



Civic Centre, Riverside, Stafford
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Dear Members

Planning Committee - Site Visit

A meeting of the Planning Committee will be held in the **Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford on Monday 14 August 2017** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

The Committee will meet at the rear of the Civic Centre and depart at 9.30am to visit the site as set out in the agenda and re-convene at the Civic Centre at approximately **10.30am** to determine the application.

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.R. Well

Head of Law and Administration

PLANNING COMMITTEE - 14 AUGUST 2017

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

A G E N D A

- 1 Apologies**
- 2 Declaration of Member's Interests/Lobbying**

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MEMBERSHIP

C A Baron	P W Jones
G R Collier	A J Perkins
I E Davies	J K Price
M G Dodson	G O Rowlands
R J Draper	R M Sutherland
A S Harp	C V Trowbridge
E G R Jones	

(Substitutes - F Beatty, A P Edgeller, J Hood, W J Kemp, S Learoyd)

PLANNING COMMITTEE - SITE VISIT - 14 AUGUST 2017

Ward Interest - Nil

Planning Applications

Report of Head of Economic Development and Planning

Purpose of Report

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

		Page Nos
17/26109/FUL	Land Behind 1 Oak Avenue, Walton on the Hill, Stafford	4 - 14
	This application was called in by Councillor F A Finlay	
	Officer Contact - Richard Wood, Development Lead (Large Scale) - Telephone 01785 619324	

Previous Consideration

Nil

Background Papers

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

Application	17/26109/FUL	Case Officer:	Deborah Jones
Date Registered	28 April 2017	Target Decision Date	23 June 2017
Address	Land Behind 1 Oak Avenue Walton On The Hill Stafford Staffordshire	Ward	Milford
		Parish	Berkswich
Proposal	New Dwelling		
Applicant	Mr David Porter		
Recommendation	Approve, subject to conditions		

REASON FOR REFERRAL TO COMMITTEE:

This planning application has been called in by Councillor F A Finlay (ward member for Milford) for the following reason:-

For the committee to consider the change of character and the impact on the surrounding properties.

Context

The site comprises garden land to the West of No. 1 Oak Avenue. The application is for a proposed three bedroom, two storey detached dwelling.

The development would have the maximum dimensions 5.9m width X 10.5m depth X 6.3m height and a total floor area of 131 square meters.

The dwelling would feature a gabled roof and be finished with a mixture of brickwork and render on the external elevations with a tiled roof.

It is proposed to hardsurface the area forward of the dwelling to accommodate the parking associated with No. 1 Oak Avenue and the proposed dwelling.

Officer Assessment – Key Considerations

1. Principle of Development

The site forms part of the established residential curtilage of No. 1 Oak Avenue. The definition of previously developed land in the NPPF excludes private residential garden in urban areas and therefore the site is defined as greenfield land.

Whilst the NPPF encourages the use of previously developed land it does not preclude the development of greenfield sites. Paragraph 49 of the NPPF states that housing development should be considered in the context of the presumption in favour of

sustainable development, although paragraph 53 states that local planning authorities should consider the case for setting out policies to resist the inappropriate development of gardens, including where it would cause harm to the local area.

Proposals involving residential development within private gardens should, however, be considered on their individual merits', as it is acknowledged that the release of greenfield land for residential development can be a legitimate and sometimes necessary alternative to previously development land.

Walton-on-the-Hill falls within the settlement boundary for Stafford as defined in The Plan for Stafford Borough Part 2, which was adopted in January 2017, and so is considered to be sited in a sustainable location.

Under the provisions of Spatial Principle SP4 the majority of residential development within the Borough is to be focussed within Stafford and the principle of a new dwelling would be acceptable, subject to other considerations; therefore the principle of a dwelling is acceptable, subject to the same considerations, including design and amenity.

Policies and Guidance

National Planning Policy Framework – paragraphs 14, 17, 87, 88 and 89

The Plan for Stafford Borough – Policies SP3 Sustainable Settlement Hierarchy, SP4 Stafford Borough Housing Growth Distribution

2. Character and Appearance

Oak Avenue is comprised of modest detached dwellings with gabled roofs and the dwellings on this side of the street appear to follow a particular building line in that the properties are all set back from the adjacent highway by spacious gardens and/or parking areas.

