

**19/00859/FUL
NON MAJOR**

Mr & Mrs D Hyde

PENKRIDGE

Cllr Josephine Chapman

Holly House Bickford Road Whiston STAFFORD ST19 5QH

Demolition of existing dwelling and replacement with two-storey dwellinghouse and retention of temporary siting of 3 no. shipping containers and static caravan during duration of build.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Application Site

1.1.1 The Application Site relates to Holly House, a 19th Century detached traditional style property; one of five substantial dwellings off the narrow rural lanes Bickford Road / Bent Lane. The existing dwellinghouse is vacant and in a very poor state of repair. Heavy vegetation screens the roughly triangular plot from the road and there are a number of mature trees across the site.

1.1.2 The site is located in Green Belt and within 10km of the Cannock Chase SAC.

1.2 Planning History

20/00215/LUP - Erection of detached double garage – Approved 23.04.2020

12/00606/LUP – Two-storey rear and single-storey side extensions and conservatory, Issued 19.09.2012

08/01047/FUL – Extension – Approved Subject to Conditions 27.11.2008
Subsequent Appeal (Reference APP/C3430/A/09/2098379) – Disputed Condition 2 relating to the removal of Permitted Development Rights pertaining to Schedule 2 Part 1 Classes A – E and Schedule 2 Part 2 Classes A – C of the Town and Country Planning (General Permitted Development) Order, 1995. The Appeal was in part allowed, however a substituting condition was proposed by the Inspector retaining the removal of PD for Classes A – E of Schedule 2 Part 1 only (extensions to the dwelling, alterations to the roof, addition of a porch and garden buildings). This proposal has not been implemented.

07/00895/FUL – Extension – Refused 15.10.2007 on Green Belt grounds

00/01126/FUL – Extension – Refused 6.10.2000 on Green Belt grounds Appeal Dismissed 23.08.2001

99/00479/FUL – Extensions – Refused 30.06.1999 on Green Belt grounds and also on the size and scale of the proposal.

77/00039 – Two dwellings with garages refused 9.03.1977

2. APPLICATION DETAILS

2.1 Planning Proposal

2.1.1 Planning permission is sought for the demolition of the existing dwelling and its replacement with a two-storey dwellinghouse, together with the retention of 3 no. shipping containers for a temporary period and the siting of a static caravan during the build.

2.1.2 The existing floor area of the dwelling is approximately 129.4m² and the volume of the dwelling as existing is approximately 332.5m³. The existing dwelling is split over two-storeys with a small single-storey rear lean to.

2.1.3 Whilst planning permission 08/01047/FUL was granted subject to the removal of permitted development rights, the proposal was not implemented. As such, permitted development rights remain intact for the dwelling.

2.1.4 The original proposal for the replacement dwelling had a floor space of approximately 309.3m² which equated to an addition of approximately 139% to the existing floorspace of the dwelling.

2.2 Amendments

2.2.1 The proposal was amended, with reduction to the width and bulk of the proposed replacement dwelling. The link between the proposed garage was also redesigned and a lawful development certificate was submitted during the course of the application process to ascertain the principle of a detached garage to the side of the proposed dwellinghouse.

2.2.2 The revised scheme proposes a replacement dwelling with a floor space of approximately 223.0m². This would be a 72.3% increase in the floor space of the existing dwelling.

2.2.3 The amended Site Plan also indicates a detached garage to the side of the proposed replacement dwelling.

2.3 Agent's Submission

2.3.1 A Design and Access Statement by Fleming Homes accompanies the application. The key points are summarised as follows:

- The house is in a complete state of disrepair and would not be financially viable to bring the house up to current standards;
- Currently access to the site is adjacent to the junction of Lapley Road and Bickford road;
- The proposal is to use the current access, which comprises of a double 5 bar timber gate;
- The new design is attempting to keep some of the original buildings character by re-using the brickwork from the existing house which is to be demolished and by having traditional bay windows, combined with a more contemporary timber clad façade.
- During the erection of the dwelling, a static caravan has been pitched on site for the applicants to live in.
- There is also temporary storage to be provided during the build by means of storage containers.
- The bulk of the landscaping around the property is to be retained.

- All existing boundary hedges, trees and fences are to be retained.

