

**21/01008/FUL
NON MAJOR**

Mr Robin Winwood

**BREWOD & COVEN
Cllr Sutton, Cllr Bolton and
Cllr Holmes**

Pendeford Hall Farm Pendeford Hall Lane Coven WV9 5BD

Proposed demolition of existing barn (approved for conversion to 3 dwellings under 20/00280/AGRRES) and construction of 3 dwellings

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

1.1.1 The application relates to a steel portal framed agricultural building (used for seed storage) situated south-west of Pendeford Hall Lane. The site is occupied by a current agricultural enterprise 'Hallmarket Turf Ltd.', a well-established business specialising in the growing of turf and in the design and assembly of the associated specialised machinery. The enterprise is split by the lane itself with a number of agricultural buildings to the northern side of the lane. The land immediately beyond the application site consists of several portal frame buildings and an old stable block.

1.1.2 The Shropshire Union Canal (and Conservation Area) is located immediately west of the site, separated by a boundary hedgerow. The site is also in close proximity to the Grade II Listed Hattons Bridge over the Shropshire Union Canal.

1.1.3 The site is located in a rural area characterised by open fields and agricultural uses. Coven Village is situated approximately 2 miles to the north-east and Codsall village is around 1.5 miles to the south-west.

1.2 Planning History

2020, Existing agricultural unit to be converted into 3 dwelling houses, approved (20/00280/AGRRES)

2020, New roller door, fire escape and internal work space to be added to existing warehouse, approved (20/00109/FUL)

2014, Retention of the pole barn, small container and stables for equestrian and agricultural purposes including the storage of horse drawn carriages, approved (14/00358/FUL)

2013, Planning application for replacement building, approved (13/00207/FUL)

2012, Change of use of former agricultural buildings and stables to manufacture and assembly of horticultural equipment within use class B2 plus associated office and administration, with the repositioning of existing vehicle access, approved (12/00759/FUL)

2005, Proposed dwelling and garage, approved (05/00596/FUL)

2005, Proposed garage (agricultural use), refused (05/00201/FUL)

2004, Agricultural dwelling, approved (04/00691/FUL)

2004, Agricultural dwelling, refused (03/01211/FUL)

2003, Agricultural building for cattle housing, approved (03/00714/AGR)

2003, Agricultural building, approved (03/00169/AGR)

2002, Erection of dwelling, approved (02/01140/OUT)

2002, Erection of dwelling, refused (01/00991/OUT)

2001, Agricultural building cattle housing/grain store, approved (01/00230/AGR)

2000, Covered cattle yard, approved (00/00076/AGR)

1999, Agricultural Building, approved (98/01140/AGR)

1999, Agricultural Building, refused (AGR/98/00014)

1996, Implement Storage Building, approved (96/00836)

1995, Driveway and Barn, approved (95/00583)

1994, Stables, approved (94/00804)

1994, Extension to agricultural building , approved (94/00005/AGR)

1.3 Agents submission

The application is accompanied by the following supporting documents:

- Planning Statement
- Heritage Statement
- Ecology Report

2. APPLICATION DETAILS

2.1 Proposal

2.1.1 The application proposes to demolish the existing agricultural building and replace it with 3 No. 4-bed dwellings on the same footprint of the existing building. Each of the dwellings would have 3 No. parking spaces and a rear garden, and the properties would be accessed via a new access road off the existing entrance into the site.

2.1.2 The dwellings are designed with tiled pitched roofs, brick exterior walls, casement style windows and headers.

3. POLICY CONTEXT

3.1 Within the Green Belt and adjacent to the Shropshire Union Canal Conservation Area

3.2 Adopted Core Strategy

Core Policy 1 (CP1) - The Spatial Strategy for South Staffordshire

GB1 - Development in the Green Belt

EQ1 - Protecting, Enhancing and Expanding Natural Assets

EQ2 - Cannock Chase Special Area of Conservation

EQ3 - Conservation, Preservation and Protection of Heritage Assets

EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape

EQ9 - Protecting Residential Amenity

EQ11 - Wider Design Considerations

EQ12 - Landscaping

EV12 - Parking Provision

Appendix 5 - Parking Standards

Appendix 6 - Space About Dwellings

Green Belt and Open Countryside SPD

3.3 National Planning Policy Framework

To be read as a whole but particular regard to:

