in mind, should the application be approved, it should be the subject of a number of restrictions.

(Comments dated 24 February 2021):

- A significant issue is that the Environmental Health section would not be able to deal with complaints arising from the site if planning permission is granted. It is therefore important to manage the likely noise impacts at this stage.
- Complaints about helicopter noise are very likely with regard to this proposal, adherence to an agreed management plan is considered to be the best solution.
- Movements on any day, but especially Sundays and bank holidays, are likely to generate complaints, however, amended hours of use for those days in a management plan could be considered.
- The noise report indicates that noise impacts from a helicopter pad can be very significant, the report goes on to average the impact of two flights per day over a 16 hour time period, this has the effect of smoothing out the short but intense noise over this period.
- The report fails to fully consider the impact upon garden use at neighbouring properties and the report considers an idling time of 30 seconds.
- Our main response is to restrict flight frequency and avoid sensitive residential times so that, irrespective of any modelled noise levels, it should not be a significant nuisance. Other physical mitigations do not seem practicable.
- An agreed management plan to clearly demonstrate control and limitations of use should be adhered to; this should include:
  - o Limit the number of flight days to weekdays, excluding bank holidays;
  - o Limit the number of flights on any flight day to two movements (take off is one and landing is one);
  - o Limit the times when flights can occur to between 09:00 and 19:00 hours;
  - o Require record keeping so that the Local Planning Authority can be aware of every flight made within any 24 month period;
  - o Idling to be limited to 30 seconds. Idling is taken to include any warm up or maintenance periods;
  - o Take off has been modelled at a further 30 seconds, so the operation should be limited to this.

(Comments dated 24 December 2020):

Further to my comments I would recommend a noise report is submitted due to the likely quiet existing noise environment, the report would help to understand the potential effects on local amenity and perhaps advise on planning mitigation when determining this application.

(Comments dated 8 December 2020):

The Environmental Protection Act specifically exempts aircraft noise (including helicopters taking off and landing) from the general noise nuisance controls which exist under that legislation. Therefore this service cannot comment regarding potential noise impacts.

- It is recommended that the hours of proposed use are restricted;
- Any high intensity lighting should be supported by a lighting design report with recommendations to minimise impacts;
- Details of any fuel storage should be provided;
- Additional conditions to secure the following are recommended:
  - o Restriction of hours of works;
  - o Any equipment to be left running outside of the allowed working hours to be inaudible at the boundary of residential properties;
  - o No burning on site during development;

- Removal from site and proper disposal of all demolition materials;
- Provision and use of damping down facilities; and
- High intensity site lighting during works to be directed away from nearby residences.

**Highways England:**

No objection.

**Highway Authority:**

No objection on the basis that the proposed use is not commercial.

**County Rights of Way Officer:**

- The application documents do not recognise the existence of public footpaths which run through and adjacent to the application site.
- The applicant's attention should be drawn to the existence of the paths and that any planning permission would not construe the right to divert, extinguish, or obstruct any part of the public path.

**Ramblers Association:**

Objection.

- The application documents make no reference to footpath Seighford 9 which runs along the southern boundary of the property or footpath Seighford 7 which runs on the eastern boundary.
- It is difficult to see how the safety of pedestrians along the path could be assured with the proximity of the proposed helipad.
- Seighford 7 gives access to the Way for the Millennium which is a longer distance trail between Stafford and Newport.
- The proposed development would materially adversely affect Derrington Millennium Green SBI and the amenity of walkers users the three aforementioned paths.

**Natural England:**

Natural England has no comment to make on this application.

**Biodiversity Officer:**

No objection.

**Tree Officer:**

No objection.

- No tree of significant value would be lost or damaged as a result of the proposed development.
- Given the low rise profile of the building following construction and the nature of its earth sheltered construction I cannot see that there would be any long term implications for trees in close proximity being retained.
- No conditions are recommended.

**Seighford Parish Council:**

No objection, subject to the helicopter being used for private purposes only.

## **Neighbours**

(3 consulted): Twenty-four representations received in objection, raising the following points:

- Noise would impact upon safety at nearby livery yard due to horses being scared by noise;
- Noise would impact horses' health at nearby livery yard;
- Noise impact upon nearby residential properties;
- Potential danger to people and property;
- Impact on wellbeing of livestock in the vicinity;
- Health and safety of users of adjacent public footpath;
- Noise and pollution impacts of flight over nearby residential areas;
- Disturbance of nesting birds;
- Impact upon Derrington Millennium Green Site of Biological Impact which is in the local area; and
- The applicant could use the airfield at Seighford.

Three representations received in support, raising the following points:

- Helicopters may operate from within the curtilage of a private dwelling without planning consent;
- This application is for a helipad and storage to support a permitted activity;
- The proposal would not harm the significance of the listed building;
- It is preferred that a helicopter has a safe landing space than onto a grassed area;
- The proximity to the M6 means that helicopter traffic is part of everyday life;
- Horses and livestock accept airborne activity and would hear the helicopter before take off and on approach from a significant distance;
- There is already constant motorway noise from heavy traffic;

Site notice expiry date: 8 January 2021

Newsletter advert expiry date: 6 January 2021

## **Relevant Planning History**

None.

## Recommendation

Approve subject to the following conditions:

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

LP-01 C  
 BP-01 B  
 02087\_001\_T\_0  
 GA-01 B  
 GA-02

3. Notwithstanding any description/details in the application documents, the developer hereby permitted shall only be used for private purposes associated with the occupier of Aston Hall and shall not be used for any separate or independent business or commercial purposes.
4. The development hereby permitted shall be operated in strict accordance with the management plan titled 'Management plan for operation of rotorcraft - Aston Hall', revised 25/03/2021.
5. The development shall not be brought into use unless and until the west elevation (A) has been completed in accordance with details, to include the proposed timber doors, which shall first be submitted to and approved in writing by the Local Planning Authority.
6. All construction works, including demolition and associated deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
7. No external means of illumination, including security lights, shall be installed in association with the development hereby permitted without the prior written consent of the Local Planning Authority.

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

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

3. In the interests of the safety and convenience of users of the highway and to safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policies T1c and N1e of The Plan for Stafford Borough).
4. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
5. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
6. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
7. To safeguard the amenities of the area and to safeguard the significance of the adjacent listed building(s). (Policies N1e and N9 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 2019, 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 the Staffordshire County Council Rights of Way Officer. All comments can be viewed online through the planning public access pages of the Council's website ([www.staffordbc.gov.uk](http://www.staffordbc.gov.uk)).
- 3 The applicant's attention is drawn to the protected status of nesting birds and the requirement that they are not disrupted during the nesting season (March to August).

## Previous report to Planning Committee 14 April 2021

<b>Application</b>	20/33264/FUL	<b>Case Officer</b>	Ed Handley
<b>Date Registered</b>	16.11.2020	<b>Target Decision Date</b>	11.01.2021
		<b>Extended To</b>	16.04.2021
<b>Address</b>	Aston Hall Aston Hill Aston-by-Doxey	<b>Ward</b>	Seighford and Church Eaton
		<b>Parish</b>	Seighford
<b>Proposal</b>	Installation of hangar and helipad		
<b>Applicant</b>	Mr M Goodwin		
<b>Recommendation</b>	Approve, subject to conditions		

### REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor M Winnington (Ward Member for Seighford and Church Eaton) for the following reasons:-

*“On the grounds of local concerns around the associated impact of helicopter movements on the locality in terms of noise, loss of privacy, and impact on local livestock”.*

### Context

The application site comprises an area of 470 sqm to the southeast of Aston Hall and the land required for vehicular access. The site covers land for the siting of a helipad, hangar and manoeuvring strip.

Aston Hall is a grade II listed building dating from the 17<sup>th</sup> Century.

Except for the vehicular access, the site is outside of the residential curtilage of Aston Hall and is in the open countryside. The site is also within 15km of the Cannock Chase SAC (special area of conservation) and an impact risk zone of a SSSI (site of special scientific interest). There are public rights of way running to the south and east of the application site and a small cluster of buildings immediately to the east, including the grade II listed Holly Bush Farmhouse.

This application is for a hangar and helipad and consequently the change of use of the land to allow private flights to and from the site.

The hangar would be earth-sheltered so that it would only be visible from the west where the opening would be sited. The remaining elevations would have the appearance of an

earth bund. Maximum dimensions of the hangar would measure 12.6m x 15.7m with a height of 5.7m. The earth bund would extend to the north, east and south of the hangar. The proposed helipad would be 8m in diameter and be situated 11.75m west of the hangar.

No lighting or other ancillary structures, including fuel storage or windsock, are proposed.

## **Officer Assessment – Key Considerations**

### **7. Principle of development**

Spatial Principle (SP) 1 of The Plan for Stafford Borough states that a positive approach will be taken when considering development proposals which reflect the presumption in favour of sustainable development. Development which accords with the development plan will be approved without delay, unless material considerations indicate otherwise and, where there are no policies relevant to the application, permission will be granted unless material considerations indicate otherwise.

Whilst there are no policies within the local plan which specifically relate to air transport or infrastructure to support helicopter flight (whether private or otherwise) SP7 states that development outside of the sustainable settlement hierarchy will be supported where it, amongst other things, is consistent with the objectives of SP6 and policy E2; it does not conflict with the environmental protection and nature conservation policies of the plan; and provision is made for any necessary mitigating or compensatory measures to address any harmful implications.

SP6 seeks to support the rural sustainability of the Borough by protecting and enhancing its environmental assets and character whilst sustaining the social and economic fabric of its communities by promoting the conservation of the rural environment.

Policy E2 requires that development is well related to an existing group of buildings; that it respects and protects the natural landscape and any heritage assets; that it is of a high quality of design and appropriately designed for its purposes; and that it is not detrimental to the amenity of the area.

Subject to other material considerations being satisfied it is considered that the principle of the proposed development is acceptable.

Policies and Guidance:-

National Planning Policy Framework  
Paragraphs: 7, 8, 10, 11

The Plan for Stafford Borough

Policies: SP1 Presumption in favour of sustainable development; SP6 Achieving rural sustainability; SP7 Supporting the location of new development; E2 Sustainable rural development

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

## 8. Heritage, character and appearance

The application site lies to the rear of Aston Hall in an area which appears to be outside of the residential curtilage of the dwellinghouse yet within the curtilage of the listed building. It is partly surrounded by trees within an area which has clearly been excavated to sit at the same level as the adjacent land at some point in time. Beyond this wooded area the site is bound by hedgerows.

The site is 47m from the listed building. The Conservation Officer considers that the design of the proposed hangar (being an earth-sheltered) and located within the wooded area would aid in it blending into the natural landscape and minimising its visual impact within the setting of the listed building, whereby the timber doors would be the only clearly visible element of the structure. Furthermore, the helipad would comprise an 8m diameter concrete slab with a further concrete link to the hangar. Due to the distance from the heritage assets it is not considered that this would cause harm to the character and significance of the grade II listed building.

Concern is raised with regard to external illumination as it is considered that this may have an impact on the setting of the historic building. The applicant has however confirmed that no external lighting is required and that movements would only be undertaken during daylight hours, and additionally there is no requirement for a windsock. A condition should therefore be attached to any approval to prohibit the installation of any external lighting in order to prevent any undue harm to the setting of the listed building.

The proposed helipad and manoeuvring link are designed entirely for their stated functions comprising a concrete surface which would not be visible from outside of the site.

Whilst the proposed hangar would, in itself, be a relatively large building it is considered that through sensitive design and location it is not likely to result in any significant adverse impact upon the character and appearance of the area. The structure would be sited adjacent to, and partly surrounded by a wooded area which would provide significant screening of the proposed development on three sides. Whilst the front elevation of the hangar would be visible from the west this would be through or over hedgerow boundaries and the massing of the building would be absorbed into the landscape by virtue of its earth sheltered design and the presence of the trees immediately behind.

Subject to a condition to secure details of the proposed timber doors it is considered that the proposed development is acceptable with regard to its appearance.

Policies and Guidance:-

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

The Plan for Stafford Borough  
Policies: N1 Design; N8 Landscape character; N9 Historic environment  
Supplementary Planning Document (SPD) – Design

## 9. Residential amenity

It must be acknowledged that section 79(6) of the Environmental Protection Act 1990 (as amended) specifically exempts aircraft noise (including helicopters taking off and landing) from the general noise nuisance controls which exist under that legislation.

Planning powers are concerned with the use of land and it is not appropriate to impose conditions to control the movement of or noise emitted by aircraft in flight as such powers are contained in Civil Aviation legislation for the control of aircraft noise during landing and take off.

Conditions could be imposed relating to idling time on the ground, however much of the concerns surrounding the noise impacts on horses and livestock arising from local residents relate to the impacts during flight movements. Such impacts could arise through the lawful use of the land for landing a helicopter on a limited basis as provided for under the General Permitted Development Order (GPDO) and it is considered that in granting permission subject to conditions the Local Planning Authority would secure a degree of control over amenity concerns.

The Council's Environmental Health Officer recommends that the hours of proposed use are restricted and that any high intensity lighting be supported by a lighting design report with recommendations to minimise impacts. Furthermore, additional conditions relating to the development phase are recommended. Whilst it is considered that conditions relating to hours of works and high intensity site lighting are reasonable, other suggested conditions are better controlled under separate Environmental Health legislation given the nature of the development and the context of the site.

A noise report has been submitted in support of the application at the request of the Council's Environmental Health Officer. The report concludes that the individual event noise level from a helicopter taking off or landing is within the typical daytime noise level range for the external environment and the impact would be low for all receptors based on one take-off and one landing per day.

The Environmental Health Officer (EHO) states that the report indicates that the noise impacts from a helipad can be very significant and whilst considering an idling time of 30 seconds this fails to fully consider the impact upon garden use at neighbouring properties. Notwithstanding this, the EHO states that complaints about helicopter noise are very likely should the proposed development be approved and subsequently implemented.

The EHO further states that whilst the methodology taken in compiling the noise report has the effect of smoothing out the short but intense noise impacts it indicates that noise impacts from a helicopter pad can be very significant. It is therefore clear that movements on any day, but especially Sundays and bank holidays, are likely to generate complaints. Furthermore, on the basis that other physical mitigation measures do not seem practicable it is considered that the main response should be to restrict flight frequency and avoid sensitive times of the day so that, irrespective of any modelled noise levels, use of the proposed development should not result in significant nuisance. In order to do this, the operation of the proposed development should be carried out in accordance with an agreed management plan.

Whilst the noise impacts of aircraft in flight is not a planning matter it is acknowledged that the provision of a helipad and the use of the land for take-off/landing would likely result in greater disturbance than the temporary use of the land under the GPDO on no more than 28 days per calendar year as it is currently used.

The EHO states that there is concern that the Environmental Health section would be excluded from taking noise nuisance actions, if required, in the future. However, no objection is raised with regard to the proposed development on the basis that planning conditions can be used to protect neighbour amenity and that the operation of the site in accordance with the proposed management plan is a fair compromise in this situation, and allows reasonable planning controls to minimise noise impacts which it is considered would make the proposed development acceptable.

The management plan, provided by the applicant and agreed by the EHO covers the following elements:

- The maximum gross weight of rotorcraft to be stored at, and operated from, the site (2,250kg);
- Operation to be prohibited outside of the following hours and allowed only during hours of daylight:
  - Weekdays 08:00 – 21:00; and
  - Weekends and bank holidays 09:00 – 20:00;
- No flying on Christmas day;
- There shall be no more than 60 active flying days per year;
- The primary flight path shall be used unless meteorological conditions make it unsafe to do so;
- Departing from the helipad out of the area and returning to the helipad shall be done as expediently as is safe to do;
- Engine warmup/cooldown and idling times shall be kept to the minimum in line with the aircraft operating manual/procedures;
- All engine warmup/cooldown and idling times outside of the operating manual/procedure guidelines shall be manually recorded. Records shall be retained for 12 months and made available to the Local Planning Authority on request;
- The records will also include details of any routine testing maintenance carried out at the site;
- Records shall be kept of all flights made from the site in the pilot's logbook. Records shall be retained for 12 months and made available to the Local Planning Authority on request; and
- The helipad and hangar shall be restricted to private use associated with the occupier of the dwellinghouse, Aston Hall, and shall not be used for any commercial purposes.

It is considered that the management plan would provide appropriate control to the Local Planning Authority with regard to noise and disturbance and provided that the proposed development is to be operated in accordance with this plan it is considered to be acceptable. Operation in accordance with the management plan can be secured by condition on any forthcoming planning permission.

It is considered that by limiting the number of active flying days to 60 and the flight window to daylight hours, as set out in the agreed management plan rather than the number of movements per day, the potential impacts would be lessened. Furthermore, it must be acknowledged that without planning permission, under the provisions of the GPDO, the land

could be used without the number of movements being limited for up to 28 days per year. Therefore, it is considered that the proposed limited flight window and other record taking would assist in reducing impacts in terms of residential amenity.

