



Civic Centre, Riverside, Stafford

Contact Jim Dean

Direct Dial 01785 619209

Email jdean@staffordbc.gov.uk

Dear Members

Planning Committee

A meeting of the Planning Committee will be held in the **Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford on Wednesday, 16 November 2016 at 6.30pm** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

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

A.R. Well

Head of Law and Administration

PLANNING COMMITTEE - 16 NOVEMBER 2016

Chairman Councillor B M Cross
Vice-Chairman Councillor A S Harp

AGENDA

- 1 Minutes
- 2 Apologies
- 3 Declaration of Member's Interests/Lobbying
- 4 Delegated Applications

Details of Delegated applications will be set out in **Section 6 of Digest No 227 published on 9 December 2016**

	Page Nos
5 Planning Applications	3 - 23
6 Masterplan Document - North of Stafford Strategic Development Location	24 - 31
7 Planning Appeals	32 - 49
8 Enforcement Matters	50 - 56

MEMBERSHIP

C A Baron	A J Perkins
M Bowen	D B Price
B M Cross	G O Rowlands
M G Dodson	P Roycroft
A S Harp	RM Sutherland
E G R Jones	C V Trowbridge
S O'Connor	

PLANNING COMMITTEE - 16 NOVEMBER 2016

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
16/24014/FUL	Land at Ellenhall Manor, Ellenhall Road, Ellenhall	4 - 11
	This application was called in by Councillor S P Leighton	
	Officer Contact - Richard Wood, Development Lead (Large Scale) - Telephone 01785 619324	
16/24517/OUT	Adjacent to 18 Hunters Road, Moss Pit, Stafford	12 - 23
	This application was called in by Councillor G O Rowlands	
	Officer Contact - Sarah Poxon, Development Lead (Small Scale) - Telephone 01785 619507	

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	16/24014/FUL	Case Officer:	Sian Wright
Date Registered	11 July 2016	Target Decision Date	5 September 2016
Address	Land At Ellenhall Manor Ellenhall Road Ellenhall	Ward	Seighford and Church Eaton
		Parish	Ellenhall
Proposal	Partial change of use of agricultural field to dog boarding kennels (Sui Generis)		
Applicant	R E and E K Billington		
Recommendation	Approve		

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor S P Leighton (Ward Member for Seighford and Church Eaton) for the following reason:-

"Impact on the surrounding rural areas and residents and unsuitability of design and effect on street scene".

Context

The application proposes to use an existing agricultural field for dog kennels at Ellenhall Manor Farm which is on the edge of the village of Ellenhall. The applicant seeks to accommodate a total of 4 dogs. The opening hours of the kennels is stated as being 8.00am to 7.00pm Monday to Saturday, 9.00am to 4.00pm on Sundays and bank holidays.

The application comprises a unit of 4 dog kennels measuring a total of 6m x 3.5m x 2.0m in height. These kennels feature a metal barred run area at the front of the enclosed kennel. An isolation kennel is also proposed which is 1.5m x 3.5m x 2m in height. The proposed kennels will be constructed of pro-thermal plastic white walls with polyester coated roof sheets and galvanised vertical metal bars.

The proposed block of 4 kennels would be sited adjacent to an existing agricultural shed. The isolation kennel would be located away from the main kennels but also adjacent to the existing building.

An existing portacabin to be used as an office for the boarding kennels would be relocated and would be sited adjacent to the block of 4 kennels.

Ellenhall Manor Farm is a Grade II listed building and is located next to St Mary's Church which is a Grade II* listed building.

A public footpath runs between the listed farmhouse and the adjacent agricultural building. The applicant has confirmed that the proposed isolation kennel will not obstruct this footpath.

1. Principle of Development

Policy E1 of the Plan for Stafford Borough supports the rural economy and Policy E2 supports rural sustainability and the diversification of the agricultural economy subject to numerous criteria. The NPPF promotes the development of agricultural and other land based rural businesses.

Policies and Guidance:-

National Planning Policy Framework
Paragraph 28

Plan for Stafford Borough
E1 - Local Economy
E2 - Sustainable Rural Development

2. Amenity / Character and Appearance

The proposed kennels are functional, unattractive cage type structures. It is proposed to locate them adjacent to an existing agricultural building. It is considered that their visual impact, together with the existing portacabin, would be least intrusive against the backdrop of this building. Given that this is a working farm and that the farm comprises numerous large agricultural buildings, the proposed siting of the kennels and portacabin at the edge of the field adjacent to an existing building is considered to be acceptable.

The closest residential properties to the farm are the Old Vicarage which is approximately 180m away from the proposed site and the Old School House which is approximately 200m away.

Concerns have been raised by neighbouring residents about noise disturbance from barking dogs. The Environmental Health Officer does not however raise any concerns about noise disturbance.

Whilst the objections raised relating to noise are noted, given that this is a working farm, it is reasonable to assume that there is already a certain level of activity and noise at the site. A maximum of 4 dogs is not considered to be excessive and on this basis the proposal is considered to be acceptable with regards to residential amenity issues.

If noise was to become an issue, Environmental Health can deal with this matter as a statutory nuisance under separate legislation.

The Environmental Health Officer has suggested a number of conditions. One condition relates to works on site. The applicants have however suggested opening hours of 8am to 7pm Monday to Saturday and 9am to 4pm on Sundays and bank holidays which, is considered to be reasonable given the small scale nature of the proposal. Other suggested conditions are not considered to be appropriate to this proposal. An informative note should however be added to any permission highlighting the issues raised in particular, that the applicant needs to apply to the Licensing Department for a dog boarding establishment licence and that the establishment will need to conform with SBC's licensing conditions and will be subject to inspection by a vet and an officer from SBC.

Policies and Guidance:-

Plan for Stafford Borough
N1 - Design

3. Highways

There is currently a driveway into and out of the farm. The submitted application states that there are 6 car parking spaces available. The submitted plans show the location of 2 spaces.

The Highway Authority does not raise any objection subject to there being no more than 4 dogs. They also suggest that a temporary permission might be the most appropriate approach for this proposal.

A temporary permission has consequently been suggested to the applicant however, given the cost of setting up such a business, the applicant is seeking a permanent permission. The Highway Authority do not object.

Policies and Guidance: -

National Planning Policy Framework
Paragraph 39

Plan for Stafford Borough
T2 - Parking and Manoeuvring Facilities.

4. Heritage

Ellenhall Manor farmhouse is a grade II listed building. Approximately 35m to the south-east of the farmhouse is St Mary's Church which is Grade II* listed.

The application is supported by a heritage statement. This report concludes that the proposed kennels will not impact upon the nearby heritage assets. Given that the proposed kennels are to be situated against the backdrop of an existing agricultural building there should not be any significant impact upon the setting of these buildings.

The Conservation Officer does not raise any objections and comments, that the proposed boarding kennels will have no impact on the settings of the adjacent listed buildings, Ellenhall Manor and the Church of Saint Mary.

Policies and Guidance: -

National Planning Policy Framework
Section 12 Conserving and enhancing the historic environment.

Plan for Stafford Borough
N1- Design
N9 - Historic Environment

5. Conclusion

The main concerns relate to possible noise disturbance and highways issue. The Environmental Health Officer does not raise any objections with regard to noise. Given that the proposal is for a maximum of 4 dogs, it is considered that the proposal is acceptable subject to a condition to limit no more than 4 dogs.

Consultations

Highway Authority: No objections subject to no more than 4 dogs

Conservation Officer:

No objections.

I am satisfied that the proposed boarding kennels will have no impact on the settings of the adjacent listed buildings, Ellenhall Manor and the Church of Saint Mary.

Environmental and Health Services:

- 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 No burning on site during development.
- 3 Ensure that there is adequate surface and foul water drainage to the site and that this does not adversely affect any existing systems.
- 4 Ensure that there are adequate and suitable facilities for cleaning and storage/disposal of animal waste materials. The facilities should be designed to minimise the potential to cause an odour nuisance and to minimise waste matter becoming prejudicial to health.
- 5 Lighting to all of the commercial premises should be of a type and positioned not to cause light nuisance to the neighbouring existing and proposed residential dwellings.
- 6 The arrangements for the storage of animal foods etc., should be suitable to prevent pest infestation.
- 7 The business operator will need to apply to the Licensing Department for a dog boarding establishment licence. The establishment will need to conform with SBC's licensing conditions and will be subject to inspection by a vet and an officer from SBC.

County Rights of Way:

The application plans don't recognise the existence of Public Footpath No 0.1364 Ellenhall which runs very close to the proposed kennels and the isolation kennel appears to be situated on the line of the footpath.

The attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Parish Council:

I have been made aware of and read the responses of 3 villagers about this application. Ellenhall village is of a linear pattern where generally the houses are sited either side of the road that runs through it, with Ellenhall Manor at one end (west). Consequently those people living the same end will experience a greater impact from the probable barking (noise nuisance). However the prevailing wind is SW so it is likely that others may well be affected too.

I have tried to gather an overview of how everyone in Ellenhall feels about this application as other points raised in the 3 responses may also affect the rest of the village, such as increased traffic, the close proximity of the site to a public footpath, the possibility of the business expanding and the recent complaint of other dogs in the village causing a noise nuisance and in general the opinion is that the application is likely to have a detrimental effect on the villagers, but many understand how farmers need to diversify and there is nothing personal in the reservations made.

Maybe as the Adams said in their response there is a need to amend the application, if it were possible, to make the application acceptable to those living so close. Unfortunately we don't have our next meeting in the parish until October 10th, when discussions could take place.

Neighbours (12 consulted): 5 letters of representation received objecting on the following grounds (summarised)

Noise disturbance from barking dogs

Possibility that the business will expand

Site is in an elevated position

Detrimental impact upon the area

Already been complaints about dogs barking in the area.

Impact upon residential amenity

Narrow driveway with no passing places

Increased traffic and impact upon pedestrians

Impact upon public footpath

No need for another dog kennel business in the area

Relevant Planning History

16/24362/FUL - Installation of a Micro Anaerobic Digestion Plant - under consideration

11/15591/FUL - Slurry storage pit; gate; track - permitted 2011

11/15914/FUL - Cattle building - Phase 1 - permitted 2011

11/15915/FUL - Cattle building - Phase 2 - permitted 2011

11/15916/FUL - Cattle building - Phase 3 - permitted 2011

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:-
 - location plan - amended plan received 19/09/2016
 - site plan at 1:500 - amended plan received 19/09/2016
 - parking site plan at 1:1250
 - elevations at 1:100
 - floor plans - amended plan received 19/09/2016
 - kennels floor plan at 1:100
3. Not more than 4 dogs shall be kennelled at any one time.
4. The opening hours of the kennels shall be 8.00am to 7.00pm Monday to Saturday and 9.00am to 4.00pm on Sundays and bank holidays.