The application site is the garden land to the West of No. 1 Oak Avenue and it is proposed to construct a two storey detached dwelling. The dwelling would have a footprint measuring 5.9m width X 10.5m depth with a maximum height of 6.3m. The building would feature a gabled roof and be constructed from a mixture of brickwork and render on the elevations of the building with a tiled roof; although specific materials have not been provided at this stage.

The site is bounded by a mature hedgerow which extends the length of the West boundary and has an open frontage comprised of tarmac parking areas and lawn.

When the application was originally submitted the proposed dwelling had a ridge height that extended 1.2m beyond the ridge line of the adjacent dwellings to the East and a frontage approximately 1.2m wider. As such it was considered that the proposed dwelling would appear an incongruous addition within the street scene by reason of the excessive bulk and massing that would be created.

Comments were received from neighbours stating that the dwelling would appear out of character with the area with particular reference to the excessive height and scale of the

proposed development and as a result the proposal was contrary to Paragraphs 17, 53, 56, 58, 59, 61 and 66 of the National Planning Policy Framework (NPPF).

Amended plans have been received which show that the ridge height of the dwelling would now match the neighbouring properties and the width has also been reduced from 7.1m to 5.9m. In light of the amendments it is now considered that the design of the dwelling is more sympathetic to the scale and character of the adjacent properties and whilst the more contemporary finishes to the dwelling would be a new addition to the street scene it is not considered that this would be to the detriment of the surrounding area.

The front elevation of the dwelling would be sited 26.4m rear of the adjacent highway and so would not appear an overbearing addition from the Oak Avenue street scene. This siting also allows the dwelling to continue the building line of the dwellings to the East whilst still affording a spacious front and rear garden area as well as sufficient spacing between the boundaries of No. 1 Oak Avenue and the rear garden boundaries of the dwellings along Old Croft Road. Neighbour comments felt the application is considered as overdevelopment of the site, however this is a very spacious plot that can comfortably hold a dwelling of this footprint and also provide a spacious garden and as such this is not considered to be the case.

The application documents also include details for the hardstanding of the front garden area to accommodate the parking of the vehicles for the proposed dwelling and No 1 Oak Avenue. Neighbour comments received have stated that this would result in the loss of important green space in the form of the garden frontages and so would be detrimental to the appearance of the area.

It is acknowledged that this element of the scheme would result in the loss of the current lawn area to the front of No. 1, however as the land is already in residential use it should be noted that this area could be removed and replaced with hard surfacing or gravel under permitted development rights and so it would be considered unreasonable to refuse the application on this basis.

The application does propose to retain the existing hedgerow along the rear boundaries of the properties along Old Croft Road. It is considered that this hedgerow provides a substantial natural buffer between these properties and the proposed development and so a condition should be attached to any permission granted to retain this hedgerow for the lifetime of the development.

The Parish Council have stated that the development would be contrary to the Berkswich Village Design Statement. However, this has not been formally adopted by the Council and so does not form part of the assessment.

Policies and Guidance:-

National Planning Policy Framework – paragraphs 56, 57, 58, 59, 60, 61 & 64

The Plan for Stafford Borough – Policies N1 Design, N8 Landscape Character, N9 Historic Environment

3. Amenity

The proposal would not be in breach of any SAD or ETD guidance.

The principle windows on the rear elevation of the dwelling would achieve the recommended distance of 6m to any site boundary and this is the same for the front elevation. No windows are proposed on either side elevation of the dwelling.

Comments from a neighbour state that the front bedroom and lounge windows would breach this 6m rule if the measurement was taken at an angle from the windows. This measurement is taken from the direction outlook of these windows, and so the centre point of the window is measured out and this should achieve a minimum of 6m, and this is achieved.

The nearest residential property is situated 22.5m from the boundary with the application site. Whilst the principle elevation on the rear of this property (No. 31 Old Croft Road) would have a direct outlook onto the side elevation of the proposal, the distance is in accordance with SAD guidelines which state that there should be a distance of 14m between a principle window when it faces out onto the blank elevation of another dwelling. Comments received make reference to the loss of a view, however no dwelling benefits from the right to a view and so this is not a material planning consideration.

The rear garden measures 184 square meters and has a length of 15m which accords with the standards set out within Space About Dwellings.

It is acknowledged that the windows on the rear elevation of the proposal would achieve some views into the rear gardens of the properties along Old Croft Road, however these windows do not look directly down into the gardens and any views would be indirect. Furthermore the views achieved from these windows would be no more detrimental than those currently offered from the first floor windows on the dwellings in Old Croft Road and Oak Avenue into their neighbour's gardens and so it would be unreasonable to refuse the application on this basis.