It is not considered that the proposed development, comprising the use of the land and operational development would have any impact upon privacy. The applicant or any other party could fly a helicopter over this location without any consideration to privacy. Furthermore, it is acknowledged that the applicant can, under the provisions of the General Permitted Development Order, use the land as a temporary landing site for no more than 28 days in any single calendar year.

Policies and Guidance:-

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

## **10. Transport, access, and parking**

The Civil Aviation Authority has not been consulted as they are not a statutory consultee and their guidance suggests that for this type of application the only time that they should be consulted is if the Local Planning Authority is minded to grant approval contrary of the advice of NATS (National Air Traffic Services). NATS state that having examined the proposed development from a technical safeguarding aspect it does not conflict with their safeguarding criteria. Furthermore the Ministry of Defence (Defence Infrastructure Organisation) raise no objection on the basis that the site is outside of their safeguarding areas.

The application site lies approximately 500m from the M6 carriageway whereby low flying or manoeuvring helicopters may catch the attention of motorists. Highways England do however raise no objection to the proposal.

The Highway Authority raise no objection to the proposal provided that the helicopter pad and hangar are not used for commercial purposes. A condition can be attached to any forthcoming approval to ensure that the development is for the private use associated with the occupier of the adjacent dwellinghouse in order to reduce impacts on the surrounding area and particularly with regard to vehicular traffic to and from the site.

The application site is immediately adjacent to a network of public rights of way which are not referenced on the application documents. Whilst the County Rights of Way Officer raises no objection, the applicant's attention should be drawn (via informative on any approval) to their comments and that any planning permission would not construe the right to divert, extinguish or obstruct any part of the public path. Furthermore, the Rambler's Association objects to the proposal as it is unclear how the safety of users of the path could be assured and on the basis that the amenity of walkers using the local network would be impacted. It is not considered that the use of private land for the landing of helicopters would impact upon the right or the ability of people to use the adjacent public rights of way.

It is acknowledged that civil helicopter operations are governed by The Air Navigation Order 2005 and The Rules of the Air Regulations 1996 (as amended). The responsibility for the

safety of all helicopter flying operations therefore lies wholly with the helicopter operator and whether any individual pilot would comply with such legislation is not a planning consideration.

Policies and Guidance:-

National Planning Policy Framework  
Paragraphs: 98, 105 & 106

The Plan for Stafford Borough

Policies: T1 Transport; T2 Parking and manoeuvring facilities; Appendix B – Car parking standards

## **11. Other**

The site is within 15km of the Cannock Chase Special Area of Conservation (SAC). However, due to the nature of the proposal it is not considered that the development would result in any impact on the reasons for the designation of the SAC. The Council is therefore not required to carry out an appropriate assessment.

Furthermore, Natural England raise no objection to the proposal with regard to any Site of Special Scientific Interest or other designated site.

The Council's Biodiversity Officer also raises no objection to the proposal with regard to other ecological matters.

It is acknowledged that the application site is surrounded by a number of trees. The Council's Tree Officer states, in raising no objection to the proposed development, that it would not result in the loss of, or damage to, any tree of significant value. Furthermore, given the design it is not considered that the proposed development would result in any long-term implications for retained trees in close proximity to the proposed development.

Policies and Guidance:-

National Planning Policy Framework  
Paragraphs: 8, 118, 149, 150, 170, 174, 175, 176 & 177

The Plan for Stafford Borough

Policies: N2 Climate change; N4 The natural environment & green infrastructure; N5 Sites of European, national & local nature conservation importance; N6 Cannock Chase Special Area of Conservation

## **12. Conclusion**

On the basis of the functional design and recessive nature of the proposed hangar and helipad it is considered that the proposed development would be acceptable with regard to its impacts on the character and appearance of the surrounding area and the significance of the listed building and its setting.

Concerns relating to noise and disturbance may arise from the use as a helipad without planning permission and it is considered that the management plan provided in support of this application would afford the Local Planning Authority an appropriate level of control in this regard. The management plan, amongst other things, would limit the size of the rotorcraft and the hours of use so that disturbance during unsociable hours would be avoided and undue harm during sociable hours of the day would be appropriately limited through securing the provisions of the agreed management plan.

It is not considered that the proposal would result in any undue harm with regard to highways matters or ecology and biodiversity.

Subject to appropriate conditions, specifically relating to the proposed management plan, it is considered that the proposed development is acceptable and that permission should be granted.

## **Consultations**

### **NATS Safeguarding:**

No objection.

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

### **Ministry of Defence:**

No objection.

The site is outside of MoD safeguarding areas.

### **Staffordshire Gliding Club:**

No representation received.

### **Conservation Officer:**

No objection.

- Aston Hall is a grade II 17<sup>th</sup> Century building.
- The proposed helipad and hangar would be approximately 47m from the main listed building, the hangar in a wooded area to the southeast of the Hall.
- By reason of the design and siting of the proposal it is not considered that the helipad or hangar would cause harm to the character and significance of the listed building.
- Concern is raised with regard to external lighting as no details have been submitted. The amount, design, location, luminance of external illumination may have an impact upon the setting of the listed building.
- The well thought out design of the structure, its location, and substantial screening would result in the substantial building having a negligible impact on the setting of the listed building.

### **Environmental Health Officer:**

(Comments dated 26 March 2021):

No objection. The revised management plan (received 25 March) should still afford a satisfactory level of control of amenity impacts.

(Comments dated 15 March 2021):

No objection.

- Concern remains that the Environmental Health section would be excluded from taking noise nuisance actions in this matter, if required, in the future.
- Planning conditions are the only principal method to protect neighbourhood amenity.
- The operation of the site in accordance with the management plan is a fair compromise in this situation and affords planning control to minimise noise impact.

(Comments dated 4 March 2021):

- With compromise in mind, should the application be approved, it should be the subject of a number of restrictions.

(Comments dated 24 February 2021):

- A significant issue is that the Environmental Health section would not be able to deal with complaints arising from the site if planning permission is granted. It is therefore important to manage the likely noise impacts at this stage.
- Complaints about helicopter noise are very likely with regard to this proposal, adherence to an agreed management plan is considered to be the best solution.
- Movements on any day, but especially Sundays and bank holidays, are likely to generate complaints, however, amended hours of use for those days in a management plan could be considered.
- The noise report indicates that noise impacts from a helicopter pad can be very significant, the report goes on to average the impact of two flights per day over a 16 hour time period, this has the effect of smoothing out the short but intense noise over this period.
- The report fails to fully consider the impact upon garden use at neighbouring properties and the report considers an idling time of 30 seconds.
- Our main response is to restrict flight frequency and avoid sensitive residential times so that, irrespective of any modelled noise levels, it should not be a significant nuisance. Other physical mitigations do not seem practicable.
- An agreed management plan to clearly demonstrate control and limitations of use should be adhered to; this should include:
  - o Limit the number of flight days to weekdays, excluding bank holidays;
  - o Limit the number of flights on any flight day to two movements (take off is one and landing is one);
  - o Limit the times when flights can occur to between 09:00 and 19:00 hours;
  - o Require record keeping so that the Local Planning Authority can be aware of every flight made within any 24 month period;
  - o Idling to be limited to 30 seconds. Idling is taken to include any warm up or maintenance periods;
  - o Take off has been modelled at a further 30 seconds, so the operation should be limited to this.

(Comments dated 24 December 2020):

Further to my comments I would recommend a noise report is submitted due to the likely quiet existing noise environment, the report would help to understand the potential effects on local amenity and perhaps advise on planning mitigation when determining this application.

(Comments dated 8 December 2020):

The Environmental Protection Act specifically exempts aircraft noise (including helicopters taking off and landing) from the general noise nuisance controls which exist under that legislation. Therefore this service cannot comment regarding potential noise impacts.

- It is recommended that the hours of proposed use are restricted;
- Any high intensity lighting should be supported by a lighting design report with recommendations to minimise impacts;

- Details of any fuel storage should be provided;
- Additional conditions to secure the following are recommended:
  - o Restriction of hours of works;
  - o Any equipment to be left running outside of the allowed working hours to be inaudible at the boundary of residential properties;
  - o No burning on site during development;
  - o Removal from site and proper disposal of all demolition materials;
  - o Provision and use of damping down facilities; and
  - o High intensity site lighting during works to be directed away from nearby residences.

**Highways England:**

No objection.

**Highway Authority:**

No objection on the basis that the proposed use is not commercial.

**County Rights of Way Officer:**

- The application documents do not recognise the existence of public footpaths which run through and adjacent to the application site.
- The applicant's attention should be drawn to the existence of the paths and that any planning permission would not construe the right to divert, extinguish, or obstruct any part of the public path.

**Ramblers Association:**

Objection.

- The application documents make no reference to footpath Seighford 9 which runs along the southern boundary of the property or footpath Seighford 7 which runs on the eastern boundary.
- It is difficult to see how the safety of pedestrians along the path could be assured with the proximity of the proposed helipad.
- Seighford 7 gives access to the Way for the Millennium which is a longer distance trail between Stafford and Newport.
- The proposed development would materially adversely affect Derrington Millennium Green SBI and the amenity of walkers users the three aforementioned paths.

**Natural England:**

Natural England has no comment to make on this application.

**Biodiversity Officer:**

No objection.

**Tree Officer:**

No objection.

- No tree of significant value would be lost or damaged as a result of the proposed development.
- Given the low rise profile of the building following construction and the nature of its earth sheltered construction I cannot see that there would be any long term implications for trees in close proximity being retained.
- No conditions are recommended.

**Seighford Parish Council:**

No objection, subject to the helicopter being used for private purposes only.

**Neighbours**

(3 consulted): Twenty-four representations received in objection, raising the following points:

- Noise would impact upon safety at nearby livery yard due to horses being scared by noise;
- Noise would impact horses' health at nearby livery yard;
- Noise impact upon nearby residential properties;
- Potential danger to people and property;
- Impact on wellbeing of livestock in the vicinity;
- Health and safety of users of adjacent public footpath;
- Noise and pollution impacts of flight over nearby residential areas;
- Disturbance of nesting birds;
- Impact upon Derrington Millennium Green Site of Biological Impact which is in the local area; and
- The applicant could use the airfield at Seighford.

Three representations received in support, raising the following points:

- Helicopters may operate from within the curtilage of a private dwelling without planning consent;
- This application is for a helipad and storage to support a permitted activity;
- The proposal would not harm the significance of the listed building;
- It is preferred that a helicopter has a safe landing space than onto a grassed area;
- The proximity to the M6 means that helicopter traffic is part of everyday life;
- Horses and livestock accept airborne activity and would hear the helicopter before take off and on approach from a significant distance;
- There is already constant motorway noise from heavy traffic;

Site notice expiry date: 8 January 2021

Newsletter advert expiry date: 6 January 2021

**Relevant Planning History**

None.

## Recommendation

Approve subject to the following conditions:

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

LP-01 C  
BP-01 B  
02087\_001\_T\_0  
GA-01 B  
GA-02

3. Notwithstanding any description/details in the application documents, the development hereby permitted shall only be used for private purposes associated with the occupier of Aston Hall and shall not be used for any separate or independent business or commercial purposes.
4. The development hereby permitted shall be operated in strict accordance with the management plan titled 'Management plan for operation of rotorcraft - Aston Hall', revised 25/03/2021.
5. The development shall not be brought into use unless and until the west elevation (A) has been completed in accordance with details, to include the proposed timber doors, which shall first be submitted to and approved in writing by the Local Planning Authority.
6. All construction works, including demolition and associated deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
7. No external means of illumination, including security lights, shall be installed in association with the development hereby permitted without the prior written consent of the Local Planning Authority.

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

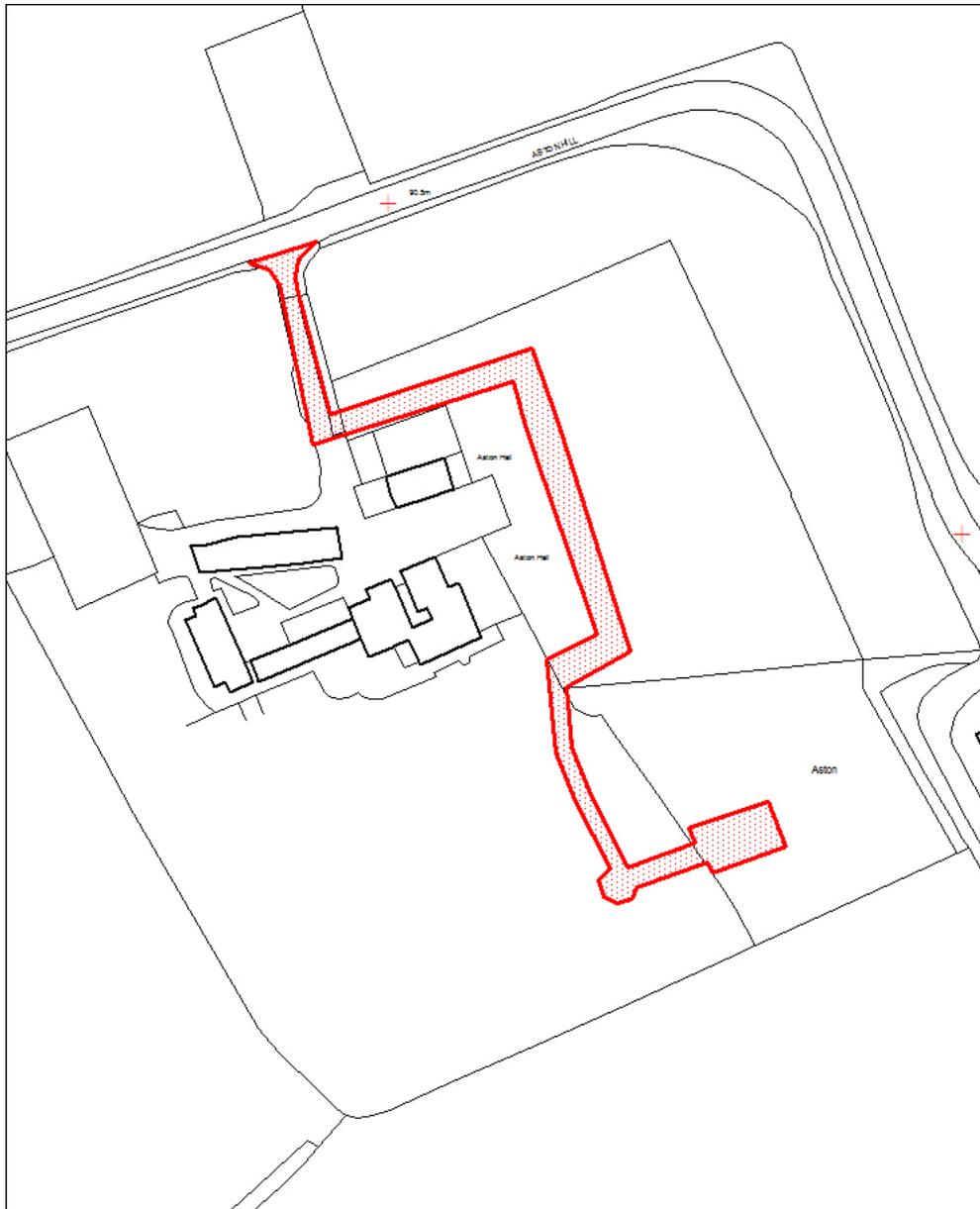
1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.

3. In the interests of the safety and convenience of users of the highway and to safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policies T1c and N1e of The Plan for Stafford Borough).
4. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
5. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
6. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
7. To safeguard the amenities of the area and to safeguard the significance of the adjacent listed building(s). (Policies N1e and N9 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 2019, 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 the Staffordshire County Council Rights of Way Officer. All comments can be viewed online through the planning public access pages of the Council's website ([www.staffordbc.gov.uk](http://www.staffordbc.gov.uk)).
- 3 The applicant's attention is drawn to the protected status of nesting birds and the requirement that they are not disrupted during the nesting season (March to August).