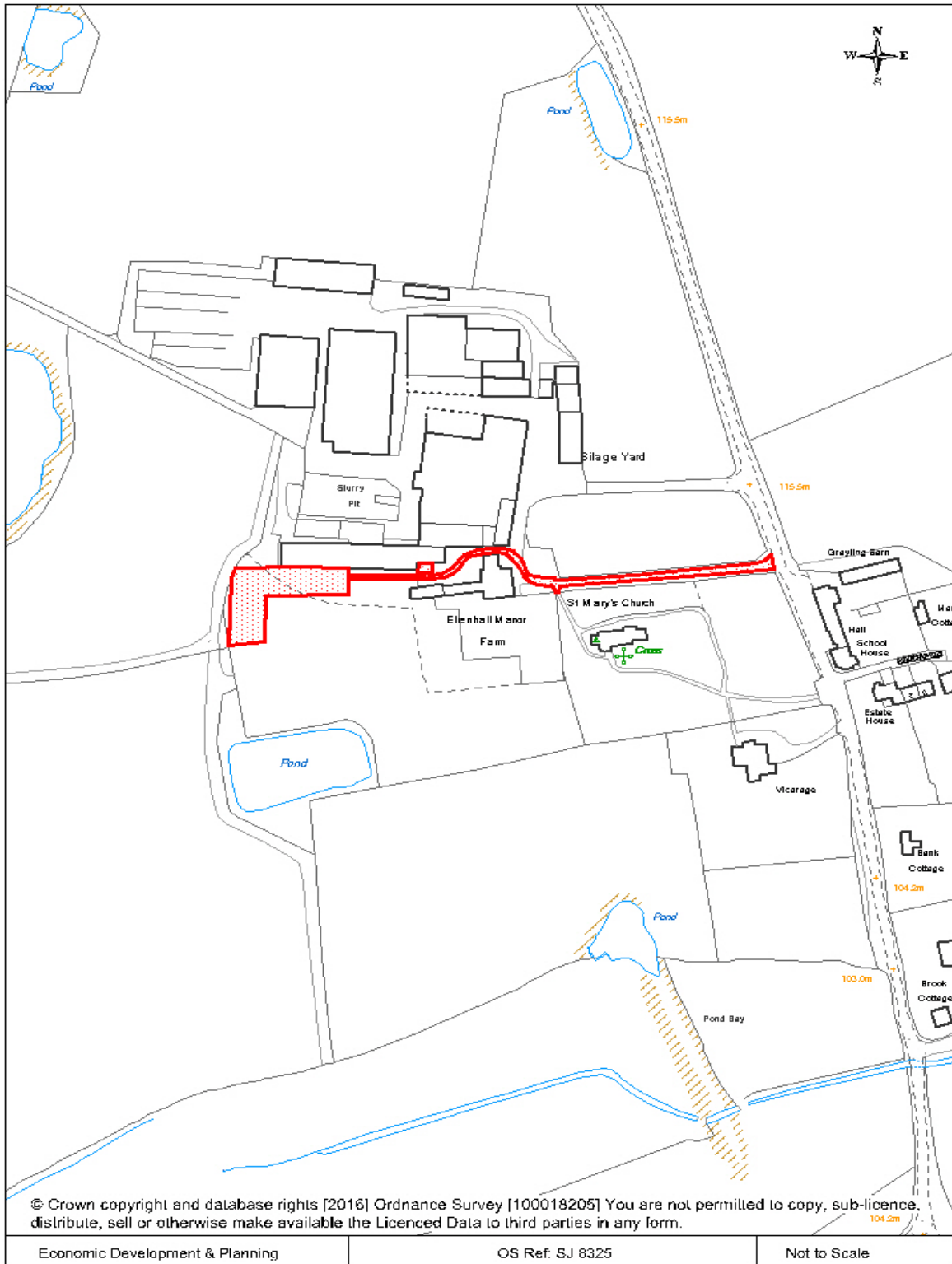
The reasons for the Council's decision to grant planning permission subject to the conditions listed above are:

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
4. To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).

Informative(s)

- 1 The Local Planning Authority consider the proposal to be a sustainable form of development and therefore complies with the provisions of the National Planning Policy Framework.
- 2 The applicant's attention is drawn to the comments of the Environmental Health Officer in that the business operator will need to apply to the Licensing Department for a dog boarding establishment licence. The establishment will need to conform with Stafford Borough Council's licensing conditions and will be subject to inspection by a vet and an officer from Stafford Borough Council.

16/24014/FUL
Land At Ellenhall Manor
Ellenhall Road
Ellenhall



Application	16/24517/OUT	Case Officer:	Teresa Brown
Date Registered	27 July 2016	Target Decision Date	21 September 2016 extended to 18 November 2016
Address	Adjacent To 18 Hunters Ride Moss Pit Stafford Staffordshire	Ward	Manor
		Parish	
Proposal	Erection of a single two-storey dwelling		
Applicant	Mrs E Mather		
Recommendation	Approve		

REASONS FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor G O Rowlands (Ward Member for Manor) for the following reason:-

"Inappropriate development out of keeping with the street scene".

Context

This is an outline application for a single dwelling with details of access, layout and scale submitted for consideration and all other matters reserved.

The site currently forms part of the garden to 18 Hunters Ride.

The site measures approximately as follows: 35m in length to the shared access drive; 10.0m wide for 23m before tapering out to a maximum width to the front/south to the shared access/highway boundary; approximate area of 444m² to include shared access.

The front/west of the site opposes the no 5 Hunters Ride and the rear garden of No 3a Hunters Ride. To the southern side, the site borders the side of no 16 Hunters Ride and to the northern side, the side of the host dwelling no 18 Hunters Ride, The site is bounded to the rear/east north by Chain Lane.

Access would be shared with the existing private access to no 5 Hunters Ride, part of which is also a linked public footway.

The layout and scale details show a 2-storey detached 3-bedroomed dwelling with a rectangular footprint and maximum dimension of 8.3m deep x 6.4m wide x 7.5m high to top of pitched roof.

Landscaping and appearance are reserved matters and have not been indicated in any great detail at this stage.

Amended plans have been submitted during the course of the application to resolve the initial concerns of the Highway Authority over the parking arrangements and also to extend the red edge to show site access from the highway boundary.

The applicants have submitted a revised certificate during the course of the application (Certificate C) and have published the relevant press advert. The Highway Authority have confirmed that they own a strip of the access drive land and that the rest is in private ownership, however, although nos 5 and 18 Hunters Ride appear to have a right of access over the shared drive, it is unclear who owns the private part of the shared drive.

Officer Assessment - Key Considerations

1. Principle of Development

The site currently forms part of the side garden to no 18 Hunters Ride.

The definition of previously developed land in the NPPF excludes private residential gardens and therefore the site is defined as greenfield land.

Whilst the NPPF encourages 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 Plan policies should seek to resist the inappropriate development of gardens where it would cause harm to the local area. However proposals involving the development of residential gardens should be considered on their individual merits.

The site is in a sustainable location within Stafford, which is at the top of the Sustainable Settlement Hierarchy as outlined in Spatial Principle 3 of the Plan for Stafford Borough.

It is acknowledged that the housing allocation figures in SP3 of The Plan for Stafford Borough have been reached, however, the site is well within the published settlement boundary for Stafford and it is not considered that one new additional dwelling would result in unsustainable growth.

In view of this the principle of residential development on the site is considered to be acceptable subject to other material considerations.

Policies and Guidance:-

National Planning Policy Framework - paragraphs 14, 17, 49, 53

The Plan for Stafford Borough - Policy SP3 Stafford Borough Sustainable Settlement Hierarchy, Policy SP4 Stafford Borough Housing Growth Distribution

2. Layout and scale/character and appearance/landscaping

The application seeks to approve layout and scale.

Appearance and landscaping are reserved matters and any details shown on the plans and elevations are indicative only.

The layout submitted shows a modest footprint that is in line with the host dwelling to the north (no 18 Hunters Ride) and set forward of the adjacent dwelling to the south (no 16 Hunters Ride). No 18 Hunters Ride is also set forward of no 16 and the proposal would match that projection.

Although the proposal is an infill development, the scale of the proposal is not considered out of keeping with the established pattern of development in the area. The proposal does sit in close proximity to the side boundaries of the adjacent dwellings, however, this is not dissimilar to the siting of other dwellings in the near vicinity and is not an unusual arrangement for modern estate dwellings. The streetscene elevation shows a subordinate dwelling which retains a reasonable visual separation to the southern side and which does not appear cramped within the plot. Given the varied front building line of the existing streetscene, and the head of cul-de-sac location of the plot, it is not considered that the forward siting of the proposed dwelling would dominate the streetscene in this location.

The proposal is therefore considered acceptable in context of the proportions and layout of the site, and in context of its relationship to the established streetscene, subject to the submission of appropriate details in respect of appearance and landscaping at reserved matters.

Neighbour comments on siting and streetscene have been noted and are addressed above. The proposal has been assessed in relation to its siting within the streetscene, to include the new development at no 3a, and is considered acceptable.

The site is in close proximity of an off-site tree belonging to no 18 Hunters Ride, which is the subject of tree preservation order TPO No 6 of 1968. This tree is to the rear of and in close proximity to the proposed dwelling.

The tree officer has been consulted and has no objections to the proposal in principle, stating that the mature Giant Redwood tree identified as T1 within the submitted Tree Feasibility Study (Rob Keyzor - October 2015) will have associated constraints. The report has identified the minimal exclusion zone to be interpreted with a mature tree in this location, which takes into account associated constraints and historic root morphology interference. Therefore, the tree officer states that if planning permission is subsequently granted, an exclusion zone via the use of Tree Protection Fencing will be required in the rear garden of the property to prevent any detrimental impact on the remaining rooting area of this specimen.

The tree officer has requested tree protection conditions T01 Landscaping and Means of Enclosure and T08 Tree Protection. Of these, T01 can be conditioned to the landscaping details (to include boundary treatments) being submitted at reserved matters stage and T08 can be conditioned at outline stage.

Policies and Guidance:-

National Planning Policy Framework - paragraphs 56, 57, 58, 59, 60, 61, 64, 109 and 118

The Plan for Stafford Borough - Policy N1 Design, Policy N4 The Natural Environment and Green Infrastructure

3. Residential Amenity

The proposed layout has been assessed in respect of amenity as follows:

The Space About Dwellings guidance recommends a minimum distance of 21m between opposing principal windows, 14m between a principal window and a non-principal window/blank wall (reduced to 10.5m in respect of an opposing single storey structure) and 6m from a principal window to a site boundary.

The proposal does not result in any breaches of SAD guidance, with guidance distances to neighbouring principal windows and distances from principal windows to the site boundary being met.

The garden amenity area would also exceed SAD guidance, as would the remaining garden area to the host dwelling.

An ETD style assessment shows no breaches of ETD guidance.

It is therefore considered that the proposed layout and scale of the dwelling would not impact on the residential amenity of any nearby residential neighbours.

Neighbour comments in respect of blocking outlook are noted and addressed above.

Policies and Guidance:-

The Plan for Stafford Borough - Policy N1 Design

Space About Dwellings (SAD), Extensions to Dwellings (ETD)

4. Access and Highways

The scale and layout shows a 3-bedroomed dwelling. The amended plans show a provision for two parking spaces on the site frontage, which would meet local plan standards.

The Highway Authority raises no objection to the proposal, subject to the parking layout shown on the plan being conditioned to be hardsurfaced and kept as intended for the lifetime of the development.

As approval of access and layout is sought under this application, this condition can be attached to the outline consent.

Neighbour comments in respect of highway danger etc have been noted, however, the Highway Authority (HA) have been consulted and do not object to the proposal on highway safety grounds. The HA have confirmed that they own the footpath link, but that the remainder of the drive is in private ownership. No evidence has been submitted to prove shared ownership of the private part of the drive (as opposed to shared rights of access) and the applicant has taken the correct procedures to establish any other, unknown owners of the land. Issues of disputed right of access, deeds and land ownership are a civil, not a planning matter.

Children playing on a public highway-owned path/shared drive is not a planning matter.

Policies and Guidance:-

National Planning Policy Framework - paragraph 39

The Plan for Stafford Borough - Policy T2 Parking and Manoeuvring Facilities; Parking Standards Guidance

5. Other Matters

The conditions suggested by the Environmental Health officer relating to hours of work and deliveries, burning on site and the removal of demolition materials are considered reasonable. The other conditions relating to damping down of dust, road sweeping, noise and screening are considered unnecessary or unreasonable given the small scale nature of the proposal and would in any case be better dealt with under separate legislation. The prevention of parking of delivery vehicles on the highway would also be better controlled under separate legislation.

Neighbour comments have been addressed in the relevant parts of the report above, and as below:

- Neighbour comments specifically referring to issues in respect of another permission or any future or anticipated applications cannot be taken into account .
- No evidence has been submitted by the neighbour in respect of the implied financial advantages nor of the influence of central government.
- It is unclear what award was gained by the estate, however, it is considered that this in itself would not be a constraint to further development.
- The application has been correctly publicised by the council.
- There is nothing to prevent the applicant from making the application, regardless of any precedent. Any communication between the applicant and the neighbour would be a private matter.

