

**23/00024/FUL**  
**NON MAJOR**

**Mr B Saunders**

**BREWOOD & COVEN**  
Councillor W Sutton  
Councillor J Bolton  
Councillor D Holmes

**Tree Tops School Lane Coven Staffordshire WV9 5AN**

The proposals seek planning permission for the erection of a 3 bedroom bungalow style dwelling. The proposed dwelling would include an access that links to the existing entrance to Tree Tops (to form a shared entrance driveway).

Pre-commencement conditions required: N/A	Pre-commencement conditions Agreed: N/A	Agreed Extension of Time until 28/04/2023
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**SITE DESCRIPTION AND APPLICATION DETAILS**

**1.1 Site Description**

1.1.1 The application relates to a detached bungalow with a large garden and vehicle access that fronts onto School Lane. The application proposes to sub-divide the plot and erect a new dwelling in between two detached residential dwellings. Agricultural fields are located to the north beyond School Lane. Located south of the site are the village playing fields which adjoins Coven's development boundary.

**1.2 The Proposal**

1.2.1 The application proposes the erection of a pitched roof three bed bungalow. A shared access and drive would be formed with Tree Tops (the host property) onto School Lane. The existing trees are to be retained and new hedgerows planted within the site.

1.2.2 The property would have an internal floor area of 113sqm and there would be a side canopy to provide covered parking for one vehicle. There would also be the provision of two car parking spaces on the drive.

1.2.3 The two double bedrooms and the one single bedroom are compliant with national space standards.

1.2.4 The proposal would have a private amenity area of around 178sqm with a minimum garden depth of 12m.

1.2.5 The proposed materials are provided on the plan; the bricks and roof tiles would be

- Marley Ashmore small plain effect tiles colour smooth grey; and
- Ibstock Birtley Olde English Brickwork

1.2.6 An illustrative street scene drawing is provided on the proposed site plan (404A).

**1.3 Agents Submission**

1.3.1 The following documents have been submitted:

- Design and Access Statement

- Arboricultural Assessment
- Ecology Report
- Draft UU Agreement for Cannock Chase SAC mitigation

1.3.2 Date of site visit - 25 January 2023

## 2. SITE HISTORY

### Planning Applications

21/00923/OUT Proposed demolition of Tree Tops. Construction of two detached dwellings. **Refuse** 18th October 2021

22/00588/FUL The proposals seek planning permission for the demolition of the existing dwelling Tree Tops and the erection of 3 no. modestly sized bungalows within the overall application site that still retained The Bungalow as a separate plot of land. The proposed scheme would utilize the existing vehicle accessways but would seek to layout a public pavement round the site's frontage along the sweep of School Lane. Adjacent to each proposed bungalow would be a single bay timber framed car port. **Withdrawn** 6th September 2022

22/01059/FUL Proposed front extension, rear/side extension, as well as roof height and style modifications with rear-facing dormer. **Approve Subject to Conditions** 23rd December 2022

22/01061/LUP Proposed new porch, new side extensions, and new rear extensions all of which designed to comply with permitted development criteria. Proposed detached garage also designed to comply with permitted development rights. **Approve** 23rd December 2022

## 3. POLICY

### **Constraints**

Green Belt

Newt - Green Impact Risk Zone

C Class Road C0259

Cannock Chase SAC - 13km Buffer Zone

### **Policies**

National Planning Policy Framework

National Planning Practice Guidance

Core Strategy

Core Policy 1: The Spatial Strategy

Policy GB1: Development within the Green Belt

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

Policy EQ2: Cannock Chase Special Area of Conservation

Policy EQ4: Protecting, Expanding and Enhancing the Character and Appearance of the Landscape

Core Policy 3: Sustainable Development and Climate Change

Policy EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 9: Rural Diversification

Policy EV6: Re-Use of Redundant Rural Buildings

Core Policy 11: Sustainable Transport

Policy EV11: Sustainable Travel

Policy EV12: Parking Provision

- Appendix 5 Parking Standards
- Appendix 6 Space About Dwellings Standards

### **Supplementary Planning Documents**

Green Belt and Open Countryside SPD

Design Guide

## **4. CONSULTATION RESPONSES**

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
15 February 2023	N/A

### **Brewood & Coven Parish Council**

14th February 2023

The Parish Council object as it is a ribbon development on green belt.