**20/33264/FUL  
Aston Hall  
Aston Hill  
Aston By Doxey**



<b>Application:</b>	20/32128/FUL
<b>Case Officer:</b>	Teresa Dwight
<b>Date Registered:</b>	7 April 2020
<b>Target Decision Date:</b>	2 June 2020
<b>Extended To:</b>	5 February 2021
<b>Address:</b>	Rowley House Nursing Home, 26 Rowley Avenue, Stafford ST17 9AA
<b>Ward:</b>	Rowley
<b>Parish:</b>	-
<b>Proposal:</b>	Extension over existing wing
<b>Applicant:</b>	Mr T Sanghera
<b>Recommendation:</b>	Approve subject to conditions

## REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor C V Trowbridge (Ward Member for Rowley) for the following reason:

*"N1 design - the dominant and overbearing nature of the proposed development will have a significant adverse impact upon neighbouring properties and Rowley Avenue"*

## CONTEXT

1. Rowley House was originally a large two storey detached house that was subsequently converted to a nursing home in January 1982 under planning permission 81/12557/FUL. The building has been extended on a number of occasions, including an increase in the number of bed spaces from 34 to 38 in January 2003 (application reference 02/43185/FUL).
2. The site is located between, and opposite residential properties, along Rowley Avenue, to the north of properties along Sandown Croft, and to the east of properties accessed off Rowley Avenue, albeit the latter properties are located to the rear of the nursing home.
3. The character of the wider area of the site consists of a mix of development types and forms consisting of large detached dwellings in spacious plots, infill residential development, together with non-residential development. The latter includes Rowley Hall Hospital at the far end of Rowley Avenue; Maple Court Care Home situated off Rotherwood Drive; and Blessed William Howard secondary school. The area is also characterised by established tree cover.

4. The site is within the defined settlement boundary of Stafford as shown on the Inset Plan to The Plan for Stafford Borough 2011-2031.
5. This is a full application for the construction of a 2-storey/first floor rear extension over an existing wing to the existing nursing home, together with a two storey stairwell.
6. The first floor extension now proposed will be constructed over a previously approved single storey extension, thereby creating a new two storey element to the rear aspect of the nursing home and will provide a total of 9 additional bedrooms. The proposal also incorporates a two-storey element to provide an internal stairwell connecting the first floor bedrooms to the western/rear elevation.
7. The main section of the proposed extension will have a hipped roof with an approximate maximum eaves height of 6.4 m and a ridge level height of 8.5 m. The existing single storey eaves height is approximately 2.5m and the ridge height approximately 6.8m. The height of the ridge, following amendment, sits below that of the main part of the nursing home by approximately 0.75m. The additional 2-storey stairwell element will measure approximately 6.6m wide x 1.3m deep x 7.8m maximum height (6.4m maximum eaves height).
8. Existing access arrangements will be unaffected and the existing parking provision of 19 spaces has been amended as a result of the Highway Authority identifying an under provision of 6 spaces on the originally submitted scheme.

## **OFFICER ASSESSMENT**

### **Main issues**

9. The main issues in determining this matter are firstly; the principle of the proposed development; secondly, the impact of the proposal upon the character and appearance of the area; thirdly, the impact of the proposal upon the living conditions of neighbouring occupiers at numbers 1–3 Sandown Croft and 27, 28 and 30 Rowley Avenue; and fourthly the impact upon the local road network. All issues have regard to the provisions of the Development Plan and other material considerations.

### **The decision-making framework and materiality**

10. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be undertaken in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
11. The Development Plan is The Plan for Stafford Borough 2011-2031 (PSB); and the Supplementary Planning Document on Design (Design SPD), together with the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and the National Design Guide (NDG).

## Principle of the proposed development

12. Spatial Principle 3 (SP3) and Spatial Principle 7 (SP7) of the PSB seeks to focus the majority of development within certain identified settlements via a hierarchy, with Stafford occupying the highest position.
13. Other overarching policies, such as SP1, N1, N4, N8 and the Design SPD support development provided, in part, it does not harm the character and appearance of the area, does not adversely harm residential amenity, and does not harm the natural environment. Policies T1 and T2 promote sustainable transportation, adequate parking provision, and development that does not materially impair highway safety or traffic movement. These objectives are also reflected within the NPPF, PPG, and NDG.
14. PSB Policy Stafford 1 – *Stafford Town* under the heading of housing seeks an increase in the range and type of housing including a greater number of specialist houses and extra care provision for the elderly.
15. Policy C3 supports the diversity of needs across the Borough through the provision of a number of housing types, which includes residential care homes, together with extensions to existing facilities. In this regard, the considerations of impact upon amenity, traffic movements, and compatibility with the character of the area, are set out under point c of the policy.
16. The NPPF seeks to ensure that there is an effective use of land and the provisions of developmental types to accommodate all aspects of society. This objective is also set within the PPG and NDG, subject to considerations including design, context, and amenity.
17. The application property currently operates as a residential/nursing home located within the built-up area of Stafford and occupies a highly sustainable location. Therefore, it is considered that the principle of the proposed development is deemed acceptable to the aforementioned criteria, other relevant policies of the PSB, together with national guidance.

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

- |                          |  |   |
|--------------------------|--|---|
| <input type="checkbox"/> | SP1                                      | Presumption in favour of sustainable development  |
| <input type="checkbox"/> | SP3                                      | Stafford Borough sustainable settlement hierarchy |
| <input type="checkbox"/> | SP7                                      | Supporting the location of new development        |
| <input type="checkbox"/> | T1                                       | Transport   |
| <input type="checkbox"/> | T2                                       | Parking and manoeuvring facilities                |
| <input type="checkbox"/> | C3                                       | Specialist housing                                |
| <input type="checkbox"/> | N1                                       | Design  |
| <input type="checkbox"/> | N4                                       | The natural environment and green infrastructure  |
| <input type="checkbox"/> | N8                                       | Landscape character                               |
| <input type="checkbox"/> | Stafford 1                               | Stafford Town                                     |
| <input type="checkbox"/> | Supplementary Planning Document - Design |   |

## National Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide (NDG)

### **Impact upon the character and appearance of the area**

18. Part of the purpose of design is to consider context and respond accordingly. This position is reflected within national guidance as well as policies N1 and SP7 of the PSB. The impact of the proposed development upon the host building (i.e. the existing nursing home) is also a consideration. Consideration of context is also set out at paragraph 20 (NDG), within the PPG and under section 12 of the NPPF.
19. The character and appearance of the area includes the existing nursing home, which is a sizeable two storey building, set within residential development. Numbers 1, 2 and 3 Sandown Croft as well as 30, 27 and 28 Rowley Avenue are sizeable two-storey dwellings. The disposition of the proposed extension to the neighbouring dwellings maintains a sense of openness that is set by the distances between the residential properties and the existing nursing home, including the current single storey extension within the site.
20. The overall height of the resulting two-storey element is below that of the 'main building' and this differential and subservience to the main part of the nursing home is maintained by the hipped roof form, which assisted by the stairwell reduces the massing of the resulting development. As the extension 'sits a top' of an earlier extension the development is set back from the main side elevations, the overall development would not erode the sense of spaciousness of the site, or represent a form of over-development.
21. Allowing for the design, scale, and form of the resulting two-storey extension, together with the dominance of two-storey buildings in the area, it is considered that the proposed development would not be out of character with the area or harm the host building. The proposal therefore accords with policies SP1, SP7, N1, C3 and the Design SPD, together with national guidance.

### **Impact upon residential amenity**

22. Sustainable development (paragraph 8 of the NPPF) encompasses three overarching objectives, including a social objective, within which falls the consideration of amenity. Consequently, it is accepted that privacy and the protection of residential amenity constitutes a material consideration in the decision-making process and is an important design objective.
23. This position is reflected within policy N1 of the PSB under principle e; in that design should take account of the amenity of adjacent residential areas or operations of existing activities. This position is also embraced within policy SP7; whereby, development within defined settlement boundaries should not adversely affect the residential amenity of the locality.

24. Specific guidance in respect of extensions to nursing homes is set out in policy C3 that supports extensions to such operations provided...*the development does not have an adverse impact on the amenity of adjoining properties through excessive noise, light pollution, loss of privacy and excessive traffic movements (c.iii).*
25. The Design SPD sets out a series of principles and guidelines applicable to all development (i.e. residential and commercial) in the Borough. However section 8 Guideline 6 sets separation distances to maintain privacy only in respect of extensions and alterations to dwellings and not commercial properties. However, the separation distances do provide an appropriate starting point to assess the proposed developments impact upon residential amenity as the proposal provides for bedroom accommodation.
26. The need to ensure adequate levels of amenity/well-being as part of developmental form and design is set out in section 12 of the NPPF, paragraph 123 of the NDG and Paragraph: 006 Reference ID: 66-006-20190722 of the PPG.
27. There is recognition that within suburban environments where other non-residential uses are present that there will be a degree of impact upon the amenity afforded to neighbouring properties, particularly from above ground floor level. Such views tend to be oblique and where these views are direct their impact is mitigated by adequate separation distances created by gardens/amenity areas or by design solutions.
28. In this instance the proposed development incorporates bedroom windows on the north and south elevations at second floor level and 1 toilet window on the north elevation and two on the west elevation.
29. The Design SPD recommends a distance of 21m between opposing principal windows and 12m between 2 or more storey structures (reduced to 8m for a single storey structure), where the principal window faces a wall with no principal window.
30. The proposed first floor extension contains 4 first floor principal bedroom windows to the southern side elevation facing towards neighbouring properties along Sandown Croft; 4 first floor principal bedroom windows in the northern side elevation facing towards adjacent neighbouring properties along Rowley Avenue; and non-principle stairwell and wc windows to the western rear elevation facing dwellings accessed off Rowley Avenue. The proposed extension is a minimum of 14.5m from the site boundary and 18m from the side of the rear garden curtilage to 30 Rowley Avenue. Distances to neighbouring properties exceed 21m to this side. The proposed development therefore is compliant with the requirements of the Design SPD.
31. To the southern side, the opposition distance is a minimum of approximately 20m to the side elevation of 1 Sandown Croft which contains no principal windows. Approximate distances of 21.5 m to side of the conservatory (which is not a principal room as defined in the Design SPD) and 18.5m to the side of the site boundary/rear garden are also achieved to this neighbour.

32. The Design SPD distances are in the context of windows. The 18.5m distance to the closest part of the private rear amenity space to this neighbour is also considered sufficient in the context of privacy from overlooking and in context of overshadowing (the proposed extension is not in close proximity to the site boundary and there is an intervening shared driveway and a combination of soft and hard boundary screening in place.). This is considered acceptable and neighbour amenity is not considered to be unduly affected.
33. To the west/rear, the proposed extension is a minimum distance of approximately 16.5m from the closest part of the front elevation to 27 Rowley Avenue, which is slightly oriented away from the proposal. The rear of the proposal does not contain any principal windows. At approximately 3.3m, the proposal is closer to the site boundary than existing as a result of the 1.3m depth of the proposed stairwell extension. However, there are no breaches of the Design SPD guidelines in the context of recommended distances and given that outlook is over the frontage, there is no potential for overshadowing or overlooking of the most sensitive sections of this neighbour's (rear) garden. This situation is considered acceptable and neighbour amenity is not considered to be unduly affected in these circumstances.
34. With regard to the impact of the proposed development upon light/ overshadowing as noted above the Design SPD considers this matter in terms of separation distances, which the development achieves. The PPG considers appropriate levels of sunlight and daylight under the heading of *Effective use of land* at Paragraph: 007 Reference ID:66-007-20190722
- All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design.*
35. Allowing for the east-west axis of development, height of the proposed extension, and the separation between the proposal and the neighbouring dwellings, it is considered that the proposal will not have a materially harmful impact upon light to the neighbouring properties.
36. The Environmental Health Officer has raised no objections to the proposal subject to conditions to safeguard neighbouring residential occupiers from nuisance from noise and general disturbance during construction works. Of these, the restriction of site works and site deliveries are acceptable. The request that any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings does not meet the tests for a lawful condition set out in the Guidance, and the request to control noise nuisance is addressed by public health legislation and not via the planning acts.
37. It is considered that the proposed development by reason of its design, form, composition and siting will not harm the amenity of the occupiers of 1 – 3 Sandown Croft or 27, 28, 30 Rowley Avenue and the proposal therefore accords with the PSB and NPPF.

## Adequacy of parking and access

38. The proposal does not seek to alter the access onto Rowley Avenue. However as a result of the Highway Authority calculating a shortfall of 6 spaces, the applicant submitted a revised parking layout. Three new spaces are located to the west of the originating staff spaces (i.e. forming a block of 6) with an additional space to the east of the block of 6. These spaces are accessed off Sandown Croft. Two further spaces are added to the existing spaces to the front of the nursing home and are accessed off Rowley Avenue.
39. Annex B to policy T2 of the PSB sets car parking standards for a number of development types and for nursing homes requires 1 space per resident staff, plus 1 space per non-resident staff present at peak working times, plus 1 space per 3 bed spaces for visitors. The standards also seek the provision of an ambulance space in a position which would not impede site access but located as close as possible to the main entrance.
40. The plans do not show an ambulance space; however, it is considered that the site can accommodate an ambulance to the site frontage without impeding the site access, particularly as the proposal does not alter the existing site frontage.
41. The Highway Authority in their response to the revised parking arrangement notes that the number of spaces provided meet the parking standards set out in the PSB and raise no objection subject to conditions relating to when the spaces are first brought into use and the submission and agreement of a Construction Environmental Management Plan (CEMP). The consultation response did note in relation to 'the block of 6' that..."The additional parking next to the loading area, due to their layout, can only be used by staff that start and finish a shift [all]together, as some parking bays are not accessible, at all time".

Whilst this arrangement is not ideal, it is not uncommon, the Highway Authority do not raise an objection to the layout.

## Other Issues

### Impact upon trees

42. Policies N1 and N4 of the PSB look to ensure that the natural environment will be protected. Allowing for the sylvan nature of the area the Tree Officer was consulted on the proposals and reported that no trees will be significantly impacted as a result of the proposed development and that some relatively minor cutting back of the trees on the western boundary will likely be required to facilitate construction. This work will not have a long term negative impact on health or aesthetic value and that the additional minor increase in footprint will have a negligible effect on the rooting zone of nearby trees, especially when considering the historical impact that the existing building would have already had.

43. Consequently, there is no objection to the proposed development in arboricultural terms subject to a condition requiring that a schedule of tree works be submitted and approved in writing prior to the commencement of any construction related activity and that the tree works to be carried out by an Arboricultural Association approved contractor, or an appropriately insured and qualified person to BS3998:2010 standard, in complete accordance with the schedule of tree works.
44. It is therefore considered that the proposed works comply with policies N1 and N4 of the PSB.

### **The planning balance and concluding comments**

45. The proposed development by reason of its use, design, form, composition, scale and mass would not harm the character and appearance of the area or the residential amenity afforded to local residents. In addition, the development will not harm the natural environment or highway safety. Therefore the proposal accords with policies SP1 (Presumption in favour of sustainable development); SP3 (Stafford Borough sustainable settlement hierarchy); SP7 (Supporting the location of new development); T1 (Transport); T2 (Parking and manoeuvring facilities); C3 (Specialist housing); N1 (Design); N4 (The natural environment and green infrastructure); N8 (Landscape character); Stafford 1 (Stafford Town), together with the Supplementary Planning Document on Design to The Plan for Stafford Borough 2011-2031, and advice contained within the National Planning Policy Framework, National Planning Guidance, and the National Design Guide.

### **Consultations**

#### Highway Authority:

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

Due to Government restrictions it has not been possible to carry out a site visit.

The application is for the extension of an existing care home with the proposal to increase to increase the capacity to 37 single and 3 double bedrooms with 3 permanent members of staff. The access onto the highway will not be altered and with the numbers provided the number of parking spaces provided meets the Borough Councils parking Standards.

#### Conditions

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

Prior to the commencement of any construction, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractors compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. It shall also include

a method of demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

#### Reasons

To comply with the Plan for Stafford Borough 2014

In the interest of Highway Safety

#### Tree Officer:

I can confirm that no trees will be significantly impacted as a result of the proposed development.

Some relatively minor cutting back of the trees on the western boundary is probably going to be required to facilitate construction, however this will not have a long term negative impact on health or aesthetic value.

The additional minor increase in footprint will have a negligible effect on the rooting zone of nearby trees, especially when considering the historical impact that the existing building would have already had.

There is existing hard standing within the garden area which is likely to be utilised for material storage etc.

Therefore I have no objection to the proposal and require only one tree related condition as follows:

A schedule of tree works shall be submitted and approved in writing with the local planning authority prior to the commencement of any construction related activity. Those tree works shall then be carried out by an Arboricultural Association approved contractor, or an appropriately insured and qualified person to BS3998:2010 standard; with no additional works allowed before the completion of development without the written consent of the local planning authority.

#### Environmental Health Officer:

With regard to the above application, the following conditions are recommended in order to safeguard any nearby residential occupiers from undue disturbance during development:

1. All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
2. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.
3. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.

Natural England:

No objections

Cannock Chase SAC Officer:

The application is for a Class C2 development and is exempt from the 'SAC Payment'.