6. Conclusion

It has been adequately demonstrated that the proposed dwelling could be accommodated on the site without a detrimental impact on the character and appearance of the area, subject to a satisfactory submission of reserved matters. Furthermore, the proposed layout and scale would not have a detrimental impact on the residential amenity of neighbouring properties, highways safety, or trees, subject to appropriate conditions at outline stage.

Consultations

Highway Authority:

The Highway Authority recommended refusal on the original plans for reasons of insufficient information and also on the first set of amend plans, before recommending approval (see below).

Amended plans: Comments as below:

This application should be refused for the following reasons:-

The submitted plan does not overcome the previous reasons for refusal. The parking spaces are shown parallel to the adopted footpath that runs across the front of the site and back out onto Hunters Ride. This is likely to lead to excessive manoeuvring across the footpath. There is an existing dropped crossing on this location so the principle of a vehicle access is already permitted. However the layout is different, in that existing vehicle will park at 90 degrees to the highway.

I would suggest that the applicant utilise their existing parking and ensure it is capable of accommodating two vehicles with sufficient space to manoeuvre out; so a distance of 6metres is required behind the parking spaces. If the applicant amends the drawing a to address these concerns then I would have no objection.

I would be happy to discuss with the agent if they need further advice.

I would also question the red line boundary to the application which does not link to the adopted highway. Could the applicant confirm that this property has access to the highway?

Further Amended Plans: Comments as below:

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

1. The proposed car parking as shown on the drawing 1605/01/01/D shall be hard surfaced and kept as intended for the lifetime of the development.

Tree Officer (TO): Comments as below:

I have no objections to the proposed in principle, however the mature Giant Redwood tree identified as T1 within the submitted Tree Feasibility Study (Rob Keyzor - October 2015) will have associated constraints. The report has identified the minimal exclusion zone to be interpreted with a mature tree in this location which takes into account associated constraints and historic root morphology interference. Therefore if planning permission is subsequently granted an exclusion zone via the use of Tree Protection Fencing will be required in the rear garden of the property to prevent any detrimental impact on the remaining rooting area of this specimen.

The following conditions will apply:

T01 Landscaping and Means of Enclosure

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; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg drainage and sewers, power

and communication cables, pipelines etc indicating lines, manholes supports etc); retained historic landscaping features and proposals for restoration, where relevant.]

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation program]. 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.

Reason: In the interests of amenity and to ensure a satisfactory form of development.

T08 Tree Protection

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 an with the 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 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.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development.

Environmental Health: Comments as below:

I refer to the above application and make the following comments:

The following conditions are recommended in order to safeguard 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. There should be no burning on site during development
4. All demolition materials shall be removed from site and properly disposed of.
5. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
6. Road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.
7. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.

8. Screening shall be provided to the site to protect residential dwellings from exposure to excessive noise. Details of such work shall be agreed with the local authority and carried out before other works begin.

Neighbours (13 Consulted): 5 representations received from 3 address points, (two comments on original plans and 3 comments on amended plans), objections, comments summarised as below:

- Neighbour is not happy that consultation letter was received 5 days after site notice informing them of the proposal was put up; refers to planning disasters on Hunters Ride; refers to another permission adjacent to 3 Hunters Ride which was approved at appeal and which is still unfinished; impact of previous development on Hunters Ride which won a development award 40 years ago; current proposal will block neighbour in from all sides; applicant has seized on the precedent set by no 3a; applicant has not mentioned the application to their neighbour; odds are that the council will approve the proposal in favour of central government policy;
- Objects to increased traffic and access to the property; access is via a shared driveway between no 18 and the neighbour's property, no 5 and was designed to accommodate vehicular access to only two properties; increase in traffic would result in safety hazard to small children who play on the access drive, especially as the building of no 3a and its boundary fencing has caused a blind spot for motorists; Infill development is ruining the lovely place to live; new building would be very close to no 16 and forward of their building line, looking odd and boxing them in; refers to planning mistake of no 3a;
- Amendments to parking are noted, but neighbour objects as no 18 are not the sole owners of the shared drive through which access must be gained;
- Proposal would be shoehorned into the space available and would be out of character with the award winning layout and have a detrimental impact on the streetscene; extra traffic would result in danger to children who play in this confined space and other through traffic of this well used path;
- Refers to shared ownership of private drive and queries whether or not no 5 would have to agree to a third party sharing the drive and if this would contravene existing deeds; refers to no 3a again and that traffic in the cul-de-sac is already congested (neighbour has provided a vehicle count of vehicles relying on the cul-de-sac for parking); no provision made for garage at no 3a; additional impact of delivery drivers etc; proposal is a tighter fit than no 3a and would butt up to neighbour and also block outlook to another neighbour; linked footpath is well used as an alternative to Chain Lane which has no footpath; refers to expected re-emergence of Ash Flats development; queries whether or not the highway authority has been consulted on all relevant issues in respect of the public footpath between nos 5 and 18;
- Neighbour is attempting to prevent developments which have suspicious undertones of financial advantages and copying a precedent; award winning and well maintained estate being downgraded in planning terms.

Relevant Planning History

None at the site.

Adjacent site referred to by neighbours:

14/21092/FUL Construction of a new 3 bedroom house at land adjacent 3 Hunters Ride, Stafford (resubmission of 14/20414/FUL). Approved on appeal 14.11.2014.

Various related discharge of condition applications, Variation of Conditions and Minor Material Amendments applications to 14/21092/FUL.

Recommendation

Approve, subject to the following conditions:

1. This is a grant of outline planning permission only and no development shall commence until details of the reserved matters of appearance and landscaping have been submitted to and approved in writing by the Local Planning Authority.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. 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:-

Amended Plan Drawing Nr 1605/01/01D

Amended Plan Drawing Nr 1605/01/02A

Drawing Nr. 1605/01/03

5. 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.
6. 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. There should be no burning on site during development
8. All demolition materials shall be removed from site and properly disposed of.
9. The landscaping scheme required under condition 1 of this consent shall include details of hard and soft landscaping works to include:

[proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg drainage and sewers, power and communication cables, pipelines etc indicating lines, manholes supports etc); retained historic landscaping features and proposals for restoration, where relevant.]

Any boundary walls, retaining walls, fences and other means of enclosure approved under the landscaping scheme shall be erected before the first occupation of the dwelling and shall thereafter be retained as such.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation program].

The approved landscaping scheme shall be implemented within eight months of the development being brought into use.

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.

10. 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 an with the 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 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.

11. The proposed car parking as shown on the drawing 1605/01/01/D shall be hard surfaced and kept as intended for the lifetime of the development.

The reasons for the Council's decision to grant permission for the development subject to the conditions listed above are:

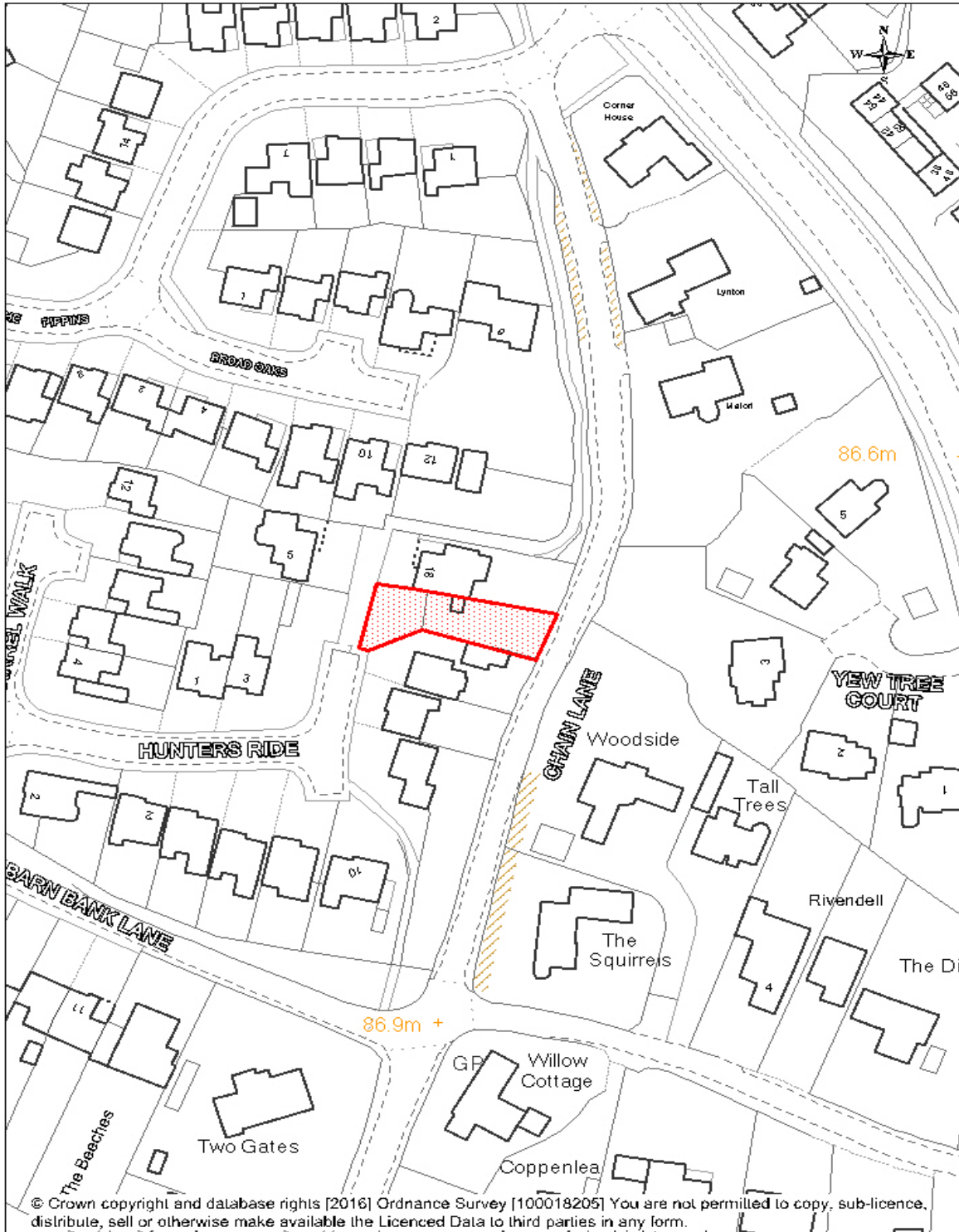
1. For the avoidance doubt as the application has been made for outline permission including access, layout and scale only. Any details show on the submitted plans relating to matters other than access, layout and scale are for illustrative purposes only.

2. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
3. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
4. To define the permission.
5. To safeguard the occupiers of nearby residential properties from undue noise, dust and general disturbance. (Policy N1e of The Plan for Stafford Borough).
6. To safeguard the occupiers of nearby residential properties from undue noise, dust and general disturbance. (Policy N1e of The Plan for Stafford Borough).
7. To safeguard the occupiers of nearby residential properties from undue general disturbance. (Policy N1e of The Plan for Stafford Borough).
8. To safeguard the occupiers of nearby residential properties from undue noise, dust and general disturbance. (Policy N1e of The Plan for Stafford Borough).
9. In the interests of amenity and to ensure a satisfactory form of development (Policies N1 g and h of The Plan for Stafford Borough).
10. To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development (Policies N1 g and h and N4 of The Plan for Stafford Borough).
11. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).