The proposed dwelling would accord with SAD and ETD guidance and would not result in any direct overlooking or loss of privacy that would justify the refusal of the application.

Concerns were raised initially by neighbours on the potential overbearing impact that the proposed dwelling would have given its 6m projection past the rear elevation of No. 1. However since the amended plans have been received the dwelling would now only extend 3.1m beyond the rear of No. 1 and it is not considered that this would have a detrimental impact on the residential amenity of the dwellings to the East of the application site.

Further representations have highlighted potential issues regarding loss of light and overshadowing as a result of the proposed development. Given the orientation of the dwellings within the immediate area there is the potential for there to be some additional overshadowing to the rear gardens of the dwelling along Old Croft Road to the West in the early stages of the morning until midday. However, the proposed dwelling would be no higher than the existing properties along Oak Avenue and so it is considered that any

levels of overshadowing would not be significantly detrimental to the residential amenity of neighbouring properties.

It is acknowledged that, at its closest point, the dwelling would be sited 22.5m from the rear boundaries of No. 31 Old Croft Road. However, these properties do benefit from generous rear gardens varying from between 22.5m and 26m in length and so it is not considered that the development would have a severe overbearing impact on the amenity of neighbouring properties.

The Environmental Health Officer raises no objections to the development subject to conditions to secure appropriate working hours during the construction and restricting burning on site as well as comments regarding appropriate drainage, refuse collection facilities and disposal of any demolition material.

Comments were received by a neighbour regarding the demolition of the existing garage at No. 1 Oak Avenue and that this conflicts with the above comments. On the date this comment was received, this application was still pending consideration and so the condition recommended was not be in place. The applicant would not require planning permission to demolish an existing structure within the curtilage of the property.

Neighbours have drawn attention to the fact that the development would be contrary to Article 8 of the Human Rights Act. This states that everyone has the right to respect for their private family life, home and correspondence and that the development proposed under this application would breach this legislation. The development has been assessed against criteria within the councils Local Plan, National Guidance and Supplementary Planning Documents and the assessment has found that the development would be in accordance with these documents and so, in this circumstance, this article is not relevant.

Comments have been received regarding noise and light pollution however these are not considered material planning considerations. It is expected for there to be some level of noise from the construction works associated with the development, however conditions will be attached to any permission to limit the hours of working given the residential surroundings as informed by the Environmental Health Officers Comments.

Policies and Guidance:-

The Plan for Stafford Borough – Policies N1 Design, Space About Dwellings (SAD), Extensions to Dwellings (ETD)

4. Parking and access

The original application documents proposed a four bedroom dwelling which would be required to provide three off site parking spaces to accord with local plan parking standards.

However, as a result of amended plans the number of bedrooms has been reduced to three and so two off road spaces are now required.

The submitted site plan shows that there would be a shared parking area to house the vehicles for the proposed dwelling as well as No. 1 Oak Avenue and that on this parking area there would be room for three vehicles associated with each of the dwellings.

The Highway Authority have raised no objections to the development as the parking would be in accordance with Local Plan parking standards and so conditions will be attached to secure the parking areas shown on the plans prior to the occupation of the dwelling.

It is proposed that the frontage would be entirely surfaced and comments have been received that this would result to increased run off and so increased localised flooding. The site is not located within a flood zone or a flooding hotspot, however for reasons of highway safety it would be reasonable to attach a condition securing a permeable and bound surfacing treatment.

Comments have been received raising concerns regarding the access and how this would have a number of issues regarding pedestrian and highway safety, particularly given the proximity of Walton High School. However, the dwelling would utilise an access from an existing dropped kerb and so as no new access is being proposed it would be unreasonable to refuse the application on this basis.

Policies and Guidance:-

National Planning Policy Framework – paragraph 39

The Plan for Stafford Borough – Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Parking Standards Guidance

5. Conclusion

The proposed dwelling is considered to be acceptable in terms of its scale in design and would not harm the visual amenities of the area.

Given the orientation of the proposed dwelling and its surroundings it is not considered that the proposal would result in any undue harm to the amenity of occupiers of any nearby residential properties, or result in a dwelling of substandard amenity value.

Consultations

Original Plans

Neighbours (19 Consulted):

13 objections received from 11 addresses. 1 comment raised no objections in principle but had concerns regarding parking.