Neighbours: Original consultation (11 consulted)

9 objections were received, 5 of which came from 2 addresses. 3 further objections were received on amended drawings. The matters raised are summarised as follows:

- Impact upon amenity (noise, loss of light, light pollution)
- Infill development
- Impact upon the character of the area
- Design
- Parking
- Increase in traffic

Neighbours: Consultation 31.03.2021 (Revised Parking Layout Plan)

3 representations received, all of which object to the proposed development. Summary of matters raised:

- Unrealistic space for parking and how cars will be able to manoeuvre as area is used for deliveries
- Loss of privacy / Area visible from my front bedroom window
- Sandown Close is a private road
- Scheme harm road safety
- Harm access for emergency vehicles
- One space appears to be in front of patio doors
- Overdevelopment

Site notice: 01.05.2020

Expiry date: 22.05.2020

**Relevant Planning History**

83/15492/FUL Change Of Use To Nursing/Rest Home. Approved.

84/16674/FUL Extensions To Existing Nursing Home. Approved.

85/17040/FUL Extension To Form Sun Lounge. Approved.

90/25515/FUL Single Storey Conservatory. Approved.

90/26004/FUL Extension To Residential Nursing Home. Approved.

95/32163/FUL Extension To Residential Nursing Home To Increase Occupancy From 34 To 38 Beds. Approved.

97/35546/FUL Extensions To Residential Nursing Home To Increase Occupancy. Approved. From 34 To 38 Beds. Approved.

02/43185/FUL Extensions To Residential Nursing Home From 34 Beds To 38 Beds - Renewal Of Application 35546. Approved.

## Recommendation

Approve subject to the following conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this permission
2. The development hereby permitted shall be carried out in complete accordance with the following approved plans except where indicated by a condition attached to this permission in which case the condition shall take precedence:

### Site Location Plan

Drawing No. G002621/04 - Existing floor plans

Drawing No. G002621/05 - Existing elevations

Drawing No. G002621/06a - Proposed floor layouts

Drawing No. G002621/07a - Proposed elevations

Drawing No. G002621/08a - Proposed block plan

3. The external finishes of the development hereby permitted shall match in colour, tyle, bonding and texture those of the existing building
4. All works (including demolition), site works and construction shall only take place between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 14.00 Saturdays and not at any time on Sundays, Bank or Public or holidays.
5. No deliveries to the site in connection with the development hereby approved shall occur except between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 14:00 on Saturdays and not at any time on Sundays, Bank or Public holidays
6. No development (including demolition) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include: details relating to construction access; hours of construction; delivery times and the location of the contractors compounds, cabins, material storage areas and contractors parking; and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site. All site operations shall be carried out in complete accordance with the approved CEMP for the duration of the construction programme
7. No development (including demolition) shall commence until a schedule of tree works has been submitted to and approved in writing by the Local Planning Authority and shall include details of the arboricultural consultant to be employed during the construction works and the development shall be carried out in complete accordance with the approved details.

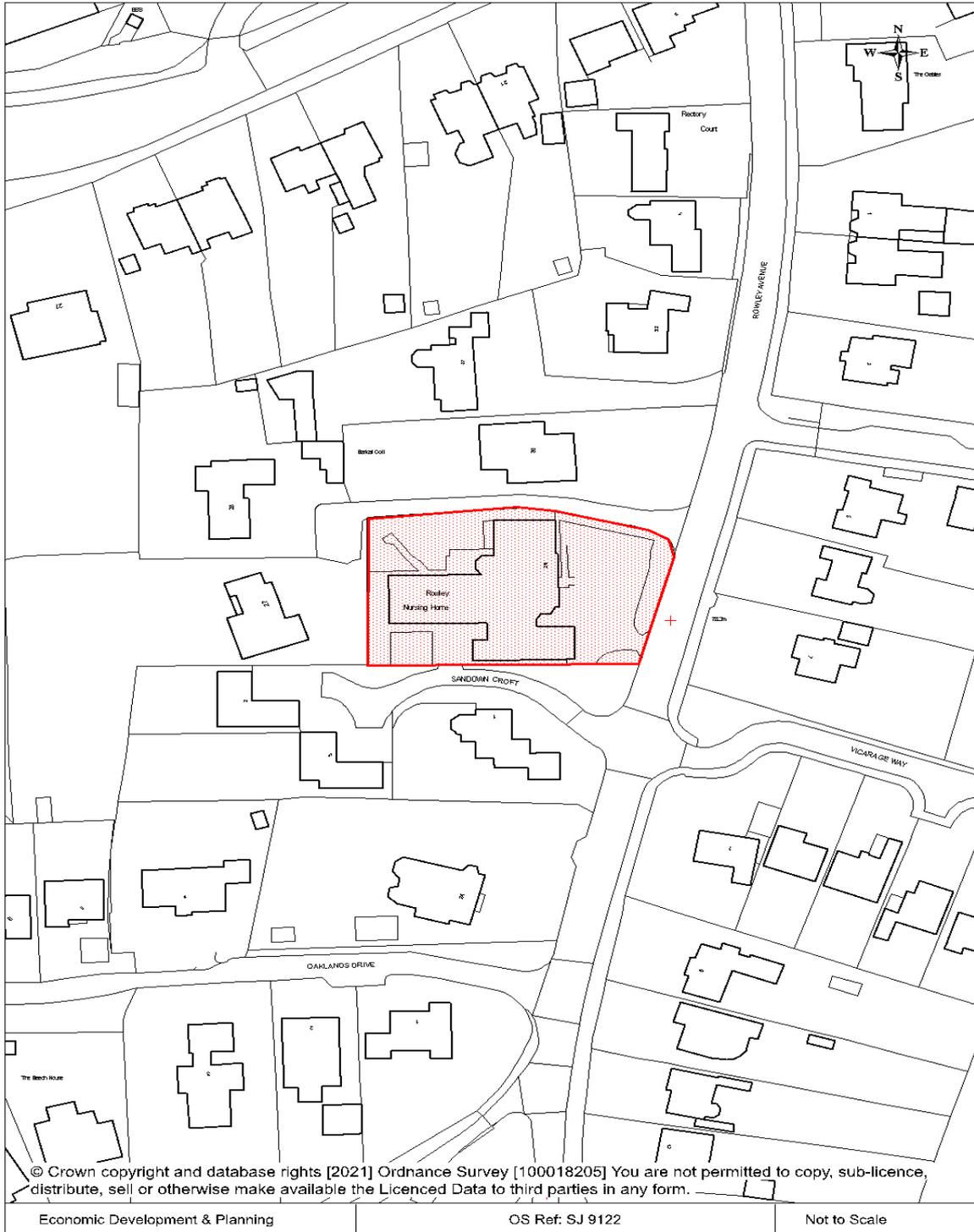
The reasons for the Council's decision to approve the development subject to the above conditions are:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. To define the permission
3. To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies N1, C3, and SP7 of The Plan for Stafford Borough 2011-2031.
4. To safeguard the amenities of the occupiers of neighbouring properties and residents of the Nursing Home and to comply with policies N1, C3, and SP7 of The Plan for Stafford Borough 2011-2031
5. To safeguard the amenities of the occupiers of neighbouring properties and residents of the Nursing Home and to comply with policies N1, C3, and SP7 of The Plan for Stafford Borough 2011-2031
6. In the interests to protect amenity, highway safety, and managing waste throughout the development works and to comply with policies N1, C3, SP7, and T2 of The Plan for Stafford Borough 2011-2031.
7. In the interest of the visual amenities of the area and to comply with policies N1, N4, SP7, and C3 of The Plan for Stafford Borough 2011-2031

#### 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, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
- 2 The Applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being 1st March - 30th September. The Developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

**20/32128/FUL**  
**Rowley House Nursing Home**  
**26 Rowley Avenue**  
**Stafford**



**Application:** 20/32679/FUL

**Case Officer:** Hannah Cross

**Date Registered:** 10 July 2020

**Target Decision Date:** 2 December 2020  
**Extended To:**

**Address:** 6 Mill Farm Barns, Mill Street, Stone ST15 8BA

**Ward:** St Michaels And Stonefield

**Parish:** Stone Town

**Proposal:** Retrospective application for the retention of existing fence and the erection of fence adjacent to Redhill Road

**Applicant:** Dr Gwydion Rhys

**Recommendation:** Approve subject to conditions

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## REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor I D Fordham (Ward Member for St Michaels and Stonefield) for the following reasons:-

'Non-conformance with required visibility splays. Danger to residents, road users and pedestrians.

### Context

#### The Application Site

The application site is a strip of agricultural land located on the edge of a larger parcel of agricultural land to the East of the residential dwelling 6 Mill Farm Barns (also in ownership of the applicant). The application site is within the Mills Character Area of the Moddershall Valley Conservation Area. Historically the land was associated to the 18th century Stone Mill (now Mill Restaurant), a grade II listed former corn mill to the east with associated outbuildings (now converted to residential use as Mill Farm Barns). The site is located within the residential settlement of Stone.

The Eastern boundary of the site abuts the main highway 'Redhill Road' which is a suburban residential street outside of the Moddershall Valley Conservation Area characterised predominately by two storey semi-detached dwellings.

## The Proposed Development

In brief, retrospective planning permission is sought for the retention of existing closed boarded fence abutting the footpath and sited adjacent to Redhill Road. The existing fence is approximately 35m in length, and the application also seeks to extend the existing fence a further 48.5m to make the total length of the fence approximately 85m. The fence is of timber close boarded design with a height of 1.8m and requires planning permission by virtue of its height exceeding 1m and position adjacent to a highway (Redhill Road). Following a recent flooding event in January 2021 the concrete boards at the bottom of the existing fence have been removed and the fence is therefore open at the bottom section.

Based on historic photographs of the site, the boundary to this section of land was previously lined with hedgerow and open metal railings.

Supplementary information provided by the applicant states that the boundary fence is required for reasons of security following issues of trespassing on the land.

Amended plans have been received throughout the application process to address Flood Risk concerns raised by the Local Lead Flood Authority. Amended plans show the removal of gravel boards at the bottom of the fence and their replacement with permeable steel grates to allow for the flow of flood water.

### **Officer Assessment – Key Considerations**

The key issues with the development are its impact upon the appearance of the Moddershall Conservation Area and surrounding residential area, highway and pedestrian safety and flood risk.

#### **1. Impact upon the Character & Appearance of the Conservation Area**

The existing and proposed hard boarded fence is situated on the edge of Moddershall Valley Conservation Area and adjacent to Redhill Road. The fence is readily viewable from Redhill Road by virtue of its position abutting the footpath however due to the topography and the steep bank leading down to the Mills Character Area, the fence does not appear prominent from within the Mills Character Area below.

The Conservation Officer has been consulted on the application and objects to the development on the basis that *'the unauthorised fence presents a hard and dominating boundary to the conservation area and obstructs these views across the valley'*. The Conservation Officer notes that there are few formal walls or fences within the Moddershall Valley Conservation Area itself with most property boundaries being undefined, or edged by hedges, groups of trees and the proposed fence would be out of character with this boundary treatments.

It is agreed that there are few formal walls or fences within the Moddershall Valley Conservation Area itself with most property boundaries being undefined, or edged by hedges, groups of trees or post and rail fences. The preferred boundary treatment in this location would therefore be a softer boundary treatment, akin to the hedgerow and railings previously in situ. However, as previously referenced the fence does not appear prominent from within the Mills Character Area below and is viewed much more readily from the

residential street 'Redhill Road'. Redhill Road takes a suburban character and the domestic properties along Redhill Road do have a mix of boundary treatments including fences, walls and hedges. In the context of this streetscene which lies outside of the Conservation Area the fence is not considered to appear incongruous.

Whilst softer in its appearance it does not appear that the previous boundary treatment at the site allowed for views across the valley given the established hedgerow. Furthermore, whilst the Conservation Officer's objections are noted (summarised at the bottom of this report), in this case it is not considered the development results in material harm to the Conservation Area or surrounding residential area sufficient to warrant refusal of the application.

It is also important to acknowledge the permitted development rights of this section of land which allows for the erection of a fence of up to 1m in height adjacent to the highway or 2m when set back from the highway. A fence of this nature could be erected without the requirement of planning permission.

In all, on balance it is considered that the proposed fence would not result in substantial harm to the appearance of the surrounding area beyond what is allowed for under permitted development.

Policies and Guidance:-

National Planning Policy Framework (NPPF) – Section 12. Achieving well-designed places  
Planning (Listed Building and Conservation Areas) Act 1990

The Plan for Stafford Borough (TPSB) 2011-2031 – Policies N1 Design, N8 Landscape Character, N9 Historic Environment

Supplementary Planning Document (SPD) – Design

National Design Guidance (NDG)

## **2. Highway and Pedestrian Safety**

The fence is located adjacent to the driveway at 'Brook View' and therefore it is important to assess the impact the fence has upon vehicular and pedestrian visibility from this access. Staffordshire County Council Highway Authority have been consulted on the proposal as the relevant statutory consultee and raised no objection to the application.

Comments provided by the Highway Authority stated that pedestrian visibility splays require an unobstructed view above 0.6m in height and it would be of no advantage lowering the height of the fence to 0.6m if the existing private fence on the driveway was higher. The private fence on the boundary of Brook View and at the drive exit exceeds 0.6m at a height of approximately 1m. Furthermore it is considered the existing fence sited within the curtilage of 'Brook View' and at the drive exit provides for inadequate pedestrian visibility and furthermore, the proposed fence would not result in detrimental harm to pedestrian safety beyond the existing situation.

The Highway Authority comment that the fence is sited behind the footpath, on private land and does not appear to be within the agreed visibility splays for Brook View (approved under 14/20088/FUL).

Based on these comments from the Highway Authority, it is considered that the proposal does not have a detrimental impact upon highway and pedestrian safety.

Policies and Guidance:-

National Design Guidance (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

### **3. Flood Risk**

The fence replaced a hedgerow and metal railings which previously allowed for the flow of flood water down to Scotch Brow. Neighbour representations highlight issues of increased risk of flooding in the area since the erection of the existing fence proposed to be retained. Comments state the two adjacent houses (Brook View and Mill View) have been subject to flooding since the erection of the existing fence.

Whilst the fence is located within Flood Zone 1, the LLFA have stated that the fence is situated on a low point of Red Hill Road and is a natural exceedance route for flood water. A Flood Risk assessment has been submitted in response to these concerns. The Flood Risk assessment concludes, based on modelling data, that the existing and proposed fence will not increase the risk of flooding in the area and that flooding in the area is as a result of inadequate drainage system.

The LLFA were consulted on this Flood Risk assessment and stated that the latest flood events demonstrated that the fence acts as an impediment to the natural flow of flood water and that any boundary fence should allow sufficient clear space to allow the unimpeded flow of flood water from Redhill Road to the lower lying land and towards Scotch Brook.

Plans have since been amended to show the removal of gravel boards and replacement with a steel grate along the full extent of the existing and proposed fence. The steel grate has metal bars, with each metal bar taking a width of approximately 12mm and spaced apart by approximately 150mm. The LLFA consider these amendments to the scheme to be acceptable in terms of flood risk, allowing sufficient space to allow the unimpeded flow of floodwater.

It is therefore considered the final amended design shown on Drawing Number JPK/20/4533/2 revision F is sufficient to mitigate against flood risk.

### **4. Concluding comments and planning balance**

The existing and proposed fence, in the context of the surrounding residential area is on balance considered to be acceptable in terms of its design and appearance. The fence is not considered detrimental to highway safety and the amended design is considered to sufficiently mitigate against flood risk in the area. On balance, it is considered the amended scheme should be granted planning permission subject to conditions.

### **Consultations**

Highway Authority Form X dated 03.02.2021:

There are no objections on Highway grounds to this proposal.

#### Note to Planning officer

The visibility splays are behind the footpath on private land and do not appear to be within the agreed visibility splays for Brook View. When the visibility splays for Brook View (14/20088) were approved, the land within the splays had to be either owned by the developer or on highway land, so that they could be maintained at a maximum height of 0.6m. If any section of the area required for a visibility splay falls outside the plot's boundaries, other than on highway land, then the adjoining land owner must agree to the land being kept clear of any obstruction higher than 0.6m if the planning permission is to be operable. The problem is that there is no way to force adjoining owners to agree to limit what they can do on their premises and they may, therefore, acquire what amounts to a veto over the plot's development. The visibility splays for Brook View, if agreed, from above had to be within the land owned by the developer or highway land. If the new fence is on private land and not on the highway it cannot be within the land classed as visibility splays. A visibility splay is formed by measuring to a point 2.4m back from the carriageway in the centre of the driveway or entrance. A line (70m long in the case of a 30mph limit) is then drawn to the right, to a point where it strikes the near-side edge of the carriageway. Another 70m line is then drawn to the left, to a point where it strikes the opposite edge of the carriageway. Any land that is contained within the unequal triangle that is thus formed on the entrance side of the carriageway, must be kept clear, in perpetuity, of any obstruction above 0.6m. If you think about it, the distance back allows for the bonnet length and the height is one's eye height when sitting in the driver's seat.