Informative(s)

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

**16/24517/OUT
Adjacent To
18 Hunters Ride
Moss Pit
Stafford**



PLANNING COMMITTEE - 16 NOVEMBER 2016

Ward - Milwich and Seighford and Church Eaton

Masterplan Document - North of Stafford Strategic Development Location

Report of Head of Economic Development and Planning

1 Purpose of Report

- 1.1 To consider the North of Stafford Strategic Development Location Masterplan Document (hereafter referred to as 'the Masterplan') as submitted by the Pegasus Group on behalf of Akzo Nobel UK LTD Maximus Strategic Land and Richborough Estates Ltd (circulated as a separate [APPENDIX 1](#) to this item), in accordance with Policy Stafford 2 within the adopted Plan for Stafford Borough.

2 Recommendation

- 2.1 That Planning Committee note the ambiguities identified within section 4 of this report and agree the Masterplan as satisfying the requirements within Policy Stafford 2 to be used as a material planning consideration in determining planning applications for the North of Stafford Strategic Development Location (SDL).

3 Background and Content of Masterplan

- 3.1 In June 2014 the Plan for Stafford Borough was adopted to accommodate new developments through a strategic framework for the period 2011 to 2031. Policy Stafford 2 - North of Stafford (attached as an **APPENDIX 2** to this item) sets out the policy requirements for bringing forward this SDL.
- 3.2 The first paragraph of Policy Stafford 2 requires that any application for development on a part of the whole of the area should be consistent with a masterplan for the whole SDL, to be agreed by the Council. The rest of Policy Stafford 2 details the specific development requirements to be implemented as part of the proposals.
- 3.3 The Masterplan has been submitted as a response to this policy and to promote the delivery of a comprehensive, sustainable mixed use development on the land.
- 3.4 Work with the developers and landowners for land North of Stafford has taken place with Staffordshire County Council, Stafford Borough Council and key statutory agencies since the adoption of the local plan and included a public consultation exercise in July 2013 and 2015. A total of 396 responses were received over the course of these exercises. The Masterplan has been influenced and evolved through consultation with these stakeholders.

3.5 The Masterplan provides a strategic framework with key principles for the future design and implementation of 3,100 new homes, at least 36 Ha of new employment land, a new secondary school, two primary schools, community facilities and associated infrastructure included in the following key sections:-

- Introduction
- Assessment
- Involvement
- Design Principles
- Design Proposals
- Delivery Strategy
- Summary
- Appendices

Design

3.6 The Masterplan sets out both the design principles and design proposals for the development. The design principles have been established in line with Paragraph 58 of the NPPF which look at the key design principles of function, sense of place, access to services and facilities, response to context, safer and accessible environments and creating visually attractive areas through good architecture and landscaping.

3.7 The Masterplan features an indicative layout plan, indicative land use plan, indicative building heights plan and a green infrastructure plan for the development. The indicative plans show the following development proposed:

- 3,100 new homes (with an average density of 35 dwellings per hectare) including affordable housing distributed across the site comprising of a mix of house types, tenures and sizes to respond to the identified needs of the community;
- Approximately 36 hectares of employment;
- Assisted living and extra care and retirement housing to meet the needs of older people;
- Two new primary schools, along with a new secondary school and associated sports/leisure facilities, which will act as an important community resource;
- Three new local centres providing groups of shops, as well as other community services and facilities, including healthcare provision;
- A 10ha Destination Park including a 3,000sqm destination play area and shared sports facilities located in an accessible location in the heart of the development as well as a range of children's play and multi-use game areas;
- Road connections linking the whole SDL together including appropriate off and on site highways infrastructure works and an access and movement framework that facilitates easy walking and cycling within the development and to the town centre; and
- A flood storage area that will alleviate flooding downstream.

Delivery

- 3.8 The North of Stafford SDL is currently planned to come forward over a 15 year time frame (by 2031), with the necessary infrastructure delivered in a timely fashion, to support the development and ensure that a sustainable new neighbourhood is created.
- 3.9 Each developer will submit a single (outline) application covering all of their respective land interests. The planning application process will then determine the exact triggers for the delivery of infrastructure and these will be brought forward in phases as new housing is delivered. The Masterplan gives details for the delivery of the following:
- Mixed use local centres - a local centre will be available for use on the respective part of the north of Stafford SDL when 1,000 new homes on the land east of Marston Lane and 300 new homes on the land west of Marston Lane have been completed;
 - Affordable Housing - subject to viability 30% affordable housing mix will be provided comprising a mix of housing types, tenures and sizes in accordance with policy C1 of The Plan for Stafford Borough. Provision will also be made for lifetime homes and other accommodation for the elderly and vulnerable in accordance with policy C3 of the Plan;
 - Education - one 1FE primary school circa 1.1ha in size on land west of Marston Lane to be available for use on the occupation of the 250th dwelling on the SDL land; A second 2FE primary school on the land to the east of Marston Lane delivered when required as established through ongoing partnership working between the developers and the Local Education Authority; A 5FE secondary school on land to be transferred to the County Council following receipt of planning permission for the land to the east of Marston Lane. This school will be available for use by 2020 and will be funded by S106 contributions from each developer based on the construction cost and the number of dwellings proposed that the school will serve;
 - Flood Management - A principle flood storage area (FSA) to be located alongside Marston Brook to the east of Marston Lane and designed to the satisfaction of the Environment Agency. It is proposed to be functioning by 2020 - 2024. Further detailed feasibility work will be undertaken over the course of the development of the SDL to establish other potential FSAs;
 - Comprehensive Drainage System - Details of drainage schemes for each component part of the SDL will be established at planning application stage and will be implemented on a phased basis;
 - Public Open Space and Green Infrastructure - Provision of a centralised destination park on land east of Marston Lane. Part of this area will be brought into use on the occupation of the 1,000 dwelling on the land east of Marston Lane with the remaining destination park being delivered as part of the latter phases of development. Details of onsite public open space provision regarding children's play areas, allotments, new footpaths, cycleways and sports pitches will be established at outline planning stage.
 - Other Infrastructure - Timing and delivery of infrastructure will be established through the planning application process and will be phased with the delivery of new homes and businesses.

- Access, Transport and Travel - Land will be safeguarded to provide a link through the North of Stafford SDL between the A34 in the west and the B5066 in the east. Landowners/developers will gift the intervening land to Staffordshire County Council to enable the connection to be completed. Off-site improvement works will be delivered via S106 agreements. Site access proposals will be delivered in phases as agreed with Staffordshire County Council and as detailed in section 6.27 - 6.33 and pages 94 - 105 of the masterplan (circulated as [APPENDIX 1](#) to this item). Pedestrian, cycle and bus connections will be provided to tie into the existing rights of way across an around the site and will be determined in detail through the application process.

4 Key Issues and Reasons for Recommendation

4.1 The Masterplan has been amended since its original submission to clarify a number of issues raised by Staffordshire County Council, ward members and the councils design advisor.

4.2 The amendments have sought to give greater clarity on the design principles to be established though the outline stages of the application. The amendments have also sought greater clarity on how the infrastructure for the masterplan will be delivered. Whilst the design principles are now broadly in accordance with the council's aspirations for the SDL, Much of the wording within the 'Delivery Strategy' section of the development is ambiguous and could lead to differing interpretations on how and when the infrastructure will be delivered. The applicant has refused to clarify or amend the ambiguous wording. The main points of discrepancy are as follows:

- Wording in para 6.14 currently states that "*I FE primary school will need to be available for use on the occupation of the 250th dwelling on the SDL land to the east of the A34 and west of Marston Lane (excluding Marston Grange development)*". This is ambiguous and doesn't clearly clarify the requirement for the primary school to be provided on the occupation of the 250th dwelling across the whole site.
- Para 6.15 currently reads that school and some leisure facilities "*will need to be available for use by 2020 to address forecast existing population growth of Stafford town ie excluding the growth planned in the PSB*". This is incorrect as the new school is required as a result of planned growth in the Plan for Stafford Borough which includes the SDL site.
- The wording in para 6.21 refers to the "*drainage scheme for each component part of the SDL will become apparent at the planning application stage*". Whilst this acknowledges that the requirements for drainage will become clear at this stage there is no clarity on the applicants commitment to deliver a comprehensive drainage scheme
- Para 6.30 does not include Dyson Way potential junction improvement; and Link widening between Sandon Roads North and South. However, it should be noted they are included in appendices on p95 of the Masterplan.

- Para 6.33 Currently states that the “*link connecting the A34 Stone Road and the B5066 Sandon Road will likely be delivered during the final build out phase of the residential plots within the Maximus Strategic Land site*”. The timing suggested is unacceptable as the link should be delivered as soon as possible within the SDL to serve the secondary school and ensure that the two pieces of land east and west of Marston Lane are linked to allow movement and avoid the existence of two isolated communities.
- 4.3 Despite a reluctance to amend the masterplan, the developers have expressed within correspondence to the authority that “all matters of detail concerning delivery will be resolved through the determination of these [outline] applications”. This may result in the need to require delivery of 1FE primary school at a lower trigger point unless a s106 agreement establishes the requirement for a 1FE primary school across the whole site (with the exception of the currently under construction Marston Grange).
- 4.4 Furthermore, section 5.1 (circulated as [APPENDIX 1](#) to this item), states that the Masterplan “will be subject to ongoing refinement as the masterplanning of the North of Stafford SDL progresses through the planning application stages, in order to ensure the best possible design solution for large scale development is achieved through the plan period”.
- 4.5 The Masterplan has undertaken an analysis of the various aspects of the site and its context and given consideration to design relevant policy and guidance. A framework has been presented for the design and delivery of the North of Stafford SDL in terms of the criteria identified in those policy and guidance documents, in particular Policy Stafford 2 - North of Stafford.
- 4.6 As such, with due consideration to the anomalies on the masterplan, the outline applications and a commitment to delivering infrastructure through appropriate mechanisms (eg s106 agreements) the council is content that the SDL can be delivered in line with Policy Stafford 2 - North of Stafford.

Background Papers

The following papers are available in Forward Planning and on the SBC website:-

- The Plan for Stafford Borough (June 2014)
- North of Stafford Strategic Development Location Masterplan Document (October 2016)

Contact Officer

Eiryl McCook - Development Lead - Direct No 01785 619 732

PLANNING COMMITTEE - 16 NOVEMBER 2016

Masterplan Document - North of Stafford Strategic Development Location**Extract from Plan for Stafford Borough, Policy Stafford 2****POLICY STAFFORD 2 - NORTH OF STAFFORD**

Within the area North of Stafford identified on the Policies Map a sustainable, well designed mixed use development will be delivered by 2031. Any application for development on a part or the whole of the area should be consistent with a master plan for the whole Strategic Development Location. The masterplan for the whole site should be produced by all developers involved in the development of the site and agreed by the Council prior to applications being submitted. Any application for a component of the whole site must be accompanied by a specific master plan which shows the relationship of the application area to the wider Strategic Development Location. The design of the application should not prejudice the delivery or design of the wider Strategic Development Location. Development must deliver the following key requirements:

Housing

- i. Delivery of approximately 3,100 new homes with 30% being affordable housing in the context of Policy C2 through a mix of housing types, tenures, sizes and styles with proportions of 2, 3 and 4 bedroomed properties in the context of Policy C1;
- ii. Provision to meet the needs of an ageing population through new extra care and specialist housing;

Employment

- iii. At least 36 hectares of new employment land with comprehensive links for a range of transport modes across the A34 to housing development areas;

Environment

- iv. A comprehensive drainage scheme will be delivered to enable development of the Strategic Development Location which will include measures to alleviate flooding downstream on the Marston Brook and Sandyford Brook;
- v. The development will provide on-site renewable or low carbon energy solutions including associated infrastructure to facilitate site-wide renewable energy solutions in the context of Policy N2;

vi. Necessary measures to avoid and mitigate the impact of development on the Cannock Chase Special Area of Conservation including Suitable Alternative Natural Green space will be provided;

vii. Existing hedgerows and tree lines to be retained and enhanced to support the provision of a network of green infrastructure including wetlands and water corridors, play areas, green corridors allowing wildlife movement and access to open space;

