

**TO:- Planning Committee**

Councillor Terry Mason , Councillor Matt Ewart , Councillor Penny Allen , Councillor Len Bates B.E.M. , Councillor Chris Benton , Councillor Barry Bond , Councillor Mike Boyle , Councillor Jo Chapman , Councillor Bob Cope , Councillor Brian Cox , Councillor Isabel Ford , Councillor Rita Heseltine , Councillor Lin Hingley , Councillor Diane Holmes , Councillor Janet Johnson , Councillor Michael Lawrence , Councillor Roger Lees J.P. , Councillor Dave Lockley , Councillor Robert Reade , Councillor Robert Spencer , Councillor Christopher Steel

Notice is hereby given that a meeting of the Planning Committee will be held as detailed below for the purpose of transacting the business set out below.

Date: Tuesday, 16 March 2021

Time: 18:30

Venue: Virtual Planning Committee



D. Heywood  
Chief Executive

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**A G E N D A****Part I – Public Session**

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|----------|--|------------------|
| <b>1</b> | Minutes<br>To confirm the minutes of the meeting of the Planning Committee held on 26 January 2021 | <b>1 - 4</b>     |
| <b>2</b> | Apologies<br>To receive any apologies for non-attendance.  |                  |
| <b>3</b> | Declarations of Interest<br>To receive any declarations of interest.                               |                  |
| <b>4</b> | Determination of Planning Applications<br>Report of Development Management Team Manager            | <b>5 - 138</b>   |
| <b>5</b> | Monthly Update Report<br>Report of the Lead Planning Manager                                       | <b>139 - 156</b> |

**RECORDING**

Please note that this meeting will be recorded.

**PUBLIC SPEAKING**

Please note: Any members of the public wishing to speak must confirm their intention to speak in writing or e-mail to Development Management no later than 1 working day before the Committee i.e. before 12.00 p.m. on the preceding Monday.

E-mails to [SpeakingatPlanningCommittee@sstaffs.gov.uk](mailto:SpeakingatPlanningCommittee@sstaffs.gov.uk)

Please see Speaking at Planning Committee leaflet on the website for full details. Failure to notify the Council of your intention to speak may mean you will not be allowed to speak at Committee.

**PUBLIC ACCESS TO AGENDA AND REPORTS**

Spare paper copies of committee agenda and reports are no longer available. Therefore should any member of the public wish to view the agenda or report(s) for this meeting, please go to [www.sstaffs.gov.uk/council-democracy](http://www.sstaffs.gov.uk/council-democracy).

Minutes of the meeting of the **Planning Committee** South Staffordshire Council held in the Virtual Meeting [Venue Address] on Tuesday, 26 January 2021 at 18:30

**Present:-**

Councillor Penny Allen, Councillor Len Bates, Councillor Chris Benton, Councillor Barry Bond, Councillor Mike Boyle, Councillor Jo Chapman, Councillor Bob Cope, Councillor Brian Cox, Councillor Matt Ewart, Councillor Isabel Ford, Councillor Rita Heseltine, Councillor Lin Hingley, Councillor Diane Holmes, Councillor Janet Johnson, Councillor Michael Lawrence, Councillor Roger Lees, Councillor Dave Lockley, Councillor Terry Mason, Councillor Robert Reade, Councillor Robert Spencer, Councillor Christopher Steel

**100 OFFICERS IN ATTENDANCE**

Annette Roberts, Sue Frith, Manjit Dhillon, Kelly Harris, Simon Hawe (SCC)

**101 MINUTES**

**RESOLVED:** that the minutes of the Planning Committee held on 15 December 2020 be approved and signed by the Chairman

**102 APOLOGIES**

There were no apologies

**103 DECLARATIONS OF INTEREST**

Councillor L Hingley declared a non pecuniary in application 20/00621/OUT

**104 DETERMINATION OF PLANNING APPLICATIONS**

The Committee received the report of the Development Management Team Manager, together with information and details received after the agenda was prepared.

**20/00621/OUT – LAND SOUTH OF WHITE HILL, KINVER -  
APPLICANT – TREBOR DEVELOPMENTS LLP – PARISH – KINVER**

A statement was read out on behalf of the Monitoring Officer confirming that the Council had had regard to due process in submitting the application for approval.

Mark Wright (for Trebor Developments, the applicant) spoke in support of the application.

A statement against the application was read out by the Corporate Director, Planning and Infrastructure on behalf of and supplied by Fiona Holloway (on behalf of the Kinver Green Belt Action Group).

The Chairman reminded members that the site had been designated for housing in the Council's recently adopted Site Allocations Document.

Councillor L Hingley was concerned about drainage and flooding on White Hill and whether the proposed access was adequate.

The County Highways Engineer confirmed that the question of access had already been addressed and deemed to be acceptable in preparing the Site

Allocations Document. He was comfortable that additional traffic generated would not be significant or cause any safety concerns.

Councillor Benton regretted building in green open space but could find no reason to justify refusing the application.

Councillor Lawrence accepted that there was pressure across the country for additional housing and that the Site Allocations Document had been subject to robust scrutiny in its development.

Councillor Allen said that the councillors had a duty of care to the next generation to ensure an adequate supply of affordable houses.

**RESOLVED:** that **APPROVAL** be delegated to the Team Manager to issue the decision on completion of a satisfactory 106 Agreement and subject to conditions contained in the Planning Officer's report and the following additional condition:

- 24. No part of any hedgerow shall be included within any residential curtilage or garden.

Reason: In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.

If by 20 April 2021, the Section 106 agreement has not been fully executed by the parties, the Chairman is to have delegated authority to agree a further short extension to allow for further execution and completion of the Agreement.

**20/00738/FUL – 2 WESLEY ROAD, BILBROOK, WOLVERHAMPTON, WV8 1LW – APPLICANT – MR RICHARD CLARKE – PARISH – BILBROOK**

A statement against the application was read out by the Corporate Director, Planning and Infrastructure on behalf of and supplied by Jonathan Stuart (neighbour).

Councillor Cope queried the size of garden/amenity area in relation to the proposed properties.

The Development Management Team Manager explained that there is planning guidance around garden space but this development uses that space in part for two car parking spaces.

**RESOLVED:** that the application be **APPROVED** subject to the conditions contained in the Planning Officers Report.

**20/00889/COU – LEPPER HOUSE, WHITEHOUSE LANE, CODSALL WOOD, WOLVERHAMPTON WV8 1QG - APPLICANT – MISS F THOMPSON - PARISH – BREWOOD AND COVEN**

Councillor D Holmes as local member supported the application.

**RESOLVED:** that the application be **APPROVED** subject to the conditions contained in the Planning Officers Report.

**20/00890/LBC – LEPPER HOUSE, WHITEHOUSE LANE, CODSALL**

**WOOD, WOLVERHAMPTON WV8 1QG - APPLICANT – MISS F THOMPSON - PARISH – BREWOOD AND COVEN**

Councillor D Holmes supported the application.

**RESOLVED:** that the application be **APPROVED** subject to the conditions contained in the Planning Officers Report.

**20/00952/COU – 4 LONG LANE, SPRINGHILL, WOLVERHAMPTON, WV11 2AA – APPLICANT – SARAH ROUND – PARISH – ESSINGTON**

Councillor Steele as local member raised no objections.

**RESOLVED:** that the application be **APPROVED** subject to the conditions contained in the Planning Officers Report.

**20/01004/FUL - BAGGERIDGE COUNTRY PARK, FIR STREET, GOSPEL END, DUDLEY DY3 4HP – APPLICANT – MS WENDY SORBY – PARISH – HIMLEY**

A statement in support of the application was read out by the Corporate Director, Planning and Infrastructure on behalf of and supplied by Wendy Sorby (applicant).

Councillor Lees as local member confirmed that his concerns about usage times and noise generated had been addressed in the conditions identified.

**RESOLVED:** that the application be **APPROVED** subject to the conditions contained in the Planning Officers Report.

**REPORT FOR URGENT BUSINESS – 19/00993/FUL LAND OFF COMMON LANE, BEDNALL**

Members of the Committee had received a copy of the Report for Urgent Business asking for additional time for completion of the S106 Agreement to allow planning application 19/00993/FUL, Land off Common Lane, Bednall to be approved.

**RESOLVED:** that the resolution of the Planning Committee of 17 July 2020 for application 19/00993/FUL be amended so that the date for completion of the Deed of Section 106 is altered to 16 March 2021 and with an addition that if by 16 March 2021, the Section 106 Agreement has not been fully executed by all parties, the Chairman is to have delegated authority to agree a further short extension to allow for final execution and completion of the Agreement.

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**MONTHLY UPDATE REPORT**

The Committee received the report of the Lead Planning Services Officer informing the committee on key matters including training; changes that impact on National Policy; any recent appeal decisions; relevant planning enforcement cases (quarterly); and latest data produced by the Ministry of Housing Communities and Local Government.

**RESOLVED:** that the Committee note the update report.

2 February 2021

The Meeting ended at: 20:30

**CHAIRMAN**

**SOUTH STAFFORDSHIRE COUNCIL****PLANNING COMMITTEE – 16 March 2021****DETERMINATION OF PLANNING APPLICATIONS****REPORT OF DEVELOPMENT MANAGEMENT TEAM MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

To determine the planning applications as set out in the attached Appendix.

**2. RECOMMENDATIONS**

**2.1** That the planning applications be determined.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	The reasons for the recommendation for each application addresses issued pertaining to the Council's Plan.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	Determination of individual planning applications so not applicable- see below for equalities comment.
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	N/A	
FINANCIAL IMPACT	No	Unless otherwise stated in the Appendix, there are no direct financial implications arising from this report.
LEGAL ISSUES	Yes	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Consequential Provisions) Act 1990 Planning (Hazardous Substances) Act 1990 Planning and Compensation Act 1991 Planning and Compulsory Purchase Act 2004

OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	Equality and HRA impacts set out below.
IMPACT ON SPECIFIC WARDS	Yes	As set out in Appendix

## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

All relevant information is contained within the Appendix.

#### **Advice to Applicants and the Public**

The recommendations and reports of the Development Management Team Manager contained in this schedule may, on occasions, be changed or updated as a result of any additional information received by the Local Planning Authority between the time of its preparation and the appropriate meeting of the Authority.

Where updates have been received before the Planning Committee's meeting, a written summary of these is published generally by 5pm on the day before the Committee Meeting. Please note that verbal updates may still be made at the meeting itself.

With regard to the individual application reports set out in the Appendix then unless otherwise specifically stated in the individual report the following general statements will apply.

Unless otherwise stated any dimensions quoted in the reports on applications are scaled from the submitted plans or Ordnance Survey maps.

#### **Equality Act Duty**

Unless otherwise stated all matters reported are not considered to have any adverse impact on equalities and the public sector equality duty under section 149 of the Equality Act 2010 has been considered. Any impact for an individual application will be addressed as part of the individual officer report on that application.

#### **Human Rights Implications**

If an objection has been received to the application then the proposals set out in this report are considered to be compatible with the Human Rights Act 1998.

The recommendation to approve the application aims to secure the proper planning of the area in the public interest. The potential interference with rights under Article 8 and Article 1 of the First Protocol has been considered and the recommendation is considered to strike an appropriate balance between the interests of the applicant and those of the occupants of neighbouring property and is therefore proportionate. The issues arising have been considered in detail



in the report and it is considered that, on balance, the proposals comply with Core Strategy and are appropriate.

If the application is recommended for refusal then the proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the Core Strategy and the applicant has the right of appeal against this decision.

### **Consultations Undertaken**

The results of consultations with interested parties, organisations, neighbours and Councillors are reported in each report in the Appendix.

### **CONSULTEES**

CH – County Highways  
CLBO – Conservation Officer  
CPO – County Planning Officer  
CPRE – Campaign to Protect Rural England  
CPSO – County Property Services Officer  
CA – County Archaeologist  
CS – Civic Society  
EA – Environment Agency  
EHGS – Environmental Health Officer  
ENGS – Engineer  
FC – The Forestry Commission  
HA – Highways Agency  
LPM – Landscape Planning Manager  
HENGs – Engineer  
NE – Natural England  
PC – Parish Council  
OSS – Open Space Society  
STW – Severn Trent Water  
SWT – Staffordshire Wildlife Trust

### **5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

N/A

### **6. PREVIOUS MINUTES**

Details if issue has been previously considered

### **7. BACKGROUND PAPERS**

Background papers used in compiling the schedule of applications consist of:-

- (i) The individual planning application (which may include supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority, and from members of the public and interested bodies, by the time of preparation of the schedule.
- (ii) The Town and Country Planning Act, 1990, as amended and related Acts, Orders and Regulations, the National Planning Policy Framework (NPPF), the Planning Practice Guidance Notes, any Circulars, Ministerial Statements and Policy Guidance published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- (iii) The Core Strategy for South Staffordshire adopted in December 2012 and Supplementary Planning Documents
- (iv) Relevant decisions of the Secretary of State in relation to planning appeals and relevant decisions of the courts.

These documents are available for inspection by Members or any member of the public and will remain available for a period of up to 4 years from the date of the meeting, during the normal office hours. Requests to see them should be made to our Customer Services Officers on 01902 696000 and arrangements will be made to comply with the request as soon as practicable. The Core Strategy and the individual planning applications can be viewed on our web site [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)

Report prepared by: Sue Frith, Development Management Team Manager

<b>App no</b>	<b>Applicant/Address</b>	<b>Parish and Ward Councillors</b>	<b>Recommendation</b>	<b>Page</b>
<b>20/00461/FUL NON MAJOR</b>	<b>D Roberts &amp; Son</b>  <b>Highgate Farm</b> <b>Crab Lane</b> <b>Bobbington</b> <b>STOURBRIDGE</b> <b>DY7 5BS</b>	<b>ENVILLE</b>  <b>Cllr Victoria Wilson</b>	<b>Approve</b>	<b>11 - 22</b>
<b>20/00748/FUL MAJOR</b>	<b>Shropshire Homes Ltd</b>  <b>Land West Of</b> <b>Ivetsey Road</b> <b>Wheaton Aston</b>	<b>LAPLEY, STRETTON &amp; WHEATON ASTON</b>  <b>Cllr Brian Cox</b> <b>Cllr Venetia Jackson</b>	<b>Approve</b>	<b>23 - 44</b>
<b>20/00765/FUL</b>	<b>Mr Ian Guy</b>  <b>Holly Bush Inn</b> <b>Ebstree Road</b> <b>Trysull</b> <b>WOLVERHAMPTON</b> <b>WV5 7JE</b>	<b>TRYSULL &amp; SEISDON</b>  <b>Cllr Victoria Wilson</b>	<b>Approve</b>	<b>45 - 64</b>
<b>20/00940/FUL NON MAJOR</b>	<b>Mr Richard Corbett</b>  <b>Abbey Farms</b> <b>Cannock Road</b> <b>Penkridge</b>	<b>PENKRIDGE</b>  <b>Cllr Len Bates</b> <b>Cllr Isabel Ford</b>	<b>Approve</b>	<b>65 - 72</b>
<b>20/00967/FUL NON MAJOR</b>	<b>Mr And Mrs Hardiman</b>  <b>Tanglewood</b> <b>2 Kenderdine Close</b> <b>Bednall</b> <b>STAFFORD</b> <b>ST17 0YS</b>	<b>ACTON TRUSSELL, BEDNALL &amp; TEDDESLEY HAY</b>  <b>Cllr Len Bates</b> <b>Cllr Isabel Ford</b>	<b>Approve</b>	<b>73 - 82</b>
<b>20/01028/FUL MAJOR</b>	<b>Mr Adrian</b> <b>Maclaughlin</b>  <b>Dunston Business</b> <b>Village</b> <b>Stafford Road</b> <b>Penkridge</b>	<b>PENKRIDGE</b>  <b>Cllr Josephine</b> <b>Chapman</b>	<b>Approve</b>	<b>83 - 98</b>
<b>20/01078/FUL MAJOR</b>	<b>Barberry Industrial Ltd</b>  <b>Hilton Cross Business</b> <b>Park</b> <b>Cannock Road</b> <b>Featherstone</b>	<b>FEATHERSTONE &amp; SHARESHILL</b>  <b>Cllr Frank</b> <b>Beardsmore</b> <b>Cllr Bob Cope</b>	<b>Approve</b>	<b>99 - 132</b>

<b>21/00069/FUL NON MAJOR</b>	<b>Mrs Victoria Mitchell</b>  <b>17 Elmley Grove Perton WOLVERHAMPTON WV6 7RW</b>	<b>PERTON</b>  <b>Cllr Anthony Bourke</b>	<b>Approve</b>	<b>133 - 138</b>
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**20/00461/FUL  
NON MAJOR**

**Mr Michael Roberts**

**ENVILLE  
Cllr Victoria Wilson**

**Highgate Farm Crab Lane Bobbington STOURBRIDGE DY7 5BS**

**The proposal is to reuse a former potato store as a cafe, following partial replacement of the existing building, with an outdoor eating area, dog washing area, children's play area and parking area.**

**1. SITE DESCRIPTION AND PLANNING HISTORY**

**1.1 Site Description**

1.1.1 Highgate Farm is located close to the junction of Crab Lane and Gospel Ash Road and is a farmhouse and collection of utilitarian barns, with a single neighbour at Highgate House, to the east of the buildings.

1.1.2 This application relates to the parcel of land south of the existing farm buildings [approx. 1.7acres], under Highgate Farm ownership, where there is a former potato store and a Christmas tree retail area. It is bounded on two sides by roads and is immediately west of Highgate Common.

1.1.3 There is a public right of way [Staffordshire Way] which runs along the eastern boundary of the site, through to Highgate Common, Enville and Kinver Edge. There are numerous trees on the site, with an ancient Chestnut Tree on the western boundary to Crab Lane.

1.1.4 The main farm enterprises are arable cropping, including wheat and barley, and haymaking. The farm extends to 166 acres. The farm operates a Christmas tree farm enterprise alongside the arable enterprise, on 6 acres of land, together with a Christmas event for the last few years.

**1.2 Planning History**

1979, extension to farmhouse, approved (79/00763).

1995, agricultural building, approved (95/00209).

2006, Radio broadband equipment, approved (06/01223/FUL)

2009, Change of use from agricultural land to equestrian, planning permission not required (09/00720/COU)

**2. APPLICATION DETAILS**

**2.1 The Proposal**

2.1.1 The proposal is to turn the former potato store into a high-quality and eco-friendly café, with an outdoor eating area, dog washing area, children's play area and parking area. The Café will cater for tourists and local people while visiting the area and walking locally on Highgate common or the Staffordshire Way.

2.1.2 The former potato store occupies a floor area of 95sqm and will require some re-building and new structural elements to facilitate the conversion. The existing tin curved roof will be replaced with a grey barrel-vaulted standing seam roof, made out of

aluminium/zinc. New aluminium framed window and doors will be inserted into the structure. There will be no increase to the floor area or volume of the building.

2.1.3 There will be an external seating area immediately adjacent to the front of the building [facing west] and a small wooden play area to the South.

2.1.4 A new access will be created onto Crab Lane and new internal road provided to lead to the existing hardstanding area by the existing potato store. The existing hardstanding area will be increased to provide the parking bays.

2.1.5 It is anticipated that the proposal will create 4 new jobs.

2.1.6 Throughout the course of the application, additional information has been submitted [tree report, statement of very special circumstances and commercial information] and the play area has been re-positioned further South.

## **2.2 Agents Submission**

2.2.1 The agent has provided the following documents:

- Supporting statement including design and access statement
- A business case for business diversification
- Statement of very special circumstances
- Commercial information [confidential]
- Arboricultural impact assessment
- Preliminary ecological appraisal
- Structural report

## **3. POLICY CONTEXT**

3.1 The site is in the Green Belt

3.2 Core Strategy

NP1: The Presumption in Favour of Sustainable Development

CP1: The Spatial Strategy

GB1: Development in the Green Belt

EQ1: Protecting, Enhancing and Expanding Natural Assets

EQ3: Conservation, Preservation and Protection of Heritage Assets

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

EQ7: Water Quality

EQ9 Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

EQ12: Landscaping

CP9: Rural Diversification

EV5: Rural Development

EV6: Re-Use of Redundant Rural Buildings

EV12: Parking Provision

Appendix 5 Car parking standards

Appendix 6 Space about Dwellings

3.3 National Planning Policy Framework

### 3.4 Green Belt and Open Countryside Supplementary Planning Document

## 4. CONSULTATION RESPONSES

**Councillor:** No comments received, expired 05/02/2021

**Parish Council:** No comments received, expired 05/02/2021

**County Ecologist** [11/02/2021]: *An updated arboricultural report has now been submitted which recommends a fenced protection area for the tree, as does the Arboricultural Impact Assessment Planning Statement. This is welcomed. The site plans have now been amended accordingly - the play area is not situated within the Root Protection Area (RPA) of the tree. The permanent exclusion fence should be designed to prevent access by adults and children and any gate should be locked.*

*There are currently no details of how bluebells will be protected from picking or trampling; these could include careful siting of the route, plus interpretation. Details can be provided via a condition. Conditions recommended.*

**Arboricultural Officer** [11/02/2021]: *All trees on the site are protected by TPO No.207/2003. I have no objection to the application on tree grounds subject to conditions.*

**Open Spaces Society:** No comments received, expired 05/02/2021

**Staffordshire Wildlife:** No comments received, expired 05/02/2021

**Severn Trent Water:** No comments received, expired 05/02/2021

**Ramblers Association** [13/08/2020]: *The Staffordshire Way long distance path which is a bridleway No 0.47 of Enville Parish passes close by the east side of Highgate Farm. This bridlepath must not be obstructed if development takes place and must be respected at all times. The Ramblers' Association has no objections to the proposal.*

**County Highways** [31/07/2020]: *No objections subject to conditions. There have been no recorded accidents within the limits of the proposed visibility splay in the last 5 years.*

**Neighbours** [06-08-2020 - 30/09/2020] - *One letter received in support and comments from a neighbouring property expressing the following concerns:*

- *Inappropriate development in the Green Belt*
- *Pedestrian safety / dangerous access, visibility*
- *Impact on residential amenity*
- *Impact on property values*

A **site notice** was displayed on the 23/07/2020.

## 5. APPRAISAL

5.1 The application is to be heard at Planning Committee as part of the proposal is contrary to Policies GB1 and EV6 of the Core Strategy.

### 5.2 Key Issues

- Principle of Development
  - Re-use of the existing building
  - Play area
  - Car park

- Rural development
- Very Special Circumstances
- Design and impact on landscape
- Impact on neighbouring amenity
- Access/parking

### **5.3 Principle of Development**

5.3.1 The site is located within the Green Belt. Policy GB1 of the adopted Core Strategy advises that development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted.

- Re-use of the existing building

5.3.2 Paragraph 146 of the NPPF sets out forms of development that are not inappropriate in the Green Belt, and this includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

5.3.3 Core Strategy policy EV6 states that proposals must demonstrate that the building is in a condition capable of conversion without demolition and rebuilding or substantial reconstruction.

5.3.4 The structural report provides that whilst the front elevation is capable of being retained and repaired there is a concern that the rear elevation, given the soil bank adjoining, is at risk of partial collapse once the soil bank is removed. The existing roof would also need to be replaced. As it is likely that the proposal would require significant re-building/rec-construction to bring the building to its intended use, the proposal would not be compliant with Paragraph 146 of the NPPF or policies GB1 and EV6 of the Core Strategy.

5.3.5 As such this part of the proposed development would represent inappropriate development in the Green Belt harmful by definition and contrary to policy and should not be approved except in very special circumstances, as noted in paragraph 143 of the National Planning Policy Framework.

- Play area

5.3.6 The installation of an outdoor play area would be an appropriate facility for outdoor recreation in accordance with policy GB1 of the Core Strategy and Paragraph 144 of the NPPF. The play area is to be of a wooden design, and as it is small-scale, it is not considered that the proposal [if suitably designed] will harm the openness of the Green Belt or conflict with its purposes.

- Car park/External seating area

5.3.7 Policy GB1 provides that the carrying out of engineering or other operations or the making of a material change of use of land is acceptable, where the works or use proposed would have no material effect on the openness of the Green Belt or the fulfilment of its purposes.

5.3.8 The new access road would be of a limited depth and the parking areas would be predominantly positioned on the existing hardstanding with only a minor increase required. The external seating area would be positioned adjacent to the building and would occupy an area of around 30sqm. The parking of vehicles and use of the external seating area would be transitional in nature and given the small increase in hardstanding that would be required to



carry out of the proposal, it is not considered that there would be a material effect on the openness of the Green Belt or the fulfilment of its purposes.

- Rural development

5.3.9 Core Policy 9 (Rural Diversification) and Policy EV8 (agriculture) supports appropriate diversification of the agricultural economy. CP9 provides that the Council will support the sustainable re-use of rural buildings for appropriate uses which support the rural economy and communities.

5.3.10 Policy EV5 [Rural Employment] identifies the circumstances in which proposals for employment development outside of development boundaries will be supported. On this occasion the application generally complies with the criteria which are noted below.

- a) It is small-scale;
- b) It comprises the conversion and reuse of appropriately located and suitable constructed existing rural buildings;
- c) the development is not capable of being located within the development boundaries of a village, by reason of the nature of the operation or the absence of suitable sites;
- d) it is supported by an appropriate business case which demonstrates that the proposal will support the local economy which in turn would help sustain rural communities. The Council will adopt the approach set out in Core Policy 7 for the redevelopment, modernisation and expansion of businesses;
- e) the development would not adversely impact on the economy of the service villages;
- f) the development is accessible by a choice of means of transport including walking, cycling and public transport;
- g) the local highway network is capable of accommodating the traffic generated by the proposed development.

#### **5.4 Very Special Circumstances**

5.4.1 As noted above there is a policy conflict with the proposal likely requiring significant re-building/reconstruction to bring the building to its intended use, the proposal would not be compliant with Paragraph 146 of the NPPF or policies GB1 and EV6 of the Core Strategy and very special circumstances need to be demonstrated.

5.4.2 Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure substantial weight is given to any harm in 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, is clearly outweighed by other considerations.

5.4.3 The applicant has submitted a statement of very special circumstances and confidential commercial information to support their case for the need to diversify the farm income.

5.4.4 The key points from the statement submitted are below:

- The farm has experienced a reduction in contracting work. In 2020, the farming business lost its long-term potato harvesting contracting work and experienced a reduction in arable combining contracting work, which both represented 23% of the turnover for year ended 31st March 2019. This has put additional pressure on the farming business.
- The Phasing out of agricultural subsidies - The Basic Payment Scheme (BPS). In 2021, BPS will start being phased out until being completely phased out in 2028. BPS represented 7% of the business turnover for year-end 31st March 2019, when contracting was still going on. Since the contracting work has come to an end, the subsidies now represent 15% of the business turnover and around 67% of the farming business profit as there are little to no costs associated with getting them. This means that the removal of subsidy will have a great negative impact on the profit made by the business.
- Uncertainty of Brexit and the impacts of future tariffs on the business
- The combination of the three factors; decrease of contracting work, loss of subsidy and the impact of Brexit; combined with increasing fixed costs year on year, all of the above are going to have a negative impact of c.30% on the arable enterprise turnover year on year. This is the reason why the café enterprise will help the farming business stay afloat, by providing a steadier source of income.
- The café is a rural diversification proposal that involves the sustainable reuse of a rural building into an appropriate use, which will support the rural economy and the appropriate diversification of the agricultural economy. The proposal will also create full-time jobs.
- There is a demand for a café in this location [Highgate common] and it will participate in improving the profile of South Staffs as a visitor destination.
- The café will enable the farm business to diversify by being a complementary enterprise. It will therefore help to sustain the existing agricultural business and the local social and environmental benefits that brings to the local area.

5.4.5 Core Policy 9 (Rural Diversification) and Policy EV8 (agriculture) supports appropriate diversification of the agricultural economy. CP9 provides that the Council will support the sustainable re-use of rural buildings for appropriate uses which support the rural economy and communities. The proposal is also compliant with Policy EV5 for rural development outside of the development boundary. A detailed case has been put forward by the applicant detailing the existing pressure on their agricultural business and why it is considered necessary for further farm diversification. The re-use of the building would not result in an increase to the size of the existing structure and the proposal would only require a minor amount of additional hardstanding. The natural vegetation and the mature trees on the site will partially screen the proposal, and a landscape scheme for additional hedge planting can be conditioned.

5.4.6 Overall, on balance, I consider that the support and inward of investment of a tourism business which will ensure the long term survival of the agricultural business and the associated local economy benefits, clearly outweighs the potential harm to the Green Belt in this instance by reason of inappropriateness.

## **5.5 Design and Impact on landscape**

5.5.1 Core Policy 2 and Development policies EQ4 and EQ12 of the Core Strategy all seek to protect, conserve and enhance the District's natural assets. CP2 goes on to state that particular support will be given to initiatives to improve the natural environment where it is poor and increase the overall biodiversity of the District. This is echoed in part 15 of the NPPF. Throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings and should not have a detrimental effect on the immediate environment and on any medium and long-distance views.

5.5.2 The proposal would make use of an existing building, repaired with similar materials, with no increase to its size. A small amount of additional hardstanding would be laid to create the access road, parking bays and external seating area. The small wooden play area has been re-positioned to avoid the root protection area of the ancient Chestnut Tree, and measures have been included to fence off the tree for its protection. There are several mature trees near the building which will partially screen the proposal, particularly in the summer months, and the parking of vehicles would be transitional in nature. The site would be read in connection with the farm buildings, immediately to the north and it is not considered that the proposal would have any harmful effect on any medium or long distance views. Conditions will be attached requiring a landscape scheme for new hedgerow planting and details of the play area that is to be installed.

5.5.3 There have been no concerns raised to the amended proposal by the Councils Arboricultural or Ecology Officer subject to appropriate conditions being imposed to protect the existing trees and the bluebells on site.