#### Highway Surgery comments provided 08.12.2020:

I agree that the fence does cause visibility problems for pedestrians, as they cannot be seen by the driver leaving the drive. But the fence probably does not cause visibility problems for the vehicle entering onto the carriageway.

It would be helpful, if the first panel was lowered for pedestrians, however, the fence on the private driveway may be higher than 0.6m max height required for pedestrian visibility splays. It would be of no advantage lowering the first panel to 0.6m if the fence on the driveway was higher.

#### Conservation Officer comments (to original scheme):

The application site is within the Mills Character Area of the Moddershall Valley Conservation Area. Historically the land was associated to the 18th century Stone Mill (now Mill Restaurant), a grade II listed former corn mill to the east with associated outbuildings (now converted to residential use as Mill Farm Barns).

The application relates to an unauthorised 1.8m high close board timber fence with concrete posts and gravel board which has been erected along Redhill Road, Stone and is located at the top of an embankment whereby the land level slopes down eastwards to Mill Farm Barns. The application also seeks to extend the existing fence a further 48.5m to make the total length of the fence approximately 85m.

Within the Mills Character Area there are few formal walls or fences, most property boundaries being undefined, or edged by hedges or groups of trees; this was the case originally with the application site prior to the erection of the current fence. The domestic properties on the western side of Redhill Road do have a mix of boundary treatments including fences, walls and hedges but most of these are of a low height and are outside of the conservation area boundary.

Due to the topography, natural banks or the steep cliff faces of the valley often serve to create natural boundaries adjacent to the road. Occasional lengths of estate style or simple vertical iron railings survive in some areas. Prior to the fence being installed there were vertical iron railings running along the boundary, the very nature of the railings allowed for views of the valley to be glimpsed through the trees and hedges. From Redhill Road, there are clear views down to the collection of historic buildings at Stone Mill and Mill Farm Barns and the wooded area of the valley beyond. The unauthorised fence presents a hard and dominating boundary to the conservation area and obstructs these views across the valley.

The retention of the unauthorised fence and its proposed extension by a further 48.5m would and does cause harm to the character and appearance of the Mills Character Area of the Moddershall Valley Conservation Area. Its impermeable nature and excessive height create a domineering and solid barrier to the conservation area and block views over the valley beyond. The boundary serves an orchard, and the land in question is not within the lawful residential curtilage of any domestic premises; no clear and convincing justification has been provided to explain the necessity for such an obtrusive boundary treatment in this location.

A more appropriate solution would be for the iron railings to be reinstated of similar design to the ones which have been removed, perhaps at a height of 1.2m-1.4m. The submitted supporting statement advises that replacing the metal fence was not financially viable; this is not considered to be justification for the harm caused to the character and appearance of the conservation area by virtue of the cheaper closed board fence with concrete posts and gravel boards.

It is also my understanding from viewing the comments received from local residents and the comments of the Flood Risk Management Team that the installation of the unauthorised fence has consequently caused flooding issues – if the fence were to be replaced with metal railings as the runoff water would be able to drain through as it did previously, helping in part to alleviate some of the flooding issues.

In summary, the development causes substantial harm to the character and appearance of the Moddershall Valley Conservation Area without clear and convincing justification and is contrary to policies N1, N8 and N9 of the Plan for Stafford Borough and paragraphs 194 and 195 of the National Planning Policy Framework 2019. Furthermore, the application fails the Section 72 test of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention be paid to the desirability of preserving or enhancing the character and appearance of conservation areas. On this basis there is a strong conservation objection to the retention and proposed extension of the unauthorised boundary fence; the application should therefore be refused on conservation grounds.

Notwithstanding the above, should a revised scheme be submitted which addresses the conservation concerns and issues then I would request conservation is re-consulted to provide comments on any such amendments.

Further Conservation Officer comments (to amended scheme) dated 17.02.2021:

Previous objections still stand.

Local Lead Flood Authority (to original scheme):

As a non-major development we are not statutory consultees, but would like to offer the following comments as there has been flooding reported:

The boundary is at a low point on Redhill Road which provides a natural exceedance route for flood waters that exceed the capacity of the highway drainage system. If this natural flow path is blocked, flood water can build up on the highway to levels that pose a flood risk to adjacent properties, as reported in the attached comments. It is therefore important that any boundary fence should allow sufficient clear space to allow the unimpeded flow of flood water from Redhill Road to the lower lying land and towards Scotch Brook.

Local Lead Flood Authority (to final amended scheme) dated 18.03.2021:

Yes, with the galvanised steel grate along the full length (existing and proposed) this is acceptable in terms of flood risk.

Parish Council: The Town Council supports the comments made by Councillor I. Fordham in the 'Call In' document submitted to Stafford Borough Council.

Parish Council to final amended scheme dated 26.03.2021: The Town Council wishes to repeat the observations made in response to the original plans, submitted to Stafford Borough Council on 4 November 2020:

The Town Council supports the comments made by Councillor I. Fordham in the 'Call In' document submitted to Stafford Borough Council.

Neighbours (27 consulted): 28 representations received throughout application procedure prior to final amendments (26 objections received, 9 of which are from same address, and 2 comments in support), material planning considerations summarised below:

- Harm to the character and appearance of the Conservation Area
- Height and length of the fence is out of keeping with others in the area
- Increase risk of flooding in the area (to adjacent dwellings 'Brook View' and 'Mill View' due to existing and proposed fence
- Danger to road users and pedestrians due to lack of visibility from 'Brook View'
- Proposed extended fence will increase flood risk in the area
- Harmful visual impact on the surrounding streetscene and Conservation Area

- Fence will mitigate issues with trespassing and antisocial behaviour from Redhill Road and matches others along Redhill Road

Neighbours (27 re-consulted) : 4 further representations received to final amended scheme (3 objections and 1 in support) . Material planning considerations summarised below:

- No evidence to suggest the modifications proposed would effectively reduce the future flood risk to neighbouring properties
- Unnecessary destruction of hedgerow and negative visual impact
- The fence provides security against trespass and the extension will improve this

Of the total 32 representations received, 3 have been received in support stating that the fence is necessary to provide security against trespassing and will not harm the appearance of the area.

Environmental Protection Lead Officer: No comment

Tree Officer: No response received

Site Notice:

Expiry date: 20.11.2020

Newsletter Advert:

Expiry date: 11.11.2020

### **Relevant Planning History**

14/20088/FUL - Development consisting of 2 no. semi-detached properties (resubmission of 13/19729/FUL) – Land Adjacent to Redhill Cottages (now known as ‘Mill View’ and ‘Brook View’. – PERMITTED – 24.04.2014

### **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:-

Location Plan Revision B indexed 07.10.2020

JPK/20/4533/BP Revision B

JPK/20/4533/1 Revision B

JPK/204533/2 Revision F

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

1. To define the permission.

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 2019, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.

**20/32679/FUL**  
**6 Mill Farm Barns**  
**Mill Street**  
**Stone**



<b>Application:</b>	<b>15/23264/FUL</b>
<b>Case Officer:</b>	John Holmes
<b>Date Registered:</b>	13 November 2015
<b>Target Decision Date:</b>	8 January 2016
<b>Previous Committee Resolution:</b>	15 February 2017
<b>Address:</b>	Land between Boat Yard and Chandlers Way, Newcastle Road, Stone
<b>Ward:</b>	St Michael's and Stonefield
<b>Parish:</b>	Stone Town
<b>Proposal:</b>	Construction of 2 x three-bed and 2 x four-bed houses
<b>Applicant:</b>	Mr George Oxford
<b>Recommendation:</b>	Approve subject to a Section 106 Agreement to secure £10,000 for highway works, including road build outs, road markings and signage, to the access to Newcastle Road, and subject to conditions.

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On 15 February 2017 Planning Committee resolved to approve this full planning application subject to a Section 106 Agreement to secure £10,000 for highway works, including road build outs, road markings and signage, to the access to Newcastle Road, and subject to conditions. A copy of the report to, and minutes of, the Planning Committee meeting of 15 February 2017 are appended to this report.

The s106 agreement was not progressed for a considerable period of time, but has now been completed. Normally the planning permission would be issued immediately after completion of the s106 agreement, but due to the time period which had elapsed between the date of the Committee resolution and completion of the s106 agreement legal advice was sought on whether the application should be referred back to Planning Committee to endorse the original resolution.

It is necessary to consider what changes to national and local planning policy have occurred in the intervening period since the February 2017 resolution, and whether there are any other material considerations to take into account.

### National policy

Changes were made to the National Planning Policy Framework in July 2018 and February 2019, but none of the changes are of direct relevance to this proposal.

### Local policy

There have been no changes to The Plan for Stafford Borough

The Stone Neighbourhood Plan has significantly progressed. At February 2017 the Plan was not at an advanced stage and carried no weight. However by the time the s106 agreement was completed the Plan had progressed to the referendum stage, and subsequently on 6 May 2021 at referendum was subject to a majority 'yes' vote, and will now proceed to become a 'made' plan.

Three Neighbourhood Plan policies are considered to be of relevance: H2: Housing Design, Policy CAF3: Protected Views and Vistas, and Policy CAF4: Local Green Space (LGS)

Policy H2: Housing Design states that new development in Stone must deliver high quality design, and states that development proposals must, as appropriate, address 4 criteria. It is considered that as a result of the amendments to the design of the dwellings including the revised elevational treatments which show more traditional brick features the proposal is of high quality design. However the development does not specifically make provision for electric car charging.

Policy CAF3: Protected Views and Vistas states that development proposals must, where applicable, assess and address their impact on the special local views and vistas within the built and natural environment of Stone, as shown on the Map at Appendix E. The view and vista which is appropriate is 7 – Views and vistas along the Trent and Mersey Canal corridor. This view and vista is a lengthy area running from the canal corridor adjacent to Whitebridge estate to the area south of Crown Street on the edge of Stone Town Centre, within which the Trent and Mersey Canal and Newcastle Road both run in and out of the area. Long distance views are restricted by the railway embankment and bridge over Newcastle Road, and the development would not be viewable from Newcastle Road along the vista as a result of being set back from the road down the access road towards Stone Boat Building, and being adjacent to the modern Chandlers Way housing development.

Policy CAF4: Local Green Space (LGS) states that the areas detailed as LGS in Appendix C of this Plan are designated as Local Green Spaces where development will be managed in a manner consistent with policies for Green Belt. The application site is adjacent to, but not within LGS04 Goodall Meadows.

### Other material considerations

One further neighbour objection was received following the completed s106 agreement being posted in the application details on the website. The objection is on the grounds of implications of infill development and traffic, both of which Planning Committee considered in resolving to approve the application in February 2017.

## Conclusion

Whilst both national and local planning policy has changed since February 2017, there is no significant change which would result in a different recommendation being made if the same application was submitted new today. As such there are no grounds to depart from the Committee's previous decision.

To depart from the February 2017 decision and overturn the recommendation should only occur if the Planning Committee conclude that there are good sound planning reasons for doing so and that it can be demonstrated that the development will cause harm over and above that considered in the planning balance in the February 2017 decision.

## 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. The approved plans are drawing nos. 3090/PL01C; /PL02B; /PL04E; /PL07D; /PL08D; /PL09C; and SK02. The development shall be carried out in accordance with the approved plans before it is first occupied.
3. Notwithstanding any information in the application, no development shall be commenced until samples or photographic illustrations of the external bricks and tiles to be used on the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The roof tiles shall be made of clay. Thereafter only the approved materials shall be used unless alternatives have first been agreed in writing by the Local Planning Authority.
4. The means of enclosure shown on the approved plans shall be constructed for each dwelling before the first occupation of that dwelling and thereafter they shall be retained. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or as it may be subsequently amended, no other walls, fences or means of enclosure shall be erected without the prior written permission of the Local Planning Authority.
5. Notwithstanding any information in the application, no development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours ensuring that there are no levels changes within Root Protection Areas of existing trees.

The approved landscaping works shown shall thereafter be carried out within 8 months of the last dwelling being occupied. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

6. Construction works including deliveries to the site shall only take place between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 14.00 on Saturdays. There shall be no such working on Sundays or bank/public holidays.
7. There shall be no burning on site.
8. Facilities for the damping down of dust on the site shall be provided and used throughout the construction period.
9. Any equipment or plant on the site left running outside of the permitted hours of working shall be inaudible at the boundary with occupied dwellings.
10. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work. (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the local planning authority.
11. All trees, shrubs, hedges and bushes which are to be retained in accordance with the approved plans and particulars shall be protected in accordance with BS 5837: 2012 "Trees in Relation to design, demolition and construction" recommendations for tree protection. This shall include establishing a Root Protection Area (RPA) around each tree, shrub, hedgerow or bush, in accordance with the recommendations of BS 5837: 2012. All RPAs must be enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing with the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. No works or alterations to existing ground levels or surfaces shall be undertaken within the RPAs without the prior written approval of the local planning authority. No materials, equipment or vehicles are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained. All tree protection measures shall be agreed in writing with the local planning authority and their installation undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

12. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans and they shall thereafter be retained.
13. The development hereby permitted shall not be commenced until the access road to the development from Newcastle Road has been widened in accordance with plan no. 3090/PL04E.
14. Before construction works of any kind are commenced on site a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted Construction Management Plan shall include the following details:- The routing and operational characteristics of construction vehicles to and from the site;- Parking facilities for vehicles of site personnel, operatives and visitors;- Arrangements for the loading and unloading of plant and materials;- Areas of storage for plant and materials used during the construction of the proposed development;- Measures to prevent the deposition of deleterious material on the public highway during the construction of the proposed development.  
  
The Construction Management Plan shall be adhered to for the duration of the construction phase.
15. No construction of the dwellings shall commence until the existing buildings have been demolished and removed from the site.

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

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission and to ensure the satisfactory appearance of the development (Policy N1g and h of The Plan for Stafford Borough)
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To ensure an adequate level of privacy for prospective and adjoining residential occupiers and to safeguard the character and appearance of the area (Policies N1 and N9 of The Plan for Stafford Borough)
5. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
6. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).

7. To safeguard the area from fumes, smoke and smells (Policy N1e of The Plan for Stafford Borough).
8. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
9. To safeguard the occupiers of the approved dwelling(s) from undue noise. (Policy N1e of The Plan for Stafford Borough).
10. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).
11. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).
12. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
13. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
14. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
15. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

#### Informative(s)

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

## Previous Planning Committee report 15 February 2017

<b>Application</b>	<b>15/23264/FUL</b>	<b>Case Officer:</b>	Mark Alford
<b>Date Registered</b>	13 November 2015	<b>Target Decision Date</b>	8 January 2016
<b>Address</b>	Land between Boat Yard and Chandlers Way Newcastle Road Stone	<b>Ward</b>	St Michael's and Stonefield
		<b>Parish</b>	Stone Town
<b>Proposal</b>	Construction of 2 x three-bed and 2 x four-bed houses		
<b>Applicant</b>	Mr George Oxford		
<b>Recommendation</b>	Approval subject to a Section 106 Agreement to secure £10,000 for highway works, including road build outs, road markings and signage, to the access to Newcastle Road, approve subject to conditions.		

**Reason for referral to Committee**

- (a) The application was deferred at the Committee meeting on 7 December 2016 on the grounds of design and for further clarification of highway safety.
- (b) The application has been called-in by Councillor Mrs J Farnham (Ward Member for St Michael's and Stonefield) for the following reason:-

"Dangerous access onto Newcastle Road? Direction of gas pipeline extending into development. Definitive ownership of access lane."

**Context**

Following the previous deferral by Committee, amended plans have been received showing the layout of the car parking at the rear with two less spaces but more manoeuvring area, and revised elevational treatments which show more traditional brick features and minor detailing and layout changes. Any further observations of the Highway Authority would be available at the meeting.

The applicant has submitted the following observations in support of his amendments:-

" Several comments were made (at the previous meeting when the application was considered) about the non "traditional" treatment of the elevations...and now attach our proposed revised elevations which are rich in traditional brick detailing."

"(The Conservation Officer and Design Advisor) propose locating all the car parking to the canal side/front of the scheme, which is against their last comments about the then 2 car parking spaces shown at the front giving the scheme "disproportionate emphasis on vehicular circulation, hardstanding and parking"... We certainly don't agree with the comment that our revised scheme gives an "anonymous and restless" character... Rather, we consider that the revised scheme has responded well to the Planning Committee member comments and now provides an attractive frontage to the canal... We have also addressed the Highways concerns."

The site is about 0.17 hectares and is currently used as a paddock for horses and as an orchard and private allotment. This area lies within the Stone Conservation Area but the paddock lies outside. There are a number of sheds or animal shelters on both areas. The Design and Access Statement explains that the land along with the access track was acquired by Western Power Distribution for an electricity substation but it is no longer required. There is a larger area of allotments to the rear and south-east side of the paddock managed by the Town Council that would remain. Houses have been recently constructed on the north-west side of the site as Chandler's Way.