Transport

viii. An access, transport and travel plan strategy for the Strategic Development Location that maximises travel and accessibility by non-car transport modes via safe, attractive and conveniently designed street, pedestrian and cycling connections within the development and to Stafford town centre, nearby existing and new employment areas. The strategy shall identify road access points to the site and between the site and the existing settlement. It shall also identify construction access arrangements that do not disrupt existing residents and improvements to transport capacity along the A34, A513 Beaconside Road and the Redhill roundabout;

ix. There will be an interconnected network of streets serving the development producing discernible and distinctive neighbourhoods and places integrated and linked to existing areas;

Design

x. The development takes place on a 'neighbourhood' approach with the provision of a mix of uses including local retail facilities, social and physical infrastructure, a primary school, secondary education provision, a library service, health facilities and public open space;

xi. The development will be based on using sustainable construction methods in the context of Policy N2;

Infrastructure

xii. Highway capacity improvements, either through or around the perimeter of the site, or along Beaconside, will be required North of Stafford. Enhanced bus services and improved bus reliability, through bus priority, will be required along the A34 between the site and the town centre as well as real time bus passenger information, increased frequency of existing and new bus services;

xiii. Suitable Alternative Natural Greenspace(SANGS)required through on-site/off-site provision/ management at Cannock Chase;

xiv. Gas infrastructure serving the employment land north of Primepoint will be re-inforced. Gas infrastructure up-grading not required for the housing development other than standard connections into the system. Part of the North of Stafford Strategic Development Location extends over a National Grid high pressure gas pipeline (FM21AudleytoAlrewas).Development within the zone of influence must address the presence of the pipeline and not affect the functioning of this installation;

xv. Flood management scheme and less than greenfield surface water run-off to Sandyford Brook and Marston Brook through open water storage solutions, maximising opportunities for multi-functional open space provision;

xvi. Electricity connections and sewage capacity improvements required to meet additional housing development;

xvii. New primary school provision required as well as a new secondary school or extensions to existing secondary schools;

xviii. A new Destination Park including children's play areas and multi-use games areas in association with SANGs requirement if provided on-site;

xix. Standard telecommunication connections will be provided to link to the Stafford exchange enabled with Superfast Fibre Access Broadband;

xx. Primary health care provision delivered by increased capacity at existing facilities.

Developer contributions will be required to provide the strategic infrastructure needed to achieve a comprehensive sustainable development at this Strategic Development Location.

ITEM NO 7

ITEM NO 7

STAFFORD BOROUGH COUNCIL

PLANNING COMMITTEE - 16 NOVEMBER 2016

Ward Interest - Nil

Planning Appeals*Report of Head of Economic Development and Planning***Purpose of Report**

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

Notified Appeals

Application Reference	Location	Proposal
16/23522/HOU Committee refusal against recommendation	Bankside, Barton Lane, Bradley	
16/23843/HOU Delegated refusal	Lime Tree Cottage	
15/23372/FUL and 15/23373/LBC Non-determination	Stallington Hall, Stallington	
16/24287/PAR Delegated refusal	Woodfield, Fulford Road, Spot Acre	

Decided Appeals

Application Reference	Location	Proposal
16/23626/COU Delegated refusal, appeal dismissed and costs application refused	Lock House Restaurant Trent Lane Great Haywood	Change of use from restaurant/tearoom to dwelling; including extensions and garage
15/23472/HOU and 15/23473/LBC – Committee refusal, as recommended, appeals allowed	The Old Malt House Walford Back Lane Standon	Conversion of garage and stable, replacement of lean-to structure and erection of a garden room extension

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

Mr John Holmes, Development Manager Tel 01785 619302

Appeal Decision

Site visit made on 5 September 2016

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 17 October 2016

Appeal Ref: APP/Y3425/W/16/3153077

Lock House Restaurant, Trent Lane, Great Haywood, Stafford ST18 0ST

- 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 Mark Edwards against the decision of Stafford Borough Council.
 - The application Ref 16/23626/COU, dated 29 January 2016, was refused by notice dated 18 May 2016.
 - The development proposed is for the change of use from restaurant/tearoom to dwelling, including rear extension and garage.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Mark Edwards against Stafford Borough Council. This application is the subject of a separate Decision.

Preliminary matters

3. The Council describes the application in its decision notice to include reference to extensions rather than a rear extension, which is more accurate. I have considered the appeal on the basis of the change of use from restaurant/tearoom to dwelling including extensions and garage.

Main Issues

4. The main issues are:
 - The effect of the proposal on designated heritage assets;
 - the effect of the proposal on a community facility; and
 - whether the proposal represent sustainable development, having regard to the development plan and the National Planning Policy Framework.

Reasons

Heritage assets

5. The appeal site comprises a series of three red brick and slate buildings around an open courtyard dating back to the late eighteenth century. These once formed the Lock Keeper's Cottage and small canal warehouses alongside what
-

remains a busy lock on the Trent and Mersey Canal and within the designated Great Haywood and Shugborough Conservation Area (CA). The buildings consist of a restaurant and car park on the roadside with a smaller tea room and outside garden seating area to the rear and alongside the canal. The first floor of the buildings provides residential accommodation for the proprietors. The complex lies between the canal on the one side and a railway embankment on the other. Beyond the railway is the village of Great Haywood. The proposed development would see the three buildings linked by extensions and infilling between to form a single dwellinghouse.

6. The appeal premises are located within the CA, which is characterised by a linear village with historic buildings focussed on Main Road, which also runs alongside the high boundary wall of the Shugborough Estate on its approaches into the village centre. There is a strong physical connection between the village and the Estate, with historic routes into Shugborough preserved, including importantly, Trent Lane, which crosses the canal the River Trent just beyond the appeal site. Shugborough Hall, a Grade I listed 17th century building and its collection of monuments and structures, many of which are listed Grade I and II* in their own right are set in very attractive parkland, with an abundance of mature trees.
7. The submitted Heritage Statement explains that Lock House is located within close proximity of two listed buildings, the Trent Lane Railway Bridge and the Trent Lane Canal Bridge, both Grade II Listed Buildings and situated within the CA. It therefore rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and also to the desirability of preserving or enhancing the character or appearance of the CA in accordance with section 72 (1) of the Act.

Listed Buildings

8. The ashlar stone Trent Lane Railway Bridge consists of a main segmental arch with robust square piers at each end with a small pedestrian arch on each side of the main span. A stone wall continues from one of the pedestrian arches to form the boundary to the appeal site before curving to form the entrance into the appeal site. The significance of the listed building is its robust, almost military vernacular that acts as a gateway from the village towards Shugborough. However, the set-back of Lock Cottage and the roadside vegetation would mean that the development, including the proposed garage would be well screened and have a neutral effect on the setting of the listed Trent Lane Railway Bridge.
9. In relation to the Trent Lane Canal Bridge, this comprises a single span with a segmental arch of similar ashlar stone as the Railway Bridge. Again the stone wall extends along the frontage to the appeal site before curving in the same manner as the wall that leads from the railway bridge to form the entrance into the car park to Lock House. From the bridge, the dominant views are of the canal, its lock and overspill with Lock House in the background beyond the car park. The significance of the listed building is its close association with other canal features in the immediate area as well as providing an important route to the Shugborough Estate.
10. Once again, the extensions and alterations to Lock House would not impinge upon the setting of the listed bridge in my view. However, looking over from

the bridge parapet towards the canal lock, the car park is a prominent open space. The proposed triple garage would occupy a position immediately adjacent to the Canal Bridge. It is noted that the revised proposal showed a shallower roof profile; the design and materials indicated a simple structure with red bricks and slate roof to match Lock House.

11. Moreover, local interest groups have raised concerns regarding the effect of the triple garage upon the setting of the listed buildings. In this respect I consider that the combination of the canal, the canal lock, together with the Lock House buildings and the prominent and elevated Canal Bridge remain entirely legible when viewed from both the canal towpath and Trent Lane. This combination of structures retains significant value in terms of the setting of the Canal Bridge, which is further enhanced by the open space between the Bridge and Lock House buildings in the background.
12. The proposed garage would be highly prominent from both the canal and Trent Lane despite the presence of an existing timber screen fence that marks the boundary between Lock House and the canal at this point. In such close proximity, the garage would represent a dominant and discordant feature in the context of the listed Trent Lane Canal Bridge. Its scale and position would be intrusive and harmful in what I regard as an important part of the listed building's immediate setting.
13. Accordingly, this element of the proposed development would fail to satisfy The Plan for Stafford Borough (TPSB) Policy N1 (h) and N9 (vii), which seek to sustain and where appropriate enhance the significance of heritage assets and their settings. Clear justification for the harm has not been made as required by this Policy. The setting's contribution to the listed building's significance would be harmfully reduced, though not to the extent that the latter's special interest would be completely or substantially lost. Rather, less than substantial harm would result.

Conservation Area

14. The proposed dormer windows comprise a continuous flat roofed extension containing four windows set within an area of vertical slate hanging that would take up some two thirds of the roof slope that faces the canal. This elevation is prominent from the canal towpath for a considerable length and at a position along the canal that widens out so that boats can wait their turn to pass through the lock. I consider that the scale and proportions of the dormer window design would overwhelm the roof slope and modest form of this traditional structure. In such views, this element of the proposal would change the form of the roof slope and building and would stand out as a discordant feature which would detract from the character and appearance of the CA.
15. The Council's Conservation Officer and interested canal bodies have also raised concerns about the proposed conservatory structure, which would they claim be fully visible from the canal within the CA. However this structure would be set much lower than the existing two storey buildings and would appear as a simple link structure between the outbuilding and the two storey wing adjoining the railway. I agree with the Council that because of its location and infilling between two larger buildings, it would not undermine the significance of this locally important set of buildings, whose historic form would remain apparent.

Consequently this aspect of the proposed development would preserve the character of the CA.

16. I therefore conclude overall that, in addition to the effects of the garage structure that would harm the setting of a listed building within the CA and would not therefore preserve the character and appearance of the CA as a whole, the proposed dormer structure would detract from the character and appearance of the existing property and would also harm and would not therefore preserve the character and appearance of the CA as a whole.
17. I have considered the suggestion made by the appellant that the design of the dormers could be modified through use of a planning condition in the event that this appeal is allowed. However as I have found the appeal unacceptable for other substantive reasons and it is unclear from the submitted drawings how vital the dormer structure would be to the design of the scheme overall, I do not consider that a condition would suffice. Both the garage and dormer would conflict with Policies N1 (h) and N9 (ii), (v), (vi) and (vii) of TPSB. These policies amongst other things seek to ensure a high quality of design which respects local distinctiveness and conserve heritage assets.
18. As with the harm that I have identified in terms of the effects of the proposed garage structure on the setting of the listed building, whilst the harm would cause great harm to the heritage asset comprising the CA, in the terms of the National Planning Policy Framework (the Framework), that harm would also be less than substantial. I will return to both aspects later in this decision.

Community facility

19. Spatial Principle (SP) 6 of TPSB says that priority will be given to supporting the rural sustainability of the Borough and sustaining the social and economic fabric by promoting amongst other things, a sustainable rural economy. TPSB Policy E2 states that developments within rural areas that provide for the sustainable use and re-use of rural buildings for appropriate uses will be permitted with priority given to economic uses before residential uses and where it has been demonstrated that every attempt has been made to secure a suitable commercial re-use. The corollary of this would aim to prevent the loss of economic uses unless they have been shown not to be viable and that all other options to continue an economic use have been explored.
20. This policy approach is broadly consistent with Paragraph 28 of the Framework, which states that planning policies should promote the retention and development of local services and community facilities. Paragraph 70 states that planning policies and decisions should guard against unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. Persuasive evidence exists that confirms that the existing restaurant/tearoom is a community facility of the type supported by both local and national policies. Moreover, it is an intrinsic part of the social and economic fabric of Great Haywood and occupies a prominent position on the canal and alongside one of the gateways into the nationally renowned Shugborough Estate. It has operated as a café for several decades.
21. The appellant took over the management of the business in 2013 after it had been marketed for sale for three years in an effort to restructure the business in order for it to become more profitable. The building is old and the appellant

believes that it is in need of modernisation if it is to successfully compete with nearby commercial operations. The accounts show that for the full two years' trading undertaken by the appellant, the business has been operating on a loss. Options for improvements that would have resulted in increasing the number of covers have been considered but discounted on the basis that the turnover and profitability would be unlikely to be attractive to potential investors.