Comments received are summarised below;

- Excessive scale and height
- Overlooking, loss of privacy, loss of residential amenity
- Design and scale out of character with the area
- Insufficient parking
- Impact on highway and pedestrian safety
- Overshadowing

- Loss of light
- Loss of green space, impact on biodiversity
- Increased surface water run off and localised flooding
- Overdevelopment
- Noise pollution
- Light pollution
- Breaches of SAD and ETD guidance

Parish Council: The proposed dwelling which is 'shoe horned' into the site is contrary to the Village Design Statement. The design and scale of the building is overbearing and detrimental to the street scene of the area. The building is taller than neighbouring properties causing a loss of light and privacy to those properties.

Environmental Health: No Objections subject to conditions

Highways Authority: No Objections

Amended plans – consultation period expired 30.06.2017

Neighbours:

6 comments have been received from 5 addresses since the amended consultation was sent regarding the amended plans. Comments were summarised as follows;

- Loss of light
- Loss of privacy
- Overshadowing
- Overbearing
- Out of character with the area
- Contrary to human rights act
- Excessive scale, particularly compared with the existing property
- Visually intrusive
- Loss of view
- Harm to residential amenity of neighbours
- Increased noise pollution
- Highway safety implications
- Pedestrian safety implications
- Contrary to paragraphs 17, 53, 56, 58, 59 and 66 of the NPPF
- Contrary to SP7, N1 and N7 of The Plan for Stafford Borough
- Contrary to Q6 AND Q7 of Building for life 12 (3rd Edition)
- Development goes against the ministerial planning guidance letter 2010 in relation to garden grabbing
- Contrary to Berkswich village design statement
- Breaches ETD and SAD guidance.
- One comment drew reference to the demolition of the existing garage at No. 1 Oak Avenue and that the hours in which this was taking place breached the hours of operation recommended by environmental health.

Parish Council:

Additional comments have been received based on the amended plans with comments summarised as follows;

- Contrary to guidance in the Berkswich Village Design Statement

- Intrusive development
- Over intensification of development which will be harmful to both the amenities of adjoining properties and the character of the area.
- Overshadowing impact
- Breach of 45 degree rule
- 'garden grabbing'

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:-
 - Drawing No. 0164-AL (0) 002, Rev A
 - Drawing No. 0164-AL (0) 003, Rev A
 - Drawing No. 0164-AL (0) 004, Rev A
 - Drawing No. 0164-AL (0) 006, Rev A
 - Drawing No. 0164-AL (0) 007, Rev B
 - Drawing No. 0164-AL (0) 008, Rev A
3. Notwithstanding any description/details of external materials in the application documents, no development shall be commenced until precise details or samples of the materials to be used in the construction of the external wall(s) and roof(s) of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
4. Details of hard and soft landscaping, including all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 8 months of first occupation and thereafter retained.
5. The hedge as shown to be retained on approved Drawing No. 0164-AL (0) 004, Rev A, shall be retained as such for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. 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 occupation of the proposed development 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. The development hereby permitted shall not be brought into use until the access and parking areas have been provided in accordance with the approved plans. The parking and access areas shall thereafter be retained as such.
7. Before the development is first brought into use, the access drive rear of the public highway shall be surfaced and bound in a porous material for a minimum distance of 5m back from the site boundary in accordance with the approved plans. The surfacing material for the access drive shall thereafter be maintained as such.
8. All construction works, including demolition, together with associated deliveries to the site shall only take place between the hours of:

8:00 am and 18:00 pm Monday to Friday inclusive;
8:00 am and 14:00 pm on Saturdays;
Not at all Sundays, Bank Holidays and other public holidays.
9. All demolition materials shall be removed from site and properly disposed of.
10. There shall be no burning on site during development.
11. No new windows or openings shall be created on the West elevation without prior approval in writing by the local planning authority.