### **Councillor Wendy Sutton - Brewood And Coven Ward**

23rd March

Request for planning meeting

The suggestion that the application is outside of the village curtilage is disputed. The site is within the Green Belt and the proposed development is not inappropriate development.

### **Councillor Joyce Bolton - Brewood And Coven Ward**

No Response Received

### **Councillor Diane Holmes - Brewood And Coven Ward**

No Response Received

### **Senior Ecologist - South Staffordshire**

25th January 2023

23 00024 FUL - Ecology Consultation Response.pdf

Summary of Consultee Position: No objection, subject to conditions.

#### **Introduction**

Thank you for consulting me on this application. I have reviewed the following planning application documentation for the above application:

- Location plan, existing site plan, consented site plan, proposed site plan & proposed dwelling
- Design and access statement
- Ecology report (Greenspace Environmental Ltd)
- Tree survey (Salopian Consultancy)

I undertook a drive-past of the site on 24th January 2023, and I have also viewed aerial photographs, data available on DEFRA's MAGIC map, and biological records from Staffordshire Ecological Record.

#### **Assessment of Submitted Documents and Plans**

I note that the submitted ecological report was compiled for a scheme for the construction of bungalows on the western extent of the site as indicated at Section 5 (Page 12) of the PEA report and Figure 5 (Page 4) of the Design and Access Statement.

The PEA report also does not include a habitat plan which should be included as good practice (in accordance with CIEEM guidelines), and photographs in the report appear to largely focus on the wider ownership boundary to the west rather than the application site itself; though the red line boundary on plans within the PEA report does encompass the site.

After viewing the site from the public road, I am satisfied that the habitats on site are of limited ecological importance and that the detail within the ecological report, though for a different application within the same site, still contains valid recommendations.

#### Designated Wildlife Sites

SSDC Cannock Chase SAC Guidance 1st April 2022 ([sstaffs.gov.uk](https://staffs.gov.uk)) states that the 'in combination' impact of proposals involving a net increase of one or more dwellings within a 15 kilometre radius of the SAC would have an adverse effect on its integrity unless avoidance and mitigation measures are in place. This proposal therefore clearly qualifies as a net increase of one dwelling within the 15km zone of influence.

A draft Appropriate Assessment has been completed by South Staffordshire Council as the Competent Authority, and Natural England have accordingly been consulted on this. Providing that Natural England agree with the Appropriate Assessment, and that the fee of £290.58 (index linked) is paid in accordance with a Unilateral Undertaking, I am satisfied that the proposal would have no adverse effect on site integrity in relation to Cannock Chase SAC.

Section 6.1.2 of the submitted ecology report discusses potential dust impacts to Somerford Wood SBI and potential runoff impacts to Saredon Brook which are both c.250m north of the site. In accordance with IAQM guidelines, dust impacts to ecological receptors only need to be considered within 50m of the site and within 50m of routes used by construction traffic up to 500m from the site entrance. The SBI falls outside of both ranges, with no main road adjacent to the SBI in respect of the latter criteria, and I do not consider it likely that significant dust impacts will occur to the SBI because of the proposal. Furthermore, the ecology report recommends silt barriers to be installed to mitigate polluted runoff to Saredon Brook. Given the intervening distance and habitats between the site and Saredon Brook, I do not consider this measure to be necessary either in relation to mitigating adverse effects to important ecological features.

Please note that the requirement for mitigation measures for dust and polluted runoff should still be considered as part of construction best practice, however given the type and scale of the proposal as well as the distance of the site from the SBI I do not think it is reasonable or proportionate to secure these measures via condition in relation to potential impacts to the SBI.

#### Habitats

The current proposals would increase built development and hardstanding. This clearly represents a small net loss to biodiversity, contrary to NPPF 174 and 180. Given the scale of the scheme this can be achieved through planting of native species (or those demonstrably beneficial to pollinators) within soft landscaping as part of the proposal. I therefore recommend that a landscaping scheme is secured via condition to ensure a net gain is achieved on site.