22. The evidence reveals that the business was marketed during the period 2011 and 2013 at an asking price of £550,000. No material has been submitted about the type of marketing campaign undertaken or any evaluation of it. In addition, the basis for this valuation is not explained and I cannot be confident that this valuation was realistic and no information is provided as to whether a reduction in the asking price was contemplated. There is no evidence as to whether any offers were considered during this period or whether more recent marketing has taken place since 2013.
23. Consequently, I accept the Council's view that the evidence fails to demonstrate that options for revising the management or operation of the appeal business have been fully considered. I also accept the view of a third party organisation that the facility's relatively generous car park could be better managed to ensure that this is reserved for customers. This is important given that the village attracts significant numbers of visitors but does not have a public car park close-by.
24. Whilst the appellant may have failed to make the current enterprise commercially profitable during his tenure, there is no compelling evidence before me to demonstrate that either different management arrangements or an alternative economic use would not be successful. It seems to me that the loss of this longstanding restaurant/tearoom would be acutely felt both by the local community and by tourists alike. Lock House is well located and with its garden and car park has appropriate facilities. In accepting the appellant's desire that some modernisation might be necessary to enhance the profitability of this business, I see no reason to demur from the view that a viable business could not be created.
25. Government guidance in paragraph 28 of the Framework, along with Policies E2 and SP6 of the TSPB lend great weight to the retention of community facilities. The marketing undertaken and other material submitted has not been sufficient to demonstrate that the use, including a modified commercial use, would not be viable. Consequently, I find that the proposal would result in the loss of an important community facility and would not be in accordance with the policies above.

Sustainable development

26. Although the appellant refutes the Council's stance that the development would involve the creation of an additional housing unit, it is clear that the residential use of the building over both the restaurant and tea room areas is ancillary to the commercial use much in the same way as a public house with residential accommodation above. The proposals would see the property extended and converted to form a dwellinghouse with five bedrooms and 4 bathrooms with indoor swimming pool. This is quite different than what is at present a mixed, primarily business use, with the residential accommodation ancillary thereto. It would therefore lead in principle to the creation of a new open market dwelling.

27. TPSB SP1 says the Council will take a positive approach to development proposals that reflect the Framework's presumption in favour of sustainable development. SP2 sets out the housing provision requirements for the Borough and SP3 explains that the majority of future development will be delivered through the Sustainable Settlement Hierarchy based on Stafford, Stone and the Key Service Villages (KSVs). Great Haywood is identified as a KSV with the capacity to deliver the housing and other requirements for the development of sustainable communities within the Borough.
28. TPSB Part II is the second part of the Local Plan and is to be read in conjunction with Part I. The Council consulted on the Plan in June-July 2015 with a further consultation between November 2015 and January 2016. The modified Plan was submitted to the Secretary of State in April 2016 with examinations taking place in July and August 2016. Although this Plan has reached an advance stage in the process towards adoption I can only afford it moderate weight in my consideration of this appeal. A settlement boundary for the village has been identified in accordance with SP7, which is consistent with what has been shown in the emerging Colwich Neighbourhood Plan (CNP).
29. The settlement boundary shown on the Great Haywood inset map excludes the appeal site. Notwithstanding this, I recognise that the building is already in situ and is in residential use albeit as ancillary to the main commercial use of the building. These two factors mean that, together with the identification of Great Haywood as a sustainable settlement in SP3, the site would also be suitable as an open market dwelling in the terms set out in the Framework as Lock House occupies a relatively accessible location adjoining the village and close to shops and services that it offers. Government attaches great weight to the delivery of housing in general terms.
30. Consequently, full weight cannot yet be assigned to the settlement boundary; however in my view the proposed development would be suitably located and would therefore meet the broad accessibility requirements set out in the Framework. By the same token, these factors would also obviate the need for a Parish-based local housing needs assessment and appraisal to be undertaken in accordance with TPSB Policy C5(2).

Overall balance and conclusions

31. As paragraph 132 of the Framework makes clear, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given that harm identified both in respect of the failure to preserve the character and appearance of the CA and the setting of the Trent Lane Canal Bridge would be 'less than substantial' in the terms of the Framework, it is necessary – in line with paragraph 134 of the Framework – that it should be weighed against the public benefits of the proposal.
32. From what I have gleaned from the evidence, the appellant has identified one substantive public benefit that would flow from the development. The appellant argues that the proposals to extend and upgrade the appeal property would help safeguard this building which is of local historical importance within the CA. Although that attracts some weight, it is insufficient justification for the harm that would be caused to both the character and appearance of the CA and hence its significance and to the setting of the Canal Bridge and hence its significance also.

33. Taking the Framework as a whole as the government's expression of sustainable development, but focussing on the three dimensions referred to in paragraph 7, I do not question that the proposal (like any for new housing development) can be said to meet a number of social and to a lesser extent economic purposes. However, in this case I find that the environmental role is not met and in such a way that the harm outweighs any benefits in the other two dimensions. Despite its accessible location, given what I have found in relation to heritage assets and the loss of an important community facility, which would also undermine the economic role, I do not therefore regard the proposed development as sustainable development.
34. In conclusion therefore, with that finding in mind, as well as the proposal's failure to comply with key development plan policies, the absence of significant public benefit and the less than substantial harms to the CA and listed building, the totality of harms significantly and demonstrably outweighs any identified benefits when assessed against the policies of the development plan and the Framework taken as a whole.
35. For the above reasons, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR

Costs Decision

Site visit made on 5 September 2016

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 17 October 2016

Costs application in relation to Appeal Ref: APP/Y3425/W/16/3153077 Lock House Restaurant, Trent Lane, Great Haywood, Stafford ST18 0ST

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mark Edwards for a full award of costs against Stafford Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for change of use from restaurant/tea room to dwelling, including rear extension and garage.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Government's Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs can be awarded against a party who has behaved unreasonably and thereby caused the costs applicant to incur unnecessary expense in the appeal process.
 3. The applicant's case is substantive in nature. For substantive matters, the PPG advises that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Importantly, any unnecessary costs identified must relate to the appeal process.
 4. In this case the applicant believes that the Council misdirected itself in dealing with the application on the basis of an additional new dwelling house in the context of housing supply. The applicant believes that this is not a new dwelling as such but a proposal to change the use of an existing dwelling which has been a dwelling for many years as well as being used as a restaurant/tea room. Notwithstanding and in any event, the applicant also pointed out that *The Plan for Stafford Borough Part II* (TPSB Part II) should be afforded no weight given its status.
 5. I found that the property is in mixed use and that the change of use amounted to a new open market dwelling. Given that the TPSB Part II is at an advanced stage, I attached moderate weight to it in my decision. But this was not decisive to my decision. On this main issue I concluded that the combination
-

- of the property's location and the existing use that it performs would render the proposal acceptable in accessibility terms and on balance.
6. The applicant's second argument revolves firstly around the issue of permitted development rights under the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) and secondly the robustness of the evidence presented on viability grounds, which the applicant considers demonstrates the untenable viability situation here. However, I fail to see the significance of the GPDO provisions in this case; the application was presented to the Council as an application for change of use of the premises in line with what was proposed. The evidence submitted with the appeal is on the basis of a change of use proposal. Contrary to the applicant's view, the evidence on viability was not strong with many issues unresolved. Having correctly assessed the current use as an important community facility, the Council in my view followed both local and national policies that require clear justification for its potential loss.
 7. The third argument relates to the failure by the Council to enter into negotiations with the applicant over the design of the dormer windows. However, the dormer design was presented and was the subject of opposition from a number of interested and well informed groups. Whilst the National Planning Policy Framework encourages co-operation and dialogue, I have not identified any prejudicial failings in the handling of the application by the Council. The matter appears to have been raised if not by the Council then certainly by other parties during the application stage and it was available to the applicant to respond as part of the process, particularly given the sensitivities surrounding heritage assets at this location.
 8. I see no reason either to believe that the Council did not correctly follow the duty enshrined in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in this regard. The applicant will be aware that my attention was also drawn by interest parties and indeed the Council's own Conservation Officer to the proposed garage. Clearly, it was also my duty under the Act to undertake the statutory test for the development as a whole. On the matter of treating the objection to the dormer design by planning condition, I found that the use of a condition was not appropriate for the reasons stated in the appeal decision.

Conclusion

9. Therefore, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is not therefore justified.

Gareth W Thomas

INSPECTOR

Appeal Decisions

Hearing held on 4 October 2016

Site visit made on 4 October 2016

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 10 October 2016

Appeal A: Ref: APP/Y3425/W/16/3149181

The Old Malt House, Walford Back Lane, Standon, Stafford, ST21 6QS

- 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 Warren Cook against the decision of Stafford Borough Council.
 - The application Ref: 15/23472/HOU dated 23 December 2015, was refused by notice dated 17 February 2016.
 - The development proposed is conversion of garage and stable, replacement of lean-to structure and erection of a garden room extension.
-

Appeal B: Ref: APP/Y3425/Y/16/3149212

The Old Malt House, Walford Back Lane, Standon, Stafford, ST21 6QS

- 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 Warren Cook against the decision of Stafford Borough Council.
 - The application Ref: 15/23473/LBC dated 23 December 2015, was refused by notice dated 17 February 2016.
 - The works proposed are conversion of garage and stable, replacement of lean-to structure and erection of a garden room extension.
-

Decisions

1. **Appeal A:** The appeal is allowed and planning permission is granted for conversion of the garage and stable, replacement of lean-to structure, and erection of a garden room extension at the Old Malt House, Walford Back Lane, Standon, Stafford, ST21 6QS in accordance with the terms of the application, Ref: 15/23472/HOU dated 23 December 2015, subject to the conditions set out in the Schedule attached to this decision.
2. **Appeal B:** The appeal is allowed and listed building consent is granted for conversion of garage and stable, replacement of lean-to structure, and erection of a garden room extension at the Old Malt House, Walford Back Lane, Standon, Stafford, ST21 6QS in accordance with the terms of the application Ref: 15/23473/LBC dated 23 December 2105, subject to the conditions set out in the Schedule attached to this decision.

Main Issues

3. I consider there are two main issues in this case:
 - The effect of the proposed development and works on the special architectural and historic interest of this Grade II curtilage listed building;
 - The effect of the proposal on the appearance of the existing building and surrounding area having regard to the building's former agricultural use.

Reasons

Background

4. The appeal relates to two buildings (north building and south building) aligned in an 'L' shaped configuration which, although distinct, are attached at one corner externally. The buildings are located to the west of Grade II listed Walford Hall and are surrounded by other farm buildings (some converted to residential use or with permission for conversion) and by open countryside to the north. Due to their physical proximity and former functional relationship to the Hall, I agree with the parties that they may be considered as curtilage listed buildings in accordance with Section 5(2) of the *Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990* (the 'Act').
5. The north building was converted for residential use pursuant to a planning permission granted in 2000¹, but the approved works to the south building were not implemented at that time. It has been used for ancillary domestic storage purposes by the appellant since he purchased the property.
6. Condition No 24 attached to the 2000 permission required the lean-to addition to the southern building to be demolished prior to the occupation of the dwelling. However, this condition was not complied with, and a lawful development certificate was issued on 16 July 2015² confirming that the building had been used in breach of the condition for ten years for storage and stabling and was therefore lawful for those specific purposes.