Chapter 12: Achieving well-designed places

Chapter 13: Protecting Green Belt Land

Chapter 16: Conserving and enhancing the historic environment

3.4 National Planning Policy Guidance

3.4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

4. CONSULTATION RESPONSES

Councillors (expired 08/06/22) No comments received

Brewood and Coven Parish Council (comments received 30/05/22) No objection

Arboricultural Officer (expired 08/06/22) *No comments received*

Environmental Health (comments received 22/06/22) *There is an extant permission to convert the barn into 3 residential units, whereas this application is for demolishing and rebuild the barn rather than converting it. On that basis I would support this application, modern construction techniques will offer more sound insulation than the current barn, therefore helping mitigate any noise from neighbouring commercial units.*

Conservation Officer (comments received 07/06/22) *The application is for the conversion of a modern barn to form residential accommodation. A detailed heritage statement has been produced by a qualified professional to accompany the application. Having considered the*

information that has been provided I would concur with the findings of the statement. There are no conservation objections to the proposed scheme subject to the satisfactory agreement of materials.

County Highways (comments received 09/06/22) *No objection subject to conditions.*

County Ecologist (latest comments received 19/07/22) *No objections subject to conditions. Further to my previous response (June 2022), a bat survey has been submitted that clarifies there is only a very small chance of bats under one feature. The survey recommends this is inspected prior to demolition by a licenced ecologist. The ecology survey also recommended that reptile surveys were carried out. I have included a Reasonable Avoidance Measures Method condition for reptiles. I note and agree with the Canal and River Trust request for a Construction Management Plan be submitted to avoid pollutants / dust etc reaching the canal. C&RT also recommend a 10m buffer to the canal which is similar to the wildflower planting strip / dark corridor recommended in the ecology report. It is suggested that lighting and buffer strips are secured by conditions. I appended suitable species for planting in lists at the end of my previous response. Site plans show 5 integrated bat boxes to be installed on the building. I agree that this is a reasonable enhancement.*

NatureSpace Officer (comments received 25/05/22) *Summary - The development falls within the green impact risk zone for great crested newts. The development is sited on existing hardstanding and heavily used amenity grass, with access routes already created. Surrounding habitat between the GCN records and nearest ponds is very limited and heavily agricultural.*

The LPA considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development, however an informative is recommended.

Natural England (comments received 09/06/22) *No objection subject to mitigation. We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Cannock Chase Special Area of Conservation. In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:*

- *delivering mitigation, for recreational impacts on Cannock Chase SAC, by means of the Strategic Access Management & Monitoring (SAMM) measures.*

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions., providing that all mitigation measures are appropriately secured in any permission given.

Canal and River Trust (comments received 15/06/22) *Summary; The site is located approx. 7m to 12.5m to the east of the canal corridor, which incorporates the canal, towpath, and*

towpath verge. Established hedgerow and trees are located along the corridor boundary with intervening land in the applicant's ownership.

Dependant on how the construction site is managed, there is the potential to discharge dust and debris that could adversely affect the air quality and amenity of the canal corridor. A Construction Environmental Management Plan should be submitted to cover both demolition and construction phases.

It is noted that the nearest ground levels at the site are approx. 1-1.5m below those at the canal corridor boundary¹. However, given the intervening towpath, verge and freeboard above the canal water surface the base of the canal channel will also be lower than the ground levels at that boundary. The submitted planning application form states that surface water will be disposed of via a soakaway and that foul water drainage is unknown at this stage. No information has been provided on the soakaway location, at this stage.