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

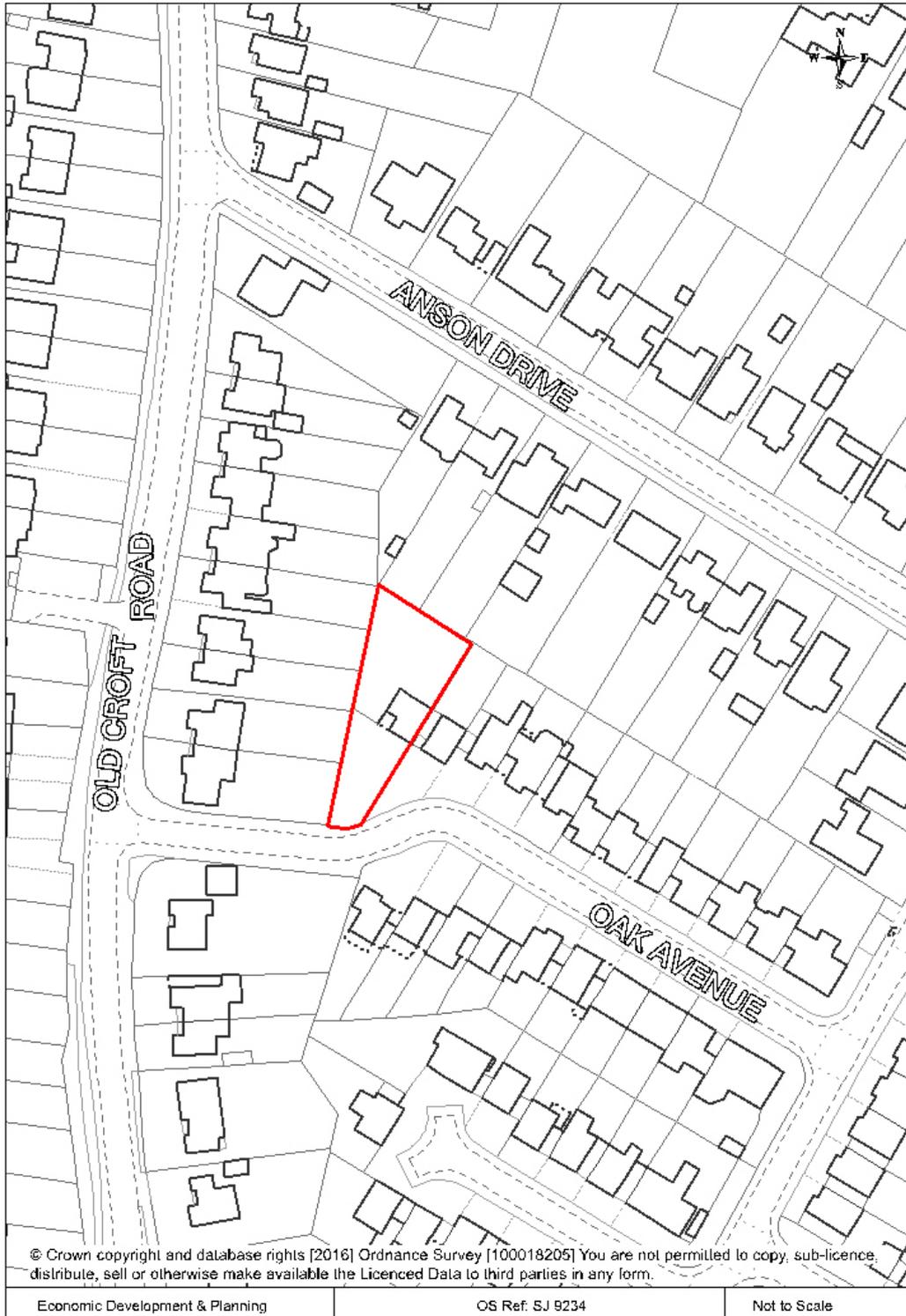
1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).
4. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).
5. To safeguard the character and appearance of the area (Policy N1h of The Plan for Stafford Borough).
6. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
7. In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
8. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).

9. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance. (Policy N1e of The Plan for Stafford Borough).
10. To safeguard occupiers of nearby residential properties from nuisance caused by fumes, smoke and smells (Policy N1e of The Plan for Stafford Borough).
11. To ensure an adequate level of privacy for occupiers of adjacent residential properties (Policy N1e and Stafford Borough Council Space About Dwellings Guidance)

Informative(s)

1. The Local Planning Authority considers the proposal to be a sustainable form of development and therefore complies with the provisions of the National Planning Policy Framework.
2. The applicants attention should be drawn to the comments of the Environmental Health Officer dated 25th of May with regards to refuse collection and drainage.

**17/26109/FUL
Land Behind 1
Oak Avenue
Walton On The Hill
Stafford**



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Economic Development & Planning	OS Ref: SJ 9234	Not to Scale
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