The proposal is compliant with policies EQ1 and EQ4 of the Core Strategy.

## **5.6 Impact on Residential Amenity**

5.6.1 Policy EQ9 of the Local Plan protects the amenity of existing and future occupants.

5.6.2 The application site is located in a relatively isolated location, however there are a couple of dwellings within close proximity. A concern has been expressed by one of the nearby neighbours over possible noise and disturbance from the use of the site. Whilst I appreciate the use of the site for a café will increase the noise emanating from the current use, the proposal is small-scale and if opening hours are conditioned to reasonable times of the day and permitted development rights are removed, it is not considered that there would be a significant impact on the neighbours amenity to warrant a refusal. The proposal is compliant with Policy EQ9.

## **5.7 Access/parking**

5.7.1 Whilst I appreciate the neighbours comment with regards to the safety of pedestrians and the visibility issues, the access, parking and turning areas for the proposal have been provided to the satisfaction of the Highways Department and have raised no concerns. For an A3 use the Council parking standards [EV12] advise 1 space per 85sqm of floor space for staff parking and 1 space for 5sqm for customers. This application proposes 16 customer parking spaces adjacent to the building and there is an option of an overflow car park if required. There are no concerns with policy EV12.

## **5.8 Representations**

5.8.1 Most of the neighbour comments have been addressed in the main body of the report. With regards to the potential devaluation of residential properties this is not a material planning consideration.

## **6. CONCLUSIONS**

6.1 The site is within the Green Belt, where there is a presumption against inappropriate development. Whilst I have found that part of the proposal would be inappropriate, there would in fact be limited harm to the openness of the Green Belt, given the re-use of an existing structure and the small amount of additional works. The proposal would support

and enhance the existing agricultural business and in turn support the rural economy and bring about social and environmental benefits. These factors amount to the very special circumstances needed to clearly outweigh any potential Green Belt harm caused by reason of inappropriateness. There are no landscape, highways or neighbour concerns and I therefore recommend the application for approval.

## **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 drawings: 100, 300 received 9th of June 2020 and 011 Rev B received, 11th of February 2021.
3. The site shall only open between the hours of 9:00 to 18:00 Monday to Saturday and between 10:00 to 16:00 on Sundays and Bank Holidays.
4. Within 3 months of any development commencing on the site, the details of the play area that is to be installed shall be submitted to the Local Planning Authority for approval and shall be built and maintained in accordance with the approved details for the lifetime of the development.
5. The premises shall be used for a cafe and for no other purposes (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987.
6. 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 building(s), the subject of this approval, without the prior approval of the Local Planning Authority:
  - a. Schedule 2, Part 7, Class E - hardsurfacing
  - b. Schedule 2, Part 20, Class AA - new dwellinghouses on detached buildings in commercial or mixed use
7. Within 1 month of any development commencing on the site a landscape scheme 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. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).

8. Prior to the commencement of the development, details shall be provided to the Council of how bluebells on nature trail will be protected from trampling and picking.
9. Prior to the commencement of the development, an arboricultural method statement is to be submitted to the Council for approval and shall include the following:
  - the construction/no-dig methods to be employed for the play area to minimise any detrimental effect on retained trees.
  - the details for and timing of erection of the permanent fencing around the veteran Sweet Chestnut T12 in order to prevent public access within the root protection area.
  - the installation, positions and timing/phasing of all tree protective fencing.
  - any pruning works required to facilitate any of the permitted development.The works shall be carried out in accordance with the approved details.
10. Works to buildings and removal of vegetation shall be undertaken outside of bird nesting season (1st March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.
11. All works which include the creation of trenches or culverts or the presence of pipes shall comply with the following measures to protect badgers from being trapped:
  - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
  - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
12. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.
13. The development hereby permitted shall not be brought into use until the visibility splays shown on drawing No. 013 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.
14. 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.

#### 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 ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.

4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
5. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
6. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
7. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
8. In order to comply with Policy EQ1.
9. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
10. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
11. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
12. In the interest of highway safety.
13. In the interest of highway safety
14. In the interest of highway safety.

#### Informative

The new access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated on the application Form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

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, 2019.



Highgate Farm, Crab Lane, Bobbington, STOURBRIDGE, DY7 5BS





**20/00748/FUL  
MAJOR**

**Mr Andrew Marsden**

**LAPLEY, STRETTON &  
WHEATON ASTON**

**Cllr Brian Cox  
Cllr Venetia Jackson**

**Land West Of Ivetsey Road Wheaton Aston**

**Erection of 32 no. dwellings with associated parking, new access and adopted road.**

**1. SITE DESCRIPTION AND PLANNING HISTORY**

**1.1 Site Description**

1.1.1 The application site measures approximately 3.6 acres and lies adjacent to Wheaton Aston development boundary within an area of land designated as Open Countryside. The site is relatively level with a modest rise of approximately 2 metres from the south west to the north east corner. It was previously an undeveloped area in agricultural use.

1.1.2 Adjacent to the site to the east are residential properties in Badgers End, with a combination of residential back gardens and garages running immediately adjacent to the site boundary. Ivetsey Road runs along the south beyond which are open fields. The site is bound along the north, south and west with a well-established hedgerow and along the southern (front) boundary there are two large trees.

1.1.3 The site is positioned on the south-western outskirts of Wheaton Aston (a Local Service Village) approximately 0.5 miles from the village centre and is within close proximity to the Motte Meadows Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Wheaton Aston is one of 7 villages identified for limited growth up to 2028.

**1.2 Planning History**

2016, Outline planning application for residential development of up to 30 dwellings (C3 use class) with all matters reserved except access, approved subject to S.106 (16/00678/OUT, 16/00678/COND and 16/00678/COND2).

2019, Layout, scale, appearance and landscaping in respect of the development of up to 30 dwellings, approved (18/00392/REM).

2020, Discharge of Conditions 4 (Landscape Scheme), 5 (Lighting Scheme), 8 - (Reasonable Avoidance Measures Method Statement for protection of great crested newts), Condition 9 (Construction Environmental Management Plan), 10 and 11 (Drainage Works), 12 (Attenuation Pond Management Plan), 14 (Site layout, Means of surface water drainage, Surfacing materials), 16 (Off-site traffic management scheme), Approved by letter (16/00678/COND2)

2020, Planning condition 17 of 16/00678/OUT to be removed - No development shall commence until details of the proposed renewable energy technologies have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained for the lifetime of the development, approved (20/00757/VAR).

## **2. APPLICATION DETAILS**

### **2.1 The Proposal**

2.1.1 The proposal is for the erection of 32 dwellings with associated landscaping, open space and drainage. The principle of residential development on the site has previously been established with the grant of planning permission for 30 dwellings (application reference 16/00678/OUT and 18/00392/REM).

2.1.2 The application site is proposed to gain access from Ivetsey Road close to the south-eastern corner via a new junction with off-site traffic calming measures. The new internal road would turn to the west, wrapping around the proposed public open space which would be situated at the front of the site.

The dwelling mix would comprise of:

Market

7 x 2 beds

7 x 3 beds

5 x 4 beds

Affordable

6 x 2 beds

7 x 3 beds

2.1.3 40% of the housing provision is to be affordable housing with a roughly 50% split between shared ownership and social rent. A total of 3 bungalows are to be provided within the development, one of which is affordable housing.

2.1.4 The development incorporates 0.3ha of public open space on the southern part of the site and a SUDs area/attenuation pond on the eastern boundary. The existing peripheral hedgerows along the northern, eastern and western boundaries of the site would be retained and a number of new trees are proposed to the public open space at the front of the site in addition to the existing trees to its centre.

2.1.5 The dwellings have been designed with pitched roofs and incorporate a variety of details including brick headers and cills, decorative brick eaves detailing, porches, canopies and chimneys.

### **2.2 Agent Submission**

2.2.1 The application is supported by:

- Design & Access Statement
- Desk Study and Site Investigation for Contaminant Risks
- Flood Risk Assessment
- Transport Assessment
- Archaeological Report
- Arboricultural Impact Assessment

### 3. POLICY CONTEXT

3.1 Within the Open Countryside and adjacent to the Wheaton Aston Development Boundary.

3.2 Core Strategy

Core Policy 1: The Spatial Strategy for South Staffordshire

Core Policy 6: Housing Delivery

OC1: Development in the Open Countryside Beyond the West Midlands Green Belt

EQ1: Protecting, Enhancing and Expanding Natural Assets

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

EQ5: Sustainable Resources and Energy Efficiency

EQ7: Water Quality

EQ8: Waste

EQ9: Protecting Residential Amenity

EQ11: Wider Design Considerations

EQ12: Landscaping

EQ13: Development Contributions

H1: Achieving a Balanced Housing Market

H2: Provision of Affordable Housing

H4: Delivering Affordable Housing

EV11: Sustainable Travel

EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space About Dwellings Standards

3.3 National Planning Policy Framework

Chapter 2: Achieving Sustainable Development

Chapter 5: Delivering a sufficient supply of homes

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

3.4 Supplementary Planning Documents

Affordable Housing and Housing Mix 2014

Design Guide 2018

Housing Market Assessment 2018

Site Allocations Document 2018

### 4. CONSULTATION RESPONSES

4.1 Comments received (key points):

**Councillors** [expired 04/11/20 and 06/01/21] No comments received

**Parish Council** [comments received 23/10/20]:

- o *The housing mix is acceptable with a good ratio of affordable housing and private housing plus much needed bungalows.*
- o *LSWA PC would like to make an application for a proportion for community benefit projects.*

- o Raises concerns regarding additional traffic and queries whether the speed limit of 30mph will need to be extended to include the new development.*

**Parish Council** [further comments received 22/01/21] *No objection*

**Conservation Officer** [comments received 19/01/21]:

- o The site is not within the Wheaton Aston Conservation Area and is not within the setting of any designated or non-designated heritage assets.*
- o The properties are of traditional style, there are however no chimneys anywhere on the site. The materials will be key as part of the scheme, and the details of the exterior materials will be required.*

**Environmental Health** [comments received 18/11/20] *The GeoWater Desk Study has identified potential risk relating to the former nearby land fill and filled ponds. Conditions are recommended to secure further investigations, a risk assessment and the submission of a remediation scheme.*

**Local Plans** [most recent comments received 21/01/21]:

- o Affordable housing: The number of homes proposed has now increased to 32, meaning that the 40% requirement for affordable housing equates to 13 homes.*
- o Whilst some plots still lack front gardens and front of property landscaping, especially compared to market homes elsewhere on the development, the amended plans do represent a minor improvement on the previous, with the addition of two trees and small areas of green space in this area.*
- o Housing mix - the market housing mix has been amended to include approximately 37% 2 bed, 37% 3 bed and 26% 4 bed homes, which is welcomed and much more reflective of local need as per the Housing Market Assessment. A detailed affordable housing tenure plan has also now been provided which demonstrates a satisfactory mix for both affordable tenures. The amended plans continue to provide approximately 10% of both the market and affordable housing as bungalows which is strongly supported.*
- o Internal Space - amended housetype plans have been provided and these have been checked against the requirements of NDSS. Most property types now meet the required standards, although there remain some shortfalls which must be addressed*

**Regeneration** [expired 04/11/20 and 06/01/21] *No comments received*

**Arboricultural Officer** [comments received 04/11/20] *Raises no objections to the proposed subject to condition to secure the landscaping scheme.*

**Open Space Officer** [expired 04/11/20 and 06/01/21] *No comments received*

**County Minerals and Waste** [comments received 15/10/20 and 07/01/21] *has no comments on this application.*

**County Schools Organisation** [comments received 06/11/20] *the planning application would not result in an education contribution and is therefore acceptable from an education perspective. Schools should be able to accommodate the likely demand from pupils generated by the development.*

**County Schools Organisation** [further comments received 11/01/21 and 10/02/21]:  
*Response remains as previously submitted.*

**County Highways Officer** [latest comments received 02/02/21] *No objections subject to conditions.*

**County Ecologist** [comments received 05/11/20] *The submitted Ecological Assessment (EA) is satisfactory. If minded to approve, conditions are recommended.*

**County Ecologist** [further comments received 25/01/21] *There do not appear to have been any alterations to plans that take into account my comments of 4 November 2020. Therefore, my previous recommendations regarding conditions stand.*

**County Historic Environment Officer** [comments received 03/11/20] *Taking into account the demonstrable archaeological potential it is advised that archaeological works should be carried out to be secured via condition.*

*County Historic Environment Officer* [Further comments received 07/01/21] *No additional comments to make to previous response however the submitted geophysical survey report is satisfactory. Recommendations are given in respect of trial trenching and and Written Scheme of Investigation (WSI) which could be carried out pre or post-determination.*

**County Public Rights of Way Officer** [comments received 19/10/20] *The County Council's Definitive Map of Public Rights of Way shows that no rights of way cross the proposed application site.*

**County Flood Officer** [comments received 04/11/20] *No updated Causeway calculations have been submitted. The site and drainage layouts have changed since the previous application for this site (16/00678/COND2). Please reconsult us when amended details are received.*

**County Flood Officer** [further comments received 27/01/21] *It appears that no new evidence in support of the outstanding issue has been submitted. A full final maintenance schedule of activities with frequencies is required for the surface water drainage system. Please note that App-I of the FRA report only includes general guidance for permeable paving. Please also include the name and contact details of the party or parties responsible for ongoing maintenance.*

**County Flood Officer** [further comments received 24/02/2021] *No objections subject to conditions.*

**Natural England** [comments received 27/10/20] *the proposed development will not have significant adverse impacts on designated sites and has no objection.*

**Natural England** [further comments received 07/12/20] *notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Your authority has concluded that the adverse effects arising from the proposal are wholly consistent with the effects detailed in the Cannock Chase SAC evidence base and that these effects can be satisfactorily mitigated by the measures set out in the Strategic Access Management and Monitoring Measures agreed with ourselves.*

**Natural England** [comments received 20/01/21] *No further comments to make.*

**Police** [expired 04/11/20 and 06/01/21] No comments received

**Ramblers Association** [expired 04/11/20 and 06/01/21] No comments received

**Severn Trent Water** [comments received 03/11/20] No objections subject to conditions to secure the drainage scheme proposed.

**Staffordshire Wildlife** [expired 04/11/20 and 06/01/21] No comments received

**National Grid** [expired 04/11/20 and 06/01/21] No comments received

**Transco** [expired 04/11/20 and 06/01/21] No comments received

**Western Power** [expired 04/11/20 and 06/01/21] No comments received

**CPRE** [expired 04/11/20 and 06/01/21] No comments received

**Badger Conservation Group** [expired 04/11/20 and 06/01/21] No comments received

**Environment Agency** [expired 04/11/20 and 06/01/21] No comments received

**Fire Officer** [comments received 07/01/21] *Advice given regarding fire vehicle access and automatic water suppression systems.*

**Coal Authority** [comments received 19/10/20 and 07/01/21] *no comments.*

**Neighbours** [expired 04/11/20, 27/01/21 and 02/03/21] *One comment received [dated 27/10/20] The visibility on the road coming into the village, where they propose to put the access to the development is very poor.*

**Site Notice** [expired 09/11/20, 27/01/21 and 08/03/21] No comments received

**Advertisement** [expired 17/11/20, 09/02/21 and 09/03/21] No comments received

## 5. APPRAISAL

5.1 The application is brought before the Planning Committee as the proposal is a departure from the development plan - contrary to Policy OC1 (Development in the Open Countryside Beyond the West Midlands Green Belt) of the Core Strategy.

### 5.2 Key Issues:

- Principle of development
- Impact on landscape character and archaeology
- Layout, appearance and scale
- Housing mix
- Impact on neighbouring amenity
- Landscaping/Ecology
- Drainage
- Section 106 Agreement

- Cannock Chase SAC

### **5.3 Principle of development**

5.3.1 The site is located within the Open Countryside. As outlined within Policy OC1 of the Core Strategy, the Open Countryside should be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value. The policy goes on to state that development within the Open Countryside will normally be permitted where the proposal is for a one of a certain number of categories of development.

5.3.2 This proposal does not fall within those categories and there is a general presumption against the erection of new housing within the Open Countryside.

5.3.3 The proposal for new housing development therefore conflicts with policy OC1 of the Core Strategy, however, when assessing the weight which can be attached to Policy OC1 it is necessary to consider whether it is consistent with more up to date policy in the National Planning Policy Framework (NPPF) which is also an important material consideration.

5.3.4 In line with paragraph 59 of the NPPF, the Government seek to promote a significant boost in the supply of housing and consider that land with permission should be developed without unnecessary delay. The principle of residential development on the site has previously been established with the grant of planning permission for 30 dwellings (application reference 16/00678/OUT and 18/00392/REM).

5.3.5 Core Strategy Policy 1 (CP1) sets out the strategic approach to the delivery of new homes in the district over the plan period. Wheaton Aston is identified within Core Policy 1 as a Local Service Village where limited development can be supported to meet local needs. Paragraph 78 of the NPPF identifies that in order to promote sustainability in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, especially where it will support local services. The application site is located outside a development boundary, albeit is immediately adjacent to it.

5.3.6 Given the previous approval, this application would form part of the council's existing 5 year housing supply so it is important to ensure its prompt delivery to maintain this supply, providing that the proposal conforms to all other relevant development plan policies, which are considered as follows.

### **5.4 Impact on landscape character and archaeology**

5.4.1 Whilst the site abuts the edge of the local service village of Wheaton Aston, it is located within the Open Countryside and is rural in character. Policy EQ4 states the intrinsic character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Paragraph 170 of the NPPF includes a provision for the protection and enhancement of valued landscapes.

5.4.2 Motte Meadows National Nature Reserve is located approximately 660m north-west of the site. Motte Meadows is also designated as a Special Site of Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The nearest Public Right of Way bridleway (Lapley, Stretton and Wheaton Aston 20) runs approximately 128m to the north of the site. Previous character studies undertaken as part of planning application reference 16/00678/OUT concluded that the application site is discrete and it does not carry a strong presence in a sometimes near flat, but generally gently rolling local landscape. In compliance with Policy EQ4, the boundaries of the site will be strengthened with additional landscape

screening, to enhance the existing hedgerow and key view corridors running through the site.

5.4.3 Natural England have commented on the application and consider that the proposed development will not have significant adverse impacts on any designated sites.

5.4.4 In terms of archaeology, information held by the Staffordshire Historic Environment Record (HER) and associated datasets note that a Cultural Heritage Assessment has been produced for a previously proposed similar development at this site. This CHA identified that the archaeological potential of this landscape is currently poorly understood due to a lack of previous archaeological assessment, however, there is potential for unknown archaeological remains to survive. The site lies within Historic Environment Character Zone 1 of the Historic Environment Assessment, which identified the high significance of the historic character of the landscape surrounding Wheaton Aston and of the survival of associated ridge and furrow earthworks. The site visit undertaken as part of the CHA identified that these earthworks are no longer present across the proposed development site and that the site is bounded by a number of historic hedgerows, the retention of which is welcomed.

5.4.5 In light of the archaeological potential the Historic Environment Advisor advises that a staged archaeological evaluation is undertaken to further understand the nature, character, date and significance of any archaeological remains. In line with the provisions of Chapter 16 of the NPPF such will be conditioned with a prior commencement condition.

## **5.5 Layout, appearance and scale**

5.5.1 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. The South Staffordshire Design Guide provides that Developments should sit easily within their surrounding environment, taking account of the surrounding character, whether rural or urban, and building the proposal's layout around existing features.

5.5.2 The site is located on the edge of the village of Wheaton Aston and will be highly visible on the approach to the village from Ivetsey Bank, playing an important gateway into the village.

5.5.3 In total 32 dwellings will be delivered on the site in a combination of bungalows, semi-detached and detached properties ranging from 2 to 4 beds.

5.5.4 The primary access road serving the site would come off Ivetsey Road. The general layout arrangements of the properties are in blocks/cul-de sacs providing the legibility typically associated with modern housing estates. The proposed design incorporates pedestrian connectivity and each dwelling would have the appropriate amount of off-road parking in accordance with the Councils parking standards [EV12 /Appendix 5]. As such, County Highways have raised no concerns over the proposed layout.

5.5.5 Following receipt of comments from the Local Plans team, the layout has been amended to incorporate more landscaping around the affordable units to bring them in line with that of the market housing. Corner-turner plots have also been included in the amended scheme in an effort to create a transition between the denser built character of the adjacent village and the surrounding countryside. The incorporation of bungalows on the



western end of the development would further aid that transition between the built form and open fields beyond.

5.5.6 The design of the house types have also been amended in order to comply with the Nationally Described Space Standards. The plots incorporate traditional details such as brick cills and headers, solid courses, eaves detailing, porches, and canopies. Roofs would be pitched and finished with a mix of red and slate grey roof tiles. Chimneys have been added to those properties in key locations to add visual interest, local character and distinctiveness.

5.5.7 The scale of the properties is of typical size for residential developments and the design is appropriate for the semi-rural location. The development would be seen behind the public open space which spans almost the width of the development with existing and new tree planting softening its appearance from the frontage. It is considered that the development would sit comfortably within its surroundings, appearing as a good quality scheme that would not detrimentally harm the visual amenity of the landscape or the street-scene. The proposal therefore complies with Policy EQ11.

## **5.6 Housing Mix**

5.6.1 Policy H1 aims to deliver a wide choice of high quality homes and to create a more sustainable and balanced housing market by encouraging the provision of more 2 and 3 bed homes in all housing market areas. The Strategic Housing Market Assessment (SHMA) for this area indicates the following:

- o Market housing - a substantial need for 2 bedroom homes, followed by a large need for 3 bedroom properties. There is also a smaller need for 4 bedroom homes.
- o Affordable housing - a need for 1, 2 and 3 bedroom properties.

5.6.2 The housing mix more or less reflects the need in the local area. In addition to the above, Policy H1 also confirms that the mix of developments should particularly contribute to meeting the needs of the district's ageing population, and a 10% provision is expected on sites. This application proposes a total of 3 bungalows [9.4%] which is strongly supported.

5.6.3 In line with Policy H2 of the Core Strategy [Affordable Housing] 40% of the housing provision is to be affordable housing with a 50% split between shared ownership and social rent. Details of the tenancy split have been included on the site plan and would be secured via a S.106 agreement. The scheme has also been amended to incorporate additional landscaping to ensure that the market and affordable houses are indistinguishable and the affordable units are spread through the site as opposed to being grouped in one location.

5.6.4 The proposed scheme provides an acceptable housing mix to meet local needs which has been informed by the Housing Market Assessment and would assist with accommodating the districts ageing population. The proposal is in accordance with Policies H1 and H2 of the adopted Core Strategy.

## **5.7 Impact on neighbouring amenity/space about dwelling standards**

5.7.1 As set out within Policy EQ9 of the Core Strategy, new development should avoid harming the amenity of neighbouring properties and should not have any adverse impacts such as loss of privacy, loss of light or overlooking to neighbouring properties.

5.7.2 Policy EQ11 and Appendix 6 set out the Council's Space about Dwellings standards. For privacy and outlook, the guidance states that two storey dwellings should be a minimum distance of 21m between facing habitable room windows over private space and 15m over public space; and it should be 13m between front or rear habitable room windows to a flank side wall over private space. These standards also include a minimum length/size of private rear garden for new dwellings (10.5m length; and 42 sq.m. for 2 beds, 65 sq.m. for 3 beds and 100 sq.m. for 4 beds).

5.7.3 The development would be positioned adjacent to existing housing along the eastern boundary. The additional traffic and general domestic activities created by the scheme would have some impact on adjoining residents due to a general increase in noise and disturbance, however, there would be sufficient space about the dwellings to absorb this intrusion and there would be direct overlooking between the two sites. There is no infringement with the Council's Space about Dwellings standards in relation to any of the existing dwellings.

5.7.4 All of the proposed dwellings have been amended to meet the national described space standards and the separation distances between the new dwellings predominantly comply with the Council's recommended distances. There are however some small infringements between a few properties within the site of around 1-2m. However, this is not considered to be material and as all of the dwellings are new builds it would be up for the occupier to decide if the living conditions are acceptable to them.

5.7.5 All of the properties have garden areas roughly in compliance with the Council's recommended areas but there are again some slight infringements in the garden depths. All of the properties provide an adequate garden area for the size of the dwelling and I therefore find no conflict with Policy EQ9 and Appendix 6 of the Core Strategy.

## **5.8 Landscaping/Ecology**

5.8.1 Policy EQ12 emphasises that the landscaping of new developments should be an integral part of the overall design. Policy EQ1 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.

5.8.2 A detailed landscaping scheme has been provided which includes the retention of the existing peripheral hedgerows and the incorporation of new tree planting and hedgerows throughout the site. Three large trees are also shown for retention at the front of the site. The Council's Arboricultural Officer has raised no objections subject to condition to secure the landscaping scheme as proposed.

5.8.3 An Ecological Assessment has also been submitted which concludes that the development would not negatively affect any of the five designated wildlife sites within 2km of the site. The County Ecologist has reviewed the submitted information and raised no objections but has requested conditions to ensure safe working practices and to secure biodiversity enhancements. The proposal is therefore compliant with policies EQ1 and EQ12.

## **5.9 Drainage**

5.9.1 Policy EQ7 states that the Council will permit developments which do not have a negative impact upon water quality. All planning applications are expected to include a suitable Sustainable Drainage (SUDS) scheme.

5.9.2 A detailed drainage scheme has been submitted to include an attenuation pond in the north-eastern corner of the site. A Flood Risk Assessment has also been submitted which concludes that the proposed development can be accommodated in its proposed location with a low risk of flooding to the development site and no increase in risk of flooding to adjacent properties.

5.9.3 The County Flood Risk Officer has assessed the proposal and has raised no objections to the development subject to conditions to secure the drainage strategy and a maintenance schedule for the SUDS scheme.

5.9.4 Severn Trent Water have also reviewed the proposals and have raised no objections to the development, subject to a condition to secure the drainage scheme as proposed. The proposal therefore complies with Policy EQ7.

## **6.0 Section 106 Contributions**

6.1 Core Strategy Policy EQ13 (Development Contributions) states that contributions will be sought from developers where necessary to achieve sustainable development. Paragraph 56 of the Framework requires that planning obligations must only be sought when they are; necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

6.2 As part of this scheme the following obligations need to be delivered as part of a S.106 agreement:

- 40% affordable housing to be secured in perpetuity and split between 50% social rental and 50% intermediate tenures in line with Policy H2.
- Provision of 0.30ha of open space including an attenuation pond, a commuted sum for maintenance equating to £19,557 (£65,190 per ha of public open space in line with Policy SAD7 of the Site Allocations Document).

6.3 The County Schools Organisation have been consulted and have confirmed that there are sufficient spaces to accommodate the development and therefore no contribution is required in this instance.

6.4 The proposal also includes off-site traffic calming measures which would be secured by way of separate legal agreement with Staffordshire County Council's Highways team.

## **7. Cannock Chase Special Area of Conservation (SAC)**

7.1 The application site lies within the 8km-15km zone of influence for the Cannock Chase Special Area of Conservation (SAC). Any application which involves a net dwelling increase within the 0-8km zone of influence of the SAC is required to provide mitigation in the form of a charge for any additional dwellings proposed. However, in this instance as the site falls within the 8-15km zone no mitigation is required. A Habitat Regulation Assessment has been carried out and Natural England have raised no objections to the proposal.

## **8. CONCLUSIONS**

8.1 The site is within the Open Countryside, however the principle of residential development has been established through previous outline and reserved matters consents.

The proposed scheme provides an acceptable housing mix and provision of affordable housing, and the design of the development would sit well with the semi-rural character of the area. A sufficient amount of open space has been provided on the site, with appropriate landscaping, that would also encourage ecological benefits. Sustainable drainage techniques would be utilised and there would be no demonstrable impact upon the amenity of neighbouring dwellings or upon the amenity of future occupiers. Parking provision and highways arrangements are acceptable and off site highways works and other contributions will be secured via legal agreement. The application is in accordance with the relevant policies of the adopted Core Strategy and the NPPF and I therefore recommend the application for approval.

7. RECOMMENDATION - **Delegate APPROVAL** to the Team Manager to issue the decision on completion of a satisfactory Section 106 agreement. If by 15<sup>th</sup> June 2021, the Section 106 Agreement has not been fully executed by all the parties, the Chairman is to have delegated authority to agree a further short extension to allow for final execution and completion of the Agreement.

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 drawings: WA P 03 Rev I Landscaping Plan, WA P 04 Rev F Public Open Space Plan, WA P 05 Rev F Arboricultural Plan, WA P 24 Rev A Drayton Stretton Floor Plans, WA P 25 Rev B Drayton Stretton Elevations, WA P 26 Rev A Stretton Drayton Floor Plans, WA P 27 Rev B Stretton Drayton Elevations, WA P 28 Rev A Grasmere (As) Floor Plans, WA P 29 Rev A Grasmere (As) Elevations, WA P 30 A Earlsdale (As) Floor Plans, WA P 31 A Earlsdale (As) Elevations, WA P 32 A Wheaton Floor Plans, WA P 33 A Wheaton Elevations, WA P 36 A Grasmere (opp) Floor Plans, WA P 37 A Grasmere (opp) Elevations, WA P 38 A Whittington (As) Floor Plans, WA P 39 A Whittington (As) Elevations, WA P 40 A Stretton Floor Plans, WA P 41 B Stretton Elevations, WA P 42 Martley Floor Plans, WA P 43 Martley Elevations, WA P 44 Martley HTH Floor Plans, WA P 45 Martley HTH Elevations, WA P 46 HTH Floor Plans, WA P 47 HTH Elevations, WA P MAT Proposed Materials, WA ENG 001 Rev A Drainage Strategy Plan, WA ENG 100 Rev E Engineering General Arrangement, WA ENG 110 Rev D External Levels Plan, WA ENG 120 Rev E Private Drainage, WA ENG 145 Rev D Impermeable Area Plan, WA ENG 150 Rev D Flood Routing Plan, WA ENG 290 Rev A Balancing Pond Construction Details, WA ENG 600 Rev D SW Network Hydraulic Calculations, WA ENG 601 Rev C FW Network Hydraulic Calculations, WA ENG 130 REV B Road and Sewer Sections Sheet 1, WA ENG 131 REV B Road and Sewer Sections Sheet 2, WA ENG 132 REV B Road and Sewer Sections Sheet 3, WA ENG 140 REV C S104 Plan, WA ENG 160 REV # Access Entry Treatment Plan, WA ENG 170 REV B Kerbing and Surfacing Plan, WA ENG 175 REV B Private Kerbing and Surfacing Plan, WA ENG 400 REV B Refuse Vehicle Tracking, WA ENG 405 REV B Fire Tender Tracking, WA ENG 500 REV C Offsite Outfall Plan.
3. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the following:

Transport Addendum Report v2 (ref RACE / SH / WA / TA 2) received 14/01/21

Flood Risk Addendum Report Rev 2 (Ref RACE / SH / IRWA / FRA 2) dated 15/01/21  
Arboricultural Impact Assessment prepared by Forester & Arborist Services Ltd  
dated 16/06/20.