Drainage plans for the disposal of foul and surface water flows are requested to confirm that discharge to the canal, either directly or indirectly, which could affect water quality and canal flooding, will be avoided. A standoff of at least 10m from the canal for any soakaway should be provided. Similar standoffs will be needed for any septic tanks/treatment plants, to ensure that canal water quality is protected. Standoffs would also mitigate risks on the structural integrity of the canal bank. The Trust is not required to accept any small treated effluent sewage discharges, discharge from such treatment processes should be to ground.

Upper Hattons Bridge is located approx. 110m to the west of the site access. It is a Grade II Listed Building and is owned by the Trust carrying Pendeford Hall Lane, an unclassified road, over the canal with a width of 5m. Vehicles up to 40T mgw (and meeting no other abnormal load criteria) are permitted to cross.

At this stage it is not clear whether any demolition or construction traffic would use the bridge to access the site, nor whether HGVs over 40T mgw or abnormal loads will be used. An informative, requested below, would do that. HGV routing could also be covered as part of a CEMP.

Neighbours (expired 08/06/22) No comments received

Site Notice (expired 13/06/22) No comments received

Advertisement (expired 14/06/22) No comments received

5. APPRAISAL

5.1 This application has been referred to Planning Committee as the proposal constitutes inappropriate development within the Green Belt, as such is contrary to Policy GB1 of the Core Strategy.

5.2 Key Issues

- Principle of development
- Case for Very Special Circumstances
- Impact on the openness, function and visual amenity of the Green Belt
- Impact on Heritage Assets
- Spatial Strategy

- Neighbour and occupier amenity
- Ecology/Trees
- Highways/Parking

5.3 Principle of development

5.3.1 The site is located within the Green Belt where, in line with Policy GB1 of the Core Strategy, there is a presumption against inappropriate forms of development. In line with NPPF paragraph 149, LPA's are expected to regard the construction of new buildings as inappropriate in Green Belt, subject to a number of exceptions.

5.3.2 One of the exceptions listed within paragraph 149 and Policy GB1 is the replacement of existing buildings provided they are not materially larger than the original building and are in the same use.

5.3.3 The original building is an agricultural building and therefore the proposal for a replacement building in a different use does not meet this exception. As such, the proposal does not meet with the definition of a 'replacement building' as described within the Green Belt and Open Countryside SPD or Policy GB1 of the Core Strategy and would therefore constitute inappropriate development.

5.3.4 In line with Paragraph 147 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to say that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations. The case for Very Special Circumstances is discussed as follows.

5.4 Case for very special circumstances (VSC)

5.4.1 During 2020 prior approval was granted for the conversion of the existing agricultural building into 3 dwellings (planning application reference 20/00280/AGRRES refers - hereafter referred to as the 'fallback' scheme). The development was granted under Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 (as amended) and gave consent for conversion of the existing building to 3 No. 4-bed dwellings. The layout and size of the approved dwellings are exactly the same as proposed here, the only differences being:

- That the current application proposes demolition and re-building rather than conversion of the original agricultural building.
- The current application proposes alternative materials and a very minor changes to the elevational design.

5.4.2 The Planning Statement explains that the applicant is seeking to re-build rather than convert as a new build would be more energy efficient and sustainable. The provision of a brick-built structure would also give the development a more traditional appearance than the fallback scheme.

5.4.3 As noted by the planning agent, the Class Q approval is a key consideration in this application. Within their Planning Statement they cite a recent court of appeal decision

where it was concluded that for a fall-back position to be taken into account, there only needs to be a real prospect of the alternative permission being implemented:

"the basic principle is that for a prospect to be a 'real prospect', it does not have to be probable or likely: a possibility will suffice"

5.4.4 The planning agent has also provided two appeal decisions where the Inspector allowed similar developments with one Inspector stating that whilst a fallback position should not automatically guarantee planning permission, it is an important material consideration that carries significant weight in the decision making process, providing that there is a real prospect of the fallback scheme being implemented.

5.4.5 In this case, given that there is an extant approval for a very similar proposal, the fallback position ought to hold significant weight in the balance of considerations and looking at the details of that scheme I see no reason why this approval could or would not reasonably be implemented.