The site is accessed from Newcastle Road adjacent to the canal overbridge via a service road that leads to the adjacent boatyard, Stone Boat Building and other business units. The overbridge has formed a slight bend in Newcastle Road and a design plan (drawing no.SK02) has been submitted showing the service road in effect extended into the wider part of Newcastle Road west of the bridge. This would enable visibility to be gained to the east over the bridge. Exit from the service road would be restricted to left turn only and two physical buildouts of 150mm granite blocks or similar for traffic calming would channel this left turn.

The service road is also shown to be partially widened at the access to the site where a driveway would lead past two parking spaces under a bridged access to the main area of eight parking spaces at the rear.

A terrace of four houses is shown facing the canal following previous observations from the Conservation Officer. They are shown in a staggered layout with the outer two houses having slightly larger floor areas but the inner two each having a fourth bedroom in the bridging link of the terrace.

The dwellings would have grey slate tiles for the roof and mainly red brick for walls. Dormer and bay projections would be zinc clad.

## **Officer Assessment – Key Considerations**

### **1. Policy and Principle**

The site is included within the Stone settlement boundary as shown in Part 2 of The Plan for Stafford Borough (PSB).

The southern two thirds of the land (the paddock area) is shown as Green Infrastructure (GI) on the Stone Area Inset 2 of the PSB. Policy Stone 1 – Stone Town of the PSB under "Infrastructure" requires the provision of new GI through the River Trent area as well as by local area schemes for improved GI and biodiversity assets. Policy N4 of the PSB also

refers to GI and states that the network as defined on the Proposals Map will be protected, enhanced and expanded. However, the Part 2 proposals map of that Plan does not identify any part of the application site as a local green space or a community facility as it does for other areas around Stone.

The terms of Policy C7 of the PSB in relation to allotments and the observations of the Parks and Open Spaces Development Officer are noted, but only about 33% of the site is used as a private allotment and orchard and this lies to the north of actual siting of the houses shown. A larger area of allotments managed by the Town Council lies to the rear and to the south-east of the site and would not be affected by the proposals. She is therefore incorrect in stating that the site covers these allotments. She also does not explain how other, better recreational facilities can be provided without a contribution.

Policy Stone 1 – Stone Town of the PSB also highlights the need to provide 1,000 new market and affordable homes for Stone within the Plan period. Furthermore, the site is a very accessible location for housing within Stone, being within an easy walk to and from the town centre and its facilities and services.

Although the northern section of the terrace lies within the Stone Conservation Area, the Conservation Officer does not object in principal. Given also the small site area; its location as a relatively narrow point of land projecting from the inner edge of the very extensive GI designated area for the River Trent into the built up area of Stone; and the absence of definite recreational or amenity proposals for the site, it is considered that residential development is, on balance, acceptable in principle. The development would not prevent the future, improved access to the GI to the south-west as the existing track to the allotments to the rear of the site would be unaffected.

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 14 – presumption in favour of sustainable development

Paragraph 17 (Core Principles) – identify and then meet housing needs; promote vitality of main urban areas; focus development on locations that are sustainable conserve heritage assets in a manner appropriate to their significance

Section 6 – Delivering a wide choice of high quality housing

Section 12 – Conserving and enhancing the historic environment

Plan for Stafford Borough:

Spatial Principle 3 - Stafford Borough Sustainable Settlement Hierarchy

Spatial Principle 7 - Supporting the Location of Development

Stone 1 – Stone Town

N4 – The Natural Environment and Green Infrastructure

N9 – Historic Environment

C7 – Open Space, Sport and Recreation

Draft Part 2 Plan for Stafford Borough – Stone Area Inset Plan

## 2. Spacing and amenity of houses

The layout substantially meets Space About Dwellings Supplementary Planning Guidance (SAD). Plot 4 would have a maximum rear garden depth of 8.2m and an area of 79 square metres (SAD suggests minimum 10.5m for half the width of the plot and minimum 65 square metres). However, outlook from the rear principal windows of all but Plot 3 would exceed the 21m SAD guidance. Even so, Plot 3 would exceed the 14m SAD guidance from the side of 7 Chandlers Way which has no principal windows. Furthermore, front outlook from all four dwellings would exceed 21m. The side window to the dining room of Plot 4 would be within 6m of the boundary but it would be less than 1m in width, and would thus comply with SAD. Plot 1 would have a front principal window 5m from the boundary. Nevertheless, it is considered that an acceptable level of outlook, daylight and privacy would be provided for all prospective occupiers. There would also be no significant harm to the amenities of existing, adjacent residential occupiers.

With reference to the observations of the Canal and River Trust, the Environmental Health Officer raises no concerns about any impacts from the adjacent business uses but requires reasonable controls over the times and nature of building work.

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 17 – Core Principle – seek to secure a good standard of amenity

Plan for Stafford Borough

N1 - Design

Supplementary Planning Guidance (SPG) – Space about Dwellings (SAD)

## 3. Design and appearance of houses, and the historic environment

It is considered that the layout of the houses and their design and finishes have been suitably amended to address the previous concerns of the Committee. A greater emphasis is now shown on the use of more traditional forms, motifs and materials in terms of the overall design of the houses. It is considered that the appearance of the dwellings would add visual interest and distinctiveness to this part of Stone

The terrace of houses would also serve to screen views of the rear parking area and most of the cars from the canal although they would be glimpsed through the bridged access to the rear.

Five orchard trees within the conservation area are shown to be removed along with the existing boundary hedge to the access road. This hedge removal is required to enable the access road to be widened by about 0.5m to 1.2m along the site frontage. A young evergreen tree in the north-west corner of the paddock but not in the conservation area is also shown to be removed. There is a line of existing trees on the rear section of the north-western boundary, but they would be at least 6m from the nearest dwelling and are shown to be retained. They are not covered by a Tree Preservation Order nor are they sited within the conservation area. Conditions would be added to secure tree protection

measures, and a landscaping scheme, particularly for the front gardens and parking spaces.

The site is not directly visible from Newcastle Road and is set well back from it. In the conservation area context of the historic road frontage, 71 Newcastle Road occupies the land forward of the site but is not a Listed Building. Numbers 75 to 81 further to the west are Listed Buildings. Numbers 52 and 54 on the opposite side of the road, and the canal overbridge are also listed. In terms of the conservation area context of the canal around the site, this is generally of mixed, post-WW2 development, with the three storey Cameron Wharf apartments on the opposite canal bank and the utilitarian-looking business buildings that share the boat yard site to the south-east. Some of the newer, large detached dwellings of Chandler's Way also lie within the conservation area, but are set back away from main views from Newcastle Road in a similar way to this application site.

Given these existing circumstances, and whilst not detracting from the significant contribution that the historic road frontage makes to the townscape of the conservation area, it is considered that the proposals would enhance the appearance of the setting of the Stone Conservation Area.

The observations of the Conservation Officer have been passed to the applicant and it has been pointed out that the Design Advisor's layout includes two extra dwellings. However, the applicant does not wish to further amend the scheme.

Policies and Guidance:-

National Planning Policy Framework:

Paragraph 17 – Core Principle – seek high quality design

Section 6 – Requiring good design

Plan for Stafford Borough:

N1 – Design

N9 – Historic Environment

#### **4. Highways**

The Highway Authority has clarified that it has now no objection in safety terms to the proposals, and it clearly supports the proposed redesign of the service road access onto Newcastle Road as being safer. It is requiring a considerable sum for road safety measures and its suggested conditions would be included in a permission.

In terms of off-road parking, the scheme would provide two vehicle spaces per dwelling but would not have a visitor's space as required by the PSB. The Highway Authority is however satisfied and a condition would secure the retention of the spaces.

Policies and Guidance:-

Plan for Stafford Borough:

T1 – Transport

T2 - Parking and Manoeuvring Facilities.

National Planning Policy Framework:

Section 4 – Promoting sustainable transport

## **5. Gas pipeline**

The dwellings would be at least 16.5m from the centre line of the gas pipeline that runs underground alongside the canal. Both the Health and Safety Executive and National Grid are satisfied that the pipeline would remain safe with the construction and occupation of the dwellings.

### **Conclusion**

The scheme would be sited in an accessible location in Stone and overall, it would be sustainable development. As required by paragraph 49 of the NPPF, these housing proposals should be considered in the context of the presumption in favour of sustainable development but they would also enhance the setting of the Stone Conservation Area.

### **Consultations**

#### **Highway Authority:**

Revised scheme

The revised car parking arrangements are satisfactory and I remove my objection.

(Any further observations would be available at the meeting)

Highway Authority (Previous scheme)

No objection to the access arrangements to Newcastle Road subject to s106 agreement to secure £10,000 for safety enhancement works to Newcastle Road, and subject to conditions to secure parking and turning space on the site; the widening of the access track; and a construction management plan; however, I object to the parking arrangements due to limited accessibility.

#### **Health and Safety Executive:**

Do not advise against the granting of planning permission on safety grounds re: the adjacent gas pipeline.

#### **National Grid:**

As long as any building is not within 14m, we would not object. In this instance the normal easement width is 12.2m, therefore, if the development remains outside of the easement to the gas pipeline, there is no objection.

**Parks and Open Space Development Officer:**

Due to the size of the development, we do not seek a contribution towards open space. However, as the application is on land currently used for allotments, development should be resisted unless better facilities in terms of quality, quantity and accessibility can be provided as per Policy C7: Open Space, Sport and Recreation (of TPSB).

**Conservation Officer:**

## Revised scheme

The orientation towards the canal is now improved but the multiple, near blind gabled design still fails to address the canal satisfactorily, giving an anonymous, restless character to the new dwellings. The large vehicular access through the house reduces their architectural coherence. The site still remains dominated by an excess of hardstanding and car parking space which limits its townscape contribution.

I still consider that it would be possible to develop the site in a way which offers a better presentation to the canal, more in keeping with the character of other older development, and which minimises the intrusion of vehicular circulation. The Council's Design Advisor has prepared a layout for the site which has strong conservation merit and also offers the developer two additional dwellings.

## Conservation Officer (Previous scheme)

This is a decided improvement in that the orientation of the housing is now addressing the canal rather than turning away from it; however, it is still quite tentative in its relationship to the canal frontage due to the still disproportionate emphasis on vehicular circulation, hardstanding and parking; this is made worse by the set back of the central bays with the road way running through to the rear parking area; the gabled frontages are restless and suggestive of individual buildings rather than a coherent presentation to the canal; it would be desirable to reconsider the design again so as to present a more positive frontage to the canal and to reconfigure the parking and circulation arrangements so that they are subservient function and not a dominant feature of the site; in short, although improved, the revised scheme still falls short of what should be achieved on this conservation area site; the choice of materials is generally acceptable although clay, not concrete, tiles should be used for roofs; large areas of grey concrete paving blocks would not be acceptable although their use on a more restricted basis is feasible.

## Conservation Officer: (Commenting on original, amended scheme for a row of houses)

No conservation objection in principle; scheme materials improved in revised scheme but layout still does not address canal CA frontage satisfactorily, with dwellings not facing canal and large area of vehicular hardstanding and parking in prominent view; object on conservation grounds.

## Conservation Officer: (Commenting on first plans showing four larger, detached houses)

The site lies partly within the Stone Conservation Area behind a row of late 18th and early 19th century terraced houses fronting Newcastle Road, and on the opposite side of an informal track to the Trent and Mersey Canal.

The frontages to Newcastle Road west of the canal are of strong historic character with several listed buildings; they were identified as having "positive" character in the 2008 conservation area appraisal; this new development would be visible both in the context of

the canal and the historic terrace of 71 to 81 Newcastle Road; the scheme fails to reinforce or harmonise with the character and appearance of the historic environment either as town houses or as development adjacent to the canal; development within the conservation area has typically a linear terraced character facing road or canal...Although some divergence from the details and materials of the conservation area could be accommodated...it is considered that there is insufficient harmony with the historic environment, particularly in terms of plan form and mass...

**Tree Officer:**

No reply received.

**Canal and River Trust:**

Take your Environmental Health Officer's advice with regard to the potential impacts on the proposals from the activities of the boatyard, in order to identify any mitigation measures to minimise disturbance from noise, etc. We would not wish to see the future operation of the boatyard prejudiced by this residential development.

**Environmental Health Officer:**

Conditions recommended to safeguard the nearby residential occupiers from undue disturbance during the development; restrict hours of building work and related deliveries; no burning; provide facilities to damp down dust; any equipment left running outside approved working hours shall not be audible at the boundary of occupied residential properties.

**Stone Town Council:**

Revised scheme

Any observations would be available at the meeting

Stone Town Council (Previous scheme):

Members strongly object on safety grounds due to the dangerous junction with Newcastle Road; Object also as the land is in the Conservation Area and is defined as Trent and Mersey Canal and Market garden and allotment in the Stone Historic Character Assessment (May 2012); As such the application should empathise with heritage policies of the NPPF; this application does little to enhance its original historic setting as noted by the Conservation Officer.

The land remains adjacent to allotments and thus forms a green corridor for wildlife and acts as a buffer between the canal conservation area and Chandlers Way; the site forms one of many recorded green spaces in Stone and the evidence gathered would inform the draft Stone Neighbourhood Plan; this application provides a wider opportunity to enhance existing space resulting in improved natural environment for neighbourhood amenity; we welcome the opportunity to enhance the space with landscaping to provide a natural screen and buffer.

Stone Town Council (Original observations):

Members object due to the extremely dangerous junction onto Newcastle Road.

**Neighbours:**

42 notified; 23 replies/representations received from 14 addresses objecting to issues as follows in summary:- dangerous junction to Newcastle Road; dangerous access road; too much traffic; loss of orchard trees, hedges and wildlife habitat; conflict with Policy T1 of TPSB and paragraph 32 of the NPPF; matters not fully addressed; amendments enclose open space more; noise and fumes would affect occupiers; danger from gas pipeline; harm to Conservation Area; loss of open space; threat to security of businesses nearby; loss of light and privacy to houses in Chandler`s Way; 1 reply above includes support for the housing element.

**Recommendations**

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. The approved plans are drawing nos. 3090/PL01C; /PL02B; /PL04E; /PL07D; /PL08D; /PL09C; and SK02. The development shall be carried out in accordance with the approved plans before it is first occupied.
3. Notwithstanding any information in the application, no development shall be commenced until samples or photographic illustrations of the external bricks and tiles to be used on the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The roof tiles shall be made of clay. Thereafter only the approved materials shall be used unless alternatives have first been agreed in writing by the Local Planning Authority.
4. The means of enclosure shown on the approved plans shall be constructed for each dwelling before the first occupation of that dwelling and thereafter they shall be retained. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or as it may be subsequently amended, no other walls, fences or means of enclosure shall be erected without the prior written permission of the Local Planning Authority.
5. Notwithstanding any information in the application, no development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours ensuring that there are no levels changes within Root Protection Areas of existing trees.

The approved landscaping works shown shall thereafter be carried out within 8 months of the last dwelling being occupied. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

6. Construction works including deliveries to the site shall only take place between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 14.00 on Saturdays. There shall be no such working on Sundays or bank/public holidays.
7. There shall be no burning on site.
8. Facilities for the damping down of dust on the site shall be provided and used throughout the construction period.
9. Any equipment or plant on the site left running outside of the permitted hours of working shall be inaudible at the boundary with occupied dwellings.
10. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work. (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the local planning authority.
11. All trees, shrubs, hedges and bushes which are to be retained in accordance with the approved plans and particulars shall be protected in accordance with BS 5837: 2012 "Trees in Relation to design, demolition and construction" recommendations for tree protection. This shall include establishing a Root Protection Area (RPA) around each tree, shrub, hedgerow or bush, in accordance with the recommendations of BS 5837: 2012. All RPAs must be enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing with the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. No works or alterations to existing ground levels or surfaces shall be undertaken within the RPAs without the prior written approval of the local planning authority. No materials, equipment or vehicles are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained. All tree protection measures shall be agreed in writing with the local planning authority and their installation undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

12. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans and they shall thereafter be retained.
13. The development hereby permitted shall not be commenced until the access road to the development from Newcastle Road has been widened in accordance with plan no. 3090/PL04E.
14. Before construction works of any kind are commenced on site a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted Construction Management Plan shall include the following details:- The routing and operational characteristics of construction vehicles to and from the site;- Parking facilities for vehicles of site personnel, operatives and visitors;- Arrangements for the loading and unloading of plant and materials;- Areas of storage for plant and materials used during the construction of the proposed development;- Measures to prevent the deposition of deleterious material on the public highway during the construction of the proposed development.  
  
The Construction Management Plan shall be adhered to for the duration of the construction phase.
15. No construction of the dwellings shall commence until the existing buildings have been demolished and removed from the site.