2.3.2 A Preliminary Roost Assessment by Elite Ecology dated March 2020 was received on request by officers during the course of the proposal.

2.3.4 The outcome of the PRA required a Bat Emergence and Re-entry Surveys undertaken by ARBTECH dated July 2020.

2.4 Pre-application Advice

None prior to the submission of this application.

3. POLICY CONTEXT

3.1 The site is located within the West Midlands Green Belt.

3.2 South Staffordshire Core Strategy, adopted 2012

- NP1: The Presumption in favour of sustainable development
- Core Policy 1: The Spatial Strategy for South Staffordshire
- Policy GB1: Development within the Green Belt
- Core Policy 2: Protecting and Enhancing the Natural and Historic Environment
- Policy EQ1: Protecting, Enhancing and Expanding Natural Assets
- Policy EQ4: Protecting 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 11: Sustainable Transport
- Policy EV12: Parking Provision
- Appendix 5: Car Parking Standards
- Appendix 6: Space About Dwellings Standards

3.3 Adopted local guidance

- Green Belt and Open Countryside SPD (2014)
- South Staffordshire Design Guide Supplementary Planning Document (2018)
- Sustainable Development Supplementary Planning Document (2018)

3.4 National Planning Policy Framework 2019 (the - 'NPPF').

- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 16- Conserving and enhancing the historic environment

National Planning Policy Guidance, updated 2019 (the - 'NPPG').

4. CONSULTATION RESPONSES

Councillor Josephine Chapman: Concerned with the scale of the proposal and seeks to call in to Planning Committee should it be recommended for approval.

Penkridge Parish Council: Comments as follows *“Councillors had concerns that the propose new dwelling was in excess of the original footprint.”* Received 17.02.2020.

Penkridge Civic Society (Expiration 5.02.2020): No comments received.

Environmental Health: No objections subject to recommended conditions to include demolition, deliveries and construction hours, no burning, prevention measures for dust and a site survey to determine the presence of asbestos products. Received 21.05.2020.

Conservation Officer Response 2 – No objection with the following comments *“Whilst there are no objections to the demolition and replacement, a full photographic survey should be done (i.e. elevations and associated points shown on floor plans) should be done. This would then form a document that could be lodged with the Staffordshire County Council Historic Environment Record (HER). This could be covered by a condition. Following the previous comments, amendments to the scheme have carried out and there are now no conservation objections subject to the satisfactory agreement of materials. These could either be submitted prior to the determination of the application or covered by conditions at the time of determination.”* Received 9.06.2020.

County Ecologist Response 2 – No Objection subject to recommended conditions and secure of EPS licence prior to demolition.

County Highways No Objection subject to recommended conditions relating to pre-occupation conditions for access drive, parking and turning areas with approved plans, retention of garage for vehicles and cycles and informative for dropped crossing for a Section 184 Notice. Received 31.01.2020.

Severn Trent Water: No Objection with following comments *“As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.”* Received 17.01.2020.

Neighbours 05.02.2020

Site Notice expiration 12.06.2020

Seven representations have been received comprising of three in support of the proposal and four objecting the proposal. The representations are summarised as follows:

Support –

- The proposal is an improvement and enhancement to area.
- The clearing works has had a vast improvement.
- The timber gates and fencing are sympathetic to the character of the area.

Objections -

- Concerned that there are Protected Species that have not been accounted for.
- Building proposed would exceed the Green Belt guidance of 40%.
- No stated exceptional circumstances documented in the proposed application, to take into consideration and support a substantially much larger property in this location.
- The proposed external materials stated in the development plan would have a much bigger visual impact in this rural location and would not be in keeping with other properties constructed in brick and tile in small hamlet of Whiston.

- The design of the proposed replacement is not in keeping with the brick, tile and render within the immediate area.
- Fencing and steel gates are not relatable in the area.
- No problem with the demolition of the existing house but would object to it's size being any larger than the existing building.
- We believe the site is being used to run a business, with goods being stored in old shipping containers that are very unsightly.
- Shipping containers are intrusive into third-party amenity area.
- The fencing that has been used round, this is industrial looking and certainly not in keeping with a rural environment.