4. Prior to the commencement of development, in line with section 6.5 of the submitted GeoWater Desk top study dated June 2020, further investigations and a risk assessment should be submitted to and approved in writing by the Local Planning Authority. These must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site and whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, LCRM (previously CLR 11').

5. Prior to the commencement of development a detailed remediation scheme should be submitted to and approved in writing by the Local Planning Authority. The approved scheme should bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must also include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
6. Unless otherwise agreed in writing by the Local Planning Authority (LPA), the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the LPA.
7. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is

subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

8. The landscape scheme shown on the approved plan(s) 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. The planting, hard landscaping (and any other introduced features shown on the approved plan(s) shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
9. All site works including clearance and construction should be carried out in accordance with the methods set out in the submitted Ecological Assessment (prepared by Star Ecology dated August 2020) under Section 8 Mitigation (pp37-44)(excluding 8.2, lighting / bats). Prior to commencement of the development the applicant must supply details of the Ecological Clerk of Works to oversee these measures.
10. Within 2 months of the date of decision of the application, details shall be submitted to and approved in writing by the Local Planning Authority of landscape seed mixes and additional planting to ensure no net loss to biodiversity. The development shall thereafter be carried out in accordance with the agreed details.
11. Within 2 months of the date of decision of the application, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be designed and installed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK, and should include a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as hedges and trees.
12. Within 2 months of the date of decision of the application, details shall be submitted of boundary fences for gardens that include gaps of minimum 130mm square at ground level at least every 10m running length or that do not seal to the ground at all between posts with a 120mm gap from fence base to ground. The development shall thereafter be carried out in accordance with the agreed details.
13. Within 2 months of the date of decision of the application, details shall be submitted of biodiversity enhancement measures including:
  - 5 number integrated bat tubes or bat boxes within the new buildings, located on south or west facing aspects.
  - 2 groups of 3 number swift boxes and 2 number house sparrow terraces on or integrated into north- or east- facing brickwork of the new buildings

The approved measures shall be incorporated into the scheme and be fully constructed prior to first occupation of the development and retained in situ for the lifetime of the development.

14. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The archaeological site work shall thereafter be implemented in full in accordance with the approved written scheme of archaeological investigation.
15. The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the approved written scheme of archaeological investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured. Any subsequent archaeological mitigation must be the focus of a separate WSI produced after the evaluation stage and following detailed discussions with the LPA's archaeological advisor.
16. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.
17. The development hereby permitted shall not be brought into use until the access roads, parking, servicing and turning areas have been provided in accordance with the approved plans.
18. The development hereby permitted shall not be brought into use until the visibility splays shown on drawing No. WA ENG 160 REV # Access Entry Treatment Plan 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.
19. The development hereby permitted shall not be brought into use until the off-site highway works identified on drawing No. WA ENG 160 REV # Access Entry Treatment Plan have been constructed and completed.
20. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of;
  - Routing of construction vehicles.
  - Wheel washing facilities.
  - Measures to remove any mud or other deleterious material deposited on the highway.
  - Car parking facilities for staff and visitors.
  - Timetable for implementation.has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.
21. The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.
22. 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 in

writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

23. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the following documents has been implemented:

- o Dwg 'Drainage Strategy', ref ENG\_001, Rev A, dated Jun20
- o Flood Risk Assessment, RACE, ref RACE/SH/IRWA/FRA2, Rev2, dated 15-01-21

Thereafter the drainage scheme shall be maintained in accordance with the Management and Maintenance Schedule within Appendix-I of the Flood Risk Assessment (RACE, ref RACE/SH/IRWA/FRA2, Rev2, dated 15-01-21).

24. No development shall begin until details (including name and contact details) of the party or parties responsible for ongoing maintenance of the surface water drainage system have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority.
25. Developer to ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy.
26. All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; between 8.00am and 2.00pm on Saturdays and not at all on Sundays or bank holidays.
27. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; between 8.00am and 2.00pm on Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.
28. There should be no burning on site during development
29. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
30. Road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.
31. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
32. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in the following materials:

Brick: Ibstock Weston Red Multi and New Cavendish Stock

Roof Tiles: Concrete Plain Cottage Red, Lothian Cottage Red and Lothian Slate Grey.



33. Unless otherwise agreed in writing by the Local Planning Authority the housing mix and affordable housing tenure shall be in accordance with the details shown on Drg No WA-P-03 Rev I (Landscaping Plan).

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 order to define the permission and to avoid doubt.
4. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EQ9 of the adopted Core Strategy.
5. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EQ9 of the adopted Core Strategy.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EQ9 of the adopted Core Strategy.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EQ9 of the adopted Core Strategy.
8. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
9. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
10. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
11. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
12. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.

13. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
14. In order to preserve and record any items of archaeological interest in accordance with policy EQ3 of the adopted Core Strategy.
15. In order to preserve and record any items of archaeological interest in accordance with policy EQ3 of the adopted Core Strategy.
16. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
17. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
18. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
19. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
20. In the interests of public and highway safety and convenience and to ensure that adequate loading and unloading facilities are available to serve the development and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
21. 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.
22. 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 in accordance with Policy EQ7.
23. To reduce the risk of surface water flooding to the development and surrounding properties for the lifetime of the development.
24. To ensure that the surface water drainage system is managed and maintained for the lifetime of the development.
25. To reduce the risk of surface water flooding to the development and surrounding properties during construction.
26. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
27. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.

28. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
29. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
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31. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
32. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
33. In order to define the permission and to avoid doubt.

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.

## INFORMATIVES

### HIGHWAYS

The off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated on the application Form or email to (road.adoptions@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

i) This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

### FIRE

#### VEHICLE ACCESS

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 1 requirement B5, section 11.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

#### AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers.

#### DOMESTIC SPRINKLERS

In the interest of preventing deaths and injuries from fires within domestic dwellings Staffordshire Fire and Rescue Service strongly recommend the provision of a sprinkler system to a relevant standard. Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing fire and injuries in domestic premises and financial implications for all stakeholders. Further information can be found at [www.bafsa.org.uk](http://www.bafsa.org.uk) - the website of the British Automatic Fire Sprinklers Association Ltd.

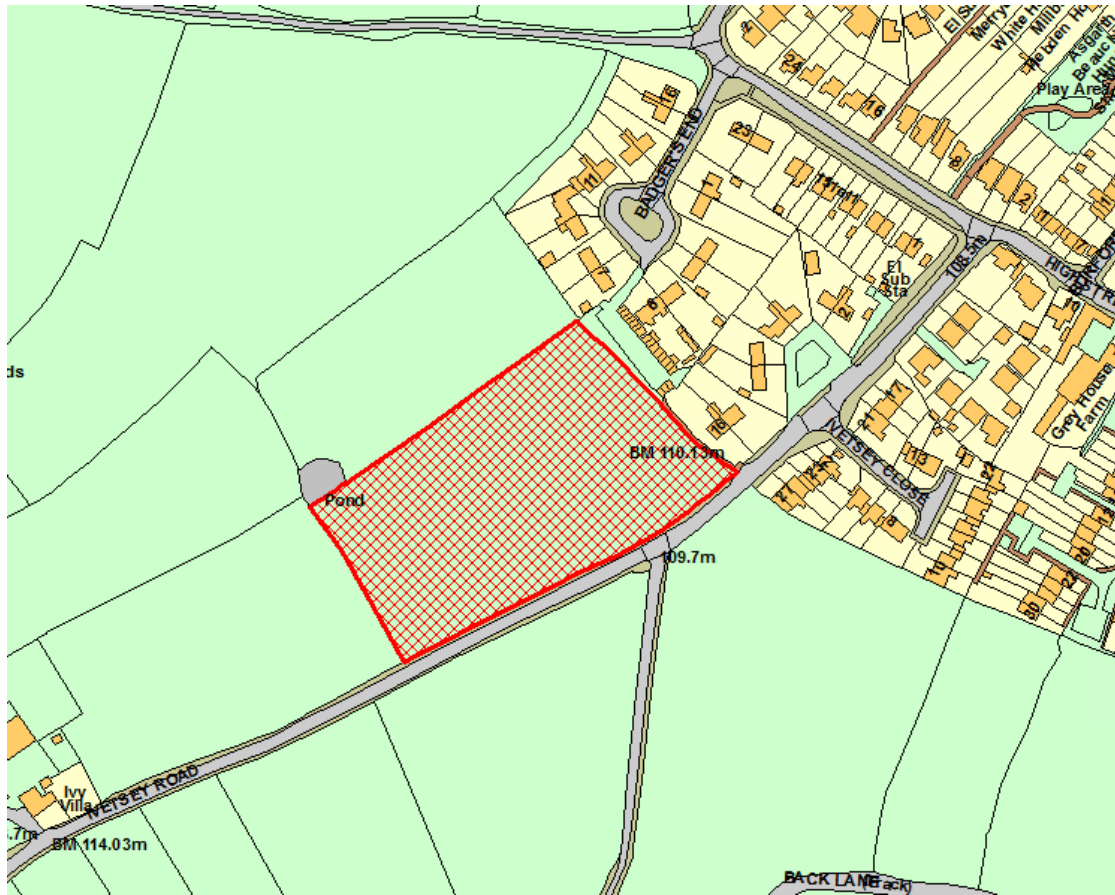
#### PUBLIC RIGHTS OF WAY

The County Council's Definitive Map of Public Rights of Way shows that no rights of way cross the proposed application site.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question.

It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980.

It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.



Land West Of, Ivetsey Road, Wheaton Aston



**20/00765/FUL  
MAJOR**

**Mr Ian Guy**

**TRYSULL & SEISDON**

**Cllr Victoria Wilson**

**Holly Bush Inn Ebstree Road Trysull WOLVERHAMPTON WV5 7JE**

**Change of use of former pub premise and beer garden to customer parking with hard landscaping display area, sewage treatment plant, equipment store, general storage yard for hard landscaping business and wildlife area as shown on plan 9726/PL05 Rev C.**

## **1. SITE DESCRIPTION AND PLANNING HISTORY**

### **1.1 Site Description**

1.1.1 The application site has a total area of approximately 2 hectares and is presently occupied by a former Public House with an extensive rear beer garden. The public house is positioned on the road frontage which is surrounded by hard standing [car park] on the South side of Ebstree road, in the open countryside.

1.1.2 The site is bordered by native species hedgerows and an internal mature Leylandii hedgerow.

1.1.3 The site is approximately 1.5km to the north of the village of Trysull and 2km to the north east of the village of Seisdon.

### **1.2 Planning History**

1992, Kitchen Extension, approved (92/00340)

1984, Entrance Vestibule, approved (84/01032)

1984, Extensions, approved (84/00889)

1982, Proposed Alterations to Bar And New Toilet Block Extension, approved (82/00766)

1981, Use of Land And Cabin For Purpose Of Clay Pigeon Shooting, refused (81/00857).

## **2. APPLICATION DETAILS**

### **2.1 The Proposal**

2.1.1 The application proposes the change of use of former pub premise and beer garden for use by a hard-landscaping business. The existing car park will be utilised and there will be a new customer display area, sewage treatment plant, equipment store, general storage yard and wildlife area.

2.1.2 Throughout the course of the application the proposal has been revised which has removed the proposed extensions to the existing public house and reduced the size of the customer display area and the storage yard.

2.1.3 The existing business is currently located at Dimmingsdale nursery - Midland Stone Paving. The company has outgrown their current premises and the applicant currently employs 5 staff and anticipates that the re-location will see the addition of a dozen jobs in the next 12-18months.

2.1.4 The revised scheme makes use of the former public house for office/sales area and no expansion is proposed to the building or to the existing car park. The first floor will still be used for residential purposes.

2.1.5 The new additions to the site would be the creation of a 17m deep x 44m wide customer display area, leading directly off the car park. It would be enclosed by a new native hedgerow.

2.1.6 The rear of the site [former beer garden/play area etc] would be used for a paving and stone storage area, which would occupy some 4200sqm [approx. 72m deep by 52m wide], with a new internal road erected. This area would include some aggregate bays.

2.1.7 A new machine store would be erected to the rear of the public house adjacent to the internal road and a conifer hedge. The machine store would measure 10m long by 8m wide by 4m high. It would be constructed from green metal cladding.

2.1.8 Security gates and fencing will be installed on the frontage part of the site to the car park and the customer display area. The gates and security fence on the front boundary will be set back 5.6m from the road and will predominately sit behind the existing hedgerow and new frontage planting.

2.1.9 The remaining area under ownership approx. 8100sqm [southern part of site] will be used as a wildlife area.

2.1.10 The proposals include additional planting including a new hedgerow along the eastern boundary.

## **2.2 Agents Submission**

2.2.1 The agent has provided the following documents:

- Design and Access Statement
- Tree Report
- Transport Statement
- Flood Risk Assessment
- Business Appraisal
- Viability Report [confidential]
- Ecological Statement

## **3. POLICY CONTEXT**

3.1 The site is in the Green Belt

3.2 Core Strategy

NP1: The Presumption in Favour of Sustainable Development

CP1: The Spatial Strategy

GB1: Development in the Green Belt

EQ1: Protecting, Enhancing and Expanding Natural Assets

EQ3: Conservation, Preservation and Protection of Heritage Assets

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



EQ7: Water Quality  
EQ9 Protecting Residential Amenity  
Core Policy 4: Promoting High Quality Design  
EQ11: Wider Design Considerations  
EQ12: Landscaping  
CP9: Rural Diversification  
EV5: Rural Development  
EV6: Re-Use of Redundant Rural Buildings  
EV12: Parking Provision  
Appendix 5 Car parking standards  
Appendix 6 Space about Dwellings

### 3.3 National Planning Policy Framework

### 3.4 Green Belt and Open Countryside Supplementary Planning Document

## 4. CONSULTATION RESPONSES

### 4.1 Comments received

**Councillor:** No comments received, expired 02/12/2020

**Parish Council** [27/11/2020]: *No objection*

**Arboricultural Officer** [23/11/2020]: *No objections subject to conditions*

**County Ecologist** [03/12/2020]: *I am satisfied with the ecology report submitted and agree with its recommendations. The site plans show substantial native hedge planting, which is welcomed, however there is no detail provided about the area to the south 'future wildlife area to be developed in a phased manner'. Because most of the site is proposed to be converted to hardstanding, the lack of information about the wildlife area does not enable a clear conclusion on biodiversity loss / gain. The ecological statement suggested that a pond, orchard and woodland planting could be accommodated in this area, which would provide for on-site biodiversity mitigation and ensure no net loss. Low-growing plants and any stored materials on site may be used as a refuge by hedgehogs and other animals. When removing vegetation or moving materials the applicant should be aware that this may be the case and should take care not to harm individuals, especially when moving material that has been stored for months. This is particularly important in winter months when animals may be hibernating. Scrub, trees and buildings on site offer suitable habitat for nesting birds. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended) and I have therefore recommended a condition to cover this. External lighting should be installed on buildings and / or access routes and / or exterior spaces (patios etc) so that residents and customers can safely access the property and so as to prevent poor-quality floodlighting etc., being retrofitted on occupancy which then disturbs bat flight routes. I have suggested a condition for this; the applicant should ensure a contour diagram is included that demonstrates levels of lighting on receptor habitats. Lighting should be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK. Conditions recommended*

**Environmental Health:** No comments received, expired 02/12/2020

**Local Plans:** No comments received, expired 02/12/2020

**Environment Agency** [16/11/2020]: *No comments*

**Campaign to Protect Rural England:** No comments received, expired 02/12/2020

**Fire** [12/11/2020]: *Comments to be added as an informative*

**Police** [27/11/2020]: **Comments to be added as an informative**

**National Grid:** No comments received, expired 02/12/2020

**County Planning** [20/11/2020]: *No comments*

**Severn Trent** [26/11/2020]: *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.*

**Flood Team** [03/12/2020]: *Additional information requested. An updated flood risk assessment was received on the 19/02/2021 and further comments from the flood team will be added to the late list.*

County Highways [25/11/2020]: *No objections subject to conditions*

**No neighbours** were consulted.

A **site notice** was displayed on the 13/11/2020 and **advert** published on the 17/11/2020

## **5. APPRAISAL**

5.1 The application has been to a planning committee meeting as part of the proposal is contrary to Policy GB1 of the Core Strategy.

### **5.2 Key Issues**

- Principle of Development
  - Re-use of the existing building
  - Change of use of land
  - New structures
  - Rural development
- Very Special Circumstances
- Design and impact on landscape
- Impact on neighbouring amenity
- Flood Risk
- Access/parking

### **5.3 Principle of Development**

5.3.1 The site is located within the Green Belt. Policy GB1 of the adopted Core Strategy advises that development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted.

- **Re-use of the existing building**

5.3.2 Paragraph 146 of the NPPF sets out forms of development that are not inappropriate in the Green Belt, and this includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

5.3.3 Core Strategy policy EV6 states that proposals must demonstrate that the building is in a condition capable of conversion without demolition and rebuilding or substantial reconstruction; and preference is given for an economic use.

5.3.3 The existing public house is undoubtedly of a permanent and substantial construction, and no exterior alterations or extensions are proposed in the amended scheme. The proposal to re-use the site as part of a hard-landscaping business will create employment opportunities for the local community.

5.3.4 Core Policy 10 and Policy EV9 supports the retention of local community facilities and services. A confidential viability report has been submitted with the application and concludes that the business is commercially unviable under normal trading conditions. Since the coronavirus crisis, and the restrictions in place allowing a pub to re-open, the reduction in dining covers to conform with social distancing advice severely increases the trading loss in every scenario posed within the viability report. In recent years, two pub company owners have disposed of the site, indicating that the pub was not generating sufficient income to warrant retaining the site in the tenanted estates. There was also a trail of tenants in recent years who failed to build the business into a commercially viable unit with the pub being sold three times in three years. The most recent being an Indian restaurant which commenced trading in October 2018 and closed on the 5th of January 2020.

5.3.5 The Hollybush Inn closed in January 2020 prior to the coronavirus crisis, and as mentioned, the pub has changed ownership five times since 1999. The site was re-marketed in March 2020 by three specialist pub agents and there was good deal of interest but only towards a residential use. The business appraisal concludes that the marketing campaign was adequate, given the circumstances of the trading history and I have no reason to disagree. The variable performance of the pub in recent years and the current trend for the community in general to be visiting pubs less often, combined with the table covers [Covid requirements] and the pub in being in an isolated position from the small hamlet of Dimmingsdale, and the existence of other public houses nearby such as The Greyhound, it is not realistic to expect the existing pub to become viable.

5.3.6 There is no conflict with local plan policies GB1, EV6, CP10 and EV9.

- **Change of use of land**

5.3.7 Policy GB1 provides that the carrying out of engineering or other operations or the making of a material change of use of land is acceptable, where the works or use proposed would have no material effect on the openness of the Green Belt or the fulfilment of its purposes.

5.3.8 The paving and stone storage area, whilst positioned historically on the beer garden, where there has been a play area and buildings in the past, the change from a predominately soft landscape to a hard landscape over 4200sqm would in my view have a material harm on the openness of the Green Belt than the previous situation. Again, whilst the customer sales area will directly lead off the existing car park area, and has been

subsequent to frequent fly tipping, the change from undeveloped land to a customer sales area will result in a material change in the use of the land.

5.3.9 As such this part of the proposed development would represent inappropriate development in the Green Belt harmful by definition and contrary to policy and should not be approved except in very special circumstances, as noted in paragraph 143 of the National Planning Policy Framework.

- **New Structures**

5.3.10 The erection of the security fencing, machine store and aggregate bay for the landscaping business does not fall under any of the exceptions listed under Paragraph 145 of the NPPF or local plan policy GB1 and therefore would represent inappropriate development in the Green Belt.

5.3.11 As such this part of the proposed development would represent inappropriate development in the Green Belt harmful by definition and contrary to policy and should not be approved except in very special circumstances, as noted in paragraph 143 of the National Planning Policy Framework.

- **Rural development**

5.3.12 Core Policy 9 (Rural Diversification) and Policy EV8 (agriculture) supports appropriate diversification of the agricultural economy. CP9 provides that the Council will support the sustainable re-use of rural buildings for appropriate uses which support the rural economy and communities.

5.3.13 Policy EV5 [Rural Employment] identifies the circumstances in which proposals for employment development outside of development boundaries will be supported. On this occasion the application generally complies with the criteria which are noted below.

- a) It is small-scale;
- b) It comprises the conversion and reuse of appropriately located and suitable constructed existing rural buildings;
- c) the development is not capable of being located within the development boundaries of a village, by reason of the nature of the operation or the absence of suitable sites;
- d) it is supported by an appropriate business case which demonstrates that the proposal will support the local economy which in turn would help sustain rural communities. The Council will adopt the approach set out in Core Policy 7 for the redevelopment, modernisation and expansion of businesses;
- e) the development would not adversely impact on the economy of the service villages;
- f) the development is accessible by a choice of means of transport including walking, cycling and public transport;
- g) the local highway network is capable of accommodating the traffic generated by the proposed development.

5.3.14 The above proposal to re-use the site for a hard-landscaping business is in accordance with Policy EV5 and a business appraisal has been submitted.

#### **5.4 Very Special Circumstances**

5.4.1 As noted above there is a policy conflict with the change in the use of the land and also the erection of the machine store and aggregate bays.

5.4.2 Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure substantial weight is given to any harm in 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, is clearly outweighed by other considerations.

5.4.3 The applicant has submitted material considerations which are noted below:

- Previously developed site with former area of commercial use (pub, parking and beer garden) reduced by over 50%. The original site area used by the pub including the beer garden and customer parking, extended to almost 17000m<sup>2</sup>. The current proposed area for commercial use extends to 8000m<sup>2</sup> with the remainder being used for increasing bio-diversity.
- Less traffic to and from site as compared with current pub use.
- Site not commercially viable for pub or restaurant.
- Existing building re-used for offices and sales centre and general customer information.
- Major increase in biodiversity due to creation of wildlife area for more than half the site, and re-instatement of more than 100m of hedgerow and substantial tree planting.
- Commercial use consisting of open yard for hard landscaping materials and demonstration area, will all be low level and will not be visible from the surrounding countryside.
- Current location of business will be made safer as there will no longer be mixture of garden centre visitors and hard landscaping visitors. There will be no mixing of delivery lorries with public visitors as is the case currently.
- Job creation for local area as due to the growth of the business, the current site location is no longer suitable, and business will have to relocate.
- New equipment store, which is a former agricultural building, will be screened from view by existing conifers.
- Commercial use of the site will help in avoiding fly-tipping on the site which had been taking place since the pub ceased to operate.
- Addition of hedging to front of site will make site less visible from the public realm.

5.4.4 Core Policy 9 [Rural Diversification] provides that The Council will support the social and economic needs of rural communities in South Staffordshire. Development should be designed to be sustainable; seek to enhance the environment; and should provide any necessary mitigating or compensatory measures to address harmful impacts. CP9 provides that the Council will support the sustainable re-use of rural buildings for appropriate uses which support the rural economy and communities.

5.4.5 Core Policy 7 [Employment and Economic Benefit] provides that The Council, working in partnership with businesses and local communities will support measures to sustain and develop the local economy of South Staffordshire and encourage opportunities for inward investment and further economic development of the District.

5.4.6 The proposal would make an efficient use of an existing commercial building and associated land for an economic purpose in accordance with Core Policy 9. Whilst there would be a difference in the appearance to the rear of the site from that of a beer garden, with the incorporation of a customer sales area and outside storage of paving and slabs, the materials stored would be of a low height. This with the existing boundary treatment and the proposed additional planting along the frontage and eastern boundary would screen the proposal from outside view and reduce the visual impact of the proposal on the wider landscape. The machine store is also of a low height [4m] and designed to reflect an agricultural building which are acceptable within rural landscapes. The proposal is also compliant with Policy EV5 for rural development outside of the development boundary.

5.4.7 I consider the proposal would have a limited impact on the visual amenity of the green belt. The proposal would make use of an existing commercial premise and land for another economic use, which would bring about associated local economy benefits and environmental benefits because of the wildlife area and green corridor. It is finely balanced; however, I consider that the material considerations put forward, clearly outweighs the potential harm to the Green Belt in this instance by reason of inappropriateness.

## **5.5 Design and Impact on landscape**

5.5.1 Core Policy 2 and Development policies EQ4 and EQ12 of the Core Strategy all seek to protect, conserve and enhance the District's natural assets. CP2 goes on to state that particular support will be given to initiatives to improve the natural environment where it is poor and increase the overall biodiversity of the District. This is echoed in part 15 of the NPPF. Throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings and should not have a detrimental effect on the immediate environment and on any medium and long-distance views.

5.5.2 The proposal would make use of an existing building and car parking area, and the new customer display and storage areas would be of a low height. A new security fence and gates would be installed on the frontage part of the site. The security fence on the front boundary would be set back approx. 5.6m from the road and would sit predominately behind the existing hedgerow and the new planting. Subject to an appropriate design and height of the security fencing [to be secured by condition] I do not consider that the proposal would cause a detrimental harm to the amenity of the area.

5.5.3 There is already significant planting on the boundaries of the site and the gaps particularly along the eastern boundary will be filled with a new native hedgerow. Given the low height and appearance of the new building to be erected and the position of the storage areas it is not considered that the proposal would have any harmful effect on any medium or long-distance views. Conditions will be attached requiring full details of the species to be planted along with further details for the wildlife area.

5.5.4 There have been no concerns raised to the proposal by the Councils Arboricultural or Ecology Officer subject to appropriate conditions being imposed to protect the existing trees and wildlife.

The proposal is compliant with policies EQ1 and EQ4 of the Core Strategy.

## **5.6 Impact on Residential Amenity**

5.6.1 Policy EQ9 of the Local Plan protects the amenity of existing and future occupants.

5.6.2 The application site is in a relatively isolated location, with no neighbouring properties in proximity. It is therefore not considered that the re-use of the public house for an alternative commercial use raises any concern. The proposal is compliant with Policy EQ9.

## **5.7 Flood Risk Assessment**

5.7.1 An updated flood risk assessment has been submitted addressing the queries raised by the Flood Risk Team. The existing private Sewage Treatment Plant and drainage field is to be replaced with a new appropriately sized system. SUDS will be utilised for the disposal of surface water. The comments from the Flood Team to the revised flood risk report and any conditions required will be added to the committee late list.

## **5.8 Access/parking**

5.8.1 Access, parking and turning areas for the proposal have been provided to the satisfaction of the Highways Department. A transport statement has been submitted and it is not considered that the proposed use would generate any additional travel movements beyond the approved use as a public house. There are no concerns with policy EV12.

## **6. CONCLUSIONS**

6.1 The site is within the Green Belt, where there is a presumption against inappropriate development. Whilst I have found that part of the proposal would be inappropriate, there would be limited harm caused on the visual amenity of the Green Belt, given it is a previously developed site and the existing and proposed planting. The proposal would support and enhance an existing rural business and in turn support the rural economy and bring about social and environmental benefits. It is finely balanced; however, I consider that the material considerations put forward, clearly outweighs the potential harm to the Green Belt in this instance by reason of inappropriateness.

6.2 There are no landscape, highways or neighbour concerns and I therefore recommend the application for approval.

## **7. RECOMMENDATION - APPROVE Subject to Conditions**

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 drawings: 9726/PL05 Rev C, received 5th of February 2021
3. Within 3 month of any development commencing on the site a landscape scheme shall be submitted to the Local Planning Authority for approval, this shall include details for the wildlife area. The approved landscape scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. A timetable for the phased completion of the wildlife area shall be submitted for approval. 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. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).

4. 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.
5. Before the development commences the existing trees, shrubs and hedges on the site shall be protected by fencing constructed in accordance with BS 5837:2012 (trees in relation to design, demolition and construction - recommendations) in positions to be agreed with the Local Planning Authority which shall be retained throughout the development of the site in the approved positions.
6. Before development commences all construction work, drainage runs and other excavations within the protective fencing/root protection areas of the trees shown to be retained on the approved plan shall be agreed by the Local Planning Authority. All work shall be carried out in accordance with BS 5837:2012 (trees in relation to design, demolition and construction - recommendations).
7. The destruction by burning of any materials during the construction period shall not take place within 6 metres of the canopy spread of any trees or hedges shown to be retained on the approved plans.
8. There shall be no storage of construction materials or equipment or oil tanks within the protective fencing/root protection areas of the trees or hedges shown to be retained on the approved plans.
9. The development hereby permitted shall not be brought into use until the existing access to the site within the limits of the public highway has been reconstructed and completed.
10. The development hereby permitted shall not be brought into use until the parking, servicing and turning areas have been provided in accordance with the approved plans.
11. Immediately prior to works starting any low-growing plants should be searched by hand. Any piles of wood, brash and rubble within the working area must be dismantled by hand. Where it is not essential to remove potential hedgehog refuges in order to undertake the works, these must be left undisturbed. If a hedgehog is found, it should be carefully placed into cover (e.g. under shrubs etc that will not be cleared and away from roads, and advice sought from a suitably qualified ecologist.