The Proposal

7. The proposal comprises several elements. 1) A single-storey garden room to provide a link between the north and south buildings; 2) demolition of the existing lean-to extension to the rear of the south building and replacement with a new extension comprising a utility room, boiler room and bathroom; and 3) The internal rearrangement of the south building to provide a playroom, home office and garage. The appeal proposal has been revised in an attempt to address the Council's concerns following refusal of an earlier scheme³.
8. The Council has raised no objections to the internal rearrangement and minor external changes to the south building and I find no reason to disagree. In any event, its residential use is already permitted by the 2000 permission and could be implemented according to the previously approved details. At the hearing the Council also clarified that it had no objections to the 'link' garden room extension, which has been revised to show a more traditional pitched roof. Based on my own observations I find no reason to disagree. Therefore, the

¹ Application Ref: 00/38790/FUL

² Ref: 15/21855/LDC

³ Application Ref: 14/21277/HOU

main area of disagreement between the parties relates to the replacement of the lean-to building attached to the rear elevation of the south building.

Effect on the special architectural and historic interest of the listed building

9. Sections 16(2) and 66(1) of the Act require the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Policy N9 *Historic Environment* of the *Plan for Stafford Borough 2011-2031*, adopted June 2014 (LP), says proposals will be expected to sustain and where appropriate, enhance the significance of heritage assets and their setting by understanding the heritage interest, encouraging sustainable re-use and promoting high design quality. It adds that any potential loss of or harm to the significance of a heritage asset will take account of a number of factors including the scale, massing and form of the building.
10. Paragraph 132 of the *National Planning Policy Framework* (the Framework) sets out that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.
11. The significance of the buildings lies essentially in their simple form, scale, proportions, and traditional construction, which are characteristic of the local vernacular tradition. Although altered significantly as part of the conversion works (particularly the new north-west gable and roof arrangement of the north building), they still, on the whole, reflect their agricultural origins as part of a late eighteenth century farming estate.
12. The Council's preferred position appears to be that the lean-to building should simply be removed, and not be replaced and it does not dispute that the structural report accompanying the application recommends demolition. However, although the lean-to was conditioned to be demolished as part of the original conversion scheme, this was not enforced and the lean-to now has a lawful use for stabling and storage. It could therefore continue to be used for that purpose. In any event, the appeal proposal includes for a replacement building in the same site. Demolition alone is not before me.
13. There is no dispute that the lean-to was constructed using an assortment of materials and has little architectural merit. In my view it fails to make a positive contribution towards the significance of the building. On the other hand the proposed extension has been sensitively designed using matching traditional materials, and notwithstanding the additional height and bulk that would arise, I am satisfied that it would still be seen as a subservient addition that would respect the scale, form, proportions and architectural integrity of the building. Furthermore, the twin-gabled roof design reflects a similar design found on one of the nearby farm buildings and lessens the visual impact.
14. Apart from the massing of the building, the Council's decision notice refers to inappropriate materials and detailing, although has provided no detailed evidence to this effect. I find nothing objectionable in the materials and details that could not be dealt with by condition if necessary. Furthermore the

extension would be screened by a substantial existing wall on this side, and any impact on wider views would be limited.

15. Overall, I favour a pragmatic approach, and conclude on this issue that the proposal represents an acceptable design solution that would preserve the special architectural and historic interest of this curtilage listed building. As such, I find no conflict with LP Policy N9 or the provisions of the Framework.

Effect on character and appearance of the building and surrounding area having regard to former agricultural use

16. In addition to the listed building issue, the Council is strongly of the opinion that the 'in principle' objection to the extension of a rural building should be maintained after conversion to residential use has taken place. In this regard it refers to LP Policy E2 *Sustainable Rural Development*. The third part of the policy relates to the use of rural buildings. Amongst other matters it says the sustainable use or re-use of rural buildings will be permitted where, amongst other criteria, the building is structurally sound and capable of conversion without the need for extension, and is large enough to be converted without the need for new extensions or significant alterations.
17. The appellant has referred to a number of appeal decisions where various Inspectors have discussed the Council's interpretation of LP Policy E2. For example, in the appeal decision at the Old Barn, Fradswell⁴ the Inspector agreed that the building was deemed to have been sufficiently large for its intended purpose at the outset. That said, the Inspector stated 'there is nothing within this policy that would prevent future extensions from taking place'. The Inspector also referred to LP Policy N1 *Design* where criteria (g) and (h) seek to secure high design standards that have regard to local context and which preserve and enhance the character of the area.
18. In the appeal decision at Standon House, Standon⁵ the Inspector on that occasion concluded that the criteria for use of rural buildings referred to in Policy E2 were not of direct relevance to the proposed development. On the other hand, in the appeal decision concerning an extension at Grange Farm Barn, Church Eaton⁶ the Inspector agreed with the Council's interpretation of Policy E2. Whilst I note these and other appeal decisions, the circumstances in each case vary, and each application and appeal must be considered on its own merits.
19. I am aware that part of the justification for permitting conversion of the appeal buildings to residential use was that the conversion could be achieved without extension. In addition to the condition requiring the lean-to to be demolished (see above), the proposal was subject to a condition withdrawing normal permitted development rights for extensions. The buildings were clearly considered to be sufficiently large from the outset and this is evident from the fact that the south building has yet to be converted.
20. Having carefully considered the arguments, it appears to me that there is nothing within LP Policy E2 that would prevent future extensions from taking place, and in this regard it will be seen that I have reached the same

⁴ Appeal Ref: APP/Y3425/D/15/3133285 The Old Barn, Lymers Lane, Fradswell, Stafford, ST18 0GX

⁵ Appeal Ref: APP/Y3425/D/15/3006786 Standon House, Standon, Stafford, ST21 6RN

⁶ Appeal Ref: APP/Y3425/D/15/3135244 Grange Farm Barn, Woolaston Lane, Church Eaton, Stafford, ST20 0AA

conclusion regarding the interpretation this policy as the Inspectors who considered the Fradswell and Standon appeals.

21. Rural extensions are dealt with under LP Policy C5 (c) which refers to extensions outside settlement boundaries. This says extensions should not result in additions of more than 70% to the dwelling as originally built. As referred to in the Fradswell appeal, LP Policy N1 is also relevant. In respect of criteria (g) and (h) I am satisfied that the design of the scheme before me has high standards which reflect the local context, including heritage assets, and would preserve and enhance the character of the area. In any event, the proposed extension to the south building should be considered in the context of the existing lean-to. The fact that the footprint of the proposed extension would be slightly less than the existing lean-to weighs in favour of the proposal, and is an important material consideration in this case.
22. Notwithstanding the additional height and bulk that would arise, I consider the proposed extensions (including the link building) would still be seen as subservient extensions that would respect the scale, form, proportions and architectural integrity of the building and its surroundings. Taking all these matters together I conclude on this issue that the proposal would not be harmful to the character and appearance of the building and surrounding area having regard to its former agricultural use. I find no conflict with the relevant criteria of LP Policies E2, C5 and N1.

Conditions

23. The Council has put forward a list of suggested conditions and I have considered these in the light of the advice in the Government's *Planning Practice Guidance*. Conditions are needed in both appeals to secure compliance with the submitted plans for the avoidance of doubt, and in the interests of proper planning.
24. Conditions requiring the demolition of the existing lean-to prior to development taking place, the making good of any exposed brickwork after demolition, and for painted metal rainwater goods are all necessary to safeguard the special architectural and historic interest of the listed building. For the same reason I shall impose an additional condition requiring the prior approval of external materials.

Conclusion

25. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that these appeals should be allowed.

Nigel Harrison

INSPECTOR

Appeal A: APP/Y3425/W/16/3149181

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block and Location Plan 2288-14-01A; Existing Details 2288-14-02; Existing Elevations 2288-14-03; Proposed Elevations 2288-14-04B; Proposed Floor and Roof plan 2288-14-05B.
- 3) No development shall take place until the existing lean-to extension attached to the rear (south-west) elevation of the south building has been demolished and the materials removed from the site.
- 4) The rainwater goods shall be cast metal and permanently so retained. Gutters shall be fixed directly to the brickwork with brackets.
- 5) Notwithstanding any description/details of external materials in the application documents, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Appeal B: APP/Y3425/Y/16/3149212

Schedule of Conditions:

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: Block and Location Plan 2288-14-01A; Existing Details 2288-14-02; Existing Elevations 2288-14-03; Proposed Elevations 2288-14-04B; Proposed Floor and Roof plan 2288-14-05B.
- 3) No works shall take place until the existing lean-to extension attached to the rear (south-west) elevation of the south building has been demolished and the materials removed from the site.
- 4) The rainwater goods shall be cast metal and permanently so retained. Gutters shall be fixed directly to the brickwork with brackets.
- 5) Upon completion of the works hereby approved, any damage caused to the building by the works, including the treatment of any exposed part of the rear wall caused by demolition of the existing lean-to extension on the south building, shall be made good within 12 months in accordance with a scheme submitted to, and approved by, the local planning authority.
- 6) Notwithstanding any description/details of external materials in the application documents, no works shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Ben Weatherley	Knights
Hugh Taylor	Heritage Collective
Warren Cook	The appellant
Duncan Wenham	Knights
Jon Bennett	KAD Architectural Design

FOR THE LOCAL PLANNING AUTHORITY:

EiryI McCoch	Stafford Borough Council
Teresa Brown	Stafford Borough Council
Alan George Taylor	Stafford Borough Council

INTERESTED PERSONS:

Erica Dawson
Duncan Dickson

DOCUMENTS

- 1 Certificate of Lawful Use or Development
- 2 Appeal Decision: APP/Y3425/W/16/3151851 The Old Barn, Lymers Lane, Fradswell, ST18 0GX
- 3 Decision notice and approved plans: The Old Barn, Lymers Lane, Fradswell, ST18 0GX
- 4 Signed and dated Statement of Common Ground and appendices

PLANNING COMMITTEE - 16 NOVEMBER 2016

Ward Interest - Nil

Enforcement Matters

Report of Head of Economic Development and Planning

Purpose of Report

To consider the following reports.

	Page Nos
(a) 9 Balaams Lane, Moss Gate, Stone	51 - 53
(b) Land adjacent Knights BMW, Radford Bank	54 - 56

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302

PLANNING COMMITTEE - 16 NOVEMBER 2016

Ward - Fulford

9 Balaams Lane, Moss Gate, Stone

Report of Head of Economic Development and Planning and Head of Law and Administration

Purpose of Report

To consider the variation of the approved planning application 13/19350/HOU without the requirement of a minor material amendment.

1 Background

- 1.1 A report was received by planning enforcement on 28 July 2016 about a wall erected 30 cm from the boundary at 11 Balaams Lane.
- 1.2 A site visit was undertaken on 5 August 2016 to 11 Balaams Lane. It was noted that the wall was part of the approved scheme 13/19350/HOU 'rear orangery and link extension' at 9 Balaams Lane. The wall measured 2.6 m high and was 0.3 m from the boundary when the approved scheme had the wall 0.7 m from the boundary.
- 1.3 A site visit was made to 9 Balaams Lane on 24 August 2016. The wall measured from this size was 2.23m high and stood on a concrete patio 0.3 m high giving the combined maximum height of 2.53 m. The discrepancy in height being the different land levels between 9 and 11 Balaams Lane. The height of the wall of the approved scheme of 13/19350/HOU is 2.5 m.
- 1.4 It was suggested that an amended scheme should be submitted for the retention of the position of the wall. No application has been received.
- 1.5 A site visit was made on 7 October 2016 to 9 and 11 Balaams Lane. The height of the wall had been reduced to 1.87 greatly reducing the impact of the oppressive nature of the wall for No 11 Balaams Lane. The owners at number 9 Balaams Lane intend to now introduce a mono pitch to link to the flat roof as was part of the approved scheme 13/19350/HOU.
- 1.6 Whilst the amendment of the approved application to include a mono pitched roof requires consent, the original complaint regarding the development works has been resolved through the alteration in the roof design.