#### Protected Species

The site is located within the green zone for great crested newt (GCN); and I am satisfied on this basis, and on the basis of information provided by the applicant's ecologist that the proposal will not result in impacts to GCN.

I am also satisfied that the proposal will not result in adverse effects to other protected species.

The proposal provides opportunity to incorporate small-scale species enhancements such as bat boxes, bird boxes, hedgehog shelters etc. I have therefore recommended a planning condition for an ecological enhancement plan in my recommendations below.

#### Recommendations

Should you be minded to approve the application, I recommend the following conditions and informative notes be adhered to any decision notice:

#### Conditions

1. No construction above slab-level will take place until an Ecological Enhancement Plan (EEP) has been submitted to and approved in writing by the Local Planning Authority. The EEP must include details of enhancements appropriate to the scale and nature of the development, such as integrated bat and bird boxes, hedgehog highways and shelters, invertebrate houses etc. The EEP must also contain information on the number and type of enhancements to be included, suitable models, detail on their appropriate siting, and any necessary future maintenance measures. The enhancements detailed within the approved Ecological Enhancement Plan will be installed prior to the first occupation of the dwelling and will be retained for the life of the development.

Reason: In order to deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

2. Prior to the commencement of development, full details of the erection and operation of any proposed external lighting, including full details of the means of illumination and design of the lighting systems, shall be submitted to and approved in writing by the Local Planning Authority. The means of external lighting shall thereafter be implemented and installed, prior to the first occupation of the building, in accordance with the approved details and shall not thereafter be amended or altered without the prior written approval on application to the Local Planning Authority.

Reason: In order to prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.

3. Prior to development a detailed landscape and management plan must be submitted to and approved in writing by the local planning authority. The Plan must include details of species to be planted and maintenance of all new planting for at least a five-year period. The approved plan shall be implemented concurrently with the development and completed within 12 months of the completion of the development.

Reason: In order to deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

#### Informative Notes:

Any vegetation suitable for nesting birds must either be removed outside of the nesting bird season (generally this is considered to be March-August inclusive) or it must be checked by an ecologist no more than 24 hours prior to removal.

Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.

Policy and Legislative context in relation to this application

The National Planning Policy Framework (2021) s.174 states: "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

NPPF s.180 states that "When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..."

South Staffordshire Council adopted Local Plan Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main legislative framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies.

Natural England Standing Advice which has the same status as a statutory planning response states that survey reports and mitigation plans are required for development projects that could affect protected species, as part of obtaining planning permission.

#### Note on Biodiversity Net Gain

Please note that under the Environment Act 2021, all planning permissions granted in England, with a few exemptions, will have to deliver 10% biodiversity net gain (BNG) from November 2023. BNG will be measured using DEFRA's biodiversity metric and management of habitats will need to be secured for at least 30 years. Prolonged delays to the submission of technical details for this site may therefore require further information to be provided on net gain to deliver the mandatory 10% BNG. Prior to November 2023, the development will only be required to deliver a net gain in accordance with Paragraph 174(d) of the NPPF.

#### **Arboricultural Officer Consultation**

7th February 2023

Having reviewed the application and supporting information I can confirm that I have no objection to the proposed development.

There are three trees within the developments potential zone of influence but, assuming that tree protection measures specified in the Salopian Consultancy appraisal are implemented, I have no reason to believe that undue harm will be caused to them.

The location of the trees is such that they are unlikely to form a constraint to development and as a result the potential for incidental damage is low.

I recommend the inclusion of the following condition with any consent issued:

Tree Protection

All tree protection measures within the approved Tree Protection Plan (Salopian Consultancy ref. Plan 2) and associated Arboricultural Appraisal shall be implemented before any construction related activity commences on site. Once implemented all such measures shall be maintained throughout development unless agreed in writing with the Local Planning Authority.

Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced. The species, size, nursery stock type and location of such replacements to be specified by the local planning authority.

### **County Highways**

17th February 2023

Recommendation Summary: Conditional

Site Visit Conducted on: 16-Feb-2023

1. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.
2. The development hereby permitted shall not be brought into use until the visibility splays indicated on drawing No. 22/12560/404 A have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
3. The garage indicated on the approved drawings shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to residential use without the express permission of the Local Planning Authority.