Amendment:

Neighbours 10.06.2020

Amended Site Notice expiration 11.02.2020

Three further representations were received in response to the amended plans. The representations are summarised as follows:

- The amended plans constitute an unacceptable replacement and is an inappropriate development within the green belt.
- Request that the shipping containers assumed to be used for business storage is to be removed.
- Object to its size being any larger than the existing building plus it's permitted development rights, all recent extensions in the area have been held to these rules, and we can see no special circumstances for these rules to be exceeded.

5. APPRAISAL

5.1 Councillor Chapman has called the application to Planning Committee

5.2 Key Issues:

- Principle of development in Green Belt;
- Whether the proposal constitutes as inappropriate development;
- Actual Green Belt harm and impact on openness
- Very Special Circumstances;
- Design and Scale;
- Ecology
- Impact on the Cannock Chase SAC
- Impact on trees
- Highways
- Other matters.

5.3 Principle of Development in the Green Belt

5.3.1 The site is located within the Green Belt. Paragraph 143 of the National Planning Policy Framework, 2019 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, there are exceptions to this position as set out within Paragraphs 145 & 146 of the NPPF. Point d) of Paragraph 145 states that one of the exceptions is

the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

5.3.2 Policy GB1 within the South Staffordshire Core Strategy, 2012, whilst it predates the NPPF, is largely consistent with it. Point d) states the

limited infilling and limited extension(s), alteration or replacement of an existing building where the extension (s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces...(my emphasis).

5.3.3 The Council also has more guidance on for development within the Green Belt within the Green Belt and Open Countryside SPD, 2014. In particular, a guide for the acceptability of proportionate increase of replacement dwellings is cited under Paragraph 3.2. The guidance states that in order to judge whether the replacement would be materially larger/disproportionate, a range between 10-20% increase in existing floor space is stated. The guidance goes on to state that

'This will be the basis for making a judgment on planning applications put before the Council, however all applications will be judged on their merits on a case by case basis'.

5.3.4 There is also guidance for extensions to dwellings within Green Belt which is outlined within Paragraph 4.4 of the guidance and states that a guidance of anything above the 20-40% range of extensions will be likely to be disproportionate, simply because it would not be in proportion with the host building and therefore would be likely to have an impact on openness. This range will be applied to floor area, rather than footprint which had been used historically (for dwellings).

5.3.5 The key issues with ascertaining the principle of the proposal is whether the replacement dwelling as proposed is '*materially larger*' than the existing dwelling.

5.3.6 The existing floor area of the dwelling is approximately 129.4m² and volume of the dwelling as existing is approximately 332.5m³. The existing dwelling is split over two-storeys with a small single-storey rear lean to.

5.3.7 The original proposal as submitted proposed a 139% addition to the existing floorspace. Discussions with the Agent were undertaken and an amended scheme was submitted with a proposed floor space of approximately 223m² which is would equate to a 72.2% increase in the floorspace of the existing dwelling.

5.3.8 As previously mentioned, in Section 3 '*Replacement of existing buildings*' within the Green Belt and Open Countryside SPD, 2014 the guidance uses 10-20% increase in floor area as guide as to what constitutes materially larger than it replaces.

5.3.9 The SPD is specific with the parameters for the increase in floor area and what constitutes materially larger and the proposal would not be within these defined parameters. If using this guidance, the proposal of the replacement dwelling would be deemed inappropriate development and as such there is a presumption of refusal.

5.3.10 The proposal is therefore contrary to Policy GB1 of the Core Strategy, the guidance contained within the Green Belt and Open Countryside SPD, 2014 together with the objectives of the NPPF.

5.4 Actual Green Belt Harm and Impact on Openness

5.3.1 It is pertinent to establish the 'actual' harm to the Green Belt caused by the proposed replacement including the proposed detached garage.

5.4.2 Although identified in the NPPF as one of the essential characteristics of Green Belts, 'openness' is not formally defined. There has been much dispute in recent years in case law in defining openness.

5.4.3 *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466; [2017] 2 P & CR 1, *para 18* concerned an inspector's decision refusing permission for a proposal to replace a mobile home and storage yard with a residential bungalow in the Green Belt. In rejecting the contention that it was within the exception for redevelopment which

"would not have a greater impact on the openness of the Green Belt", the inspector had expressly taken account of its visual effect, and that it would "appear as a dominant feature that would have a harmful impact on openness here".