2 **Policies**

- 2.1 The plan for Stafford Borough 2014: - N1 Design
- 2.2 National Planning Policy Framework: - Paragraph 17 - core principles; paragraph 56 - 68 - requiring good design; paragraph 207 - enforcement.

3 **Conclusion**

- 3.1 The wall was part of an approved scheme 13/19350/HOU and was 0.4 m closer to the boundary and 0.03m higher than approved. This has been alleviated by significantly reducing the height of the wall and introducing a mono-pitch to the roof of the approved orangery. Whilst the amendment of the roof design requires the submission of a minor material amendment application, the issues which were the subject of the original complaint have been removed. As such it is not expedient to pursue enforcement action in this case.

4 **Recommendation**

- 4.1 It is not considered expedient to take enforcement action and it is therefore recommended that no further action be taken.

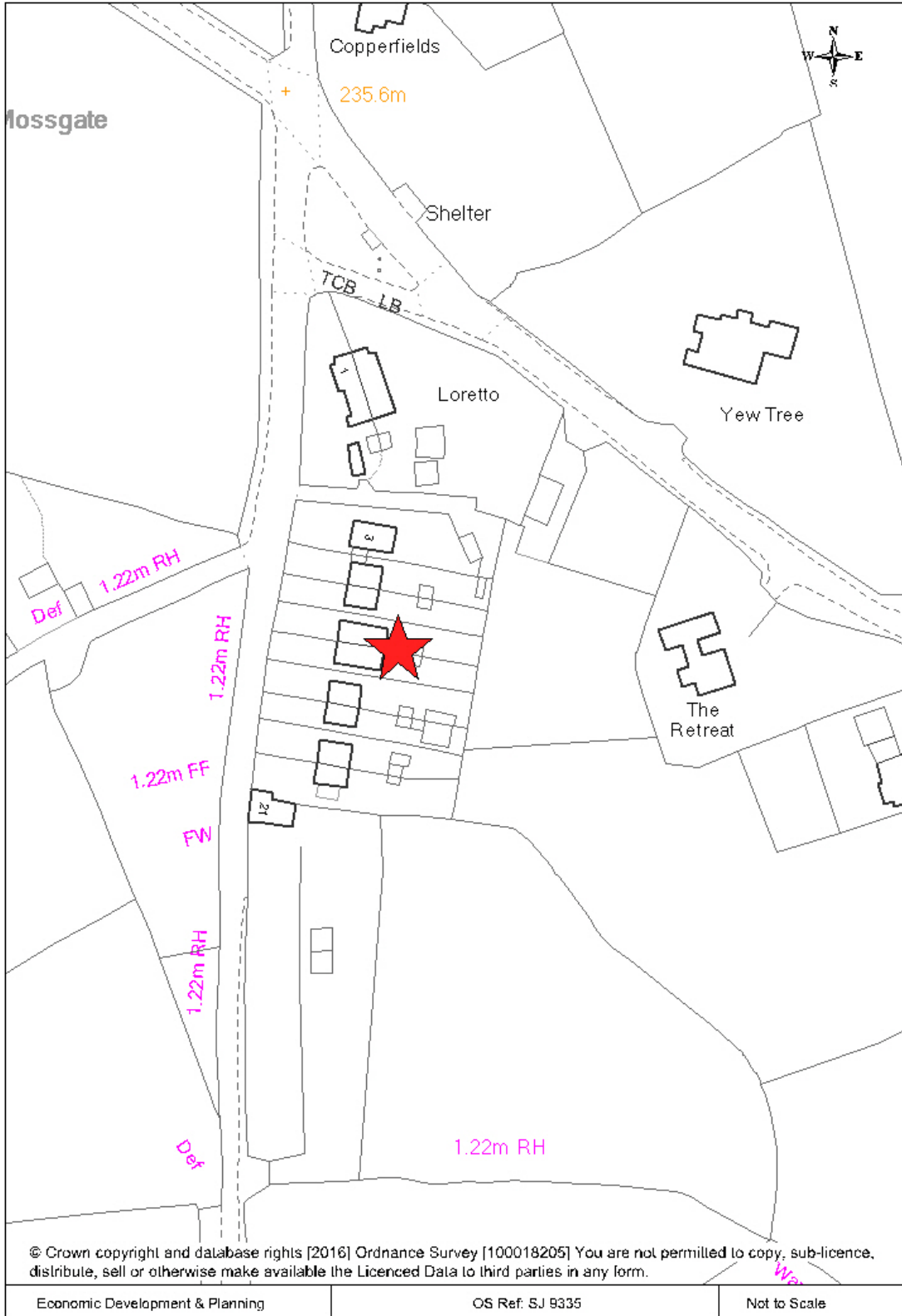
Relevant Planning History

File available in Economic Development and Planning - WKS2/00265/EN16
File available in Economic Development and Planning - 13/19350/HOU

Contact Officer

Mrs Eiryl McCook - Development Lead - Direct No 01785 619732

9 Balaams Lane Moss Gate Stone



PLANNING COMMITTEE - 16 NOVEMBER 2016

Ward - Weeping Cross and Wildwood

Land Adjacent to Knights BMW, Radford Bank, Stafford

Report of Head of Economic Development and Planning and Head of Law and Administration

Purpose of Report

To consider the parking of vehicles and the laying of hardstanding on agricultural land without the benefit of planning permission.

1 Detail

- 1.1 A report was received by planning enforcement and a subsequent site visit revealed that vehicles had been parked and hardstanding had been laid on grassland to the west of the above property. The land is in the area of the operational floodplain to the River Penk and lies immediately to the south east of the Grade II listed Radford Bridge. The Staffordshire and Worcestershire Canal and Conservation Area is on the eastern side of the premises.
- 1.2 Letters were sent requesting that the owner remove the vehicles and hardstanding but the hardstanding and vehicles remained on the land.
- 1.3 The owner contends that the parking is required for staff parking. However, the most recent permission (10/13653/FUL) provided 44 bays of staff parking for the site. The owner has been asked to confirm if they are complying with the parking layout as approved by this development but to date no response has been received.
- 1.4 The owner has proposed submitting an application to regularise the development but no application has been submitted.

2 Policies

- 2.1 The Plan for Stafford Borough 2014:- N1 Design, N2 Climate Change, N4 Natural Environment and Green Infrastructure, N9 Historic Environment
- 2.2 National Planning Policy Framework: - Paragraph 17 - core principles; Paragraph 93-108 - meeting the challenge of climate change, flooding and coastal change; Paragraph 112 - conserving and enhancing natural environment; Paragraph 126-141 - conserving and enhancing historic environment; Paragraph 207 - enforcement.

3 **Conclusion**

- 3.1 The breach has occurred within the last four years. The site of the unauthorised car park is on a flood plain and in the absence of a planning application the council are unable to manage any potential flooding risks associated with the development. As such the use of the site is contrary to policy N4(e) of the Plan for Stafford Borough 2014 -2031.
- 3.2 Furthermore, the site of the unauthorised car park is adjacent to south east of the Grade II listed Radford Bridge. In the absence of a planning application the council are unable to assess the impact of the use on the heritage asset and as such the use of the site is contrary to policy N9 of the Plan for Stafford Borough 2014.

4 **Recommendation**

- 4.1 That appropriate enforcement action be authorised to include all steps including the issue and service of any appropriate notice and instigation of court proceedings, together with any other associated works as required to secure the cessation of the unauthorised use and the removal of the vehicles and hardstanding.

Files available in Economic Development and Planning - USE/00274/EN16.

Relevant Planning History (adjacent site)

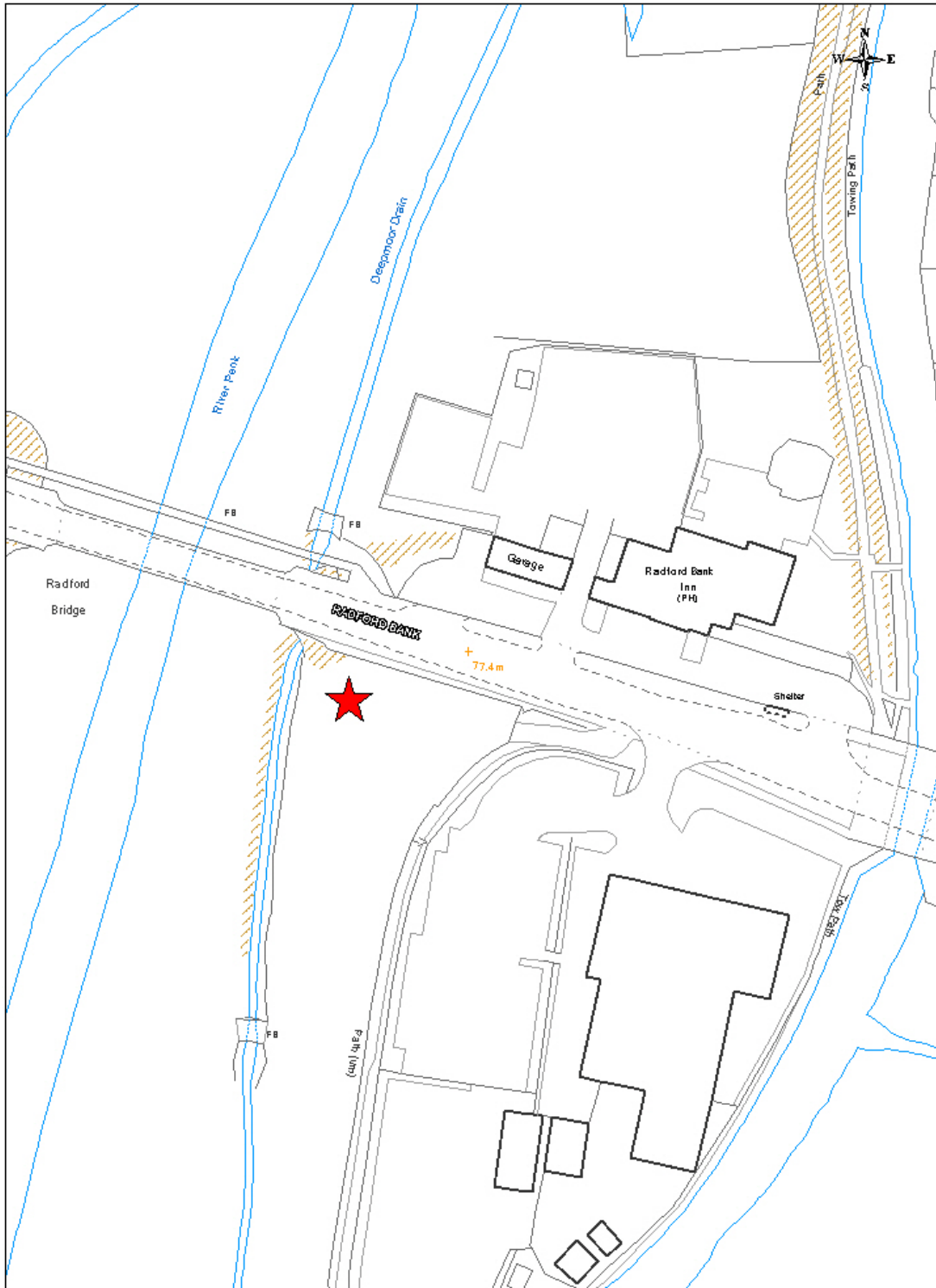
10/13654/FUL - Vehicle preparation building; extended vehicle parking; re-surfacing of existing vehicle parking areas - approved 10/09/10

10/13653/FUL - Extension to vehicle sales showroom - approved 21/10/10

Contact Officer

Mrs Eiryl McCook - Development Lead - Direct No 01785 619732

Land adjacent to Knight BMW Radford Bank Stafford



© Crown copyright and database rights [2016] Ordnance Survey [100018205] You are not permitted to copy, sub-licence, distribute, sell or otherwise make available the Licenced Data to third parties in any form.

Economic Development & Planning	OS Ref. SJ 9321	Not to Scale
---------------------------------	-----------------	--------------