5.4.6 Bearing in mind also the improved energy efficiency of a more substantial brick-built structure, coupled with the improvement in material quality and elevational design (comprising of tiled pitched roof, brick exterior walls and casement style windows and headers rather than the existing timber cladding and corrugated roof) the proposal would arguably be an improvement on the fallback scheme. Other matters that weigh in the balance of consideration are discussed as follows.

5.5 Impact on the openness, function and visual amenity of the Green Belt

5.5.1 Whilst the proposal does not strictly meet the definition of a 'replacement building' (as defined within Policy GB1 and the accompanying SPD) in order to avoid any harm to the Green Belt, the proposed development must not be materially larger than the fallback scheme. In order to judge whether a replacement building is materially larger, the Council's Green Belt and Open Countryside SPD advocates that a range of floor area increases between 10-20% should be used.

5.5.2 The fallback scheme (which relates to the conversion of the existing building) has a combined floor area of around 882 sq.m set across two floors, with a roof height of 7.7m (to ridge, 5.7m to eaves). The current proposal is identical in terms of floor area and height to the existing building and has the same shallow pitch roof design. In addition the frontage driveways and rear gardens are of the exactly same dimensions as the fallback scheme.

5.5.3 Although the proposed development would have more of an impact on the Green Belt than the existing agricultural building (due to the addition of garden boundaries, parked vehicles and domestic paraphernalia) there would be no greater impact on the openness, function or visual amenity of the Green Belt than the fallback scheme approved under application reference 20/00280/AGRRES.

5.6 Impact on Heritage Assets

5.6.1 The site is adjacent to the Shropshire Union Canal Conservation Area and approximately 30 metres from Upper Hattons Bridge which is Grade II Listed.

5.6.2 Policy EQ3 of the Core Strategy requires that the significance of Heritage Assets (and their setting) is considered and accounted for within all development proposals. Policy EQ11

requires that new development respects local character and distinctiveness, including that of the surrounding development and landscape [...] by enhancing the positive attributes whilst mitigating the negative aspects [.]. In terms of scale, [design] and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.

5.6.3 Paragraph 197 of the NPPF also advocates that LPA's should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

5.6.4 The surrounding area is of rural character with limited built form other than the agricultural buildings that are close to the site. The Listed bridge is of stone construction although is of limited visibility from the application site due to intervening trees and hedges

5.6.5 As previously mentioned, the application proposes the use of roof tiles, brick exterior walls, casement style windows and window headers. The fallback scheme comprised of the existing timber cladding, with render below and contemporary rectangular openings which was not considered to be particularly sensitive to the location although it was reflective of the buildings original agricultural use.

5.6.6 The Council's Conservation Officer has considered the information that has been provided and agrees with the findings of the Heritage Statement, which concludes that the site is well screened from the Heritage Assets and has a very limited effect on their setting. As such, no conservation objections to the proposed scheme are raised subject to the satisfactory agreement of materials.

5.6.7 On that basis it is considered that the proposal would result in no harm to the character and appearance of the Heritage Assets or the general area, and the proposal complies with Policies EQ3 and EQ11 of the Core Strategy.

5.7 Spatial Strategy

5.7.1 Core Policy 1 (CP1) of the Core Strategy sets out the Council's approach to the location of new housing development. The site is located approximately 2.5 miles south west of Coven (a Small Service Village) and approximately 1.2 miles north-west of Bilbrook (a Main Service Village). Whilst the site is within a rural location it is well placed to access a range of facilities and services and would not therefore result in an isolated new home within the Countryside.

5.8 Neighbour and occupier amenity

5.8.1 Policy EQ9 states that new development 'should take into account the amenity of any nearby residents, particularly with regard to privacy [...] and daylight.'

5.8.2 The closest residential properties are around 300m away from the site, as such there would be no harm to residential amenity.

5.8.3 The proposed dwellings would sit within an existing agricultural setting, however as noted by the Council's Environmental Health Officer, there is an extant permission to convert the existing barn into 3 residential units, whereas this application is for demolition and rebuild. On that basis no objections are raised as modern construction techniques will

offer more sound insulation than the current barn, therefore helping mitigate any noise from neighbouring units.