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

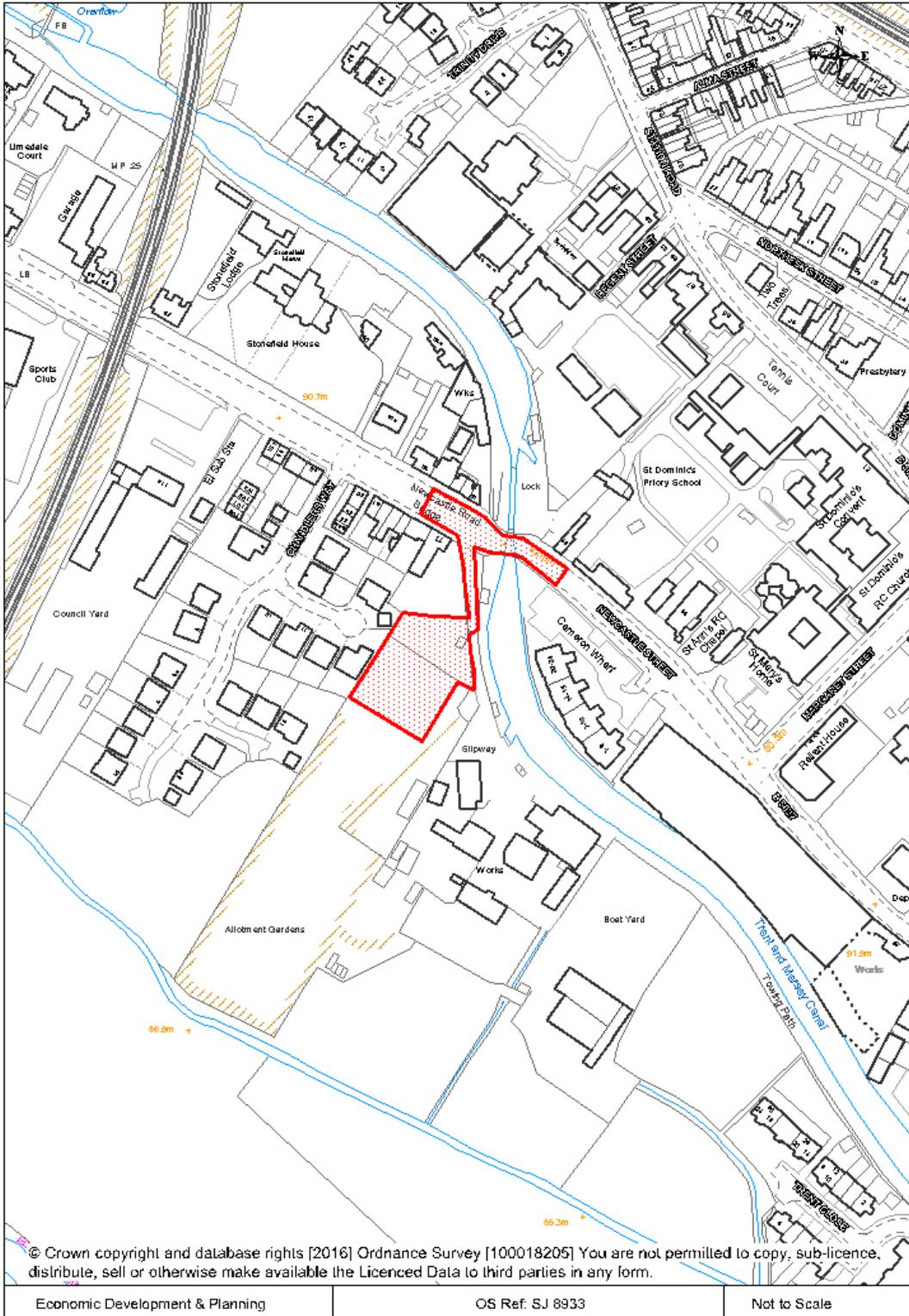
1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission and to ensure the satisfactory appearance of the development (Policy N1g and h of The Plan for Stafford Borough)
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To ensure an adequate level of privacy for prospective and adjoining residential occupiers and to safeguard the character and appearance of the area (Policies N1 and N9 of The Plan for Stafford Borough)
5. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
6. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
7. To safeguard the area from fumes, smoke and smells (Policy N1e of The Plan for Stafford Borough).

8. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
9. To safeguard the occupiers of the approved dwelling(s) from undue noise. (Policy N1e of The Plan for Stafford Borough).
10. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).
11. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).
12. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
13. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
14. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
15. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

#### Informative(s)

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

**15/23264/FUL**  
**Land Between Boat Yard And Chandlers Way**  
**Newcastle Road**  
**Stone**



Planning Committee Meeting Minutes 15 February 2017



**Minutes of the Planning Committee held at the Civic Centre, Riverside, Stafford on Wednesday 15 February 2017**

Councillor B M Cross (Chairman)

Present (for all or part of the meeting):-

Councillors:

C A Baron

A S Harp

E G R Jones

W J Kemp

A J Perkins

J K Price

D B Price

G O Rowlands

P Roycroft

R M Sutherland

C V Trowbridge

Also present:-

Councillors L B Bakker-Collier, I E Davies, J W Farnham and J Hood

Officers in attendance:-

Mr R Wood - Development Lead

Miss S Lawson - Senior Planning Officer

Mrs E Simcox-Parry - Solicitor

Mr J Dean - Democratic Services Officer

Also present:-

Mr S Hawe - Highways Department, Staffordshire County Council

**PC134 Minutes**

The minutes of the meeting held on 26 October 2016 were submitted and signed.

**PC135 Apologies**

Apologies for absence were received from Councillors M Bowen and M G Dodson (substitute J K Price).

**PC136 Declarations of Member's Interests/Lobbying**

Councillor D B Price indicated that he had been lobbied in respect of Application No 15/23264/FUL.

**PC137 Application Nos 16/23671/FUL and 16/23672/LBC - Land at St Johns Church, Granville Terrace, Stone**

*Having not been present during the previous consideration of the matter, Councillors W J Kemp, G O Rowlands and C V Trowbridge left the room following the presentation for the debate and voting thereon.*

(Recommend Committee resolve that if they were able to determine the applications they would be refused for reasons 1-9 of the recommendation of the report presented to the Committee on 26 October 2016).

Considered the report of the Head of Economic Development and Planning regarding this matter.

Prior to his presentation, the Development Lead read from the following prepared statement:-

Planning application 16/23671/FUL and listed building consent application 16/23672/LBC to convert St Johns Church to residential use, including an extension to the church building and new apartment block to the rear were considered by the Planning Committee on 26 October 2016.

The officer recommendation was to refuse both applications each on 9 grounds. A copy of the reports and reasons for refusal are set out in the agenda.

Committee resolved to defer consideration of the applications to enable further discussions to take place between the developer, planning officer and conservation officer.

A copy of the Development Manager's email to the developer giving officer's availability is set out on pages 5 and 6.

The response from the applicant's agent is also shown on page 6.

On 28 November 2016, the earliest date given by the agent of his availability for a meeting, the Planning Inspectorate received two non-determination appeals against the Council's failure to determine the applications.

Consequently, the Council can no longer determine either application so Committee now needs to consider how it would have determined the applications and to make resolutions accordingly so the Planning Inspectorate can be advised of the Council's position.

In view of no meeting taking place the officer recommendation is for the Planning Committee to resolve to refuse each application for the reasons on the reports presented to the Planning Committee on 26 October 2016.

Additionally, at 11.27 today the Council received a Unilateral Undertaking containing a Schedule of Repair Works, however it is not known whether this document has been forwarded to the Planning Inspectorate. Ultimately, it will be for the Planning Inspector appointed to deal with the appeals to consider the adequacy of this document.

Public speaking on the matter was as follows:-

Mr A Howells raised the following points during his support for the proposal:-

- Recalled conversation between 2 Members of the Planning Committee
- Structural Engineer and not the Council would be liable should the development be structurally unsound
- Church in question was close to the railway and other infrastructure in Stone
- Was only present at the meeting as Officers had deliberately tried to delay the application
- Officers had been lying to Members and had effectively 'killed' the proposal
- Had anticipated underhand tactics by Officers
- Committee were here to represent constituents
- Noted local support for the development
- Development was an exemplary scheme
- Applicant was subject of a vendetta
- Situation was a waste of tax payers money
- Council currently had 11 live appeals against it
- Proposal should be approved

Councillor L B Bakker-Collier, St Michael's and Stonefield Ward Member, at the invitation of the Chairman addressed the meeting and raised the following issues:-

- Application(s) had presented a unique situation
- Proposal was strongly supported by the community
- Local neighbours were concerned re the condition of the building and delays to the project
- Was disappointed the 9 recommendations had not been reached
- Proposal would enhance the town - needed to be of good design

Members expressed their concern regarding some of the comments raised by the public speaker.

It was subsequently moved by Councillor R M Sutherland and seconded by Councillor A S Harp that the application(s) be refused, as per the reasons as set out in the report as previously considered by the Committee.

- RESOLVED:- that (a) planning application No 16/23671/FUL be refused, as per the recommendations set out in the report presented to the Committee on 26 October 2016;
- (b) planning application No 16/23672/LBC be refused, as per the recommendations set out in the report presented to the Committee on 26 October 2016.

PC138 **Application No 15/23264/FUL - Land between Boat Yard and Chandlers Way, Stone**

*Councillors Kemp, Trowbridge and Rowlands re-joined the meeting at this point.*

*Having not been present during the previous consideration of the matter, Councillor J K Price left the table during the presentation, debate and voting thereon.*

(Recommend approval, subject to S106 agreement and conditions).

Considered the report of the Head of Economic Development and Planning regarding this matter.

Prior to his presentation, the Development Lead summarised the comments received from Stone Town Council and 7 neighbours, received since publication of the report, noted the additional photographs as requested by Members and highlighted the amendments to the proposals since the previous consideration.

Public speaking on the matter was as follows:-

Mr A Osgathorpe pointed out a number of locations on the location plan displayed before taking his seat, and then raised the following points during his objections to the proposal:-

- Clarified the site area in question
- Noted nearby conservation area and referred to others in the area
- Referred to Planning Policy N9
- Site included a historic market garden
- Made reference to local green open space
- Noted progress of Stone's draft Neighbourhood Plan

The Development Lead responded to the comments raised, in particular those referring to the emerging Stone Neighbourhood Plan.

Mr C Dance raised the following points during his support for the proposal:-

- Noted previous deferral of the application
- Respected the view of the Committee
- Had worked hard to address previously raised concerns - in particular design
- Scheme had been refined to include more traditional elements
- Proposal would be in harmony with the surrounding area
- Maintained there was safe access to the site
- Planning report was clear - there were no objections in principal
- Was an entirely suitable site
- Proposal was a sustainable development
- Recommendation was for approval
- Request that permission be granted

Councillor J W Farnham, St Michael's and Stonefield Ward Member, at the invitation of the Chairman addressed the meeting and raised the following issues:-

- Had originally called in the application on highway safety grounds
- Worries remained unaltered
- Was still a hazardous location
- Residents had raised concerns - several accidents in the locality were noted
- Area was in constant use and was regularly busy
- Additional houses would add strain to the access road in question
- Development was partly located in the conservation area
- Proposal would not be in harmony with the historic area of Stone
- Respectfully ask the Committee to refuse the application

The Committee discussed the application and raised a number of points, including:-

- Traffic levels on the access road
- Highways concerns in the surrounding area
- Design improvements to the scheme

Mr S Hawe, Highways Department, Staffordshire County Council, attended the meeting, and at the invitation of the Chairman briefed Members regarding highways issues at the location, including improvements made to safety measures and the rationale for their comments in the Officers report. Members were afforded the opportunity to raise any points of clarification with Mr Hawe, who responded accordingly.

It was subsequently moved by Councillor C V Trowbridge and seconded by Councillor A J Perkins that the application be approved, subject to a S106 agreement, and the conditions as set out in the report.

RESOLVED:- that planning application No 15/23264/FUL be approved, subject to a S106 agreement and the conditions as set out in the report of the Head of Economic Development and Planning.

**PC139 Application No 16/25348/FUL - Land at Valerian Drive, Stafford**

*Councillors J K Price re-joined the meeting at this point.*

(Recommend approval, subject to a S106 agreement and conditions).

Considered the report of the Head of Economic Development and Planning regarding this matter.

Prior to her presentation, the Senior Planning Officer reported on comments received from Staffordshire County Council regarding flooding in the locality, an updated ecological assessment (leading to proposed further conditions) and a topographical error on page 45 of the agenda.

The additional conditions were as follows:-

1. The development shall be undertaken in accordance with the recommendations set out within the ecological appraisal by Ecus Environmental Consultants dated November 2016. This will include an endoscopic inspection for bats in building one.
2. The development shall be carried out in accordance with the approved Flood Risk and Drainage Strategy (Project No: 08.16008 January 2017 Final) and following mitigation measures detailed within the Flood Risk Assessment:-

Provision of 63m<sup>3</sup> attenuation flood storage on the site to a 100 year plus climate change (30%) standard.

In the event that the above measures cannot be demonstrated and above ground flooding is predicted, details of overland flow routes shall be submitted to and approved in writing by the Local Planning Authority.

Public speaking on the matter was as follows:-

Mr B McGarvie raised the following points during his objections to the proposal:-

- Was there a need for such housing?
- Noted lack of green space in the area
- Location was not allocated for housing
- Was a large proportion of affordable housing elsewhere in the locality
- Was no provision to replace the lost open space within the Parish
- Had access, parking and highways concerns
- Existing properties did not have enough parking
- Road was not wide enough for parking - had been previous accidents
- Parking provision was insufficient for the number of houses proposed

- Was likely to be damage to surrounding properties from construction works
- Sewerage/drainage in the area was already inadequate

Mr R Fletcher raised the following points during his support for the proposal:-

- Was the architect on behalf of Wrekin Housing Trust
- Development provided wholly affordable housing
- Viability appraisal had been submitted
- Outline planning permission had been granted
- Had worked closely with Officers to ensure the scheme was compliant with policy
- Responded to comments raised regarding highways concerns
- Proposed closure of existing footpath during on-going works
- Full site appraisal had been carried out
- Scheme helped to address shortfall in affordable housing provision
- Homes would be built to a high standard
- Development would be built under the Considerate Construction Scheme
- Proposal would meet with all planning requirements

Councillor I E Davies, Doxey and Castletown Ward Member, at the invitation of the Chairman addressed the meeting and raised the following issues:-

- Site lay within existing flood zone
- Neighbouring site would be impacted
- Concerns from flooding authority noted
- Had highways concerns relating to the entrance to the site
- Presented dangers to children using nearby play park
- Was a high value tree in the garden of a nearby property
- Noted loss of 3 bowling greens
- Site should provide a mix of housing types
- Construction presented a danger to local people
- Was potential for damage to birds nests
- Queried contribution to mitigate loss of bowling green
- Land was designated as public open space in the Local Plan

The Committee discussed the application and raised a number of points, including:-

- Concerned re loss of sporting amenities
- Referred to Planning Policy C7
- Acknowledged minor SAD breaches
- Disappointed to see 24 houses proposed increased from 18 previously
- Drainage issues in the vicinity
- Was a sustainable location close to the town centre
- Borough desperately need this type of housing
- Provision of car parking spaces
- Comments raised by Sport England

It was subsequently moved by Councillor R M Sutherland and seconded by Councillor A S Harp that the application be approved, subject to a S106 agreement and the conditions (as amended) as set out in the report.

On continuation of the debate, it was moved by Councillor J K Price and seconded by Councillor C A Baron that the application be deferred, pending re-design of the site to address breaches of SAD, to reduce the number of properties to be built, to address the loss of sporting amenities and mitigate intensification of the site.

On being put to the vote the motion was declared to have fallen.

Members then considered the substantive motion, which on being put to the vote was declared to be carried.

**RESOLVED:-** that planning application No 16/25348/FUL be approved, subject to a S106 agreement and the conditions (as amended) as set out in the report of the Head of Economic Development and Planning.

#### PC140 **Planning Appeals**

Considered the report of the Head of Economic Development and Planning (V3 07/02/17).