All trenches and excavations should be provided with a means of escape (plank etc) if left overnight and pipework must be blanked off to prevent animals entering.

12. Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season (1st March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.
13. An external lighting scheme should be installed, designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK and submitted for approval prior to installation, including a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as hedges, trees and landscape planting
14. The premises shall be used for a landscaping business and for no other purposes (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended.
15. 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 building(s), the subject of this approval, without the prior approval of the Local Planning Authority:
  - a. Schedule 2, Part 2, Class A - gates, fences, walls etc
  - b. Schedule 2, Part 7, Class A - extensions etc of shops or financial or professional premises
  - c. Schedule 2, Part 7, Class E - hardsurfacing
  - d. Schedule 2, Part 20, Class AA - new dwellinghouses on detached buildings in commercial or mixed use
16. Within 1 month of the development commencing on site, details of the security fencing and gates to be installed shall be submitted to the Local Planning Authority for approval and retained as such for the lifetime of the development. The gates and fencing shall not have a height higher than 2m.

#### 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 protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
5. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
6. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
7. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
8. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
9. In the interest of highway safety
10. In the interest of highway safety.
11. To comply with Policy EQ1
12. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
13. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
14. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
15. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
16. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

Informative

### **1. County Highways**

The reconstruction of the existing vehicular access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated on the application Form or email to (road.adoptions@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

## **2. Signs**

This permission does not grant or imply consent for any advertisements, signs or fascia development.

## **3. Fire Service**

### **FIRE MAINS, HYDRANTS AND VEHICLE ACCESS**

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16. I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg.)

### **AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)**

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers.

Staffordshire Fire and Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.
- Protect property, heritage, environment and our climate;
- Help promote and sustain business continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- Increase fire fighter safety
- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.

Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop beyond the stage where it cannot be dealt with by employees using first aid fire fighting equipment such as a portable fire extinguisher.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing financial implications for all stakeholders.

## **4. Police**

1. Development Design Concerns and Issues.

It is important that a high level of physical security is incorporated in the construction of this proposal, and that it conforms to the minimum standard of security outlined within these recommendations.

The Secured by Design Website ([www.securedbydesign.com](http://www.securedbydesign.com)) provides all necessary information regarding police and home office recognised standards and licensed component manufacturers.

#### 1.1 Boundaries.

I support the intention to provide a secure fence and hedging to the front boundary.

I recommend that the proposed boundary is paladin fencing to the minimum height of 2m, installed and manufactured to LPS 1175 Security Rating 1 or Sold Secure Gold standard. This fencing must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice.

#### Gates.

All gates installed within a secure fencing system as described above must be certificated to the same standard as the adjoining fencing and be of the same height and similar style. It should not be possible to lift the gate from its hinges, and the hinges and lock cylinder should be protected in such a way as to prevent their use as climbing aids.

Secured By Design. Commercial.

Perimeter And External Areas.

Specification for timber or steel security fencing for normal crime risks.

Section 43.12 Entrance gates should be inward opening, of substantial framed construction and employ galvanized adjustable hinges and fixings mounted behind the attack face. Gates should be fitted with galvanized drop bolts and a facility for padlocking (manual gates) or electro-mechanical locking (automated gates) and employ mechanical/electromechanical devices as applicable to hold gate leaves in the open position. The gate design and fixing features should match that of the fence).

Care should also be taken in the design to ensure that cross sections do not inadvertently aid climbing. It should not be possible to pass under the gate when in the closed position.

#### 1.2 Lighting (Recommended minimum guidance.)

The proposed lighting layout should be aimed at removing opportunities for criminals to act unobserved during the hours of darkness. The entire site should be illuminated, with higher lighting levels provided for vulnerable areas (Equipment Store and Hard Landscaping Display). This is of greater importance during the winter months and where lighting is intended to support CCTV.

- o Lighting columns are preferred for all open areas. Where this is not possible a series of vandal resistant, high-pressure sodium lamps, operated by photoelectric sensors are recommended, and should be mounted at the highest inaccessible points.

- o The proposed lighting should be compatible with any CCTV system requirements. (Low-pressure sodium vapour (SOX) is not compatible with quality CCTV systems).

Note: Post or bollard mounted lighting is not recommended as this suffers as a result of poor driving, vandalism and can provide a climbing aid.

### 1.3 Building Shell (Equipment Store).

Secured By Design. Commercial 2015.

Section 35. Roof design and access and aids to climbing.

Section 35.1 Preventing easy access to roofs should be considered at the design stage of the building. External rainwater pipes can be used for climbing and should be either square or rectangular in section, flush fitted against the wall or contained within a wall cavity or covered recess.

Bends in pipes and horizontal runs should be minimized. They should be of fire resistant material. Physical barriers should be used to prevent access to an existing roof.

Building shell security.

Section 50. Wall construction.

Section 50.1 Due to the remoteness of some industrial and warehouse units and or reduced activity at night and over the weekends on industrial sites some buildings become prone to criminal attack through the wall, bypassing security doors and shutters. The walls should therefore be designed to withstand such attacks and materials resistant to manual attack or damage should be used to ensure the initial provision of security.

Section 50.2 Where lightweight construction is being considered, for example the use of insulated sheet cladding, a reinforced lining such as welded steel mesh can enhance the security of the building fabric.

Note: Lining the first 2m of the proposed cladding with brick or block will help to reduce opportunities for attack.

Section 54. Roof construction.

Section 54.1 Roofs are vulnerable to criminal intrusion and damage through vandalism, therefore careful consideration must be given to their construction.

Section 54.2 Lightweight roofing systems must be certified to a minimum of:

- o LPS 1175: Issue 5 or above, SR 1
- o STS 202: Issue 1 or above, BR1

Section 54.3 The standards above tests the product and its fixings, therefore lightweight roofing systems must be installed utilising the manufacturer's approved fixing system.

Section 54.6 Due regard must be taken to ensure full compliance with the 'duty of care' obligations under Occupiers' Liability Act 1984.

### 1.4 Landscaping.

Secured By Design Commercial Development 2015.

Section 21. Landscaping.

Section 21.3 Planting should not impede the opportunity for natural surveillance and must avoid the creation of potential hiding places. Although plant growth above 1m and below 2m should be absent to provide a window of surveillance, this does not preclude the use of hedging plants and feature shrubs and trees, providing surveillance opportunity is maintained. Plant growth below 500mm (Maintained or Mature Growth Height) will be required in respect to car parks to deter vehicle interference.

Section 21.4 The planting of new trees should be considered in tandem with the installation and the operational requirement of any specified CCTV system. Likewise, locate new trees so that they do not reduce directed light from lamps or provide climbing aids over boundaries or onto buildings.

#### 1.5 Doors (Recommended minimum guidance for doors in commercial buildings).

External doors.

Secured By Design Commercial Development 2015.  
Section 56. External doorset apertures.

Section 56.1 It is important that the doorset aperture is protected. Due to the nature of some commercial building uses and locations there is an expectation that the security will be required to meet the following minimum standards when the building is unoccupied:

- o PAS 24:2012
- o LPS 1175: Issue 7, SR2
- o STS 201 or STS 202: Issue 3, BR2

Note: Outward opening doors should include additional security such as hinge bolts.  
Emergency escape doors should have no external furniture.

Note: Additional security may be gained by utilising additional protection such as a certified roller shutter or grille, or through the use of a doorset certified to higher security standards.

#### 1.6 Windows (Recommended minimum guidance for glazing in commercial buildings).

Secured By Design Commercial Development 2015.  
Section 62. Protection of window apertures.

Section 62.1 It is important that the window aperture is protected. Due to the nature of some commercial building uses and locations there is an expectation that the security will need to exceed the following standards when the building is unoccupied:

Certification to:

- o PAS 24:2012 or
- o STS 204 Issue 3: 2012, or
- o LPS 1175 Issue 7:2010 Security Rating 1 or
- o LPS 2081 Issue 1:2014 Security Rating A

Note: Additional security may be gained by utilising additional protection such as a certified roller shutter or grille, or through the use of a doorset certified to higher security standards.

Security Glazing.

## Section 60 Security glazing.

Section 60.1 All ground floor and easily accessible glazing must incorporate one pane of laminated glass to a minimum thickness of 6.4mm (See Glossary of terms) or glass successfully tested to BS EN 356:2000 (Glass in building. Security glazing - resistance to manual attack) to category P1A unless it is protected by a roller shutter or grille as described below.

### 1.7 Roller Shutters and Grilles. (Recommended Minimum Guidance).

The minimum recommended standard for any proposed roller shutters is certification to

- o LPS 1175: Issue 7 Security Rating 1+ or
- o WCL 2 Burglary Rating 1.

### 1.8 Alarm System and CCTV (recommendations).

The design of Alarm systems should be considered alongside any CCTV (where this is to be installed) and monitoring from a dedicated monitoring company. As a minimum, I recommend that the Equipment Store is protected by a Monitored Alarm System. CCTV should be aimed at providing views over entrances, externally stored Machinery, Hard Landscaping Materials, Vehicles and items of greater value.

Secured By Design Commercial Developments 2015.

Section 64 Intruder alarm systems.

#### Section 64.1 (Security Systems Policy and Police Response)

A suitably designed, fit for purpose, monitored intruder alarm system must be installed. For police response, the system must comply with the requirements of the Security Systems policy, which can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

#### Section 64.2 (Loss Prevention Certification Board component requirements)

System designers may wish to specify component products certificated to the following standards:

- o LPS 1602 Issue 1.0: 2005 Requirements for LPCB Approval and Listing of Intruder Alarm Movement Detectors
- o LPS 1603 Issue 1.0: 2005 Requirements for LPCB Approval and Listing of Alarm Control Indicating Equipment

### Section 49 Closed circuit television (CCTV). (Recommended Minimum Guidance)

#### Section 49.1 (As part of a Security Plan and Security Management)

CCTV is not a universal solution to security problems. It can help deter vandalism or burglary and assist with the identification of offenders once a crime has been committed, but unless it is monitored continuously and appropriately recorded, CCTV will be of limited value in relation to the personal security of staff and visitors. That being said, the provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan.

#### Section 49.3

The CCTV system must have a recording capability, using a format that is acceptable to the local police. The recorded images must be of evidential quality if intended for prosecution. Normally this would require a full 'body shot' image of a suspect. It is recommended that fixed cameras are deployed at specific locations for the purpose of obtaining such

identification shots. An operational requirement must take account of this fact and decisions made as to what locations around the building are suitable for obtaining this detail of image. The recording of vehicle licence plates may also be practical and useful.

Section 49.4 (Matters requiring discussion with installer)

Whilst the location of cameras is a site specific matter it would be normal practice to observe the main entrance to the premises and the reception area. Early discussions with an independent expert and potential installers can resolve a number of matters including:

- o monitoring and recording requirements
- o activation in association with the intruder alarm
- o requirements for observation and facial recognition/identification
- o areas to be monitored and field of view
- o activities to be monitored
- o the use of recorded images
- o maintenance of equipment and the management of recording
- o subsequent ongoing training of Operatives

Section 49.5 (Required Minimum Standard for installation)

CCTV systems must be installed to BS EN 50132-7: 2012+A1:2013 CCTV surveillance systems for use in security applications

Section 49.6 (Lighting must support the proposed CCTV system)

The design of a CCTV system should be co-ordinated with the existing or planned lighting system for the buildings and the external grounds, to ensure that the quality of the lighting is sufficient to support the CCTV.

Section 49.8 (Data Protection, Human Rights and Information Commissioners registration)

CCTV systems may have to be registered with the Information Commissioner's Office (ICO) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available at this website: [www.ico.gov.uk](http://www.ico.gov.uk)

Section 49.9 (CCTV Management and Operation Code of Practice and Best Practice in relation to use of data as evidence)

For guidance on the use of CCTV images as legal evidence see also BS 7958: 2009 Closed circuit television (CCTV). Management and operation. Code of practice. This document provides guidance and recommendations for the operation and management of CCTV within a controlled environment where data that may be offered as evidence is received, stored, reviewed or analysed. It assists owners of CCTV systems to follow best practices in gaining reliable information that may be used as evidence.

Section 49.10 (Installation standard for detector operated systems)

Remotely monitored detector activated CCTV systems must be installed in accordance with BS 8418: 2015 Installation and remote monitoring of detector operated CCTV systems - Code of practice

1.9 Change of use of pub premises to private single dwelling.

I support the intention to develop a private dwelling in this location. This will provide valuable legitimate natural surveillance in this location.

If necessary, please contact our department for Crime Reduction advice.



2. Further Information.

Further help and information can be gained from the following web sites:

- o [www.securedbydesign.com](http://www.securedbydesign.com)  
(Police preferred specification scheme).
- o [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)  
(Online notification of CCTV schemes and relevant codes of practice).
- o [www.bsi-global.com](http://www.bsi-global.com)  
(Various security standards).
- o [www.brecertification.co.uk](http://www.brecertification.co.uk)  
(Government test house for the Loss Prevention Certification Board).
- o [www.nsi.org.uk](http://www.nsi.org.uk) and [www.ico.gov.uk](http://www.ico.gov.uk)  
(National Security Inspectorate and Information Commissioners Office).

Crime prevention design advice is given free without the intention of creating a contract. The Police Service and the Home Office does not take any legal responsibility for the advice given. However, if the advice is implemented, it will reduce the opportunity for crimes to be committed.

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, 2019.



Holly Bush Inn, Ebtree Road, Trysull, WOLVERHAMPTON WV5 7JE

**20/00940/FUL  
NON MAJOR**

**Mr Richard Corbett**

**PENKRIDGE**

**Cllr Len Bates  
Cllr Isabel Ford**

**Abbey Farms Cannock Road Penkridge**

**Erection of a single storey agricultural workers dwelling**

**1. SITE DESCRIPTION AND PLANNING HISTORY**

**1.1. Site description**

1.1.1 The application site measures approximately 0.3 acres and is situated south of an operational poultry farm comprising eight sheds housing some 482,000 birds (60,250 birds per building). In addition to the poultry sheds there are a range of ancillary buildings including silos, feed-blending rooms, a site office and broiler building with site access off Cannock Road.

1.1.2 The site is in a rural location off the Cannock Road (B5012), just south-east of Pillaton, Penkridge. The area immediately surrounding the poultry farm is characterised by open fields however there is a low-density scatter of agricultural and residential buildings and uses to the north-west, including the nearest dwellinghouse (The Woodlands) which is positioned around 600 metres away.

1.1.3A public right-of-way runs parallel to the south-eastern boundary of the poultry farm before turning further to the east. The adjacent fields are bounded by mature hedgerows with trees interspersed along the eastern boundary. The site is generally flat.

**1.2. Planning history**

2009, Lawful Development Certificate for mobile agricultural chicken sheds/units, approved [09/00417/LUP].

2016, Erection of eight poultry buildings, boiler building, site office, hardstanding, drainage attenuation pond and associated infrastructure, approved [16/00527/FUL and 16/00527/COND].

2018, Erection of a temporary agricultural worker's dwelling, approved [18/00126/FUL]

2019, Installation of a renewable heating system, approved [19/00262/FUL]

**2. APPLICATION DETAILS**

**2.1 The Proposal**

2.1.1 It is proposed to erect a single storey dwelling for occupation by an agricultural worker (specifically, the Poultry Farm Manager), to replace the existing temporary dwelling approved under application number 18/00126/FUL.

2.1.2 The dwelling would be roughly rectangular, measuring a maximum width of 8.6m and length of 12.6m. A single garage would be attached to the southern corner measuring 7.3m

by 3.7m. The bungalow would provide 3 bedrooms and would be finished with a hipped roof of maximum height 5.5m [to ridge, 2.5m to eaves].

2.1.3 Access and parking would be via a new driveway off the existing entrance into the poultry farm.

## **2.2 Supporting documentation**

2.2.1 The application is supported by a Planning Statement, a Design & Access Statement and a Unilateral Undertaking in respect of the Cannock Chase Special Area of Conservation.

## **3. POLICY CONTEXT**

3.1 Within the Green Belt.

3.2 Adopted Core Strategy

Core Policy 1: The Spatial Strategy

Policy GB1: Development in the Green Belt

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

Policy EQ9: Protecting Residential Amenity

Appendix 6: Space about dwellings standards

Policy EQ11: Wider Design Considerations

Core Policy 9: Rural Diversification

Policy EV8: Agriculture

Core Policy 11: Sustainable Transport

Policy EV12: Parking Provision

Appendix 5: Car parking standards

3.3 NPPF

Chapter 5: Delivering a Sufficient Supply of Homes

Chapter 12: Achieving well-designed places

Chapter 13: Protecting Green Belt land

## **4. CONSULTATION RESPONSES**

**Councillors** [expired 25/12/20] No comments received

**Parish Council** [expired 03/03/21] No comments received

**Environmental Health** [expired 25/12/20] No comments received

**County Highways** [comments received 18/12/20] *No objections subject to condition to secure the parking area.*

**Severn Trent Water** [comments received 16/12/20] *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.*

**Penkridge Civic Society** [expired 25/12/20] No comments received

**Natural England** [comments received 09/02/21] *Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.*

**Site Notice** [expired 05/01/21] No comments received

## **5. APPRAISAL**

5.1. This application is referred to Planning Committee as the proposal is contrary to Policy GB1 of the adopted Core Strategy.

### **5.2. Key issues**

- Principle of the development
- Case for Very Special Circumstances
- Impact on the openness of the Green Belt and the character of the area
- Impact on residential amenity
- Highways/parking
- Cannock Chase Special Area of Conservation (SAC)

### **5.3. Principle of development**

5.3.1 The site is located within the Green Belt where the construction of new dwellings is considered to represent inappropriate development. Paragraph 133 of the NPPF advises that the Government attach great importance to Green Belts, the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.3.2 As stated within Policy GB1 of the Core Strategy there are exceptions to the presumption against new buildings within the Green Belt however these are (amongst others) usually for purposes directly related to agriculture. It is not considered that a dwelling is for purposes directly related to agriculture and as such for planning permission to be granted the applicant must identify material considerations amounting to Very Special Circumstances. These considerations will be assessed against the criteria within Core Strategy Policy EV8 (Agriculture).

5.3.3. Paragraph 79 of the NPPF indicates that the development of isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at their place of work in the countryside. Paragraph 83 of the NPPF states that planning decisions should enable the development and diversification of agricultural businesses.

### **5.4 Case for Very Special Circumstances**

#### **5.4.1. Policy EV8 (Agriculture)**

5.4.2 As discussed within the Core Strategy, agriculture is an important part of the local economy of South Staffordshire and is one of the most significant land uses. Core Strategy policy EV8 states that the Council will support proposals for agriculture and related development, which is consistent with national policy by guiding development, including the

design and siting of new agricultural buildings (including agricultural workers dwellings) to the least environmentally sensitive locations.

5.4.3 Policy EV8 g) goes on to set out criteria in which applications for temporary agricultural and rural occupational dwelling should be assessed.

#### **5.4.4 Functional need**

5.4.5 The first element of part g) requires that there is a clearly established functional need which cannot be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the worker concerned.

5.4.6 The submitted Planning Statement details that the farm employs 5 full time workers on site, assisted by contract staff during peak periods. The application site is an intensive livestock unit extending to 482,000 birds, and is reliant on automated fan assisted ventilation, heating, feed and water systems which are controlled via specialist computer systems.

5.4.7 The vast numbers of the livestock are such that there is a requirement for a manager to reside on the site for the proper functioning of the enterprise and to maintain animal welfare. Out of hours labour includes round the clock supervision of monitoring chicks, feed, water, ventilation and temperature throughout each growing cycle.

5.4.8 All of the automated systems must be monitored constantly as failure can cause serious welfare issues for the birds and it remains essential for workers to be immediately available to attend to emergencies which can occur at any time.

5.4.9 The Planning Statement explains that the functional needs of the business are site specific and a manager needs to reside on the site, within sight and sound of the poultry buildings. There are no existing dwellings in the locality which are capable of satisfying the extremely site specific functional needs. The response to emergencies associated with a system failure need to be instant in order to avoid losses.

5.4.10 The operation is located in a fairly isolated area with limited residential uses within a reasonable distance. The majority of the properties located further north-west along the Cannock Road are large expensive properties which are unlikely to be suitable. There is an extant approval for a temporary workers dwelling on the site (planning application reference 18/00126/FUL) however there is a condition for removal of the dwelling (a caravan) by 21st August 2020.

#### **5.4.11 Requirement for a full time worker on-site**

5.4.12 The second requirement is that the need relates to a full time worker. The above information confirms that there is a need for round the clock supervision of the poultry operation to maintain systems and to attend to emergencies.

#### **5.4.13 Whether the agricultural operation is financially sound**

5.4.14 Turning to the third requirement of Policy EV8 part g), the applicant needs to demonstrate that the unit and agricultural activity have been established for at least 3 years,

have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.

This application is submitted following a previous grant of planning permission for a temporary workers dwelling on the site (planning application reference 18/00126/FUL). At that time, it was considered that the proposal for a permanent workers dwelling was premature. Given that the poultry farm was estimated to have started operating in August 2017, at that time this criteria could not be met. On that basis, temporary consent was granted, with a condition for removal of the dwelling by 21st August 2020.

5.4.15 The applicant has submitted accounts information showing a profit for a three year period up to year ending March 2021 (the latter part of which is projected). The business is estimated to have been operating since August 2017 with an initial investment of 7.2 million. On this basis the business appears to be financially sound with a clear prospect of remaining so.

#### **5.4.16 *Whether the proposal satisfies all other planning requirements***

5.4.17 Finally, the fourth criterion of Part g) of EV8 requires the applicant to demonstrate that all other planning considerations (i.e. siting, access etc) have been satisfied. These will be addressed in the following sections of the report.

5.4.18 It is recognised that the restriction of inappropriate development in the Green Belt should be afforded significant weight, however in this instance however I consider that sufficient justification has been provided to suggest that there is a genuine need for a workers dwelling on site which cannot be met by another dwelling. The development would support a business that contributes to the local economy which should also be afforded significant weight.

### **5.5. Impact on the openness of the Green Belt and the character of the area**

5.5.1 As mentioned previously, one of the key functions of the Green Belt is to protect openness. Policy EQ4 of the Core Strategy states that the intrinsic rural character and local distinctiveness of the landscape should be maintained, whilst Policy EQ11 states that the design of all developments must be of highest quality and should respect local character and distinctiveness.

5.5.2 The proposed dwelling would be visible from the highway however it would be seen against the backdrop of the poultry units which extend to an overall height of 5.9m (compared to the dwelling's maximum roof height of 5.5m [2.5m to eaves] and are significantly wider. The dwelling would be set back from the highway by 13.5m and is designed to include features such as headers and cills to add interest to its appearance. On this basis it is considered that there would be a very limited impact on the openness or visual amenity of the Green Belt or the character of the area.

### **5.6. Impact on residential amenity**

5.6.1 Policy EQ9 states that new development 'should take into account the amenity of any nearby residents, particularly with regard to privacy [...] and daylight.' Appendix 6 goes on to specify standards for the spaces around and between dwellings.

5.6.2 Given the distance to the nearest dwellinghouse (circa 600m) it is clear that the proposed dwelling would have no impact on residential amenity. The dwelling itself would benefit from generous amount of amenity space. The proposal therefore complies with Policy EQ9.

## **5.7. Highways/parking**

5.7.1 The dwelling would benefit from a new driveway accessed off the main entrance into the site, providing ample space to meet the parking requirement of 2 spaces and thus complying with Policy EV12.

## **5.8 Cannock Chase Special Area of Conservation**

5.8.1 The application site lies within the 0-8km zone of influence for the Cannock Chase Special Area of Conservation (SAC). Any application which involves a net dwelling increase within the 0-8km zone of influence of the SAC is required to provide mitigation in the form of a charge for any additional dwellings proposed. Accordingly, the applicant has agreed to enter into a Unilateral Agreement which would be invoked should planning permission be granted. A Habitat Regulation Assessment has also been carried out and Natural England have raised no objections to the proposal.

## **6. CONCLUSION**

6.1 The proposal for a new dwelling constitutes inappropriate development in the Green Belt and is therefore harmful by definition. However, the applicant has demonstrated a clear functional need for a workers dwelling to support the agricultural enterprise on a round the clock basis, thus amounting to the very special circumstances needed to outweigh the developments harm. The proposal would have no material impact on the openness of the Green Belt or the character or the area and there are no concerns arising in respect of parking/highways or residential amenity. Approval is therefore recommended.

**7. RECOMMENDATION - Delegate APPROVAL** to the Team Manager to issue the decision on completion of a satisfactory Unilateral Undertaking.

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 drawings: IP/RGC/01 Location Plan, IP/RGC/02 Site Layout Plan A1 IP/RGC/03 Elevations and Floor Plans received 30/10/20.
3. The development hereby approved is not a dwellinghouse for the purposes of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent equivalent legislation.
4. The development hereby approved shall be occupied by a person primarily employed in the operation of the adjoining agricultural unit, their relatives, dependents and/or household staff, and by no other person.



5. Unless otherwise agreed in writing by the Local Planning Authority, the existing temporary agricultural workers dwelling (approved under 18/00126/FUL) shall be removed from the site in its entirety within one month of the occupation of the new dwelling .
6. The development hereby permitted shall not be brought into use until the access drive and parking area has been provided in accordance with the approved plans.
7. Notwithstanding what is shown on the approved plans, before development commences, details of the facing materials to be used on the wall and roof of the development shall be submitted to the Local Planning Authority for approval. The development shall be carried out in the approved materials.

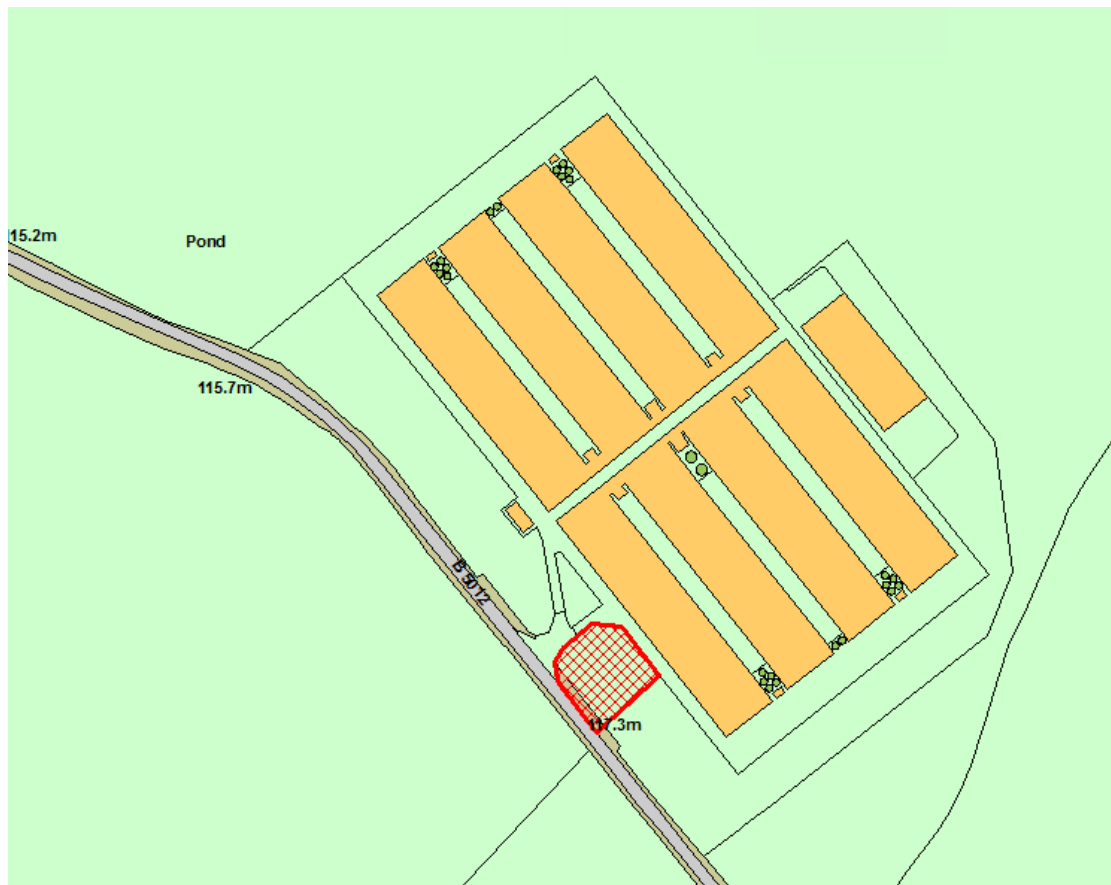
#### Reasons

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 define the permission, to avoid doubt and because the development is inappropriate in the Green Belt and would otherwise be contrary to Policies EV8 and GB1 of the adopted Core Strategy.
4. To define the permission, to avoid doubt and because the development is inappropriate in the Green Belt and would otherwise be contrary to Policies EV8 and GB1 of the adopted Core Strategy.
5. To define the permission, to avoid doubt and because the development is inappropriate in the Green Belt and would otherwise be contrary to Policies EV8 and GB1 of the adopted Core Strategy.
6. In the interests of public and highway safety and convenience and to conform to the requirements of 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.

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, 2019.