5.8.4 In terms of amenity space for the dwellings, Appendix 6 of the Core Strategy sets out minimum standards, which for a 4 bed dwelling would be a garden length of 10.5m and area of 100 sq.m. The application proposes a garden to each of the dwellings measuring 6.7m in length and between 68 sq.m. and 76 sq.m which is sub-standard to the Council's requirements.

5.8.5 However, each of the dwellings would have a floor area of around 143 sq.m. which is well in excess of the upper threshold of the required floor area for a 4-bed dwelling (as defined within the Nationally Described Space Standards) and provides generously sized internal accommodation. The site is also in a rural location with easy access to the canal. On that basis it is considered that the potential occupiers would enjoy a good standard of amenity with a sufficient amount of private space. That being said, given that the gardens are on the small side, it is considered justifiable to remove PD rights for rear extensions and garden buildings to ensure that the dwellings retain a reasonable area of private amenity space.

5.8.6 On the basis of the above there are no undue concerns arising in respect of neighbour or occupier amenity, as such there is no conflict with Policy EQ9.

5.9 Impact on Ecology and Trees

5.9.1 Policy EQ1 provides that developments should not cause significant harm to habitats of nature conservation, including trees 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. Policy EQ12 seeks to ensure appropriate landscaping for all developments.

5.9.2 The development falls within the green impact risk zone for great crested newts, and surrounding habitat between the GCN records and nearest ponds is very limited and heavily agricultural. NatureSpace have been consulted who consider that a GCN survey is not required due to the scale and the likely impacts of the development, however an informative is recommended. There are no trees on site which would be affected by the proposed development and the County Ecologist has raised no objections subject to conditions.

5.9.3 The Canal and River Trust have requested that a Construction Management Plan is submitted to avoid pollutants / dust etc reaching the canal. They also recommend a 10m buffer to the canal which is similar to the wildflower planting strip / dark corridor recommended in the ecology report. It is also suggested that a lighting scheme and buffer strips are secured by conditions, together with the 5 No. integrated bat boxes that are indicated on the plans.

5.10 Impact on highways/Parking

5.10.1 Core Strategy Policies EV12 and Appendix 5 set out the Council's parking standards, which is 3 parking spaces for a 4-bed dwelling. The application proposes three spaces per dwelling, as such the proposal provides sufficient parking in accordance with the Council's standards and the County Highways officer has raised no objections to the scheme subject to conditions.

5.11 Cannock Chase Special Area of Conservation (SAC)

5.11.1 The latest Footprint Ecology Report has established that any new residential development within a 15KM buffer zone of the Cannock Chase SAC will have a significant impact on the SAC in terms of increased visitor pressure (i.e. the Zone of Influence).

5.11.2 In order to satisfy separate Habitat Regulations, mitigation in a form of a financial agreement will need to be provided if any net dwellings are located within 0-15km of the SAC. In this instance the site does fall within this criterion. The payment towards the SAC is not paid for planning purposes but rather to secure compliance with the Habitat Regulations.

5.11.3 The applicant has agreed to enter into a Unilateral Undertaking with the Council to secure the required mitigation, as such there is no conflict with Core Strategy Policy EQ2.

5.11.4 The Local Planning Authority has also prepared an "Appropriate Assessment" of the application's effect on the Cannock Chase SAC, which has been agreed with Natural England. The LPA will have therefore met its duties as a competent authority under the Habitat Regulations.

6.0 CONCLUSIONS

6.1 The proposal for three new dwellings in the Green Belt is inappropriate in principle. Inappropriate development is harmful to the Green Belt by definition and should not be approved unless there are very special circumstances to justify the harm. In this case there is an approved fallback scheme involving the conversion of the existing building, with a realistic prospect of being implemented should this application be refused. It is considered that the fallback scheme provides a compelling case for Very Special Circumstances which ought to be afforded significant weight and clearly outweigh any potential harm to openness.