Reasons.

1 - 3. In the interest of highway safety.

To comply with the principles set out in the National Planning Policy Framework.

Informative for Decision Notice.

No part of the hedge shall project forward of the highway boundary and identified visibility splay.

Notes to Planning Officer.

- i). The proposed development is located on the outskirts of the village. The vehicular access is existing and visibility will be improved.
- ii). This Form X supersedes previous recommendation of refusal dated 3rd February 2023.

### **Severn Trent Water Ltd**

10th February 2023

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

NOTE: we would not permit a surface water discharge into the public foul sewer, and recommend the applicant seeks alternative arrangements

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

### **Natural England**

8<sup>th</sup> of February 2023

No objections subject to mitigation being secured for impact on the Cannock Chase SAC.

### **Contributors**

Four letters received in support of the proposal:

- Bungalows welcome / contribute to need
- Visual improvement of the site.

## **5. APPRAISAL**

The application has been called into Planning Committee at the request of Councillor Sutton who considers the proposals may represent limited infilling in a village in accordance with Paragraph 149 of the NPPF.

1. **Policy & principle of development**
2. **Layout, design & appearance**
3. **Access, parking & highway safety**
4. **Residential Amenity**
5. **Ecology & biodiversity**
6. **Arboriculture**
7. **Human Rights**

### **5.1 Policy & principle of development**

5.1.1 Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five-year supply of housing.

5.1.2 Paragraph 74 of the NPPF requires that Councils identify and update annually, a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied, to ensure choice and competition in the market for land, or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement, to account for fluctuations in the market during the year. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

5.1.3 The latest five-year housing land supply position for South Staffordshire District is contained within the Housing Monitoring and Five Year Housing Land Supply [2021-2022] document, which states that a supply of 5.94 years can be demonstrated within the District. Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, is as stated above.



5.1.4 South Staffordshire Core Strategy Core Policy 1 states that, 'Throughout the district, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy... the Green Belt will be protected from inappropriate development and proposals will be considered in light of other local planning policies and the policy restrictions relating to Green Belt in the NPPF'.

5.1.5 The National Planning Policy Framework (NPPF) states that, 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. The NPPF establishes that the construction of new buildings should be regarded as inappropriate. However, paragraphs 149 and 150 of the Framework identify exceptions to this, which include at paragraph 149 e), limited infilling in villages.

5.1.6 Core Strategy Policy GB1 d) also allows limited infilling as an exception. Footnote to Policy GB1 provides a definition of limited infilling as 'the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed portion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within it.'

5.1.7 The proposed dwelling would fill a gap between two dwellings which is considered a built-up frontage. Subject to its impact on openness with regard to height, positioning and scale it would meet the criteria under Policy GB1 A) limited infilling. The proposal would not extend beyond the farthest rear building line and scale and design reflects that of the existing properties. Whilst the host property, Tree Tops is currently a flat roofed structure, planning permission and certificate of lawfulness have been obtained to add extensions and a pitched roof. Bearing these factors in mind I am satisfied that the proposal would comply with Policy GB1 A.

5.1.8 The first paragraph of Policy GB1 states that proposals which meet this criterion would normally be permitted if also acceptable within the terms of national planning policy set out in the NPPF. The relevant paragraph within the NPPF is paragraph 149 e), limited infilling in villages. There is no definition of infill within the NPPF and so the proposals are acceptable in this regard as it meets the Policy GB1 definition. The NPPF refers to infill in 'villages' whereas Policy GB1 does not. There is no definition of the word village in the NPPF, but case law has established it to be broader than would typically be defined as a village. The interpretation of 'village' in the context of NPPF paragraph 149 e) in appeal decisions is usually defined as 'within the boundaries of a recognised settlement'.

5.1.9 Whilst the application site could be considered with a ribbon of development, albeit a weak one comprising 3 dwellings, it would not be within a recognisable settlement. The village of Coven to the south is separated from the site by the playing fields and there is no footpath between the site and the village which adds to the separation. The site is therefore not in a village and therefore the proposals here do not fall under any of the exceptions within paragraph 149 of the NPPF.