5.4.4 The Court of Appeal upheld the decision. Sales LJ said:

"The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach suggested by [counsel]. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents." (para 14)

"Before us there was no challenge to the correctness of this statement of approach. However, it tells one nothing about how visual effects may or may not be taken into account in other circumstances. That is a matter not of legal principle, but of planning judgement for the planning authority or the inspector."

5.4.5 In the recent Supreme Court case *Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council* [2020] reinforces this view.

5.4.6 Furthermore Planning Policy Guidance (PPG) Paragraph: 001 [2] on the factors to be taken into account when considering the potential impact of development on the openness of the Green Belt, comments

"openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume".

5.4.7 One of the essential characteristics of the Green Belt is its openness. Openness is the absence of development, notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects. It is therefore pertinent to establish the 'actual' harm to the Green Belt.

5.4.8 In assessing whether the proposal has an impact on the openness of the Green Belt, the overall width and heights of the existing dwelling and resulting dwelling are taken into consideration. The width of the existing dwelling measures approximately 10.9m, the height to maximum roof ridge measures approximately 7.4m and the length measures 8.0m.

5.4.9 In comparison, the proposed replacement would be approximately 10.6m wide, the height to maximum roof ridge would be approximately 7.5m and the length would be approximately 12.7m.

5.4.10 The replacement dwelling would be on the same footprint as the existing dwelling. It is acknowledged that there would be an increase in the rear of the dwelling. However visually, from views obtained to the rear into the enclosed and heavily screened site, it is not considered to result in a significant impact on the openness of the Green Belt.

5.4.11 The detached garage as shown on the Site Plan as proposed benefits from lawful development under planning reference 20/00215/LUP.

5.4.12 There would be no other permanent structures proposed across the site and the proposal for the replacement is therefore considered to be compact in nature within the landscape.

5.4.13 Overall it is considered that the proposal by siting, mass and scale would have a limited impact on the open character of this part of the Green Belt.

5.5 Very Special Circumstances

5.5.1 It has been established that the proposal is deemed inappropriate development in the Green Belt and as such would have default harm to the Green Belt.

5.5.2 Paragraph 144 within the NPPF states that '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. These considerations are each assessed in turn below.

5.5.3 The NPPF states at Paragraph 143 of the NPPF, 2019 states that:

"Inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

5.5.4 In order for inappropriate development to be acceptable, material considerations amounting to very special circumstances must be advanced to justify a grant of planning permission.

5.5.5 Having had the opportunity to look into the planning history for the property I note a Lawful Development Certificate was issued for the property in 2012 (Planning Reference 12/00606/LUP) and I also note that the proposed developments certified at that time have not been implemented. In this instance the lawful development certificate was a legal determination to determine whether three proposed additions were lawful when assessed against the criterion under the Town and Country Planning (General Permitted Development) (England) Order, 1995 (as amended). The proposed developments comprised of a two-storey rear extension, single-storey side and a conservatory. The developments proposed were all deemed to be in accordance the legislation at that time and as such the legal determination was issued.

5.5.6 The concept of a '*fall-back position*' being a material consideration is well established through case law. The defining case law within *Mansell v Tonbridge And Malling Borough*

Council [2017] EWCA Civ 1314 – Judge Lindblom LJ sets out that PD-fallback is an established material planning consideration, providing there is a '*real prospect*' of the works being undertaken.

5.5.7 The two-storey rear, single-storey side and conservatory deemed in accordance and issued under the 12/00606/LUP has a combined floorspace of approximately 78.5m². If this is added to the existing floorspace of the property, it results in a combined floorspace of 207m². This equates to an increase in floorspace of the original dwelling of 60%.

5.5.8 In comparison, the amended proposed floor space of the replacement dwelling would measure approximately 223m², which would be 16m² larger than what can be achieved in combination with the existing floor space and the PD Fallback.

5.5.9 In light of the permitted development fall-back it is considered that the replacement dwelling would be only 16m² larger than the original dwelling, which equates to a 7% increase in the combined floorspace of the original dwellinghouse and the PD extensions.

5.5.10 In addition, a lawful development certificate has been recently approved for a detached garage to the side of the existing dwelling under reference 20/00215/LUP.

5.6 Design and Scale

5.6.1 Policy EQ4 seeks to ensure that development respects the intrinsic rural character and that the local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced.