Development Low Risk Area Standing Advice - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)



Abbey Farms, Cannock Road, Penkridge

**20/00967/FUL  
NON MAJOR**

**Mr And Mrs Hardiman**

**ACTON TRUSSELL, BEDNALL  
& TEDDESLEY HAY**

**Cllr Len Bates  
Cllr Isabel Ford**

**Tanglewood 2 Kenderdine Close Bednall STAFFORD ST17 0YS**

**Alterations and extensions to a two storey dwelling**

**1. SITE DESCRIPTION AND PLANNING HISTORY**

**1.1 Site description**

1.1.1 This application relates to a large traditional two storey detached property of brick construction, situated on Kenderdine Close, a cul-de-sac within the village of Bednall. The property benefits from off-road parking to the front for 2+ cars with further parking for an additional 2 vehicles in the detached double garage, along with a private rear garden. The dwelling is situated within a residential area with other similar large detached dwellings built as part of the same estate, varying slightly in size and style. Immediately to the east of the application site are a pair of substantial, traditional, asymmetrical semi-detached houses, which face into Common Lane. One of the semi-detached houses, Bednall Hall, is adjacent to the application site and has a number of windows in the side elevation, including two at ground floor, which are the only windows serving the dining room.

**1.2 Relevant planning history**

1986 Residential development of 12 dwellings plus conversion of hall and outbuildings to form four further dwellings, approved (86/00099/OUT)

1987 Detached House and Garage, approved (87/00602)

**2. APPLICATION DETAILS**

**2.1 The Proposal**

2.1.1 This application proposes a two-storey side extension to the western side elevation to provide a bedroom and dressing area at first floor and a large family kitchen at ground floor.

2.1.2 The applicant also proposes the reconfiguration of existing internal space to combine existing beds 1 and 2 to create a larger bedroom and the removal of the current external side wall to open up the existing kitchen into the extension to create one large space. The extension will measure 3.9 metres in width and will extend 7.15 metres in depth, set back from the principal elevation of the main dwelling by 0.5 metres. The extension will have a maximum ridge height of 7.45 metres, set down circa 0.6 metres from the main ridge line and an eaves height of 4.85 metres

2.1.3 Original plans submitted proposed an extension with a projecting front gable to the principal elevation to match that of the main projection and a width of 4.6 metres. The plans were subsequently amended on a number of occasions as a result of negotiations with the LPA after the planning officer expressed concerns regarding design and that the

extension was not subservient to the host dwelling along with concerns that the extension would have a detrimental impact on the neighbouring dwelling.

## **2.2 Applicants statement**

2.2.1 The applicant has submitted an independent right to light report commissioned on both the original plans and the first set of amended plans to help evidence that an extension in this location will not result in material loss of light to the two windows serving the neighbouring dwelling.

2.2.2 The applicant has made further comments on the Sunlight and Daylight report he commissioned, which was based on the original submission of a larger extension. By reducing the size of the extension by 600mm, he comments, it makes the report's findings more of a reason to grant planning permission as the neighbouring property will gain more light. The report does not say that the dummy window in the dining room is a real window, it just merely points out the amount of light entering those windows before and after the extension is built and how the extension has no affect to the light.

## **3. POLICY CONTEXT**

3.1 Within the Development Boundary

3.2 Core Strategy

Core Policy 3: Sustainable Development and Climate Change

Core Policy 4 Promoting High Quality Design

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 11: Sustainable Transport

Policy EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space about Dwellings

Adopted local guidance

South Staffordshire Design Guide [2018]

Sustainable Development SPD [2018]

3.3 National Planning Policy Framework

Chapter 12: Achieving well-designed spaces

## **4. CONSULTATION RESPONSES**

**Councillor comments:** one comment received from Councillor Bates on 15.02.2021:

*I understand that further amended plans have been submitted in recent days. It would appear that some minor alterations to the south elevations have been made with the removal of the apex roof. This is of no significance as there is still a 2 storey development with no change to the east elevation, which still encroach on Bednall Hall's 2 principal windows away from the existing Hall dining room. Surely a 2 storey development windows is contrary to planning policy as they are so near to the neighbouring property. The original building, number 2 Kenderdine Close, was built 9 metres from the windows at the Hall, which is less than the recognised 13m distance. The current development will reduce the distance to less than 6 metres and will block out light and be oppressive for the residents at the Hall.*

*It would seem that each amendment simply tinkers with the design but does not address the neighbour's objections.*

*Based on my comments above I do not believe that the proposed development should be approved. If necessary, I shall call the application in to be determined by the Planning Committee.*

No **Parish Council** comments (expired 23.02.2021)

**Arboricultural Officer** comments received 25.11.2021: *no objections*

**Neighbour** comments

Five comments received from Knights Plc on behalf of the occupiers of Bednall Hall on 20.11.2020, 11.01.2021, 08.02.2021, 15.02.2021 and 26.02.2021. Summary of comments:

- The dining room at Bednall Hall is served by 2no. windows both on the western side elevation opposite the development. The proposals would have a detrimental impact by way of outlook, overbearing and loss of light to the habitable windows.
  - The remaining windows on this elevation serve non-habitable rooms.
  - Comments set out both national and local relevant policies and outline the potential impact on the neighbouring dwelling with particular reference to the standard set out in the space about dwellings standards (appendix 6 of the Council's adopted core strategy) which states that a distance of 13 metres should be achieved between front or rear windows to habitable rooms to flank side wall over private space. Whilst this is a side facing wall given the layout of the property and that these are the only windows serving this room this standard should be applied.
  - The gap between the windows and the dwelling is currently 9.5 metres this will be reduced further to 5 metres which on site it appears to be closer to 4 metres (potentially reducing this distance even further).
  - Increase overbearing impact already existing from the host dwelling as proposals would extend almost up to the boundary
  - Light into the dining room is already somewhat compromised by the existence of a tree in the south west corner of their property, which is subject to a Tree Preservation Order and this would be further exacerbated.
  - The permission for the original estate was carefully considered/designed to protect the amenity of nearby occupiers, purposefully leaving a separation gap.
  - Design is not subservient; property appears bloated and overdeveloped and design fails to respect the gap.
  - Extensions should be single storey in this location, there is opportunity for two storey extensions elsewhere, possibly to the rear that would be less impactful.
- Subsequent comments received from Knight plc in respect of amended plans:
- First set of amendments to a hipped roof - proposals will still result in a significant overbearing impact whether the gable end is lost or not. Proposals are still in breach of 13 metre minimal distance to a flank wall resulting in an unacceptable loss of light and outlook. Design is unbalanced and still not subservient to the dwelling.
  - Second set of amendments - amended plans seek to address the design elements of our objections through the removal of the gable end and the provision of a set back from the front elevation and drop in ridgeline but proposals still breach the 13 metre standard and result in overbearing and loss of light which is exacerbated in the amended plans on account of the provision of the gable end which now provides brick work across three storey (when including the space beneath the roof) which would have a significant

adverse impact upon their outlook and loss of light into their principal habitable room. The removal of the front gable feature and the slight set back does little to overcome this impact. It is our view that the amendments would have an even greater adverse impact upon our clients' amenity.

- Third set of amendments - I note that the extension has been set in slightly further back from the front and rear elevations. However, these amendments do very little to overcome our objections in respect of outlook and amenity to our client. On this basis, we maintain our objections in respect of impact on amenity along the lines set out in our email dated 3 February.
- Further comments (summary)- the Daylight and Sunlight report refers to a Window no.5 on the south elevation of the building. This is a dummy window and therefore does not provide any light into the dining room (as set out on page 4 of our original letter of objection and subsequently in photographs provided by my client). This window would have been blocked up at some point between 1696 and 1851 when the window tax was in force. The layout of the dining room has therefore relied solely upon the existing side facing windows to provide light into this property (and the room is arranged internally accordingly). This dummy window is now an integral part of the design and character of this building and it is therefore highly unlikely that this window would be reinstated in the future. The report suggest that this window would provide substantial light into this room, and this is clearly not the case. We therefore consider that this report is seriously flawed.
- whilst the Daylight and Sunlight Report can be treated as a material consideration, it does not replace the policies contained within Core Strategy Policy EQ9 which states that *"all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight"*.

Appendix 6 of the Core Strategy which sets out the Space About Dwellings Standards which require the following:

*"The provision of adequate space about dwellings standards is an important element in achieving a high standard of design and layout by providing:*

- a) adequate daylight and sunlight to rooms and rear gardens;*
- b) reasonable privacy for dwellings within the layout and protection of the privacy of existing dwellings;*
- c) a satisfactory outlook, both within the new development and in relation to the existing development."*

- Appendix 6 also required a distance of 13 metres between windows serving a habitable room and a blank two storey elevation. The proposed development comes nowhere near meeting these standards.
- This policy is not in place just to protect against the amenity of loss of daylight/sunlight but also (as set out in Appendix 6 above) to provide acceptable amenity in respect of providing satisfactory outlook. It is evident therefore that the provision of a two storey extension (plus gable end above) would seriously affect the amenity of our client by way of their outlook by way of overbearing and would result in a very imposing feature when our clients are in their dining room.

- Whilst we are not convinced by the recommendations of the Daylight and Sunlight Report (for the reasons previously stated), even if it were amended to reflect the accurate position, this would not overcome the overbearing impact that it would have on our client's amenity and therefore very limited weight should be given to the report in the determination of this planning application.

In light of the above, the proposal is clearly contrary to Policy EQ9 and the Space Around Dwellings Standards contained in Appendix 6 of the Core Strategy. It is therefore evident that a strong case exists to refuse planning permission. This room serves as one of the main rooms that our client's family spends much of their time and therefore the impact of the proposed extension on their amenity would be significant.

## **5. APPRAISAL**

5.1 The application has been called to the planning committee by Councillor Bates who has concerns about the proposals and a detrimental impact on the amenity of the neighbouring dwelling, Bednall Hall.

### **5.2 Key Issues**

- Principle of development
- Impact on neighbouring properties
- Impact on the character of the area
- Space about dwelling standards
- Impact on the trees
- Highways/Parking

### **5.3 Principle of development**

5.3.1 The property is within the development boundary where proposals such as this can be considered to be an acceptable form of development, providing there is no adverse impact on neighbouring properties or the amenity of the area.

### **5.4 Impact on neighbouring properties**

5.4.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. Appendix 6 sets out minimum separation distances between facing habitable room windows and towards flank walls.

5.4.2 Objections have been received from the immediate neighbouring dwelling to the east, Bednall Hall on the grounds of design including impact on the character of the area and subservience to the host dwelling (which will be discussed later on in the report) and impact on amenity. These later concerns comment on loss of light to the 2.no dining room windows on western elevation of the dwelling facing the development (which are the only two windows serving this habitable room), overbearing impact and a breach of the standard that requires a minimum distance of 13 metres between principal habitable windows and a flank wall.

5.4.3 To help address the concerns of the neighbouring property the LPA has negotiated amendments to the design to help minimise any potential impact on the neighbouring dwelling, including a 25% reduction in the width of the extension to maintain a larger

separation distance between the neighbouring dwelling and the proposed extension. Following initial concerns from the LPA that the original design (which allowed for the greater width of the extension in addition to the projecting front gable and continuation of the main ridge line) would have an overbearing impact on this property and would result in loss of light to the 2no. windows serving the dining room, the applicants commissioned a light survey to evidence that the proposals would not result in any material loss of light to these windows. The neighbouring dwelling already experiences a loss of light to the western side of the property resulting from overshadowing caused by a protected tree in the south western corner of their site. Given the reduction in the proposals to help mitigate any impact and the evidence submitted in the light report to show that the original proposals (which would have caused a greater impact on the neighbouring dwelling) would result in no material loss of light to the habitable room windows, there are no undue concerns regarding loss of light.

5.4.4 I note the reference to the 13-metre separation distance required between windows to habitable rooms and flank side walls as set out in the Council's adopted Core Strategy. However, this standard refers to front or rear windows to habitable rooms, not those on a side elevation. Furthermore, these standards are set to ensure that dwellings maintain adequate outlook, privacy and to prevent loss of light. The distance between the side wall of the proposed extension and the side wall of Bednall Hall is approximately 7.5m. There are no side windows proposed in the extension and the upper floor rear window proposed will not provide for any further overlooking than the rear windows in the existing dwelling currently provide, so there will be no impact on privacy and loss of light as has already been discussed above (and the remaining windows on the western elevation of Bednall Hall serve non-habitable rooms).

5.4.5 The habitable windows at this dwelling already look out onto both the separating garden wall and the side elevation of no.2 currently. Whilst the proposal would bring the side wall 3.9 metres closer to the neighbouring dwelling, the applicant has reduced the width of the proposals to maximise the gap and reduce impact on the neighbouring dwelling. There is also an existing single storey addition in this location which currently affects outlook and potentially (subject to meeting the criteria set under the legislation) the applicant could extend the dwelling (single storey) up to the side boundary under permitted development with a 3 metre high flat roofed extension. This would also affect the outlook of these ground floor windows, potentially creating a greater impact, as this would bring the wall of an extension right up to the boundary. On balance and considering the material considerations explored above, the proposals will not result in so significant an impact on the amenity of the neighbouring dwelling as to warrant refusal of the application.

5.4.6 By reasons of its scale and siting I do not consider that the proposal will cause any undue impact on the amenity of any other neighbouring property through overlooking, loss of light, overbearing or loss of privacy. In view of the above and as no further neighbouring objections have been received, I consider that the proposals would comply with Policy EQ9 of the Core Strategy.

## **5.5 Impact on the character of the area**

5.5.1 Policy EQ11 'Wider Design Considerations' of the South Staffordshire Local Plan states 'in terms of volume, scale, massing 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'. The Council's adopted Design Guide elaborates on these principles and with regard to householder extensions it states generally; 'extensions should



be subservient to the main building. The extension should respect the scale and form of the main building and its relationship to adjacent buildings, including the gaps in between them. Developers should consider the overall effect of the extension on the appearance of the building as a whole, and extensions should not detract from the original building or nearby buildings by overshadowing. Extensions to principal elevations are not usually considered acceptable.

5.5.2 The property is located within a small estate of other similar large detached dwellings with dual aspect frontages. Following initial concerns expressed by the planning officer that the proposals would be overly dominant in the street scene and not subservient to the host dwelling, the extension has been both reduced in scale, set down from the main ridge line and set back from the principal elevation to ensure subservience to the host dwelling. The revised proposals are now in keeping with and subservient to the host dwelling and would be viewed in the context of the main dwelling behind the large detached garage outbuilding that would be located in front of the proposed extensions. The proposals would not therefore adversely affect the character and appearance of the area and are considered to be appropriate in scale, mass, design, layout, siting and materials and would therefore comply with Policy EQ11 of the Core Strategy.

## **5.6 Space about Dwellings**

5.6.1 The Council's Space about Dwellings (SAD) Standards recommend that dwellings with 4 or more bedrooms have a minimum garden length of 10.5m and a garden area of 100 sqm. The proposals would maintain the existing rear garden length of around 16.5 metres and an area in excess of 250 square metres easily meeting the minimum requirements. No other technical infringements of Space about Dwellings result from the proposal.

## **5.7 Impact on the trees**

5.7.1 Policy EQ4 states that the rural character and local distinctiveness of the landscape should be maintained and where possible enhanced. This includes the protection of trees and hedgerows unless it can be demonstrated that removal is necessary. Policy EQ12 emphasises that the landscaping of new developments should be an integral part of the overall design.

5.7.2 Both the site and the surrounding area feature a large number of established trees, some of which are protected by tree preservation orders, which contribute positively to the character and appearance of the area. The application states that no works are proposed or required to the trees (including removal) as part of the proposals and there have been no objections raised or concerns expressed by the Arboricultural officer in respect of the proposed extension works. The proposals therefore comply with policy EQ4 of the Core Strategy.

## **5.8 Highways/parking**

5.8.1 Policy EV12 and Appendix 5 of the Core Strategy require that highway safety and parking provision are considered as part of development proposals. For dwellings with 4 or more bedrooms there is a need to provide 3 car parking spaces on site. The site currently has off street parking for a minimum of 4 vehicles (on the driveway and double garage) which will remain unchanged by the proposals thereby meeting the parking standards as outlined in the Core Strategy.

## 6. CONCLUSIONS

6.1 The application is considered acceptable as it will not cause any undue harm to the amenity of neighbouring residential properties and will be sympathetic to the character of the surrounding area. Therefore, the proposal is in accordance with Local Plan Policies EQ9 and EQ11 and I recommend the application for approval.

## 7. RECOMMENDATION - APPROVE Subject to Conditions

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 drawings: 20L29p01 Rev D Proposed plans received on 09.02.2021.
3. The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

### 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 visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.

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.

Development Low Risk Area Standing Advice - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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**20/01028/FUL  
MAJOR**

**Mr Adrian Maclaughlin**

**PENKRIDGE**

**Cllr Josephine Chapman**

## **Dunston Business Village Stafford Road Penkridge**

**Proposed extension to the Dunston Business Village comprising 12 new office cabins, extension to internal access road and car parking and tree and hedge planting**

### **1. SITE DESCRIPTION AND PLANNING HISTORY**

#### **1.1 Site Description**

1.1.1 Dunston Business Village is located north of Penkridge near to the village of Dunston and is accessed off the A449 which is a major road. The business village is well connected for this reason.

1.1.2 The application relates to the business park, Dunston Business Village. Dunston Business Village is a redevelopment of a cluster of redundant agricultural buildings of various vernaculars. The conversion of the buildings to offices for small and medium sized businesses began in 2006 and is ongoing following permission for the conversion of buildings which were allocated as car parking as per the original consent. The site has an unauthorised construction yard to the north together with a car park to the west which was approved as part of a later consent. There have been a number of planning applications relating to the site in recent years, some allowing for the expansion of the Business Village outside the original approved area for car parking and log cabins, the most recent being two storey office buildings which were approved under planning permission 17/00250/FUL.

1.1.3 The site relative to this application relates to land adjoining the western edges of the site. The land measures on average 70m wide by 136m deep.

#### **1.2 Planning History**

2006, Change of use of agricultural buildings to business use B1, Refused, (06/00624/COU) allowed on appeal.

2007, Change of use of agricultural buildings to business use B1, Approved, (07/00222/COU)

2007, Change of use of agricultural building to business use B1, approved (07/00572/COU)

2008, Demolition of 3 grain silos and replacement building for B1 office use, Approved, (08/00569/COU)

2008, Change of use of agricultural barn to office use B1, Approved, (08/00570/COU)

2009, Change of use to allow B1 office usage on mezzanine floor plus provision of up to 27 external parking spaces, Approved, (09/00107/COU)

2010, Change of use of farmland to car park, Approved, (10/00013/COU)

2010, Change of use of barn 6 from garaging to office [B1(a)] and amendment to car park approved under 10/00013/COU to provide five additional spaces, Approved (10/00430/COU)

2010, Architectural improvements and raising the roof of barn 7 for office use, Approved, (10/00981/FUL)

2011, Provision of temporary office accommodation of approx. 2460sqm plus temporary additional car parking during conversion of barns 6 and 7. Freestanding log cabins on slabs, Approved subject to Section 106 agreement, (11/00892/FUL)

2011, Variation of condition 14 of planning approval 10/00430/COU - Before the approved parking area is brought into use the hardcore parking area immediately to the north of barns 6 and 7 and outlined in green on the approved plan shall be returned to its former condition (apart from the area to provide the new service road) and the materials arising therefrom permanently removed from site, Approved, (11/01026/VAR)

2013, Provision of temporary office accommodation (B1) comprising 2460 square metres, plus temporary additional car parking during the conversion of barns 6&7. Freestanding log cabins on slabs, Approved, (13/00756/VAR)

2013, Provision of office accommodation (B1) comprising approximately 2,500 square metres of floor space plus additional car parking, comprising free standing log cabins on slabs, Approved subject to S106 agreement, 13/00757/FUL

2014, Change of use from office (B1) to a bistro (A3) incorporating a single storey rear extension, approved (14/00380/COU)

2015, Demolition of barn 7m which is existing (and has planning approval for 10, 191 sq. ft. of office space over three floors - Planning Ref : 08/00570/COU). Demolition of barn 6 which is existing (and has planning approval for 17,156 sq. ft. of office space over two floors - Planning Ref : 09/00107/COU). Replacing the demolished barns with 16No. log cabins 12 of which (cabins numbered 24-35 on the proposed site layout) will be elevated on timber decking to allow ground level car parking beneath. Cabins numbered 20-23 will all be at ground level, with additional parking, approved (15/00469/FUL)

Demolition of barn 7 which is existing (and has planning approval for 10, 191 sq. ft. of office space over three floors - Planning Ref : 08/00570/COU).

2015, Demolition of barn 7 which is existing (and has planning approval for 10, 191 sq. ft. of office space over three floors - Planning Ref : 08/00570/COU), withdrawn

2016, Provision of a temporary car park for approx. 100 vehicles to enable the construction of 12 log cabins (Numbers 24 to 35) approved under planning approval 15/00469/FUL. For a temporary period of 18 months and the provision of a top soil earth bund for the storage of the top soil stripped from the parking area for re-instatement on completion, withdrawn (16/00497/FUL)

2017, Erection of 2no. office buildings with car parking layout amended to suit. Plus three log cabins 21,22 and 23, approved [17/00250/FUL]

2019, Installation of bore holes for ground source heat pumps, approved (19/00593/LUE)

### **1.3 Pre-application discussions**

1.3.1 Pre-application discussions have taken place.

## **2. APPLICATION DETAILS**

### **2.1 Proposal**

2.1.1 Dunston Business Village has an existing 23 log cabins. This proposal seeks permission for an additional 12 log cabins. The existing internal road will be extended and a new parking area created, providing 72 additional spaces. Throughout the course of the application the size of the parking area has been reduced to reflect the Council's Parking Standards and to increase the biodiversity of the site.

2.1.2 The proposed twelve new log cabin office units will each measure 9.144m wide by 12.192m deep. (30ft x 40ft) to provide approximately 1338m<sup>2</sup> of additional office floorspace. The office space will be flexible in terms of providing smaller or larger units by simply removing partition walls between units when required. Eaves height will be 2.75m

and ridge height will be approximately 5.1m, both measured from floor level. Solar photovoltaic panels will be installed on the new office building roofs.

2.1.3 Some of the existing hedgerows within the site will be removed and replaced with a new establishment of approximately 140m of new mixed native species hedgerows alongside a buffer with a width of 5m and length of 133m. The landscape plan also involves new tree planting [small and medium trees] along the northern and western boundaries of the site. The grass areas [approx 2.9ha] on the revised site layout plan is to be planted with wildflower seed mix. A rail fence will be erected to prevent parking on these areas.

2.1.4 The proposed log cabins will match the appearance of the already established business village log cabin offices. All cabin materials (Walls, roof, doors and windows) and site finishes to match the cabins established under the previous planning application (11-00892-FUL). That is; softwood cladding which is stained in Sikken's or similar light oak stain. Doors and windows are softwood double glazed stained in a slightly darker colour. The raised decked area to the front of the cabins is constructed from treated softwood decking and left in the natural colour.

## **2.2 Agent Submission**

The application is accompanied by:

- Planning Support Statement
- Design and Access Statement
- Biodiversity and Ecological Impact Assessments
- Recycling and Waste Disposal Statement
- Travel Plan
- B1(a) Sequential Test
- Briefing Note: Scope of sequential assessment for Dunston Business Village
- Briefing Note: Economic footprint
- Briefing Note: Economic impact of proposed development
- Briefing Note: Employment land requirements for B1 Office Space
- Landscape plan

## **3. POLICY CONTEXT**

### **3.1 Within the Open Countryside**

### **3.2 Core Strategy**

Strategic Objective 1 - To protect and maintain the Green Belt and Open Countryside in order to sustain the distinctive character of South Staffordshire.

Strategic Objective 2 - To retain and reinforce the current pattern of villages across South Staffordshire, and in particular protect and retain the important strategic gaps between existing settlements in order to prevent the coalescence of settlements.

Core Policy 1 - The Spatial Strategy

Policy OC1 - Development in the Open Countryside Beyond the West Midlands Green Belt

Strategic Objective 4 - To protect, conserve and enhance the countryside, character and quality of the landscape and the diversity of wildlife and habitats.

Policy EQ1 - Protecting, Expanding and Enhancing Natural Assets

Policy EQ6 - Renewable Energy

Policy EQ8 - Waste

Policy EQ9 - Protecting Residential Amenity

Policy EQ11 - Wider Design Considerations

Policy EQ12 - Landscaping

Strategic Objective 10 - To support the urban regeneration of the Black Country Major Urban Area by distributing new housing and employment growth within South Staffordshire in a way that supports existing local communities and in particular discourages out-migration from the Black Country Major Urban Area.

Strategic Objective 11 - To support the growth of a vibrant, prosperous and sustainable local economy; sustain, improve and enhance the vitality and viability of village centres and promote South Staffordshire as a tourist destination.

Strategic Objective 12 - To support thriving and sustainable communities by ensuring that local people enjoy access to jobs and key services such as social, health care, education, open space and recreation and other facilities.

Strategic Objective 13 - To reduce the need to travel, to secure improvements to public transport infrastructure and services and make it safer and easier for the community to travel to jobs and key services by sustainable forms of transport, such as public transport, walking and cycling.

Core Policy 7 - Employment and Economic Development

Policy EV5 - Rural Employment

Core Policy 11 - Sustainable Transport

Policy EV11 - Sustainable Travel

Policy EV12 - Parking Provision

### 3.3 National Planning Policy Framework

### 3.4 Supplementary Planning Documents

Design Guide

## 4. CONSULTATION RESPONSES

**Councillors:** No comments received, expired 31/12/2020

**Parish Council** [21/01/2021]: *Object - Increased Traffic/Noise/Light and Pollution in Open Countryside, already Over-Developed*

**Environmental Health:** No comments received, expired 31/12/2020

**Aboricultural Officer** [09/02/2021]: *No objections to additional information provided.*

**County Ecologist** [22/02/2021]: *My previous response dated 6 January 2021 requested clarification on biodiversity net gain and on landscaping, fencing and boundaries. A hedge survey has been received which clarifies fence protection of the hedge to the east of the site. If minded to approve the application, maintenance of this fence should be a condition to prevent cars parking too close to the hedge.*

*A permanent fence will be needed to protect hedge and trees to the south. This should encompass the RPA of hedge plants and any trees to BS 5837:2012: Trees in relation to design, demolition and construction. The layout plan does not appear to show sufficient space for this and will require amending.*

*Regarding biodiversity net gain in line with NPPF 170, the BIA states that*

*This proposed site layout results in major loss in habitat units and a major gain in hedgerow units. It is noted that further enhancements and habitats created could be attempted either on site or adjacent to site,*



*No proposal for such additional measures has been put forward and the existing plans still result in a net loss. The BIA goes on to suggest that the hedgerow gain, plus potential bird and bat boxes could be considered within an appraisal of net losses/ gains for biodiversity within the development. Hedge planting and bird boxes are not however usually considered as appropriate mitigation for loss of habitat units (known as trading down.) It is therefore suggested that a contribution in line with Defra recommendations is made towards off-site habitat mitigation via S106 or similar. Conditions recommended.*

*Further comments [23/02/2021]: I would actually advise them to go for low maintenance meadow such as Emorsgate EM1 with traditional orchard trees. This would make a nice feature as well as achieving net gain.*

**Local Plans** [19/01/2021]: *This proposal is for the erection of 12(no.) log-cabins for B1(a) use (additional employment floorspace of 1,338m<sup>2</sup> bringing total to 9,884m<sup>2</sup>) on land to the west of Dunston Business Village along with the provision of parking which would increase the overall number of spaces by 246 (to a total of 752).*

#### **Planning History**

*Whilst there is no direct planning application applicable to the site in question here, although the site has been included within previous red-line boundaries with no development being proposed on this particular site, the existing Dunston Business Village has been subject to a number of applications in recent years.*

*Dunston Business Village is subject to a long planning history where initially permission was granted in 2008 and 2009 for a change of use for agricultural barns to B1 office use. In short, overtime the business village has slowly extended with most of the agricultural buildings now entertaining office use alongside modern office developments.*

#### **Principle of Development**

*The application site is located within the Open Countryside and therefore is subject to Policy OC1 which allows for the replacement of existing buildings where they are not disproportionate to the size of the original building. In this case, the site is SHELAA Site 631 currently undeveloped land to the west of the existing Dunston Business Village. Whilst in this instance the proposed building may or may not have an impact upon the Open Countryside, it is not a replacement building but rather a new one. As such, the consideration as to the acceptability of this proposal is determinant upon whether the development will have an impact upon appearance or character of the Open Countryside (see landscape/design comments below).*

*Development within the Open Countryside is also subject to the NPPF's Presumption in favour of Sustainable Development. The site is clearly a sustainable location for employment use and therefore meets the Presumption along with Core Strategy National Policy 1. On this note, it is important to observe that the site is located immediately adjacent to an existing successful employment area and is therefore a sustainable location for this type of development. Furthermore, it would be contrary to the sentiment of Policy EV1 to suggest otherwise as the proposal would likely see new businesses move into South Staffordshire facilitating further economic growth of the District in line with Core Policy 7 and the thrust of the NPPF. Policy EV5 identifies the circumstances in which proposals for employment development outside of development boundaries will be supported. On this occasion the application satisfies parts; C, D, E, and F. Therefore, the principle of development is in conformity with both national and local policy.*

*Coupling this with the supporting documentation received as part of the application, namely; Planning Statement, Sequential Assessment, Employment Land Requirements Briefing Note, Economic Impact of Proposed Development Briefing Note, and Economic Footprint Briefing Note, it is considered that this application is compliant with Core Policy 7.*

### *Landscape/Design*

*Policy EQ4 and EQ11 set out the principle policy requirements relevant to the site. The site sits in a parcel of land sloping gently from east to west, in a wider landscape characterised by undulating agricultural fields bisected by transport corridors (the A449 and West Coast Mainline). The site would extend an existing business park westwards into the wider agricultural landscape. The business park itself is predominantly characterised by timber office structures with low ridge and eaves heights.*

*Due to the site's topography and surroundings, the proposed site is unlikely to be prominent in views from the A449, with the primary public vantage points likely to be from public rights of way to the north (around Dunston Hall) and from longer distance views from public rights of way around 2km to the west of the site. To reduce the extent the site will be prominent in these views, the ridge line of the proposed cabins has been limited to approximately 5.4m in height, whilst a landscape buffer is proposed at the western extent of the site. These measures should ensure that the potential of the site to have a detrimental effect on the immediate environment and medium/long distance views can be satisfactorily mitigated. Therefore, subject to appropriate conditions, the site is likely to be able to satisfy the relevant elements of Policy EQ4 and EQ11.*

*To ensure the scheme complies with the relevant Local Plan policies, pre-commencement conditions will be required for the following:*

*-Submission and approval of proposed finished floor levels for the scheme  
Submission and approval of a full landscape scheme, detailing all soft and hard landscaping materials used across the site (reflecting the submitted Landscaping Plan, whilst also including other site boundaries and specifications for the surfacing materials and soft landscaping to break up the proposed parking area shown on the site layout)*

### *Conclusion*

*In summary, from a Local Plans perspective, broad support in principle for this application is provided through Core Policy 7 subject to Landscape / Design compliance as set out above. At this stage there are no concerns that this development will have a considerable adverse impact upon the Open Countryside and is therefore not in conflict with the thrust of Policy OC1.*

**County Highways [03/02/2021]:** *There are no objections on Highway grounds subject to conditions being included on any approval*

*The site was originally visited on 09/09/2020 in connection with a request for pre-application advice. The proposed development is proposed extension to the Dunston Business Village comprising 12 new office cabins, extension to internal access road and car parking and tree and hedge planting. The site is subject to an existing Travel Plan.*

*During the initial assessment of the proposal the Highway Authority became concerned at the proposed level of new car parking which exceeded your Authority's parking standards and issued a refusal.*

*On reflection the overprovision of car parking did not raise any highway safety issues and consequently the Highway Authority is revising its response. The Highway Authority accepts the proposal and conditions are recommended.*

**Fire Team [10/12/2020]:** *Comments to be added as an informative on the decision notice*

**Waste Management Unit [10/12/2020]:** *No comments*

**Environment Agency** [10/12/2020]: No comments

**Natural England** [23/12/2020]: No comments

**Severn Trent** [31/12/2020]: *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.*

**Flood Team** [14/12/2020]: *Our records show the site to be at low risk of flooding. Considering the scale of the proposal, please see the attached Standing Advice for our response.*

**Police**: No comments received, expired 31/12/2020

**Badger Group**: No comments received, expired 31/12/2020

**Campaign to Protect Rural England**: No comments received, expired 31/12/2020

**South Staffs Wildlife**: No comments received, expired 31/12/2020

**Cadent Gas**: No comments received, expired 31/12/2020

**Neighbours** [30/12/2020]: One comment received expressing concern over:

- Expansion of the site
- Loss of views to properties along Swan Lane
- Impact on neighbouring amenity - noise/disturbance/light pollution
- Lack of public transport serving the site/ dangerous access.