6.2 The current proposal to replace rather than convert the building, would be an improvement over the fallback scheme in terms of energy efficiency (and thereby residential amenity) and would benefit from higher quality materials and more a traditional appearance/design. There would be no undue harm to the openness, function or amenity of the Green Belt as a result of the proposal and there are no concerns arising in respect of heritage assets, ecology, occupier amenity or highway safety. Overall, taking all these matters into account the balance is in favour of the scheme and on that basis, approval is recommended subject to conditions.

7. RECOMMENDATION - APPROVE Subject to Unilateral Undertaking for Cannock Chase SAC.

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved plans:
Drg No: 30905-01 Location and Block Plan received 16/09/21
Drg No: 31024-03 Proposed Plans and Elevations received 28/02/22.

3. 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.
4. Prior to the demolition of the existing building any features with bat roost potential shall be inspected by a qualified bat expert. The demolition of the building shall only proceed thereafter when the qualified bat expert is satisfied that the works can take place without any resultant harm to bats.
5. The 5 No. integrated bat boxes shown on the approved plans shall be fully constructed prior to first occupation of the development and shall be retained in-situ for the lifetime of the development.
6. Prior to any works taking place above damp proof course level, the following information shall be submitted to and approved in writing by the Local Planning Authority:
 - Landscaping Plan to include an ecological buffer strip to canal measuring a minimum of 10 metres. This could be native wildflower seeding (meadow mix) or native species shrub / hedge.
 - Construction Environmental Management Plan to cover both demolition and construction phases to include measures to prevent pollutants and disturbance to the canal.

The approved Landscaping Scheme shall be implemented before first occupation of the development and the works shall be carried out in full accordance with the approved Construction Environmental Management Plan.

7. Prior to any works taking place above damp proof course level, a lighting design strategy for biodiversity for areas adjacent to the canal corridor shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and otters and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and;
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
8. Immediately prior to works starting, any piles of wood, brash and rubble within the working area should be dismantled by hand and removed from the working area. If

any reptile or amphibian are found they should be removed to other shelter such as long grass, shrubbery, purpose-built hibernacula, by hand.

9. No works shall be commenced above damp-proof course level until details of all external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
10. Prior to the commencement of the development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority. Said plans should confirm that discharge to the canal, either directly or indirectly, which could affect water quality and canal flooding, will be avoided. A standoff of at least 10m from the canal for any soakaway should be provided. Similar standoffs will be needed for any septic tanks/treatment plants, to ensure that canal water quality is protected. Standoffs would also mitigate risks on the structural integrity of the canal bank.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling(s) hereby approved without the prior approval of the Local Planning Authority:
 - Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
 - Schedule 2, Part 1, Class E - buildings etc incidental to the enjoyment of the dwellinghouse
 - Schedule 2, Part 20, Class AC - new dwellinghouses on terraced buildings in use as dwellinghouses.

Reasons:

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
4. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
5. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
6. To prevent pollutants and disturbance to the canal in accordance with Policy EQ1.
7. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.

8. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
9. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
10. To avoid pollution of the water environment in accordance with policy EQ7 of the adopted Core Strategy.
11. To ensure that sufficient private amenity space remains to serve the development in accordance with Policy EQ9 and because the provision of further dwellings would be harmful to the openness and function of the Green Belt, contrary to Policy GB1.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.

INFORMATIVES

The applicant is advised that vehicles up to 40T mgw (and meeting no other abnormal load criteria) are permitted to cross Shropshire Union Canal Number 5 Upper Hattons Bridge. Any indivisible abnormal load movements must be notified to the Trust via the Electronic Service Delivery for Abnormal Loads (ESDAL) website: <https://esdal.dft.gov.uk/> or by email to abnormal.loads@canalrivertrust.org.uk.

For vehicles up to 80T mgw 2 clear working days' notice is required, for vehicles 80T - 150T mgw 5 clear working days' notice is required, and for vehicles in excess of 150T mgw the timescale is subject to discussion with the Trust's Abnormal Loads team (minimum of 5 clear working days).

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.



Pendeford Hall Farm, Pendeford Hall Lane, Coven, Staffordshire WV9 5BD