5.1.10 The proposals are therefore inappropriate development and no special circumstances have been put forward by the applicant. In accordance with the NPPF paragraph 148, the harm caused to the green belt by way of inappropriateness is given substantial weight and that substantial harm is not clearly outweighed by other considerations. The proposal is therefore contrary to NPPF green belt policy and consequently fails Core Strategy Policy GB1 in that regard as that policy requires proposals to be 'acceptable within the terms of national planning policy set out in the NPPF.'

5.1.11 With regard to delivering housing in the most sustainable locations, Core Strategy Core Policy 1 states that 'Throughout the district, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy'. The application site is not within the Settlement Hierarchy as it is not in a settlement and the site is not accessible with regard to pedestrian access. The proposal is therefore contrary to Policy CP1 in this regard. Policy CP1 also reflects Policy GB1 with regard to protecting the green

belt and as detailed above the proposal is contrary to policy GB1 and therefore also policy CP1 which seeks to protect the green belt from inappropriate development.

5.1.12 In conclusion, the proposal is contrary to Core Strategy Policies CP1 and GB1, and NPPF Green Belt Policy and is therefore unacceptable in principle.

## 5.2 Layout, Design and Appearance

5.2.1 Policy EQ11 of the Core Strategy requires that in terms of scale, volume, massing and materials, developments should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area. Furthermore, this policy provides that new development should respect existing plot patterns, building lines and street layout.

5.2.2 The South Staffordshire Design Guide confirms that new development should aim to continue the established pattern, without creating a sharp or sudden change in height of building scale. These policies are consistent with the National Planning Policy Framework (NPPF) which states that the creation of high-quality buildings and places is fundamental with good design being acknowledged as a key aspect of sustainable development. The NPPF continues that development should function well and add to the overall quality of the area, be visually attractive and be sympathetic to local character whilst providing high standards of amenity for existing and future occupiers.

5.2.3 The building line has been staggered between the two dwelling and its appearance will be of a similar design. An illustrative street scene drawing has been provided which shows its appropriateness. The use of materials reflects those of the surrounding properties and there is adequate room at the side of the dwelling to enable access to the rear garden area for bins etc. There are therefore no concerns over its appearance or position. The proposed planting will help soften the proposal and an adequate amount of rear amenity space is to be provided. The proposal is compliant with policy EQ11 and the design principles set out in the Design Guide.

## 5.3 Access, Parking & Highway Safety

5.3.1 Policy EV12 and Appendix 5 of the Local Plan sets out the Council's parking requirements for new developments. For two and three bed dwellings the requirement is for two off road parking spaces.

5.3.2 The application proposes three parking spaces which exceeds the Council's standards. The County Highways Team have expressed no concerns over safety and are happy with the proposed access and shared drive provision. Subject to the imposition of a condition to retain the visibility splays as shown, there are no highway objections.

## 5.4 Residential Amenity

5.4.1 New development should avoid harming the amenity of neighbouring properties and should not have any adverse impacts with loss of privacy, loss of light or overlooking to neighbouring properties, as set out in Policy EQ9 of the Core Strategy.

5.4.2 The Council's space about dwelling standards advises 21m between directly facing habitable windows over private space and 15m over public space to retain an adequate level of privacy for occupants. For habitable windows facing flank side walls it proposes a separation distance of 13m. The proposed dwelling complies with these standards.

5.4.3 The proposed dwelling would cause no undue harm on neighbouring amenity. There is no significant

increase proposed to the height of the dwelling in comparison to its neighbour's, and its layout has been carefully considered.

5.4.4 To the Bungalow (north) there would be a separation distance of 5.7m and the rear part of the proposal will be further set in from the boundary. This will ensure that the proposal will not have a material impact with regards to a loss of light to any habitable windows.

5.4.5 Turning to the host property, Tree Tops, there will be a separation gap of 3.4m and the proposal would marginally protrude 1.2m past the front building line. At the rear the proposal would extend past part of the dwelling by around 4m however given the separation gap, this raises no concern.