A **site notice** was displayed on the 10/12/2020 and **advert** published on the 15/12/2020.

## 5. APPRAISAL

5.1 The application is referred to committee as it is contrary to Policy OC1 of the Core Strategy.

### 5.2 Key Issues

- Principle of development
- Material considerations
- Landscape and design
- Highways
- Neighbour Amenity
- Impact on ecology
- Representations
- Conclusions

### 5.3 Principle of development

5.3.1 The site is within the Open Countryside where development is restricted through policy OC1. Certain types of development are acceptable within the Open Countryside which includes buildings for the purposes of agriculture/forestry or small scale facilities for outdoor sport or recreation and for other uses that maintain the character of the Open Countryside.

5.3.2 The erection of twelve log cabins for office accommodation along with additional car parking [72 spaces] does not satisfy any of these exemptions and material considerations are therefore needed to overcome an automatic policy objection.

#### **5.4 Material considerations**

5.4.1 As the proposal is located within the Open Countryside there is a presumption in favour of sustainable development, which is the golden thread running through the NPPF and is reflected in policy NP1 of the adopted Core Strategy. There are three strands to sustainability, economic, social and environmental.

5.4.2 Core Policy 7 [Employment and Economic Benefit] provides that The Council, working in partnership with businesses and local communities will support measures to sustain and develop the local economy of South Staffordshire and encourage opportunities for inward investment and further economic development of the District. The Council will support the development of creative and high technology industries at strategic employment sites in suitable locations within South Staffordshire.

5.4.3 Core Policy 9 [Rural Diversification] provides that The Council will support the social and economic needs of rural communities in South Staffordshire. Development should be designed to be sustainable; seek to enhance the environment; and should provide any necessary mitigating or compensatory measures to address harmful impacts.

5.4.4 The application is accompanied by the following supporting documentation: Planning Statement, Sequential Assessment, Employment Land Requirements Briefing Note, Economic Impact of Proposed Development Briefing Note, and Economic Footprint Briefing Note.

5.4.5 Dunston Business Village is a well-established location for small and medium sized enterprises that extends to approximately 2.4 hectares. The site currently provides the equivalent of 658 Full Time Equivalent jobs across fifty different businesses; and has had occupancy rates of 100% for several years. It has become a hub for high technology businesses that provide jobs for local people with varied skill sets. 95% of employees at the site live within 20 miles of the site.

5.4.6 This proposal would provide an additional employment floorspace of 1,338m<sup>2</sup>, bringing total to 9,884sqm on site. The sequential assessment provided by WSP Indigo outlines the economic benefits of the site. This including the construction employment with total construction costs of the scheme totalling £2.43 million. The proposed commercial offices will provide approximately 232 jobs based on the employment density of 12 FTE jobs per square metre.

5.4.7 There is a need for additional office space in the district as evidenced by the Council's Stage 1 Economic Development Needs Assessment (EDNA) carried out by the consultancy firm Warwick Economics and Development.

5.4.8 The submitted Briefing note [employment land requirements] provides that the EDNA identifies a need for 2.1 hectares of B1 office use space over the planning period from 2018 to 2038. The Council has an available land supply for B1 office space is 0.75 hectares. This leaves a balance of 1.35 hectares as the net need for B1 office use over the planning period.

It is estimated that the proposed development at Dunton Business Village will meet 25% of this requirement.

5.4.9 The Economic Footprint document submitted also explains how the direct employment supported across Dunston Business Village will result in additional worker expenditure in the local economy (for example as workers buy lunch and socialise after work), benefiting local businesses and enterprises. WSP | Indigo have made a conservative estimate that 60% of the workforce would spend £6 per day on food and drink and socialising on 232 days per annum. Applying the figure calculated, the direct employment supported at Dunston Business Village, generates an additional gross spend of circa £549,562 in the locality annually.

5.4.10 The site is located on the A449 with junction 13 of the M6 a short distance to the north with the Main Service Village of Penkridge to the south. There is a pedestrian link to Penkridge along with easy access to highway routes. Therefore, the accessibility of the location is considered to be sustainable in those terms. The site has been successful locally and therefore the site makes a strong contribution to the local rural economy by attracting businesses to South Staffordshire and has a waiting list of businesses wishing to move onto the site. Therefore, the proposal is in accordance with policy CP7 of the Core Strategy.

5.4.11 Policy EV5 [Rural Employment] identifies the circumstances in which proposals for employment development outside of development boundaries will be supported. On this occasion the application satisfies parts; C, D, E, and F, which are noted below.

c) the development is not capable of being located within the development boundaries of a village, by reason of the nature of the operation or the absence of suitable sites;

d) it is supported by an appropriate business case which demonstrates that the proposal will support the local economy which in turn would help sustain rural communities. The Council will adopt the approach set out in Core Policy 7 for the redevelopment, modernisation and expansion of businesses;

e) the development would not adversely impact on the economy of the service villages;

f) the development is accessible by a choice of means of transport including walking, cycling and public transport;

g) the local highway network is capable of accommodating the traffic generated by the proposed development.

5.4.12 As noted above there are material considerations weighing in favour of the proposal, i.e. the application site is within a sustainable location, adjacent to a successful business village with 100% occupancy rates, contributes to the demand for office spaces in south Staffordshire and will add value to the local economy through the provision of permanent well-paid jobs and temporary jobs throughout the construction period.

5.4.13 The proposal complies with the core aims of with national policy and local plan policies CP7, CP9 and EV5.

## **5.5 Landscape and Design**

5.5.1 Policy EQ4 states that the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views.

5.5.2 Policy EQ11 requires that new development respect 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. This is echoed by the Councils Design Guide.

5.5.3 The site sits in a parcel of land sloping gently from east to west, in a wider landscape characterised by undulating agricultural fields bisected by transport corridors (the A449 and West Coast Mainline). The site would extend an existing business park westwards into the wider agricultural landscape. The business park itself is predominantly characterised by timber office structures with low ridge and eaves heights. The proposed log cabins will reflect the appearance of the already established business village log cabin offices.

5.5.4 Due to the site's topography and surroundings, the proposed site is unlikely to be prominent in views from the A449, with the primary public vantage points likely to be from public rights of way to the north (around Dunston Hall) and from longer distance views from public rights of way around 2km to the west of the site. To reduce the extent the site will be prominent in these views, the ridge line of the proposed cabins has been limited to approximately 5.4m in height and a landscape buffer is proposed at the western extent of the site. These measures should ensure that the potential of the site to have a detrimental effect on the immediate environment and medium/long distance views can be satisfactorily mitigated.

5.4.5 Core Policy 3 provides that The Council will require developments to be designed to cater for the effects of climate change, making prudent use of natural resources, enabling opportunities for renewable energy efficiency and helping to minimise any environmental impacts.

5.5.6 The Business Village has recently obtained planning permission for the installation of bore holes for ground source heat pumps (19/00593/LUE) and the site benefits from 3 x 30KW Solar arrays and 1 x 150KW Ground Source Heat Pump. Solar photovoltaic panels will be installed on the new office building roofs meeting the aim of Core Policy 3.

5.5.7 Therefore, subject to appropriate conditions, the site is likely to be able to satisfy the relevant elements of Core Policy 3, Policy EQ4 and EQ11.

## **5.6 Highways**

5.6.1 The County Highways officer has raised no objections to the proposal as the site is subject to an existing travel plan and there are no highway safety issues. The new car parking arrangements have been revised to provide 72 spaces, in addition to the existing spaces around the site, along with a new cycle shelter. The parking standards in the Appendix 5 of the Core Strategy require 1 space per 20 sq m gross floor space, and this proposal would meet this requirement. There are therefore no highway concerns, subject to appropriate conditions. The proposal is compliant with Policy EV12 of the Core Strategy.

## **5.7 Neighbour Amenity**

5.7.1 Policy EQ9 states that new development "should take into account the amenity of any nearby residents".

5.7.2 There is a neighbouring property to the south of the site which adjoins the southern boundary of the site, which is also under a B1 use.

5.7.3 A letter of concern has been received from a neighbouring property along Swan Lane with regards to noise and disturbance. The proposed extension would bring the business site closer to the residential properties along Swan Lane, however there would still be a separation distance of around 100m. Swan Lane is positioned off the busy A449 and given that B1 office uses are considered to be compatible with residential uses as they can be carried out in a residential area without detriment to its amenity, I do not consider that the proposed extension of the business park would cause any material harm on the neighbours amenity. A loss of view is not a material planning consideration.

5.7.4 Subject to a condition for the use to remain as B1 office use, I consider the proposal to be in accordance with policy EQ9 of the Core Strategy.

## **5.8 Impact on ecology**

5.8.1 EQ1 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.

5.8.2 The revised site layout, with the inclusion of the grassed areas [approx 0.29ha] to be planted with wildflower seed mix now results in a minor gain of habitat units and a major gain in hedgerow units. As agreed with the Ecology officer, a monetary contribution is no longer required towards off-site habitat mitigation. Conditions will be attached ensuring the implementation of the landscape scheme along with fencing to protect the existing hedgerows and the wildflower areas.

5.8.3 Subject to appropriate conditions there is no conflict with Policy EQ1.

## **5.9 Representations**

5.9.1 The concerns expressed by the neighbour has been addressed in the main body of the report.

5.9.2 The Parish Council has raised concerns over the further expansion of the site, however, as addressed in the report there are material considerations weighing in favour of the proposal.

## **6. CONCLUSION**

6.1 I consider that the proposal for the erection of twelve new log cabins and associated parking area to be contrary to local plan policy OC1. There are however material considerations weighing in favour of the proposal.

6.2 Dunston Business Village represents sustainable development in accordance with the aims of the presumption in favour of sustainable development in the NPPF and policy NP1 of the adopted Core Strategy. The extension would be adjacent to a successful business village with 100% occupancy rates and contribute to the demand for office spaces in south Staffordshire. The scheme will add value to the local economy through the provision of permanent well-paid jobs and temporary jobs throughout the construction period.

6.3 The design of the scheme is acceptable, and the log cabins will match the appearance of those already on site. The low ridge height and the landscape buffer will ensure that no significant harm is caused on the character or appearance of the open countryside; and a B1 office use is compatible with residential uses. The amount of parking is satisfactory, and no concerns have been expressed by the Highways Department over safety. The revised site layout plan has resulted in a minor gain of habitat units and a major gain in hedgerow units.

6.4 In light of the above I consider permission should be granted at the site subject to a number of conditions.

## **7. RECOMMENDATION - APPROVE Subject to Conditions**

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 drawings: DBV\_RF\_003 received 17/11/2021, DBV\_RF\_001 REV D received, 23/02/2021 and RSE\_3020\_D4\_PG1 Rev V3 received 24/02/2021.
3. Prior to the erection of the log cabins, the existing and finished floor levels for the development shall be submitted to the Local Planning Authority for approval.
4. The development hereby permitted shall not be brought into use until the parking bays have been provided in accordance with submitted Drg. No.DBV-RF-001 Rev. D the subject of this consent and shall thereafter be retained at all times for their designated purpose.
5. The development hereby permitted shall not be brought into use until details of the proposed weatherproof cycle store have been submitted to, and approved in writing by, the Local Planning Authority. The proposed cycle store shall thereafter be installed in accordance with the approved details prior to the development being first brought into use and shall be retained for the life of the development.
6. The materials to be used on the walls and roof of the log cabins shall match those of the existing buildings unless otherwise agreed in writing by the Local Planning Authority.
7. The premises shall be used for offices and for no other purposes (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended.



8. 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 building(s), the subject of this approval, without the prior approval of the Local Planning Authority:
  - a. Schedule 2, Part 7, Class A - extensions etc of shops or financial or professional premises
  - b. Schedule 2, Part 7, Class E - hardsurfacing
  - c. Schedule 2, Part 20, Class AA - new dwellinghouses on detached buildings in commercial or mixed use
9. The landscape scheme shown on the approved plan(s) RSE\_3020\_D4\_PG1 Rev V3 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. The planting, hard landscaping (and any other introduced features shown on the approved plan(s)) shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
10. Prior to the occupation of the units, details shall be provided of the location and type of permanent fencing to be installed and maintained to south of proposal to protect tree and hedge lines. The development shall be carried out in accordance with the approved details and retained as such for the lifetime of the development.
11. All site works including removal of rubble piles, must comply with recommendations in 5.4.1 iv, 5.4.2.v, vi, 5.4.4 viii and 5.4.6 xi of the Ecological Impact Appraisal (EclA)(RammSanderson, December 2020)
12. Before the site is brought into use, the rail fence as shown on the Landscape plan RSE\_3020\_D4\_PG1 Rev V3 shall be installed and retained as such for the lifetime of the development

#### 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. In the interest of highway safety
5. In the interest of sustainability

6. To safeguard the amenity of the 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 protect the character and appearance of the open countryside in accordance with Policy OC1.
9. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
10. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
11. To comply with Policy EQ1.
12. To comply with Policy EQ1.

#### Informative

##### 1. Staffordshire Fire Team

#### FIRE MAINS, HYDRANTS AND VEHICLE ACCESS

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

#### AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers.

Staffordshire Fire and Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.
- Protect property, heritage, environment and our climate;
- Help promote and sustain business continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- Increase fire fighter safety
- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.

Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop

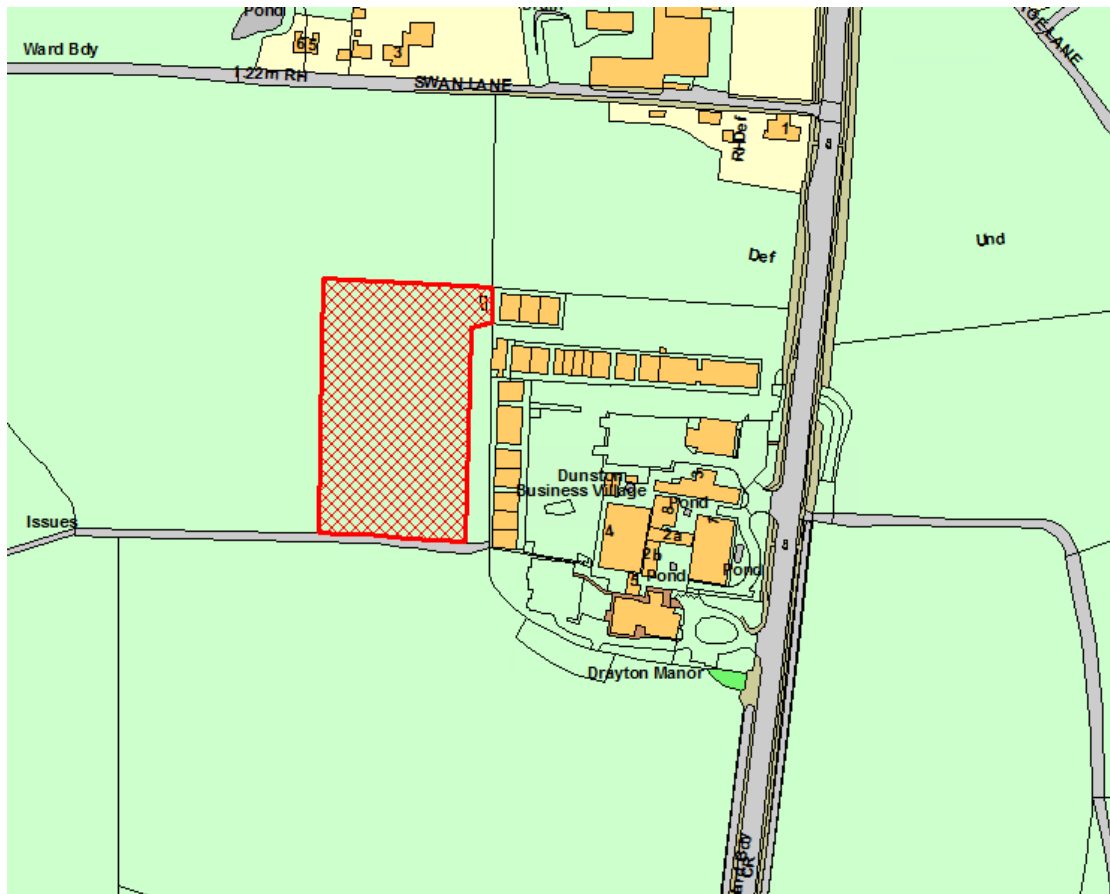
beyond the stage where it cannot be dealt with by employees using first aid fire fighting equipment such as a portable fire extinguisher.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing financial implications for all stakeholders.

Further information can be found at [www.bafsa.org.uk/](http://www.bafsa.org.uk/) the website of the British Automatic Fire Sprinklers Association Ltd.

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner in accordance with paragraph 38 of the National Planning Policy Framework 2019.



Dunston Business Village, Stafford Road, Penkrige

**20/01078/FUL  
MAJOR**

**Barberry Industrial Ltd**

**FEATHERSTONE &  
SHARESHILL**

**Cllr Frank Beardsmore  
Cllr Bob Cope**

**Hilton Cross Business Park, Cannock Road, Featherstone**

**Proposed B2/B8 employment development for a 5,760 sq.m unit (1) and a 4,436 sq.m unit (2) on Plot 1 (South) and a 10,498 sq.m unit (3) on Plot 2 (North) with ancillary offices, structures, car parking and landscaping**

**1. BACKGROUND**

1.1 I am advised that the application site at Hilton Cross is currently owned by South Staffordshire Council and that there is an agreement to purchase the site by the Applicant, subject to securing planning permission.

**2. SITE DESCRIPTION AND PLANNING HISTORY**

**2.1 Site Description**

2.1.1 The application site consists of two undeveloped areas of land to the south and north (referred to as Plots 1 and 2 in the Applicant's submission documents) of the existing Hilton Cross employment site, which is located to the west side of the A460 Cannock Road, and to the south of Junction 1 of the M54 Motorway, south of Featherstone. The site is designated as a Strategic Employment Site within the Council's Core Strategy.

2.1.2 With an overall combined area (north and south sites) of a little over 5 hectares (12.5 acres), including the section of estate road which links the two plots within the submitted application, the Hilton Cross site is currently accessed via a single access road directly from the adjacent traffic island on Cannock Road. A secondary, currently unused, access point is located on Moseley Road at the southern end of the site. Moseley Road is a single track lane with various pull-in/passing points along its length. Given the volume of traffic I witnessed during my site visit along the lane it does appear to me that Moseley Road is something of a local short-cut/rat-run.

2.1.3 The Hilton Cross site sits a good 4m below the level of the A460 (Cannock Road) at the southern end of the site, at the junction with Moseley Road and falls from the southeast to northwest corner of the site (Plot 2). There is an existing electricity sub station in this area (which it is proposed to retain).

2.1.4 The north end of the Hilton Cross site (adjacent Plot 2) is bounded to the north by a designated Ancient Woodland (Whitgreave's Wood), beyond which lies the M54 motorway. The south end of the site (Plot 1) has a boundary with both Cannock Road and Moseley Road.

2.1.5 Both Plots 1 and 2 are currently open and feature semi-mature grassland, albeit at the time of my site visit following a prolonged period of rainfall both plots appeared somewhat sparse. Existing trees and other low level plant coverage is restricted to the boundaries of the plots.

2.1.6 There is an unmade Public Right of Way (PROW), known as Whitehouses Lane, which runs alongside the western boundary of the site, and to the north of Plot 2, which can be accessed directly from Moseley Road. Whitehouses Lane takes on a somewhat “sunken” appearance, sitting below land on either side, including the tapered rear gardens to the pair of semi-detached dwellings addressed onto Moseley Lane (No. 2 and Whitehouse Cottage, respectively). Whilst it isn’t clear whether No.2 is currently occupied, Whitehouse Cottage (No. 1) clearly is and like it’s adjoining neighbouring property features rear (north) facing ground and first floor windows.

2.1.7 To the west, over open fields, lies the Grade II\* Listed Moseley Old Hall at some 400m distant (from Plot 2). Moseley Old Hall is owned by the National Trust, and open to the public (albeit at the time of this report being prepared, like most visitor attractions in England, the premises are closed due to Government imposed restrictions during the 2020/21 Covid-19 Pandemic).

2.1.8 The Plots, both north and south, are located within Flood Zone 1 (low probability of fluvial flooding). The overall Hilton Cross Strategic Employment Site is bounded to the west and south by the Green Belt. Despite the immediate proximity of the M54 Motorway to the north, this too falls within the Green Belt.

2.1.9 To the east, on the opposite side of the A460 Cannock Road, sits the Hilton Main Employment Site, which occupies an elevated position above the highway on what was formally the BP Truck Stop site and which was granted consent for the current B2/B8 development in 2008.

## **2.2 Relevant Planning History**

2.2.1 The original permission for the existing development at Hilton Cross appears to date back to 1995 and includes subsequent applications to renew that original permission. The planning history is summarised as follows:

1994: Class B1 business park and ancillary uses – Approved (100/94)

1995: Class B1 & B2 business park and ancillary uses – Approved (0829/95)

2001: Variation of condition to 0829/95 – Approved (01/00971/VAR)

2002: Renewal of 0829/95 and 01/00971 to extend period of time – Approved (02/00259/REN)

2003: Unit for B1, B2 and B8 use – Approved (03/01058/FUL)

2003: Construction of 2 units for B1, B2 and B8 use – Approved (03/01059/FUL)

2003: Erection of one unit for B1, B2 and B8 use – Approved (03/01323/FUL)

2004: Erection of factory and offices – Approved (04/00163/REM)

2006: Erection of 2 units for B1, B2 and B8 use – Approved (06/00548/FUL)

## **3. APPLICATION DETAILS**

3.1 The application as submitted is for the construction of General Industrial/Warehousing and Distribution (i.e. B2/B8 use) employment development across the existing vacant plots (Plots 1 and 2 as referred to above), and briefly consists of:

Within Plot 1 (South Plot) –

- Unit 1 – 5,760sq.m B2/B8 unit.
- Unit 2 – 4,436sq.m B2/B8 unit.

Within Plot 2 (North Plot) –

- Unit 3 – 10,498sq.m B2/B8 unit.

3.2 Each of the units would feature integrated ancillary offices, car parking, servicing, landscaping and associated development such as cycle parking facilities, etc. The application seeks for unfettered 24 hour operation of the buildings, which would be consistent with the previous permissions granted for the established development on the Hilton Cross site.

3.3 The application has been accompanied by a full suite of plans and documents, including:

- Planning Statement.
- Design and Access Statement.
- Arboricultural (Tree) Survey and Report.
- Transport Assessment.
- Car Park Review.
- Travel Plan Framework.
- Sustainability Statement.
- Noise Impact Assessment.
- Ground Investigation Report.
- Energy Statement, including draft BREEAM Assessment.
- Historic Environment Assessment.
- Landscape Strategy.
- Landscape & Visual Impact Appraisal.
- Preliminary Ecological Appraisal.
- External Lighting Strategy.
- Flood Risk Assessment (FRA)
- Drainage Strategy.
- Economic Statement & Employment and Skills Plan.

3.4 Additional supplementary information has been submitted during the course of the application's consideration to address matters raised through the consultation process.

3.5 This is a major development proposal which seeks consent for a total of 20,694sq.m of new flexible B2/B8 development across the remaining 2no. currently vacant/undeveloped plots within the established Hilton Cross Strategic Employment Site boundary.

3.6 Access to Unit 1 would be via an existing, to be improved, vehicular access position from Moseley Road, in close proximity to the junction with the A460 Cannock Road. The improvements would include the introduction of a footway alongside the public highway on the north side of Moseley Road, from the improved site access to link up to the existing footway alongside Cannock Road.

3.7 Units 2 and 3 will be accessed via the existing established Hilton Cross estate road which already serves a number of established employment premises, and which is accessed via an arm off the traffic island on the Cannock Road.

3.8 Each Unit is of a functional, yet contemporary, design. Each Unit will sit within its own self-contained plot and will feature hard and soft landscaping around the periphery of each plot, including tree species which, over time, will help to assimilate the development into its wider surroundings and provide some screening.

3.9 This will be particularly the case alongside the boundary of the A460 Cannock Road from its junction with Moseley Road, in respect of the proposed Unit 1, as this is something of a “pinch-point” in my opinion. A minimum 3.5m wide new strip of landscaping, feature the introduction of screen tree planting, is to be introduced along the east side of Units 1 and 2 and will turn the corner into the Moseley Road frontage also, and over time such planting will provide an effective screen.

3.10 All 3 proposed units will feature sections of 2.4m high green paladin fencing to secure the related curtilages, in line with recommendations from the Crime Prevention Design Advisor, whilst Unit 1 will also feature a section of 4m high acoustic fencing.

#### **Pre-Application Advice**

3.11 The proposed development, subject of pre-application discussions with Council Officers and external consultees via the Council’s (Virtual) “Development Team Meeting” (DTM) which took place on 07/10/20.

3.12 The DTM concluded by confirming clear in principle support for the proposed industrial/employment development within this allocated Strategic Employment Site, with only matters of detailed design and layout requiring further details and refinement, along with the necessary supporting surveys and assessments.

3.13 Officer feedback included commentary regarding Scale, Design and Layout; Highway Safety and Car Parking; Biodiversity and Trees; Residential Amenity; Sustainable Construction; and Historic Environment. Such matters are addressed once more within this report.

#### **4. POLICY CONTEXT**

4.1 Located within the Hilton Cross Strategic Employment Site.

4.2 The National Planning Policy Framework (NPPF) taken as a whole, in particular Sections 6, 9, 11, 12, 14, 15 and 16.

4.3 Adopted Core Strategy

Core Policy 1: The Spatial Strategy for South Staffordshire

GB2: Land Safeguarded for Longer Term Need

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

EQ1: Protecting, Enhancing and Expanding Natural Assets

EQ3: Conservation, Preservation and Protection of Heritage Assets

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

Core Policy 3: Sustainable Development and Climate Change

EQ5: Sustainable Resources and Energy Efficiency

EQ6: Renewable Energy

EQ7: Water Quality

EQ8: Waste

EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

EQ12: Landscaping

Core Policy 7 Employment and Economic Development



EV1: Retention of Existing Employment Sites  
Core Policy 11: Sustainable Transport  
EV11: Sustainable Travel  
EV12: Parking Provision  
Core Policy 13: Community Safety  
CS1: Designing Out Crime

#### 4.4 Supplementary Planning Documents (SPDs)

South Staffordshire Design Guide SPD 2018  
Sustainable Development SPD 2018

### 5. CONSULTATION RESPONSES

No **Councillor** comments received.