Notification of the following appeals had been received:-

##### (a) Notified Appeals

<b>App No</b>	<b>Location</b>	<b>Proposal</b>
16/23671/FUL & 16/23672/LBC, <b>Non determination</b>	Land at St John's Church, Granville Terrace, Stone	Conversion of church and 2 storey extension to provide 5 dwellings
15/23238/LDC - <b>Against conditions</b>	Ivy Cottage Mobile Home Park, Within Lane, Hopton	Use of land for purposes ancillary to residential caravan site for the storage of residents' caravans
16/24769/HOU - <b>Refusal</b>	The Hayloft, Lower Heamies Farm, Lower Heamies Lane	Single storey rear extension with flue and additional flue to existing living area
16/23992/HOU - <b>Refusal</b>	Plot 14 Radmore Lane, Gnosall, ST20 0EG	Buildings for rabbit farming; new access to Radmore Lane
16/24603/HOU - <b>Refusal</b>	Tolldish Barn, Great Haywood	Erection of day / games room

## (b) Decided Appeals

<b>App No</b>	<b>Location</b>	<b>Proposal</b>
15/24287/PAR, <b>Delegate refusal, Appeal dismissed</b>	Woodview Farm, Fulford Road, Spot Acre, Stone	Conversion of existing agricultural barn to form a Class C3 Dwelling house
16/23815/OUT <b>Refusal, Appeal Dismissed</b>	Land Adj Kings Oak Court, Field Rise Rd, Tittensor	Outline application all matters reserved for residential development of 1 x new dwelling
14/21223/COU <b>Delegated Refusal, Appeal Allowed</b>  <b>Enforcement Notice Notice corrected, varied and upheld</b>	Woodfield, Hilderstone Rd, Spot Acre	Removal of condition 2 of permission granted on appeal (ref. APP/Y3425/A/09/2099291 dated 10th December 2009; Council ref. 08/10281/COU) limiting site occupation by gypsy caravans to 5 years and variation of condition 1 to allow new occupiers to pitch 1
15/21806/OUT <b>Delegated refusal, Appeal Dismissed</b>	Land Adj Rakestone, Stowe Lane, Hixon	Outline Planning Application for a development of up to 90 dwellings with associated access and all other matters reserved.
16/23843/HOU <b>Delegated refusal, Appeal Dismissed</b>	Lime Tree Cottage, Moddershall	Minor material amendment to application 14/20257/HOU - Windows and Garage Door

## (c) Withdrawn Appeals

<b>App No</b>	<b>Location</b>	<b>Proposal</b>
15/21873/FUL, <b>Delegated refusal, Appeal Withdrawn</b>	Land At Walton Heath (Marlborough Rd) Common Lane Stone	Residential development including the creation of a new access onto Marlborough Road, creation of open space, associated landscaping and associated infrastructure
15/23050/OUT <b>Delegated refusal, Appeal Withdrawn</b>	Land Opposite Hopton Garage Sandon Road Hopton	Outline planning application for residential development and any associated groundworks. All matters are reserved

App No	Location	Proposal
		except access on to Sandon Road (B5066). The application is not seeking approval of internal highway/cycle/pedestrian network.

**PC141 1 Church Lane, Oulton**

Considered the report of the Head of Economic Development and Planning and the Head of Law and Administration (V1 06/02/17).

It was subsequently moved by Councillor G O Rowlands and seconded by Councillor C V Trowbridge that the recommendation as set out in report be approved.

On being put to the vote the proposal was declared to be carried.

RESOLVED:- that the recommendation as set out in the report be approved.

**PC142 Church View Barn, Main Road, Adbaston**

Considered the report of the Head of Economic Development and Planning and the Head of Law and Administration (V1 06/02/17).

It was subsequently moved by Councillor A S Harp and seconded by Councillor R M Sutherland that the recommendation as set out in report be approved.

On being put to the vote the proposal was declared to be carried.

RESOLVED:- that the recommendation as set out in the report be approved.

**PC143 Land Adjacent to 3 Hunter's Ride, Moss Pit, Stafford**

Considered the report of the Head of Economic Development and Planning and the Head of Law and Administration (V1 06/02/17).

It was subsequently moved by Councillor G O Rowlands and seconded by Councillor A S Harp that the recommendation as set out in report be approved.

On being put to the vote the proposal was declared to be carried.

RESOLVED:- that the recommendation as set out in the report be approved.

CHAIRMAN

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 PLANNING COMMITTEE - 26 MAY 2021
 

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**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**

<b>Application Reference</b>	<b>Location</b>	<b>Proposal</b>
<b>20/33438/FUL Delegated Decision</b>	Green Gable Summerhill Milwich	Retention of a single-storey implement store building
<b>20/32836/FUL Delegated Decision</b>	Land Rear Of Egremont Newport Road Stafford	Proposed new dwelling
<b>20/32341/FUL Delegated Decision</b>	Norbury Manor Barns Norbury Stafford	Conversion of Dutch Barn to provide garaging and domestic storage/home office

#### **Decided Appeals**

<b>Application Reference</b>	<b>Location</b>	<b>Proposal</b>
<b>20/32821/HOU and 20/32822/LBC Appeal Dismissed</b>	9 Church Street Eccleshall Stafford	Rear extension and minor internal works. In conjunction with 20/32822/LBC
<b>20/33053/HOU Appeal Dismissed</b>	1 Blackberry Way Woodseaves Stafford	Two storey side extension to form new play room and extended dining area to the ground floor, together with an additional bedroom and extended bedroom and additional shower room to the first floor.

V1 14/5/21 17:40

**Previous Consideration**

Nil

**Background Papers**

File available in the Development Management Section

**Officer Contact**

John Holmes, Development Manager Tel 01785 619302



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## Appeal Decisions

Site visit made on 13 April 2021

**by Helen B Hockenhull BA (Hons) B. PI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28 April 2021**

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### **Appeal A: APP/Y3425/W/20/3265219**

#### **9 Church Street, Eccleshall, Stafford ST21 6BY**

- 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 Ian Johnson against the decision of Stafford Borough Council.
  - The application Ref 20/32821/HOU, dated 21 July 2020, was refused by notice dated 28 September 2020.
  - The development proposed is a rear extension and minor internal works.
- 

### **Appeal B: APP/Y3425/Y/20/3265238**

#### **9 Church Street, Eccleshall, Stafford ST21 6BY**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Ian Johnson against the decision of Stafford Borough Council.
  - The application Ref 20/32822/LBC, dated 21 July 2020, was refused by notice dated 28 September 2020.
  - The works proposed are a rear extension and minor internal works.
- 

## **Decision**

### **Appeal A**

1. The appeal is dismissed.

### **Appeal B**

2. The appeal is dismissed.

## **Procedural Matters**

3. As the works are in a conservation area and affect a listed building, I have had regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act).
4. The Council's reason for refusal states that the appeal scheme would cause harm to the setting of the Eccleshall Conservation Area (CA). However, as the building lies within the CA it cannot harm its setting. The statutory duty as set out in the Act is to consider whether the proposal preserves or enhances the character or appearance of the CA.

## **Main Issues**

5. In light of the above, the main issues in this case are whether the proposal would preserve a Grade II listed building, 9 Church Street, Eccleshall

(Ref: 1039069) and any of the features of special architectural or historic interest it possesses and whether it would preserve or enhance the character or appearance of the Eccleshall Conservation Area.

## Reasons

6. The appeal property forms a detached dwelling, known as Wayside, located to the southern side of Church Street in the village of Eccleshall, to the south of Holy Trinity Church. It has a side gable facing the road with the front entrance facing east. The proposal comprises a two-storey rear extension to provide additional living room and bedroom space and internal alterations.
7. Eccleshall CA encompasses the historic core of the settlement, Eccleshall Castle and surrounding areas of open land. It has areas of distinctive character within its boundary. In the centre of the settlement, High Street includes many Georgian and Victorian buildings set in burbage plots. Heading west, Holy Trinity Church and churchyard dominates the area and the density of development reduces with smaller scale simpler cottages, surrounded by green space and trees, together with some grander properties set in their own grounds.
8. Given the above I find the significance of the CA , insofar as it relates to these appeals, to be related to its large number of well-preserved buildings and spaces that reflect the historic development of the settlement as an ecclesiastical centre and market town.
9. The listed building forms a modest two storey one room deep cottage built in the mid-19<sup>th</sup> Century. The first evidence of it comes from the 1850 Census. The dwelling is constructed in red brick with a polychromatic pattern of red stretchers and buff headers to the front (east) elevation with an off-centre entrance door, a dentilled brick eaves cornice, sash windows and a Staffordshire blue tile roof. The building forms part of a historic grouping of other cottages of a similar date and scale just outside the village centre.
10. The building was extended in 1983 with a two-storey extension of a similar style and materials reflecting the original dwelling. Despite the building being extended, the original cottage remains legible. At this time a number of internal renovations also took place. Whilst the historic plan form can still be read, few internal historic features remain.
11. Given the above, I find the special interest of the listed building, insofar as it relates to these appeals, to be related to it being a good example of a modest mid-19<sup>th</sup> century workers cottage, forming part of a historic group of low status houses. It retains many original brickwork details and makes a positive contribution to the character and appearance of the CA.
12. The proposed internal works include the relocation of the staircase to the 1983 extension, the removal of a breeze block internal wall between the existing lounge and the dining room, the relocation of an internal stud wall between the first floor bathroom and the landing and its replacement with integrated storage. It has been demonstrated in the submitted Heritage Impact Assessment, and confirmed during my inspection of the property, that these works affect internal structures that were installed or replaced as part of the 1983 renovation work. As they do not affect the historic fabric, I agree with the parties that they cause no harm to the special interest of the building.

13. The original dwelling is just over 50 square metres in floor area. The 1983 extension increased the floor area to just under 74 square metres and the proposed further extension would increase the floor area to just under 107 square metres. This equates to an increase of around 113%, just over double the floor area of the original building. As such, this would form a disproportionate addition, failing to be subservient to the original cottage and overwhelming the modest scale of the building.
14. Turning to the principal elevation of the dwelling, the proposed extension would result in one bay to the north of the front entrance and three bays to the south. This would result in a disproportionate amount of development to the southern side of the buildings entrance. As such the front elevation would appear unbalanced. I accept that the existing extension has to some extent already had this effect, but the addition of a further extension would exacerbate this imbalance. It would detract from the buildings modest character and form, resulting in an incongruent addition causing harm to the special interest of the heritage asset.
15. Following an application in 2020 to de-list the building, Historic England commented that the 1983 extension did not adversely affect its special interest and that the building continued to be a legible example of a modest 19<sup>th</sup> century workers cottage. The appellant has argued that a further addition cannot therefore cause any harm to the significance of the heritage asset. I acknowledge that the earlier extension may not mask the modest yet distinctive character of the building. However, it does not follow that a further extension would have a similar impact.
16. The appeal scheme has been designed to complement the historic detailing of the original dwelling but to match the later extension in terms of brickwork, roof and rainwater goods. In so doing, the original dwelling can still be read. The proposed two storey extension would be flush with the existing building and of the same eaves and ridge height. It would therefore maintain the linear plan form of the property. Whilst these elements of the design form positive aspects of the scheme, they do not overcome the harm I have outlined above.
17. In terms of the CA, the relationship of the building to Church Street, with the gable end facing the road, would be unaltered. As the extension lies to the southern elevation of the building, its presence would be to the rear of the site, set back from the road. However, it would still be visible through the trees and hedging on the boundary of the site, particularly when viewed from the area of open space to the east. Whilst the existing planting assists to screen the dwelling from views within the CA, it would be less effective in the winter months. These features also lack permanence; they could be cut back or even removed at any time. As a result, the proposed incongruent extension, would appear visually intrusive and would fail to preserve the character or appearance of the CA.
18. Paragraph 193 of the National Planning Policy Framework (the Framework), advises that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to their conservation. Having regard to the works proposed and the impact on the CA as a whole, I find the harm to be less than substantial. Accordingly, in line with paragraph 196 of the Framework, the harm should be weighed against the public benefits of the proposal, which include securing the optimal viable use.

19. The appellant has argued that the extension is required to make the building habitable and viable as a dwelling. The two-bedroom property has a floor area below the standard for a 2 bed three-person dwelling set out in the Nationally Described Space Standards. Both bedrooms are below the standard for double rooms, though the bedroom in the original part of the house is only just below. The headroom space is also much lower.
20. It is notable that the 'Introduction' section to the standards states that they deal with internal space within new dwellings. This is an extension, not a new dwelling, though I accept that the standards provide a useful guide in assessing other proposals. In this case however, consideration should be given to the buildings listed status and the features that make it historically significant, in particular the dwellings modest size. It would be unreasonable and inappropriate to impose these standards on this heritage asset.
21. I accept the property is small, however from my observations the building provides a suitable standard of accommodation for a single person, a couple or possibly a family with one young child. Although the cottage is currently unoccupied, and was vacant when the appellant bought it in 2018 following the death of the previous owner, I have no evidence to suggest that it has lain empty for long periods since it was built in the 1850's. Whilst standards of living have altered since that time, I am not persuaded that it is unviable or uninhabitable in its current form.
22. Given the above, I conclude that the identified harm is not outweighed by public benefits including securing the optimal viable use. The proposal would fail to preserve the special architectural and historic interest of the Grade II listed building and the character and appearance of the Eccleshall CA. The scheme therefore fails to satisfy the requirements of the Act, paragraph 192 of the Framework and conflicts with Policies N1, N8 and N9 of the Plan for Stafford. These policies amongst other things seek to promote high design standards and sustain and where possible protect, conserve and enhance the historic environment.
23. The appellant has queried the relevance of Policy N8 as it is entitled Landscape Character. However, the policy also relates to the historic landscape and seeks to protect and conserve the setting and views of or from heritage assets and the historic elements of the landscape. It also requires new development to reinforce and respect the character of a settlement through design and layout. I therefore consider that it is relevant to this case.

### **Other matter**

24. I have been made aware of the different schemes put forward by the appellant for the Council's consideration and discussions about alternative proposals. The Council have advised that a single storey lean to extension may be acceptable. Whether or not it is reasonable for the Council to reject the possibility of a two-storey extension is not a matter for me to consider in this appeal.

### **Conclusion**

25. For the reasons given above, and having had regard to all other matters raised, the appeals are dismissed.

*Helen Hockenfull*

INSPECTOR



## Appeal Decision

Site Visit made on 13 April 2021

by **Rachel Hall BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 28 April 2021**

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**Appeal Ref: APP/Y3425/D/21/3268937**

**1 Blackberry Way, Woodseaves, Stafford ST20 0QZ**

- 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 Joe Norgrove against the decision of Stafford Borough Council.
  - The application Ref 20/33053/HOU, dated 10 September 2020, was refused by notice dated 27 November 2020.
  - The development proposed is described on the application form as a 'two storey side extension to form new play room and extended dining area to the ground floor, together with an additional bedroom and extended bedroom and additional shower room to the first floor.'
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The extension is proposed on land that was previously highway verge. The land has since been incorporated into the garden of 1 Blackberry Way, under a separate planning permission. The appeal is therefore decided on the basis of that land being part of the garden.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The site fronts on to Blackberry Way at the entrance to the cul-de-sac, and its side boundary is with High Offley Road. There is some variation in building line along High Offley Road, however houses in the immediate vicinity are generally generously set back from the road, with mostly only low level fences and planting on front boundaries. I saw how that results in a characteristic sense of openness and spaciousness.
5. During my site visit I was unable to identify other houses in the vicinity that had been similarly extended towards the pavement as is proposed here. I note the appeal site's existing boundary fencing to the pavement, and its existing building line which projects closer to High Offley Road than many other dwellings in the vicinity. However the fence is a far less dominant feature than would be the case of the extension, and the existing degree of set back of the building contributes to the sense of openness in the area.

6. The proposed extension to the side elevation of 1 Blackberry Way would bring the building line very close to the pavement on High Offley Road. This would give it an unacceptably dominant feel in the street scene on High Offley Road, from both directions, leading to harm to the character and appearance of the area. As reasoned above, it would fail to reflect the prevailing pattern of development, undermining the characteristic sense of spaciousness here.
7. I note that the proposed extension is set back from the front façade of the house, and the proposed materials are in keeping with the existing building and other houses on Blackberry Way. Nevertheless, the harm from extending the building line so close to High Offley Road remains.
8. The development is therefore contrary to policy N1 of The Plan for Stafford Borough (adopted June 2014), which seeks to ensure that development strengthens the continuity of street frontages and enhances the character of the area. It would not accord with the Council's adopted Design Supplementary Planning Document, which encourages development that reinforces the existing spatial characteristics of streets, including on adjoining roads.

### **Other Matters**

9. I fully acknowledge the benefit to the appellant of creating a larger family home within the boundary of the existing garden. I also note the letter of support for the development from a neighbour. However in this instance, the benefit of extending the house, inherently a private benefit, is outweighed by the harm to the character and appearance of the area that would result.
10. In viewing the Shires View housing development on the junction of Newport Road and the B5405, I note that the building is set back some way from Newport Road. Whilst it is built up close to the pavement on the B5405, the building line on this road is significantly more varied, resulting in a more mixed character. The Shires View house situated with its side boundary on the B5405 is not viewed as a building that has been extended up to the pavement, but rather as one of a number of other houses of a similar housetype, within a discreet development, and purposefully designed as such. Therefore it does not alter my findings on the appeal.

### **Conclusion**

11. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

*Rachel Hall*

INSPECTOR