5.4.6 Turning to the living standards of the future occupier, the proposal complies with national space about dwelling standards and the Council Local Standards for private amenity area and outlook.

5.4.7 To conclude there is no conflict with policy EQ9.

## 5.5 Ecology & Biodiversity

### Protected Species

5.5.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

5.5.2 Policy EQ1 of the Local Plan provides that developments should not cause significant harm to habitats of nature conservation, including woodlands and hedgerows, together with species that are protected or under threat. Support will be given to proposals which enhance and increase the number of sites and habitats of nature conservation value, and to meeting the objectives of the Staffordshire Biodiversity Action Plan. These principles are echoed and supported through the Sustainable Developments SPD 2018.

5.5.3 The current proposals would increase built development and hardstanding. This clearly represents a small net loss to biodiversity, contrary to NPPF 174 and 180. Given the scale of the scheme, the Councils Ecologist considers that this can be achieved through planting of native species (or those demonstrably beneficial to pollinators) within soft landscaping as part of the proposal. A landscape scheme has therefore been recommended.

5.5.4 The site is located within the green zone for great crested newt (GCN) and the Councils Ecologist is satisfied on the basis of information provided by the applicant's ecologist that the proposal will not result in impacts to GCN. There are also no concerns expressed to other protected species. Conditions are recommended to incorporate small-scale species enhancements such as bat boxes, bird boxes, hedgehog shelters etc.

5.5.5 Subject to the imposition of suitable conditions, the proposal is compliant with Policy EQ1 of the Local Plan.

### Impact on Special Areas of Conservation

5.5.6 SDC Cannock Chase SAC Guidance 1st April 2022 ([sstaffs.gov.uk](https://staffs.gov.uk)) states that the 'in combination' impact of proposals involving a net increase of one or more dwellings within a 15 kilometre radius of the SAC would have an adverse effect on its integrity unless avoidance and mitigation measures are in place. This proposal

therefore clearly qualifies as a net increase of one dwelling within the 15km zone of influence. A draft Appropriate Assessment has been completed by South Staffordshire Council as the Competent Authority, and Natural England concur with this. Subject to the completion of Unilateral Undertaking for the mitigation payment, I am satisfied that the proposal would have no adverse effect on site integrity in relation to Cannock Chase SAC.

5.5.7 On this basis, it is concluded that the LPA have met its requirements as the Competent Authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

## 5.6 Arboriculture

5.6.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that "The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved"

5.6.2 The Council's arboricultural officer has raised no concerns over the proposal. There are three trees within the development's potential zone of influence but, assuming that tree protection measures specified in the Salopian Consultancy appraisal are implemented, no undue harm will be caused. The Officer has therefore recommended a compliance condition for the tree protection plan.

5.6.3 The proposal is compliant with policy EQ4 of the Local Plan.

## 5.7 Human Rights

5.7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

## 6. CONCLUSIONS

6.1 The Council can demonstrate a 5 year housing supply and it therefore falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan.

6.2 The site is within the Green Belt and the proposed development is inappropriate development within the Green Belt where the harm, which is given substantial weight, is not clearly outweighed by other considerations and no special circumstances have been advanced which would overcome the harm that arises from the development. The proposal is therefore contrary to Paragraph 147, 148 and 149 of the National Planning Policy Framework and Core Policy 1 and Policy GB1 of the adopted South Staffordshire Core Strategy.

## 7. RECOMMENDATION REFUSE

1. The site is within the Green Belt and the proposed development is inappropriate development within the Green Belt where the harm, which is given substantial weight, is not clearly outweighed by other considerations. The proposal is therefore contrary to Paragraph 147, 148 and 149 of the National Planning Policy Framework and Core Policy 1 and Policy GB1 of the adopted South Staffordshire Core Strategy.

Proactive Statement - Whilst paragraph 38 of the National Planning Policy Framework (2021) requires the Local Planning Authority to work with applicants in a positive and proactive manner to resolve issues arising from the proposed development; in this instance a positive solution could not be found and the development fails to accord with the adopted Core Strategy (2012) and the National Planning Policy Framework (2021).



Tree Tops, School Lane, Coven, Staffordshire WV9 5AN