**Featherstone Parish Council** – No comments received.

**Wolverhampton City Council** – No comments received.

**Strategic Planning Manager** – *No objections, following receipt of amended plans. The scheme proposes growth on vacant development plots within the development boundary of the Hilton Cross strategic employment site, which Core Policy 7 of the adopted Core Strategy anticipates should accommodate further employment growth within the District. The remaining plots on the surrounding strategic employment site appear to be occupied by a variety of commercial, light industrial and distribution uses.*

*To the west/north-west of the strategic employment site lies a woodland belt, including a stretch of ancient woodland at the north-western corner of the site. Beyond this landscape buffer lies a series of agricultural fields and a cluster of listed buildings in the vicinity of Moseley Old Hall. To the north of the strategic employment site lies the M54 motorway, whilst the site's eastern boundary is defined by a well-established tree and buffer, which largely shields the existing units from the adjacent A460.*

*The submitted landscape and visual appraisal demonstrates that existing woodland planting and topography will act to ensure that any views to the proposed application site from the surrounding area will be limited to minor views of the upper roof elements of Units 1 and 3. Any limited views to the roofscape of the new units could be satisfactorily mitigated by using lighter tones in the proposed development's roof materials, which would ensure that any glimpses to the site's roofscape from the area to the west would not be prominent in these views. As such, any residual effects could be satisfactorily mitigated through a condition requiring the details of external elevations to be submitted prior to commencement.*

*There are some slight concerns with the prominence of proposed Unit 1 in views along the A460. Paragraph 2.34 of the submitted landscape and visual appraisal highlights the importance of securing tree planting along the eastern edge of the site adjacent to the A460, in particular establishment and ongoing maintenance.*

*(OFFICER COMMENT: Enhancements to the previously submitted landscape scheme have since been submitted which go part way towards addressing this issue, and in response the Strategic Planning Manager has confirmed that previous concerns have now been satisfactorily addressed).*

*The proposal for 3 additional units on available plots on Hilton Cross is supported in principle as this will see the creation of new jobs for the local economy on one of the Council's Strategic Employment Sites. This is very much welcomed as it will help bring economic growth and inward investment to the District.*

*Notwithstanding this in principle support, there will still be a need for further information to demonstrate how the scheme has reasonably maximised available BREEAM credits, to show compliance with Policy EQ5.*

**County Highways** – *No objections, subject to conditions and S106 Agreement relating to Travel Plan monitoring and coordination.*

**Highways England** – *No objections.*

**County Planning (Minerals and Waste)** – *No objections.*

**Severn Trent Water** – *Following receipt of further information and some clarification, no objections to the proposals; foul sewage is to discharge to the public foul sewer, and surface water is to discharge into a private storm network with outfall to a pond – we have no comment to make on surface water proposals.*

**Environment Agency** – *No objections but have requested inclusion of an informative regarding ground conditions.*

**Natural England** – *Responded by stating that they have no comments to make and rely upon their Standing Advice.*

**County Ecologist** – *If minded to approve then suitable conditions are recommended. However, the following specific issues are raised:*

*Currently the two plots together comprise approximately 5 ha, of which around 3 ha is semi-improved grassland and the remainder is a mixture of scrub, woodland, pond and tall herb habitats. The Preliminary Ecological Appraisal (PEA) concludes that these habitats are of 'site value', however these habitats still have an ecological function and provide a degree of ecological connectivity through the site to woodlands and other habitats. Although the current proposals have retained woodland, scrub and other habitats around the perimeter where possible, the balance would shift to predominantly built development and hardstanding. This clearly represents a net loss to biodiversity, contrary to NPPF 170 and 175, which is unlikely to be further mitigated onsite. A solution to this would be for the applicant to indicate how off-site compensation will be achieved, preferably through habitat improvements elsewhere in the vicinity.*

*(OFFICER COMMENT – The Applicant has agreed to a financial contribution for off-site Biodiversity enhancements, as detailed later in this report).*

*Unit 3 will be approximately 13 metres tall. I can find no reference to whether this will have a shading impact on the ancient woodland or the landscape planting / retained scrub / woodland /grassland habitat with notable species including bee orchids. Shade modelling should be undertaken to determine whether this effect is significant, and the conclusion may indicate that further mitigation measures are required.*

*(OFFICER COMMENT – A suitable shading plan has since been submitted which indicates no significant adverse impact).*

*Retained habitats and landscaping should be managed via a detailed Landscape and Habitat Management Plan, which should be submitted for approval. I am in agreement with the conclusions of the species section of the report. Given the scale of the works, a Construction Environmental Management Plan (Ecology) should be submitted that contains measures for breeding birds, reptiles, amphibians and mammals. Details of types and location for insect, bird and bat boxes should be supplied. Bird and bat boxes should be of woodcrete or similar robust construction.*

**Staffordshire Wildlife Trust** – No comments received.

**Badger Conservation Group** – No comments received.

**Western Power Distribution** – No comments received.

**County Archaeologist** – *Despite having raised some initial concerns and a request for a condition, following further clarification from the Agent, has since confirmed no objections.*

**County Council Flood Risk Management Team** – *No objections following receipt of additional information regarding drainage and water quality, subject to conditions.*

**Historic England** – No comments received.

**Conservation Officer** – *Whilst it is unlikely that there will be a significant impact, upon the setting of Moseley Old Hall, due to the fact that it is Grade II\* Listed, Historic England will need to be consulted. Based upon the information submitted I have assessed the proposed application and any impact upon the setting of Moseley Old Hall, which is a Grade II\* listed building. The proposed buildings will form part of a group of other large industrial/commercial structures. Based upon the location of the proposals, it is not felt that in this case the scheme will harm the setting of the listed buildings. The building will be screened from the car park of Moseley Old Hall by a band of trees, which over time will become a greater screen from the designated heritage asset. Based upon the location, and screening, along with the other existing structures, it is considered that the proposals will have minimal impact. Therefore, there are no further conservation objections to the proposals.*

*(OFFICER COMMENT: Historic England has been consulted but has failed to respond).*

**Environmental Health Manager** – *No objections subject to conditions relating to the construction phase of the development only.*

**Cadent Gas Limited (formerly National Grid)** – *No objections.*

**Open Spaces Society** – No comments received.

**Ramblers Association** – *No objections.*

**National Trust** – *The National Trust's ownership close to the application site includes Moseley Old Hall, Whitgreaves Wood, much of the landscape buffer west of Hilton Cross and a field to the east of Moseley Old Hall. We have concerns about the potential impact of unit 3 in relation to Moseley Old Hall, Whitgreaves Wood and the field east of the hall. Detailed observations are summarised as:*

- *The upper part of the west elevation of unit 3 should be a much darker colour. The colour currently proposed would make the building unnecessarily and unjustifiably conspicuous looking from the west.*
- *Further assessment is required of the effects of the development on the irreplaceable ancient woodland habitat of Whitgreaves Wood including through shading of ground flora and the potential for additional trampling of ground flora and the potential for cumulative effects with the M54-M6 link.*
- *Further consideration should be given to the achievement of biodiversity net gain.*

**County Countryside and Rights of Way Officer** – *No objection but has requested inclusion of an informative relating to the adjacent public footpath (Whitehouses Lane).*

**Arboricultural Officer** – *Following receipt of clarification from the Agent, has confirmed no objection subject to conditions.*

**Staffordshire Fire and Rescue** – *No objections.*

**Crime Prevention Design Advisor** – *No objections. Formal response includes detailed recommendations with regard to Secured by Design, which have been shared with the Agent. No further informative is therefore considered necessary.*

**Third Party Representations** - No third-party comments have been received following press advertisement; posting of a multiple site notices; and direct notification of neighbouring residential properties and commercial premises.

## **6. APPRAISAL**

6.1 The application has been referred to Planning Committee because the site is currently in Council ownership, albeit with an agreement to sell to the Applicant.

6.2 The key issues with regard this application are:

- Principle of Development.
- Scale, Layout and Design of Development.
- Visual Impact of the Development.
- Highway Safety, Access and Car Parking.
- Flood Risk and Drainage.
- Biodiversity and Trees.
- Residential Amenity.
- Sustainable Construction.
- Historic Environment.
- Other matters.
- Legal Obligations and Contributions.

### **6.3 Principle of development**

6.3.1 As identified above, the application site falls within the Hilton Cross Strategic Employment Site as referred to in both the adopted Core Strategy and Site Allocations Document. Hilton Cross is one of four such existing freestanding employment sites within the District, as recognised under Core Policy 1 (The Spatial Strategy) of the Core Strategy (CS).

6.3.2 Core Policy 7 (Employment and Economic Development) provides overarching support for development within such a designated site, with Policy EV1 (Retention of Existing Employment Sites) of the Core Strategy, amongst other things, specifically referencing the Hilton Cross site as being allocated and suitable for employment purposes, which would include B1, B2 and B8 uses.

6.3.3 Furthermore, the Council's adopted Site Allocations Document (SAD) reiterates the Hilton Cross site's status as a Strategic Employment Site and, at Paragraph 9.8 comments that: *"There are still a number of available plots on the site for B1, B2 and B8 class employment uses"*. The "available plots" referred to above are the very plots which are the subject of the current planning application, and that being the case the development as proposed appears to be on all fours with the CS and SAD as they relate to the Hilton Cross site.

6.3.4 Paragraph 80 of the NPPF makes it clear that: *"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."* Whilst Paragraph 81 indicates that planning policies should: *"set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth"*.

6.3.5 Against this Policy backdrop, there is clear and demonstrable in principle support for the development as is proposed, with any devil that might exist lying in the detail and any associated technical matters.

6.3.6 The principle of the development is found to be acceptable in line with Section 6 of the NPPF; and Core Policy 7 and Policy EV1 of the adopted Core Strategy.

#### **6.4 Scale, Layout and Design of Development**

6.4.1 This current application proposes a significant level and form of development, and as previously indicated will deliver a total of 20,694sq.m of new flexible B2/B8 development, within an allocated strategic employment site with excellent accessibility to the national Motorway Network.

6.4.2 Whilst it is the case that the acceptability of the principle of the development is clear to see, there is no getting away from the fact that these will be large and significant new buildings. However, it is the case that the existing built development on Hilton Cross already consists of some sizeable buildings, in terms of height, mass and footprint, and in that regard this development is a case of more of the same, but arguably better in terms of design and appearance. These will be modern buildings and are, in my opinion, an improvement on the traditional 'shed' style structures usually found in industrial estates, including those in the surrounding area.

6.4.3 The existing buildings across the Hilton Cross site range between approximately 9m in height to 13m. The existing buildings, as one would expect, are functional modern industrial/employment buildings, and this proposal is for further buildings of a similar scale, albeit with a more contemporary twist, especially in terms of the roof designs. The stated roof heights for this new development range from 12.5m (Unit 1) to 15.75m (Unit 3).

6.4.4 The following table sets out the key dimensions associated with the proposed development, for ease of reference:

	Length of Building	Width of Building	Gross Internal Area (GIA)	Eaves Height	Apex (max) Height
<b>UNIT 1</b>	101m	53.5m		11.6m	12.5m
B2/B8			5,295sq.m		
Office			465sq.m		
<b>Total</b>			<b>5,760sq.m</b>		
<b>UNIT 2</b>	88m	48m		11.6m	14.4m
B2/B8			4,088sq.m		
Office			348sq.m		
<b>Total</b>			<b>4,436sq.m</b>		
<b>UNIT 3</b>	137m	72.25m		14.1m	15.75m
B2/B8			9,662sq.m		
Office			836sq.m		
<b>Total</b>			<b>10,498sq.m</b>		

### Scale

6.4.5 As the table above demonstrates, these are by no means insignificant buildings - quite the contrary. Each building has a significant bulk and mass which I venture to suggest might appear alien elsewhere within the District, however within this established Employment Site, such types and forms of buildings are to be expected. Nevertheless, I must consider whether the scale of these buildings is at odds with existing development on the Hilton Cross site and when viewed within the immediate and wider surroundings.

6.4.6 Policy EQ11, Part C f) indicates, amongst other things, that in terms of scale and massing: *“development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.”*

6.4.7 As I have previously indicated, the application site falls from the south east (at the junction of Moseley Road with Cannock Road) down to the lowest point of the site at the north west corner of the site. This lowest point coincides with the proposed location of the largest of the new buildings (Unit 3).

6.4.8 Whilst there are other considerations with regard to Unit 3, which I will discuss elsewhere in this report, in this location despite its size and bulk, Unit 3 would be largely obscured from view from public vantage points, with the notable exception of the PROW which runs along the north and west boundaries of that plot and the land beyond (to the west). However, it is the case that this PROW already passes directly adjacent to existing buildings along the western boundary of the Hilton Cross site. It is also possible that fleeting glimpses of the building may be possible for the passing traffic along the M54. So as it will be, Unit 3 would not in my opinion have any adverse impact upon any street scene, such that it might exist, within the established employment site.

6.4.9 Unit 2 would be largely viewed from within the Hilton Cross site, in the same way as Unit 3. However, it would also be visible, albeit briefly, from passing traffic along the A460 Cannock Road, which is elevated above the site. That passing view would be primarily of the end elevation of the unit, which itself would be mostly obscured from direct view on approach from the south along Cannock Road, by the most prominent of the proposed buildings, Unit 1. Views when approaching from the north would be screened by existing, and proposed additional, tree planting along the site boundary.

6.4.10 Unit 1, at the southern extreme of the site, will sit some 4m below the street level of Cannock Road, and despite the proposed landscaping at the south-eastern boundary of the site, which will take some time to become established and fulfil its intended purpose, this will be a prominent and bulky addition to the street scene, such that it is, in this location. I therefore find it impossible to draw the conclusion that the introduction of this building in this location will “*contribute positively*”, as is sought by Policy EQ11. Nevertheless, I balance this opinion against the fact that this is an allocated Strategic Employment Site and it is only to be expected that this scale and type of building of industrial building would be accommodated on such a site.

6.4.11 Nowhere in the supporting Core Policies 1 and 7 or Policy EV1 are there any caveats or conditions which require any part of the Hilton Cross site, or any of the other allocated Strategic Employment Sites for that matter, to be in anyway constrained or restricted in terms of footprint, form or scale of development, such as maximum build heights for instance. Rather, it therefore falls to the relevant adopted design based policies and guidance to consider the acceptability of the development, which would include matters of scale.

#### **Layout**

6.4.12 Notwithstanding the above comments on scale, the overall layout of the proposed development is to my mind logical and allows the Applicant to make the most effective use of the land available, which would correspond with the aspirations of Section 11 of the NPPF.

6.4.13 Whilst I have briefly outlined the development previously, it is necessary to outline in more detail the nature and extent of the layout, and associated facilities, for each Unit and in doing so, I have taken the following details from the submitted and reproduced them verbatim, in the interest of clarity and completeness. Taking each Unit in turn, the following applies in terms of their layout:

6.4.14 Unit 1 comprises a 5,760 sq.m employment building, which is accessed from the existing, albeit modified, access from the Moseley Road to the south and would include the following:

- 5,295 sq.m B2/B8 use on ground floor
- 465 sq.m. first floor offices
- Parking consisting of a total of 82no. car parking spaces and 10no. cycle spaces
- 2no. Level entry doors (for delivery/despatch vehicles)
- 26no. Dock Levellers (for delivery/despatch vehicles)
- 25m Service area
- An Acoustic Fence to reduce noise impacts from the Service Area on the properties on Moseley Road.
- Boundary planting / landscaping along the southern, western and eastern boundaries.

6.4.15 Unit 2 comprises a 4,436 sq.m employment building, which is accessed from the existing Hilton Cross Business Park internal road network and would include the following:

- 4,088 sq.m. B2/B8 on ground floor
- 348 sq.m. first floor offices
- Parking consisting of a total of 64no. car parking spaces and 10no. cycle spaces
- 4no. Level entry doors (for delivery/despatch vehicles)
- 6no. Dock Levellers (for delivery/despatch vehicles)

- Boundary planting / landscaping along the western and eastern boundaries.

6.4.16 Unit 3 comprises a 10,498 sq.m employment building which is accessed from the existing Hilton Cross Business Park internal road network and would include the following:

- 9,662 sq.m B2/B8 on ground floor
- 836 sq.m first floor offices
- Parking consisting of a total of 150no. car parking spaces and 20.no cycle spaces
- 2no. Level entry doors (for delivery/despatch vehicles)
- 10no. Dock Levellers (for delivery/despatch vehicles)
- Boundary planting / landscaping along the northern (within 15m buffer from ancient woodland), southern, western and eastern boundaries.

6.4.17 There is little more to be said about Units 2 and 3 in terms of their layouts. They are typical of this type of development, with both Offices and servicing to the fore, with staff and visitor parking tucked away at the side of the respective buildings, but at least in part overlooked by the associated offices. Each unit features large areas of hardstanding, which are essential to allow for the requisite servicing areas and delivery/despatch facilities.

6.4.18 Unit 1 adopts a similar approach, but the result is that access and servicing areas are located to the south facing elevation and thereby will be visible from Moseley Road. This arrangement is no different to Units 2 and 3, the only difference being that in those cases they are not visible from the adjoining public highway or wider public realm. That said, again, this does appear to be the most logical layout for Unit 1, but it does result in the servicing area being visible on approach to the traffic island when travelling in a south to north direction from Westcroft towards the M54 junction.

6.4.19 All that said, I have driven along that stretch of highway on several occasions in order to appreciate the potential impact of Unit 1 and I have contented myself that given the road alignment on approach to the traffic island at the junction of Cannock Road and Moseley Road, any views of the service yard would not be as obvious as they might first seem and are likely to be almost undetected against the backdrop of the building itself and the foreground landscape and tree planting proposed, which will provide an effective screen to the service yard, albeit with the passage of time.

### **Design**

6.4.20 Section 12 of the NPPF sets out the Government's aspirations in terms of achieving well-designed places, with Paragraph 124 stating that: *"Good design is a key aspect of sustainable development ...."*.

6.4.21 As already indicated, these are all at heart functional industrial buildings, nevertheless in design terms some thought has been given to their overall appearance, and it is clear to me that the spirit and intention of Section of the NPPF in terms of matters of design quality have been taken seriously, insofar as any functional industrial development might allow.

6.4.22 The Agent states that area of most architectural interest, the offices, have been located on the most prominent facades to provide a sense of destination for visitors to each of the units. Whilst I don't disagree entirely, I'm not sure that comment really applies to Unit 1, which due to the constraints caused by the only available access point (from Moseley Road) sees a glimpse of the offices at the south west corner of the Unit, but with the majority of the Office "elevation" facing in a westerly direction, out over the PROW and the rear gardens of the nearby residential properties, towards the open fields beyond.



6.4.23 The office elevations would not look out of place within a high-quality business park environment, using as they do areas of glazing to emphasise prominent entrance areas, and providing focal points, clearly visible from the approach to the buildings.

6.4.24 The external elevations feature different cladding profiles to subtly distinguish between the different internal functions within the building. A combination of differently coloured coated profiled metal cladding panels on the roof and the main elevations will help to break up the massing of the buildings, particularly when viewed from outside of the business park.

6.4.25 The roofs incorporate a variety of barrel vault spans and varying gable elevations to create interest and to further ensure the buildings are an improvement on the status quo within Hilton Cross, and to my mind, help to soften the appearance of these buildings.

6.4.26 Units 1 and 2 are indicated as having an external colour scheme of two shades of mid and light grey with silver building corners. The roof would be finished in goosewing grey and includes 10% coverage by proprietary rooflights and Solar PV panels. The offices will feature tinted glazing.

6.4.27 Whilst the external finishes for Unit 3 are essentially the same, following representations from the National Trust in terms of outlook from the upper floor of Moseley Old Hall, the Applicants have submitted some amendments to the external finishes for Unit 3, which now introduce an additional mid grey band at the upper section of the west facing elevation, which it is considered will break-up the mass of this end elevation and reduce its overall visual impact. As with Units 1 and 2 the roof would be finished in goosewing grey and includes 10% coverage by proprietary rooflights and Solar PV panels. The same use of tinted glazing to serve the offices is also proposed.

6.4.28 There is no disguising the fact that these are 3no. large buildings, with the largest of these actually located in the least conspicuous location and not readily visible from the public realm, with the exception of the PROW which passes along the north west corner of the Hilton Cross site, and thereby Unit 3.

6.4.29 Nevertheless, I am satisfied that in terms of the overall design and layout of the proposed development, I find that despite these being functional industrial buildings at heart, their appearances and finishes have been carefully thought out by the Architect resulting in buildings which are much more than the sum of their parts.

6.4.30 Notwithstanding my comments regarding Unit 1 in terms of the street scene, I do also acknowledge that once established the proposed additional landscape and tree planting will provide an effective screen which will help to assimilate the Unit into its surroundings and dilute the impact of this building in this location.

6.4.31 I find therefore that the development, taken as a whole, does accord with Core Policy 4 and Policy EQ11 of the adopted Core Strategy.

## **6.5 Visual impact of the development**

6.5.1 Notwithstanding my previous comments regarding the scale, design and layout of the development, I do find it necessary to consider the potential wider visual impact of the development.

6.5.2 I have already commented upon the impact of Unit 1 when approaching from the south along Cannock Road, and there is no doubt in my mind that the location and scale of that building will have a local visual impact. That seems rather inevitable given that the site of Unit 1 is currently vacant and open.

6.5.3 In terms of any wider visual impact, Policy EQ4 of the Core Strategy states, amongst other things, that: *“Throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views. The siting, scale, and design of new development will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques, such as landscape character analysis, to establish the local importance and the key features that should be protected and enhanced, will be supported.”*

6.5.4 In this regard, the application has been accompanied by a detailed and suitably illustrated Landscape and Visual Appraisal (LVA) which considers the potential impact of the development on the wider landscape when viewed from a range of public and private vantage points.

6.5.5 Whilst the Hilton Cross site is established, it is the case that the development as proposed relates to previously unoccupied plots, which will introduce new development which will, to varying degrees, be visible from various locations. Whilst I have endeavoured to view the site from further afield, I have not been able to assess the site and the wider impact to the same degree as the submitted LVA. Nevertheless, based upon the few viewpoints I have been able to access, I am of the opinion that the cumulative effect of the development when combined with the existing employment development on and surrounding the Hilton Cross site would be virtually imperceptible.

6.5.6 The submitted LVA supports my views on this matter, and concludes that: *“... the site is ‘sandwiched’ between long-standing land uses including similar industrial buildings and employment activities, mineral extraction, arterial road connections and motorway at a position enclosed by landform, industrial built form, woodland and tree groups forming the curtilage of the business park which effectively surrounds the site. .... the proposed development represents an appropriately scaled feature, which is designed to be in keeping with the local landscape character and landscape setting.”*

6.5.7 I do consider that the design, and external finishes, of the proposed buildings do play a positive role in ensuring that the development sits comfortably within the Hilton Cross site and also reads well from a distance. The roof designs, as previously described, play a key part in this in my opinion, as do the colours chosen for the elevations, which are described above. The Applicant has avoided the temptation to use of too dark or too light a finish and has also responded positively to suggestions regarding the west facing elevation of Unit 3.

6.5.8 I am satisfied that, in terms of the visual impact of the development and the impact upon the character and appearance of the surrounding landscape, which includes the Green Belt to the south and west in particular, the requirements of Policies EQ4 and EQ11 of the Core Strategy are satisfied.

## **6.6 Highway Safety, Access and Car Parking**

### **Highway Safety and Access**

6.6.1 Hilton Cross is already home to a significant number of jobs, accommodated within the existing range of small, medium and larger industrial/employment units found on the overall

Hilton Cross site. The nature of these units and their respective business occupiers means that there are significant existing levels of staff vehicular movements, as well as delivery and despatch vehicles of varying sizes.

6.6.2 Hilton Cross is accessed via a traffic island which also serves the Hilton Main site on the opposite side of the A460 Cannock Road. Hilton Main is in an elevated location above the public highway and was previously occupied by the former BP Truck Stop. Given the history and the current uses in this location, and the proximity to Junction 1 of the M54 Motorway, traffic movements along this stretch of the public highway have for some years been significant.

6.6.3 Paragraph 109 of the NPPF advises that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

6.6.4 The application has been accompanied by a Transport Assessment which has been in turn been scrutinised by County Highways, who comment that: *“The trip rates used within the TA are based on the B2 uses, which traditionally generate higher levels of traffic in the peak hours so form a robust analysis of the traffic generation. The TA shows that the junctions controlled by Staffordshire County Council around the site will continue to operate within their capacity.”*

6.6.5 It is therefore the case that the application satisfies the requirements of the NPPF in terms of highway safety and access.

#### **Car Parking**

6.6.6 The Council's adopted car parking standards set out the required ratio of parking spaces to be provided on a use class basis. Typically, a building used for warehouse/distribution business purposes (B8 use class) is likely to employ less people than a general industrial business (B2 use class), as a larger proportion of the building is used purely for storage only. This key difference between the levels of employment and associated needs for employee parking is in turn reflected in the Council's adopted car parking standards, which seek for:

- B2 Industrial Use – 1 parking space per 25sq.m up to 250sq.m, then 1 space per 50sq.m.
- B8 Warehouse Use – 1 space per 80sq.m.

6.6.7 Applying these standards to the proposed floorspace (including the ancillary offices for each unit) would result in a total car parking requirement of 255 spaces (if all units were used for B8 use) and 423 spaces (if all units were used for B2 use).

6.6.8 The application before me is for a flexible B2/B8 development, and as things stand no end user/occupier has been identified by the Applicant. However, it is clear that if all 3 of the proposed new Units were occupied for B8 (warehouse/distribution) purposes then the proposed level of parking would satisfy the car parking standards. The same would not, however, be true if the 3 Units were occupied for entirely B2 industrial uses.

6.6.9 The Agent acknowledges this apparent potential shortfall and has submitted a Car Parking Review as prepared by their Transport Consultant, which makes the case for the reduced level in parking numbers (based upon a B2 use of the 3no. Units) by reviewing the existing level of parking for current B2 businesses on the Hilton Cross site, which are stated

as being at ratio of 1 space per 70sq.m, which if applied to the proposed development would amount to a total of 296 parking spaces.

6.6.10 The Highway Consultants also observe that despite the existing ratio of 1 parking space per 70sq.m, there is no evidence of any overspill parking on the estate road. Having visited the site twice during daylight hours, I have not witnessed any on-street parking or any evidence to suggest that the existing parking areas to serve the existing industrial units are in anyway oversubscribed. That said, I acknowledge that such site visits did take place during the 2020/21 Covid-19 Pandemic. Even so, there was no obvious signs that the existing units were operating with reduced staff capacity.

6.6.11 The car parking proposed to serve the development is broken down within the table below.

	<b>UNIT 1</b>	<b>UNIT 2</b>	<b>UNIT 3</b>	<b>TOTAL</b>
Total No. Car Parking Spaces	82	64	150	<b>296</b>
Disabled Spaces	4	4	7	<b>15</b>
Electric Vehicle/Charging Spaces	8	6	15	<b>29</b>
Shared Travel Spaces	4	4	7	<b>15</b>
Cycle Parking	10	10	20	<b>40</b>

6.6.12 It is the case that the proposed parking for the units as submitted would not meet the level as required for a purely B2 use, a fact acknowledged by County Highways. However, they go on to comment that the parking guidance/standards is based upon seeking to prevent any future safety issues with vehicles parking on the highway and confirm that they are in agreement with the Highway Consultant in terms of the justification for the shortfall (in relation to purely B2 occupation of the Units).

6.6.13 Of course, there are other factors to consider which would support the reduced parking provision, including the proposed Travel Plan; Car Sharing; Access to the site via alternative means including Cycling and Public Transport (the No. 70 bus service operates along Cannock Road, providing an hourly service between Cannock and Wolverhampton); and the use of a Car Park Management Plan.

6.6.14 In light of the above and given the support for the development, and in particular the proposed level of car parking provision emanating from County Highways, I conclude that, on the matter of Highway safety; Access; and Car Parking, the proposed development would be acceptable and accords with Section 9 (Promoting Sustainable Transport) of the NPPF and Policies EV11 and EV12 of the adopted Core Strategy.

## **6.7 Flood Risk and Drainage**

6.7.1 The application has been supported by a Flood Risk Assessment (FRA) and a detailed foul and surface water drainage strategy. The FRA determines that the Proposed Development is classified as “Less Vulnerable” and confirms that the site is located in Flood

Zone 1, an area with a low probability of flooding. The FRA indicates that the risk of flooding from fluvial, pluvial, groundwater is low.

6.7.2 It is considered that the Proposed Development, with the inclusion of the SuDS drainage systems described within the submission documents, will not increase the risk of surface water flooding in the wider catchment.

6.7.3 Whilst both the relevant consultees (the County Council's Flood Risk Management Team and Severn Trent Water) raised some initial concerns, following the receipt of additional information and further clarification, both consultees have since confirmed that they have no objections and are supportive of the proposals.

6.7.4 I am therefore content that the Applicants have satisfactorily addressed matters relating to surface water and foul drainage, and that the development is in accordance with Core Policy 3 and Policy EQ7 of the adopted Core Strategy.

## **6.8 Biodiversity and Trees**

6.8.1 The application has been supported by the submission of an Arboricultural (Tree) Survey and Report; Landscape Strategy; Preliminary Ecological Appraisal; and External Lighting Strategy.

6.8.2 The site (both Plots 1 and 2) is currently open and feature around 3 hectares of semi-improved grassland with the remainder a mixture of scrub, woodland, pond and tall herb habitats. The Preliminary Ecological Appraisal (PEA) concludes that these habitats are of 'site value', however I am mindful that, as the County Ecologist comments: *"these habitats still have an ecological function and provide a degree of ecological connectivity through the site to woodlands and other habitats."*

6.8.3 Paragraph 170 of the NPPF indicates that, amongst other things, planning decisions should contribute to and enhance the natural and local environment by: "minimising impacts on and providing net gains for biodiversity ...." (my emphasis). Whilst Paragraph 175 (NPPF) states that when determining planning applications, local planning authorities should refuse development proposals: *"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 ...."*

6.8.4 Policy EQ1 of the adopted Core Strategy is focused more towards designated Biodiversity sites (both national and local), but does also call for development proposals, wherever possible, to build-in biodiversity via the introduction of suitable features and sensitive design.