5.6.2 Policy EQ11 states that development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles around use, movement, form and space. The Council's 2018 Design Guide has been adopted and amplifies the principles set out in Policy EQ11 of the Core Strategy.

5.6.3 The rear of the site is fairly open, however, it is not considered that the replacement dwelling on the same footprint would result in an intrusive form within the landscape. Mature vegetation encloses the site from the main road. There would be limited vantage points to the dwelling, however, it is not considered that the proposal would result in an adverse impact on the character of the street-scene.

5.6.4 Concerns were raised by officers in relation to the original proposals resulting in an over dominant and bulky form. In particular, by way of mass and scale, the originally proposed design lost the traditional cottage appeal of the existing property. Furthermore, the lack of detailing emphasised the stark contrast which is not typical in this context. The proposal was subsequently revised to reduce the overall mass of the proposal.

5.6.5 The cottage is set amongst a small number of properties that all vary in design, style and scale. However, the majority of properties within the immediate vicinity possess the character of traditional forms and they offer traditional features such as chimneys, detailing, sash windows, rendering and all are constructed in red brick.

5.6.6 The revised proposal is considered to be commensurate in scale to the plot available and to have incorporated traditional detailing to reflect the locality. The proposal seeks to include reclaimed bricks and roof tiles from the existing building within the construction of the front

elevation. Overall, the palette of modern materials including the timber are reflective and sympathetic to the character of the area.

5.6.7 The Conservation Officer was consulted on the revised proposal and has no objection to the proposal, subject to a condition for the details of materials to be used and joinery details.

5.6.8 Overall, it is considered that the proposal would accord with Policies EQ4 and EQ11 of the Core Strategy.

5.7 Ecology

5.7.1 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.

5.7.2 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.

5.7.3 Policy EQ1 (Protecting, Enhancing and Expanding Natural Assets) states that permission will be granted for development that does not cause significant harm to sites or habitats of nature conservation.

5.7.4 A Preliminary Roost Assessment dated March 2020 was submitted in support of the application. The County Ecologist was consulted and she requested that an emergence survey was undertaken to establish whether bats are using the property and whether a European protected species licence is required to enable the development to proceed.

5.7.5 A Bat Emergence and Re-entry Survey Report dated July 2020 was submitted. The County Ecologist was re-consulted and was satisfied with the ecology surveys submitted. The mitigation measures for bats are detailed in the Preliminary Roost Assessment (PRA) (Elite Ecology, March 2020) including lighting and erection of bat boxes.

5.7.6 As well as the above after a High Court ruling local authorities must consider all applications where European Protected Species are likely to be affected and a **European Protected Species license required**, by considering the 3 tests applicable to the Habitats Directive. The ruling stated the following:

"When dealing with cases where a European Protected Species may be affected, a planning authority... has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercises of its functions. Further the Directive's provisions are clearly relevant in reaching planning decisions, and these should be made in a manner which takes them fully into account ...".

The three tests are that:

1. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. there must be no satisfactory alternative; and
3. favourable conservation status of the species must be maintained.

5.7.7 A number of measures have been recommended for ecological enhancement and protection. In addition, prior to the demolition of the existing building, a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead is required.

5.7.8 As the development is for a replacement dwelling and having regard to the derogation tests, it is considered on these recommendations that the proposal is acceptable.

5.7.9 In addition, the replacement of the building is considered to result in the loss of potential nesting sites for birds which were noted during surveys. Species nesting on buildings do not use vegetation, therefore the ecologist has included a recommended condition for nest boxes specific to these species.

5.7.10 Overall, the proposal would offer mitigation and enhancement to identified Protected Species. The County Ecologist has no objections subject to recommended conditions. As such it is considered that the proposal would accord with Policy EQ1 of the Core Strategy.

5.8 Impact on Cannock Chase Special Area of Conservation

5.8.1 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).

5.8.2 The site is within 10km of the Cannock Chase SAC. Guidance updated in January 2020 clarifies that where a new replacement dwelling is similar in size and scale then no developer contribution is needed.

5.9 Trees

5.9.1 Policy EQ12 seeks to protect and enhance key landscape features. The site is characterised by a number of mature trees along the southern and south eastern parts of the site. A low hedgerow characterises the front of the site between the main road. These mature trees and hedgerows are considered to have a high value of amenity and characterise this rural area.

5.9.2 The Tree Officer has been consulted on the proposal and seeks for a Tree Survey to be undertaken. Any recommendation of approval would seek details for the retention of these important features within the landscape.

5.10 Highways Implications

5.10.1 Core Strategy policy EV12 parking provision requires that adequate parking is included with schemes for new housing. Appendix 5 Parking Standards provides guidance on the recommended number of vehicle parking spaces to be provided. The proposal seeks for a 4-bedroom property, therefore three-off street parking spaces would be required to accord with the Parking Standards. It is considered there is ample space to the front of the dwelling to accommodate these.

5.10.2 The existing access would remain. The Local Highways Officer has been consulted on the proposal and have no objection subject to recommended conditions and an informative. It is therefore considered that the proposal would accord with Policy EV12 and the Parking Standards set out within the Core Strategy, 2012.

5.11 SAD Standards

5.11.1 Policy EQ11 sets out the Council's Space about Dwellings (SAD) Standards in Appendix 6. For a 4-bedroom dwelling or above, the standards set out that a minimum of 100m² and a minimum length of 10.5m would need to be required. It is considered that the plot size is appropriate and there would be not conflict with the Standards.

5.12 Other Matters

5.12.1 A number of concerns have been raised in regard to the temporary siting of storage containers along the boundary and a mobile home. It has been confirmed both in the submitted Design and Access Statement and when queried from the Agent, that the containers contain the applicant's possessions from their previous residence. Conditions are proposed for the removal of these structures following completion of construction of the replacement dwelling.

6. CONCLUSIONS

6.1 It is concluded that the proposed replacement dwelling is materially larger than the existing dwelling, as defined by the Green Belt and Open Countryside SPD, which defines materially larger as between 10-20% larger than the existing building. Policy advises that replacement buildings that are materially larger are inappropriate development and carry the presumption of refusal. There has been assessment of the actual harm on the openness of the Green Belt of the replacement dwelling and proposed detached garage. It was summarised that there was limited harm to the Green Belt.

6.2 It has been assessed that a number of certificates have been previously issued by way of a two-storey rear and single-storey side extensions (under 12/00606/LUP) and a detached garage (20/00215/LUP). The extensions have a combined floorspace of 78.5m². When added to the existing property this would result in a combined floorspace of 207m². In comparison the amended proposed floor space of the replacement dwelling would measure approx. 223m² which would be an additional 16m² larger than what can be achieved in combination with the existing floor space and the PD Fallback. It is therefore considered that very special circumstances exist that outweighs the default harm caused by the by inappropriateness. Permission is therefore recommended subject to appropriate conditions.

7. RECOMMENDATION - APPROVE

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 referenced 8851.PL4 entitled 'Location Plan' received by the Local Planning Authority dated 19th November 2019 plan referenced 8851PL5 entitled 'Existing Building' received by the Local Planning Authority dated 13th January 2020, amended plan referenced 8851PL3 entitled 'Site Plan', amended plans reference 8851PL1 Rev A entitled 'Floor and Elevation Plans' received by the Local Planning Authority dated 26th March 2020 and amended plan reference 8551PL2 dated 22.04.20 entitled 'Garage' received by the Local Planning Authority dated 23rd April 2020.
3. No works hereby approved shall be commenced, until full details of the following have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
 - the bricks to be used in the construction of the external walls;
 - the render to be used on the external walls;
 - the exterior roof materials;
 - full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration and doors and proposed exterior finish;
 - full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing;
 - full details of the finished floor-scape surrounding the building;
 - full details of the brick bond to be used; and
 - full details of rainwater goods, their materials and designs.
4. No works shall be commenced until the implementation of an appropriate programme of building recording and analysis has been agreed in writing with the local planning authority, to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written brief and specification.
5. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
 - I. The parking of vehicles for site operatives and visitors
 - II. The loading and unloading of plant and materials
 - III. The storage of plant and materials used in constructing the development
 - IV. Details of the storage and removal of materials either to be removed or used within the development.
 - V. Measures to control the emission of dust and dirt during construction
 - VI. Delivery and construction working hours, restricted to Mon-Fri 8 am - 6 pm, Sat 8 am - 1pm. No working Sundays or Bank Holidays
 - VII. Noise and vibration details.
 - VIII. A site survey to determine the presence of asbestos products

The Contractor shall comply with the general recommendations set out in BS 5228: Parts 1 and 2: 1997 'Noise and Vibration Control on Construction and Open Sites', together with any specific requirements in the contract.

6. Notwithstanding any details in the application plans and documents and before the development commences, a hard and soft landscape scheme, retention of trees and hedgerows and to include details of the floorscape treatment of the access, parking and any other hardstanding areas, shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority, and the Local Planning Authority shall be notified when the agreed scheme has been completed.
7. Before the development commences a comprehensive survey shall be carried out of all the trees, shrubs and hedges on the site. A plan following the guidelines in section 5.0 of BS 5837:2012 (trees in relation to design, demolition and construction - recommendations) showing those to be retained and those to be felled shall be submitted to the Local Planning Authority for approval. All subsequent works shall be carried out in accordance with the approved details.
8. No existing trees, shrubs or hedges on the site or its boundaries shall be pruned in any way or cut down for a period of 10 years following completion of the development without the prior consent of the Local Planning Authority. If any the existing planting is removed or dies within 5 years of completion of the development it shall be replaced with the same species (or alternative agreed with the Council) within 12 months of its removal and as close to the original position as possible (or elsewhere in a position agreed with the Council). The existing and any replacement planting shall be maintained for a period of 10 years respectively from completion of the development or time of planting to the satisfaction of the Local Planning Authority.
9. Demolition of the existing building shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
10. Prior to the commencement of the development, details of the type and location of biodiversity enhancement measures including 2 number house sparrow terraces of wood / concrete composite type on or integrated into north- or east- facing brickwork of the new buildings shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
11. Prior to the commencement of the development, details of biodiversity enhancement measures including 1 no swallow cup on the new buildings with a sheltered overhang shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme

and be fully constructed prior to occupation of the buildings and retained as such thereafter.

12. All mitigation measures for bats on pages 15-16 stated within the Bat Emergence and Re-entry Surveys (Arbtech, July 2020) must be complied with.

Pre-Occupation

13. 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.

Ongoing/Monitoring Conditions

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling hereby approved without the prior approval of the Local Planning Authority:
 - I. Schedule 2, Part 1, Class A - enlargement, improvement or other alteration;
 - II. Schedule 2, Part 1, Class B - addition or alteration to the roof;
 - III. Schedule 2, Part 1, Class C - any other alteration to the roof;
 - IV. Schedule 2, Part 1, Class D – porches;
 - V. Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container;
 - VI. Schedule 2, Part 2, Class A - gate, wall, fence or other means of enclosure
15. Except insofar as may be necessary to allow for the construction of the means of access, the existing hedge along the whole of the highway boundary of the land shall be retained and any plants which die shall be replaced in the next planting season with others of a similar size and shall be retained.
16. The consent includes the temporary retention of 3 no. shipping containers and a static caravan as indicated on the amended Site Plan reference 8851PL3 entitled 'Site Plan'. These shall be removed from the application site within 1 month from the first occupation of the dwellinghouse approved.

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. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. To safeguard the recording and inspection of matters of archaeological/historical importance associated with the site/building.

5. To safeguard the amenity of residential properties and living conditions of neighbouring properties and road safety during demolition and construction works.
6. To safeguard the visual amenity of the area, since development of this type would detract from the overall visual appearance of the residential area in accordance with policy EQ11 of the adopted Core Strategy.
7. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
8. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
9. To ensure that bats and their roosts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
10. In order to enhance and protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
11. In order to enhance and protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
12. To ensure that bats and their roosts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy EQ1 of the adopted Core Strategy.
13. In the interests of public and highway safety and convenience and to ensure that adequate parking facilities are available to serve the development and to conform to the requirements of policy EV12 of the adopted Core Strategy.
14. The site is within Green Belt within which, in accordance with the planning policies within the National Planning Policy Framework and Policy GB1 of the Core Strategy, 2012, there is a presumption against inappropriate development
15. To safeguard the visual amenity and rural character that these features provide in accordance with policy EQ11 of the adopted Core Strategy.
16. In order to define the permission and to avoid doubt.
17. Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2019.



Holly House, Bickford Road, Whiston, STAFFORD ST19 5QH