6.8.5 As has been confirmed previously, this is a designated Strategic Employment Site and thereby one of the Council's preferred locations for this scale and nature of development. Notwithstanding the national policy position as set out at Paragraph 175 of the NPPF (as quoted above) it does therefore seem somewhat unrealistic to seek for significant on-site biodiversity enhancements or betterment which may compromise or hinder the delivery of the development envisaged by both the Council and the Applicant on this site, and as such whilst some features can be provided, as recognised by the County Ecologist the more realistic solution is for off-site compensation through habitat improvements elsewhere in the vicinity.

6.8.6 In this regard, a Biodiversity compensation figure of £60,000 has been agreed with the Applicant, and subject to their agreement it is anticipated that this contribution, to be secured via a Legal Obligation, could be used to enhance Biodiversity off site, but in the vicinity. Of particular interest, the National Trust (which is a registered charity) has aspirations for programmed work to enhance biodiversity on their adjoining land, which sits between the application site and Moseley Old Hall, which features an existing pond and associated land. The immediate proximity of this land to the Hilton Cross site, to my mind, makes this a suitable location for such compensatory provision, and Officers are seeking an initial “in principle” agreement from the National Trust to the possible receipt of such funds in the event that the application is approved, which will be ring-fenced for enhancements on the adjoining land only and could not be utilised for works elsewhere.

6.8.7 In terms of existing trees, with the exception of the Ancient Woodland at Whitgreaves Woods (which lies beyond the northern extreme of the application site), existing tree coverage on the site (both Plots 1 and 2 combined) is essentially restricted to boundary trees. At the request of the County Ecologist, a shading plan has been provided which identifies that shading to the woods from Unit 3 would be minimal and appears to be acceptable.

6.8.8 There are no objections to the proposed development from the Arboricultural Officer, who has also indicated support for the amended soft landscaping proposals which, amongst other things, include additional tree planting to supplement the existing boundary trees.

6.8.9 In light of the above and having managed to secure contributions towards off-site Biodiversity enhancements in the vicinity of the site, as well as some on-site/boundary enhancements, I am of the opinion that the requirements of the NPPF in this regard have been satisfied and that the application accords with Core Policy 2 and Policy EQ1 of the adopted Core Strategy.

## **6.9 Residential Amenity**

6.9.1 Policy EQ9 of the adopted Core Policy stresses the requirement for all development proposals to take account of the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.

6.9.2 The only nearby residential properties are the pair of semi-detached houses on Moseley Road (No. 2 and Whitehouse Cottage), which front onto Moseley Road itself, and share their respective rear amenity/garden boundaries with the PROW which runs along the western boundary of the Hilton Cross site. These houses take the appearance of full height two storey dwellings and feature steep gable roofs. I estimate that these properties are approximately 5m in height to eaves level and 8m to ridge height, or thereabouts.

6.9.3 The proximity of these 2no. residential dwellings to this allocated Strategic Employment Site strikes me as not being an entirely compatible relationship. Nevertheless, this is not a new site allocation or some wild or unfounded speculative development proposal. Given the long-established site allocation a development of this nature in this location on this until now vacant section of the Hilton Cross site was always likely to take place at some point, subject to the prevailing market conditions.

6.9.4 Both of these properties feature ground and first floor windows to habitable rooms, which face in a north direction. I also noted a side facing window to No. 2, which faces eastwards up Moseley Road. I have been unable to establish whether this is a habitable or

non-habitable room window. The nearest proposed new building is Unit 1 and in terms of residential amenity this is the only proposed Unit which requires consideration.

6.9.5 Unit 1 sits at an approximate angle of 30 degrees (to the building corner) and a minimum distance of some 31 metres from the nearest of the two houses (No. 2 Moseley Road).

6.9.6 The nature of their respective rear gardens, and the outbuildings and paraphernalia that I witnessed at my site visit (and which is visible also via aerial photography), in particular with regard to Whitehouse Cottage (No.1), is such that the existing outlook from the rear (north) facing windows appears to me to already be significantly compromised by the existing status quo. As such, I find no adverse impact with regard the existing ground floor windows in terms of outlook, daylight and privacy.

6.9.7 Each property features a single rear facing first floor bedroom window. These windows are not as incumbered by the existing aforementioned paraphernalia, rather they are afforded views out over the rear boundary towards the Hilton Cross site, albeit partly obscured by existing trees along the east side of the PROW.

6.9.8 As stated above, the current outlook from the first floor windows is partially restricted by existing trees alongside and during the winter months (my site visit was undertaken in February 2021) those trees are somewhat sparse. However, in full leaf during Spring, Summer and early Autumn months I have no doubt that they provide an effective screen. Beyond these trees, the application site is currently free from any structure or other form of meaningful landscaping.

6.9.9 The proposed development, and in particular Unit 1, is to be positioned such that the outlook from the aforementioned rear facing bedroom windows would be over the PROW towards a small section of staff car parking, which would front the offices servicing Unit 1. Additional landscape (tree) planting is proposed in this part of the site which would further screen views, and also go some way towards protecting the privacy of the occupiers of these two residential properties.

6.9.10 The west elevation of Unit 1 features the first floor offices, and whilst these will feature tinted glazing and will be partly screened by the existing, and proposed additional, tree planting there will still, to mind, be at least a perception of being overlooked. However, I am satisfied that given the angle of the relationship between the 2no. houses and the distances involved that this is an acceptable relationship, and were such a relationship, and difference in build heights between the existing and proposed, to occur in a more heavily built-up area then it is unlikely that I would be giving such a relationship a second thought. However, given this semi-rural location and the current vacant nature of the, albeit allocated, land within the Hilton Cross site, the introduction of this proposed building has given me greater reason to pause for thought.

6.9.11 The Council's adopted Space About Dwellings Standards, as they appear at Appendix 6 of the adopted Core Strategy, are silent upon physical relationships and acceptable distances between residential and commercial/industrial development. However, I have relied upon the table at Paragraph 1.8, under "Privacy and Outlook" to assist me in considering the relationship between the existing houses and the proposed new B2/B8 Unit (Unit 1).

6.9.12 As I have indicated earlier, the houses in question are of a traditional two storey appearance and height. The proposed Unit 1, standing at an eaves height of 11.6m, and is

therefore akin to a three storey building in terms of height. Applying the aforementioned table and the minimum distance requirements the Council would seek for between habitable rooms in facing two and three storey development, a distance of 28m should be sought. As already described, the minimum distance between the existing houses and Unit 1 is 31m, and, even then, this is at such an angle that a direct face-to-face relationship would not occur. I am, therefore, content that the physical relationship is acceptable.

6.9.13 Of course, there is more than just the physical relationship between the proposed Unit 1 and the nearby residential properties to consider. As indicated earlier in this report, the application seeks for unfettered 24/7 operation of all 3 Units. The actually operating hours would be a matter, therefore, for any future occupiers, but it must be assumed for the purpose of this report that all Units, including Unit 1, would operate in some capacity for 24 hours a day.

6.9.14 It is appreciated that Policy EQ9 of the adopted Core Strategy advises that all development proposals should take account of the amenity of any nearby residents. Whilst this policy provides advice and guidance regarding the introduction of new housing development in the vicinity of noise generating uses, it is largely silent on the opposite scenario, as in this case, albeit that it calls for noise suppression measures to be secured where necessary. In this regard, the findings of the submitted Noise Impact Assessment state that:

*“The results of the noise impact assessment indicate that operations associated with the development have the potential to result in a significant adverse impact at existing noise sensitive receptors during the night-time period. A 4m high barrier adjacent to the delivery area associated with Unit 1 will be required to reduce noise levels to acceptable levels. In addition, appropriate noise limits have been determined to be achieved by fixed plant items associated with the proposed development, and an assessment of the proposed car parking areas indicates that recommended internal noise levels are likely to be achieved without mitigation in place. The assessment of the potential noise impact from development generated traffic indicates that at the worst affected receptors, there is likely to be, a negligible impact from this noise.”*

6.9.15 I am mindful that there will be vehicular movements into and out of the staff and visitor car park, which is located within the south west corner of the site and thereby in relatively close proximity to the existing dwellings. The existing and additional tree planting will assist in screening this car park, but not fully in my opinion.

6.9.16 The service yard to Unit 1 is located towards the east half of the building, and at this location is as far removed from the residential properties as is possible. A 4m high acoustic screen is proposed to protect those properties from any noise which may arise through servicing, which may well include at less sociable hours.

6.9.17 Furthermore, there will be external lighting, which has been the subject of an External Lighting Strategy which covers all 3 Units, but in terms of Unit 1 in particular emphasises the use of energy efficient LED lanterns, which focus light to where it is required and minimise light spillage beyond the site boundary, and any upward lighting.

6.9.18 The effectiveness of the Lighting Strategy is demonstrated by the accompanying Lighting Plans, which suggest that any light spillage would not exceed 1 or 2 LUX, which is extremely low to the point of being negligible. In this regard, it is noteworthy that not only is there no objection from the Environmental Health Manager, but there is also no objection



from the County Ecologist who is content that such lighting levels would have no adverse impact from an ecological perspective, which can often be a more demanding issue.

6.9.19 Whilst I have expressed some disquiet regarding this relationship between these 2no. houses and Unit 1, I temper that by the fact that there have been no objections received from the occupiers and that there have been no objections raised by the Environmental Health Manager. Of course, I acknowledge that a lack of objection (from neighbours) should not immediately be interpreted as an indication of support.

6.9.20 Having wrestled with this particular aspect of the development, I am of the view that insofar as is possible, the Applicant has sought to respect the relationship with these properties on Moseley Road and provided a suitable level of mitigation in line with the requirements of Policy EQ9 of the adopted Core Strategy, against the backdrop of the site's overall allocation as a Strategic Employment Site, where this scale of development is arguably only to be expected.

## **6.10 Sustainable Construction**

6.10.1 Policy EQ5 of the adopted Core Strategy sets out the Council's aims and aspirations in terms of Sustainable Development and Energy Efficiency and states that for non-residential development of this scale that it should be built to BREEAM "Excellent" standard.

6.10.2 Building Research Establishment's Environmental Assessment Method (BREEAM) is a nationally (and internationally) recognised method of assessing the sustainability of buildings. BREEAM assessments evaluate the procurement, design, construction and operation of a development against a range of targets based on performance benchmarks. Buildings are rated on a scale of 'Pass', 'Good', 'Very Good', 'Excellent' and 'Outstanding'.

6.10.3 The threshold to achieve the "excellent" BREEAM standard is 70%, and this requirement was raised at the pre-application stage with the Applicants, who in response indicated that they did not consider that they could achieve this level and would fall just short, and that the best that could be achieved was "Very Good".

6.10.4 The application has been supported by a Sustainability Statement which includes commentary regarding the claimed inability to achieve BREEAM "Excellent" standard, which reads:

*"The are several sections within the BREEAM scheme which make a rating of Excellent unfeasible for (these) building(s), these include the following:*

*The credits available within the transport section are limited. Due to the speculative nature of the development, as many of the sustainable transport measures as possible have been targeted. Unfortunately, the location of the development means that many of these credits are not achievable due to the proximity to amenities and low frequency of public transport.*

*The Land Use and Ecology section is also problematic due to the way it is assessed and the location of the site. As the site will be developed on greenfield land, there will be a loss of ecology. Though this will be minimised wherever possible, the nature of the site location makes a total loss of ecology unavoidable. This puts several of the Land Use and Ecology credits at risk, and as they are each a pre-requisite to the next, this makes much of the section unachievable.*

*As the above sections are heavily weighted within the assessment, this makes several credits unachievable and puts a score of Excellent just out of reach.”*

6.10.5 Whilst the apparent inability to achieve the desired “Excellent” BREEAM rating for the development is disappointing, the Applicant’s position and reasons are understood. The BREEAM pre-assessment has been requested and provided, which provides evidence as to where and why the development fails to secure points which might help the development achieve the standard aspired to by Policy EQ5.

6.10.6 I have no reason to question or doubt the content of the BREEAM pre-assessment. By way of additional commentary, the Agent has commented that:

*“... we would pursue the highest possible standards, which would fall within BREEAM ‘Very Good’. Whilst we do want to achieve the highest BREEAM standards possible, there is a disconnect between BREEAM requirements, the capabilities of the applicant at the planning stage, and the objectives of Policy EQ5 ..... (which) relates predominantly to energy efficiency and the reduction of carbon emissions. It should also be noted that at the time of adoption (2012) BREEAM requirements were significantly less onerous than at present, which includes a number of credits that are not related to energy efficiency, or the objectives of Policy EQ5. The applicant has ensured that all of the credits relating to energy efficiency and carbon emissions have been adhered to, and will be carried forward as part of the approved development. However, BREEAM 2018 requirements significantly exceed the requirements expected by BREEAM in 2012, and subsequently the requirements and intentions of Policy EQ5 at the time of adoption (The development would comfortably meet ‘Excellent’ based on 2012 credits). In addition, many of the requirements regarding acoustics, security, views out, and operational energy etc are either not possible at all, or can only be achieved by the tenant / occupier and not the applicant at this stage.*

*BREEAM standards are particularly inflexible and whilst we aim to achieve the highest possible ‘Very Good’ standard possible, seeking to secure a final BREEAM certification of 68% post completion is onerous and would cause substantial difficulties for a scheme which is otherwise highly sustainable, efficient and low carbon in line with the requirements of Policy EQ5.*

*Based on the above, we hope that (any proposed planning) condition could be re-worded to achieve a final BREEAM certification of ‘Very Good’, noting that the development meets the energy efficiency and carbon reduction objectives of Policy EQ5, which is a consideration within the Planning Balance.”*

6.10.7 As referred to within the above comments, it is very much the case the Applicant will be the developer rather than occupier of the proposed Units, and as such some of the potential BREEAM plus points would be matters for the future occupiers/tenants, and to a certain extent are beyond the control of the Applicant at this planning application stage.

6.10.8 It is regrettable that the development does not appear capable of attaining the “Excellent” BREEAM standard sought by Policy EQ5. However, to be fair to the Applicant and their Agent, this was a matter that was flagged-up by them at the pre-application stage and they have provided evidence and a full explanation as to why they cannot achieve the standard sought for, but rather fall just short of the prize.

6.10.9 Nevertheless, applying the specific wording of Policy EQ5, it is the case that the development fails to meet the full expectations of this policy, and this shortcoming must carry some weight in the overall planning balance.

## 6.11 Historic Environment

6.11.1 As identified previously, the application site is located, at its nearest point, approximately 400m to the east of the Grade II\* Listed Moseley Old Hall, which is owned and maintained by the National Trust.

6.11.2 Moseley Old Hall has an east/west orientation, the rear elevation of this historic Elizabethan Farmhouse facing in an eastwards. The Hall is located within a lightly wooded location, but the first floor windows do allow for views over open fields in the direction of the Hilton Cross site. I have been unable to visit the Hall to view this outlook for myself due to the current Covid-19 restrictions, but I have been provided with photographic evidence from the owners which demonstrates that the roofs of existing industrial buildings at Hilton Cross are visible, particularly during the winter months when the tree foliage is sparse.

6.11.3 The application has been accompanied by an Historic Environment Assessment which, amongst other things, assesses the impact of the proposed development upon Moseley Old Hall.

6.11.4 Paragraph 189 of the NPPF requires an applicant to identify and describe the significance of any heritage assets that might be affected by their proposed development. Whilst Paragraph 196 (NPPF) advises that where less than substantial harm would occur, this harm should be weighed against the public benefits of the proposed development. Policy EQ3 of the adopted Core Strategy states that, amongst other things: *“The Council will ensure that development which affects a heritage asset or its setting will be informed by a proportional assessment of the significance of the asset, including its setting, which is likely to be affected by the proposals.”*

6.11.5 The submitted Assessment observes that:

*“... there would be no physical or settings impact to any designated heritage assets. The groundworks associated with the proposed development have the potential to physically impact any archaeological remains that may be located within the Site.”*

6.11.6 On this latter point, the County Archaeologist whilst having originally raised some initial concerns regarding the potential for on site deposits, he has since confirmed that he is content with the nature and level of the written submissions and accepts the findings. No conditions or further need for archaeological survey or monitoring has been requested.

6.11.7 With regard to Moseley Old Hall, in the absence of any comments from Historic England I have looked to the comments which have been submitted by the owners, the National Trust to assist me in considering an impact upon the setting of the Hall along with the Conservation Officer. Amongst the submitted comments from the National Trust are photographs which appear to be taken from the east facing elevation, over the adjoining land (also owned by the National Trust), towards the Hilton Cross site.

6.11.8 I note that from an upper floor window (I am advised that the photograph was taken from an attic window in Moseley Old Hall) that a restricted view of existing development at Hilton Cross is visible, in particular the existing off-white Mann Hummel building and its associated silver stack. I do note that these photographs appear to have been taken recently and that the intervening trees are somewhat sparse. When in full leaf I rather suspect that

this view will be further limited, if indeed such a view of the buildings would exist at all. This opinion is supported by the Conservation Officer.

6.11.9 I acknowledge that Unit 3 as proposed would be sited closer to Moseley Old Hall, but following alterations to the proposed west elevation I am of the opinion that any impact on the outlook from Moseley Old Hall would be limited and that there would be less than substantial impact upon the setting of the Hall.

6.11.10 The photographs provided by the National Trust do include clearer views of the Hilton Cross development. These, however, appear to have been taken from the car park on the opposite side of the lane to the Hall and on land beyond which is also in the ownership of the National Trust. Having referred myself to the Historic England website and the online listing details, it appears to me that the aforementioned car park and the land beyond do not fall within the Listing Description for Moseley Old Hall and on the basis I have restricted my considerations in terms of impact accordingly.

6.11.11 Paragraph 196 of the NPPF advises that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal ....”*. I am of the view that very limited harm, if any, would occur in this case, which would at worst fall at the lower end of the “less than substantial” classification, and I balance any such harm against the positive public (job creation and economic) benefits that the development would deliver as described under section 6.12 of this report.

6.11.12 In light of the above and given the Conservation Officer’s confirmation that he has no objections, I am satisfied that the Historic Environment Assessment that has been submitted is proportionate in terms of assessing any harm, and I concur with its findings that there would be no adverse impact upon the setting of Moseley Old Hall. I therefore conclude that the development satisfies the requirements of Section 16 of the NPPF and Policy EQ3 of the adopted Core Strategy.

## **6.12 Job Creation and Economic Benefits**

6.12.1 At the request of Officers at the pre-application stage, the application has been accompanied by an Economic Statement and Employment and Skills Plan (ESESP), which amongst other things provides an indication of the likely number of jobs to be created as a result of the development.

6.12.2 As previously mentioned, Paragraph 80 of the NPPF makes it clear that: *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

6.12.3 The ESESP acknowledges the draft South Staffordshire Council Education, Employment and Skills Plan (SSCEESP) 2019-2022 and the Council’s commitment through the Council Plan and District Deal with Staffordshire County Council to back the Government’s commitment to support and promote the area as ‘A Skilled and Prosperous District’.

6.12.4 The SSCEESP outlines the importance of ensuring local residents have access to work and better paid jobs, leading to an improved quality of life for local people. The Plan Priorities are:

a. Supporting Business Growth - Backing business to drive growth, increase productivity and enhance skills of the workforce for existing and new businesses.

- b. Employment for All – Provide employment support to unemployed residents, which will create opportunities and give individuals the skills and abilities to achieve their ambitions
- c. Inspiring Tomorrows Workforce – Working in partnership with education establishments to provide young people with creative and inspiring opportunities.

6.12.5 The submitted ESESP states that, based upon the proposed B2/B8 uses, the development can be reasonably expected to generate 215-567 jobs, and thereby would make a significant contribution to the local economy.

6.12.6 Further jobs will be created during the construction process, and the Employment & Skills Plan indicates that it will be ensured that jobs are advertised within the local community including Featherstone, Westcroft, Bushbury and Shareshill, thereby offering employment opportunities to the local workforce.

6.12.7 Furthermore, as well as the jobs created, including through the construction phase, there will be other economic spin-offs, such as distribution jobs, and passing trade for local shops and services.

6.12.8 The Agent has also commented that: *“ .... it would be in the interest of the future tenants/occupiers to employ locals, both due to the practicalities of operations, and to comply with the Travel Plan. As such, we consider that the proposed development directly adheres to Strategic Objective 12 (of the adopted Core Strategy) which strives, amongst other things, : “To support thriving and sustainable communities by ensuring that local people enjoy access to jobs and key services .....”.*

6.12.9 The Localism Act 2011 introduced changes to primary planning legislation such that local financial considerations are capable of being material considerations when arriving at a planning decision. The weight to be attributed to such matters lies with the decision taker.

6.12.10 In this case, I consider that the local financial considerations would include increased Business Rates payments; local employment opportunities during construction; and new job creation once development is completed.

6.12.11 It is clear to me that the approval of the proposed development will result in a significant positive economic benefit with regards to job creation and the local economy in line with Section 6 of the NPPF and Core Policy 7 of the adopted Core Strategy.

### **6.13 Other matters**

#### **Security**

6.13.1 Policy CS1 of the adopted Core Strategy sets out guidance and expectations in terms of designing out crime, and the fear of crime. The Proposed Development responds to issues relating to security, such as criminal and anti-social behaviour, by incorporating design features including, but not restricted to:

- security gates to service areas.
- internal and external CCTV.
- secure, visible cycle parking.
- natural surveillance of parking and pedestrian areas.
- full perimeter fencing with lockable gates and external lighting.

6.13.2 The Crime Prevention Design Advisor (West Mercia Police) has raised no objections, but in responding detailed commentary and recommendations with regard to Secured by Design, which have been shared with the Applicant's Agent.

#### **Lighting**

6.13.3 A full lighting scheme has been submitted to accompany the planning application and outlines how exterior lighting has been designed to take into account matters regarding biodiversity, security and residential amenity.

6.13.4 The lighting LUX levels are to be kept to a minimum when adjacent any natural habitats and avoid direct light spill into sensitive locations, such as the ancient woodland to the north of Unit 3.

6.13.5 The proposed lighting will be a combination of building mounted and column mounted LED lighting units. The lighting design utilises good quality, attractive 'dark sky' fittings, directed downwards and with no spillage above the horizontal to avoid light pollution.

#### **6.14 Legal Obligations and Contributions**

6.14.1 Through the consultation process, it has been identified that Legal Obligations and Contributions are justified and necessary which are summarised as follows:

- £7,000 towards the administration and monitoring travel plan costs by Staffordshire County Council (as the relevant Highway Authority).
- £60,000 towards off-site Biodiversity compensation in respect of neighbouring National Trust land.

The Applicants are in agreement to such levels of contribution.

6.14.2 Committee Members will be familiar with the process of securing such financial contributions via a S106 (of the Town and Country Planning Act) Agreement. In this case, however, the process is complicated by the Council's ownership of the application site.

6.14.3 Section 106 of the Town and Country Planning Act 1990 authorises persons with an interest in land to enter into planning obligations with the local planning authority and gives local planning authorities powers to enforce such planning obligations. In this case, the Applicant is not currently in a position to enter into a planning obligation with the Council because as it does not yet have an interest in the relevant land (it is still owned by the Council), and as both the landowner and also the local planning authority, the Council cannot covenant with itself to comply with the planning obligations, nor can they be enforced against themselves.

6.14.4 However, I am advised by the Council's Solicitor that an alternative means of securing the necessary legal obligations lies under Section 111 of the Local Government Act 1972, which is entitled "Subsidiary powers of local authorities". This is something of a generalised catch-all provision to enable local authorities to "*do anything.... which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions*" (Section 111(1)), which would thereby include Planning functions.

6.14.5 The use of the power under section 111 is by its very nature is already applied to a very wide range of local authority functions, and its use must be subsidiary to the discharge

of some particular function. In this case, the power under Section 111 can be used by the Council to enter into an agreement with the Applicant to secure the entering into of a planning agreement (under S106 of the Town and Country Planning Act 1990 (as amended)). Accordingly, the relevant principal function to which the use of section 111 is subsidiary in this case is section 106 of the Town and Country Planning Act 1990 (as amended).

6.14.6 Therefore in this case the use of an agreement under section 111 of the Local Government Act 1972 will enable the following:

- a. It will enable the council to issue the planning permission, on the signing of the Section 111; and
- b. It will require the Council (as local planning authority) and Applicant to enter into the agreed form of Section 106 Agreement simultaneously when Applicant acquires the legal interest in the land.

6.14.7 Whilst this is something of an unusual approach, it is necessary under the circumstances and will ensure that the requisite Planning Obligations can be secured, albeit via a more circuitous route than is normal with planning applications that come before Planning Committee.

## **7. CONCLUSIONS**

7.1 As with any planning application, there are a variety of material considerations in this case. This is not a perfect application by any means, and it would be incorrect to say that it ticks every applicable policy box. That said, it is an application with some tangible benefits, and it falls to me to weigh-up these factors and arrive at an informed and fully considered recommendation.

7.2 The starting point in favour of the application must be the fact that this is a designated Strategic Employment Site, with Core Policies 1 and 7 and Policy EV1 providing unequivocal support for the proposed development. This is a site where the very scale and nature of development proposed is supported, in principle, and is only to be expected. As stated above, Paragraph 80 of the NPPF makes it clear that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

7.3 The proposed development is expected to deliver anything between 215-567 jobs, not counting construction job opportunities and thereby would make a significant contribution to the local economy, and I attribute significant weight to the principle and nature of the development proposed, and the public benefits that would be delivered.

7.4 In considering matters of detail and technical issues, as indicated within the main body of this report I have found that matters relating to scale, layout, design and visual impact were acceptable with any concerns capable of being satisfactorily addressed via the introduction of the proposed supplemental tree planting which, over time, will assist in screening or reducing the impact of the development, particularly when viewed from the A460 Cannock Road.

7.5 There are no concerns in terms of drainage and flood risk, and in terms of biodiversity, with the proposed financial contribution for off-site Biodiversity compensation, which is supported by the County Ecologist, the proposal will satisfy the requirements of the NPPF as it relates to such matters.

7.6 Whilst no comments have been forthcoming from Historic England with regard to the potential impact of the development on the Grade II\* Listed Moseley Old Hall, I have considered the findings of the submitted the Historic Environment Assessment against the requirements of Paragraphs 189-196 of the NPPF and concluded that any harm to the setting of the Listed Hall would be at the lower end of “less than substantial” and that such minimal harm that might be perceived is outweighed by the public benefits, which are clearly economic and job creation based.

7.7 The shortfall in car parking when considered against the adopted Parking Standards is acknowledged, but for the reasons set out above County Highways has acknowledged and accepted the Applicant’s rationale for a lower level of parking, based upon the known and anticipated demand within the wider Hilton Cross site. The proposed Travel Plan also supports the reduced level and will be supported by a Car Park Management Plan as well as encouraging alternative means of travel other than the private car, along with car sharing initiatives.

7.8 In terms of impact upon residential amenity and the only 2no. residential properties in the vicinity of the site, and in particular the proposed Unit 1, I have considered the relationship and impact fully, and have concluded that whilst the introduction of a new building in this location will certainly bring about physical differences in terms of outlook that it would, on balance, be acceptable.

7.9 I do, however, have to draw the conclusion that the development falls short of satisfying Policy EQ5 in terms of its overall sustainable credentials, but it appears to me that the Applicants stated reasons for this and their aspirations to attain as high a “Very Good” BREEAM standard as can be achieved should be acknowledged. Nevertheless, that remains insufficient for me to confirm Policy EQ5 compliance and this must weigh against the application.

7.10 Notwithstanding the above, I do consider that the significant weight that is attributed to Economic Growth is sufficient a counter to this Policy EQ5 shortcoming in the overall planning balance, and overall I find that the application accords with Policies EQ1, EQ3, EQ4, EQ7, EQ9, EQ11, EQ12, EV1, EV11, EV12 and CS1 of the adopted Core Strategy, and I therefore consider that the application can be supported for the reasons set out above.

## 8. RECOMMENDATION –

**That subject to the completion of an agreement under Section 111 of the Local Government Act 1972, binding both the Council and the Applicant into the unconditional completion of a Section 106 Agreement under Town and Country Planning Act 1990 and, transfer of the land to (the Applicant) the Team Manager be authorised to grant planning permission, subject to the following conditions:**

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 complete accordance with the approved plans and details contained in the application:

Proposed Site Plan	6588 – 50 Rev A
Site Layout Plan (South)	6588 – 51 Rev C
Site Layout Plan (North)	6588 – 52 Rev A



External Finishes & Fencing (South)	6588 – 53 Rev E
External Finishes & Fencing (North)	6588 – 54 Rev F
Unit 1 Building Plan	6588 – 55 Rev A
Unit 2 Building Plan	6588 – 56 Rev A
Unit 3 Building Plan	6588 – 57 Rev A
Unit 1 Office Floor Plans	6588 – 58 Rev A
Unit 2 Office Floor Plans	6588 – 59 Rev A
Unit 3 Office Floor Plans	6588 – 60 Rev A
Unit 1 Roof Plan	6588 – 61 Rev A
Unit 2 Roof Plan	6588 – 62 Rev A
Unit 3 Roof Plan	6588 – 63 Rev A
Unit 1 Elevations	6588 – 64 Rev A
Unit 2 Elevations	6588 – 65 Rev A
Unit 3 Elevations	6588 – 66 Rev B
Unit 3 Context Elevations	6588 – 67
Unit 1 & 2 Context Elevations	6588 – 68 Rev A
Soft Landscape Details (North)	Zla 1036 L-200 Rev D
Soft Landscape Details (South)	Zla 1036 L-201 Rev D
Drainage Strategy Unit 1	19-7785-SK0002 P6
Drainage Strategy Unit 2	19-7785-SK0003 P6
Drainage Strategy Unit 3	19-7785-SK0004 P6

3. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the following documents has been implemented:  
19-7785-SK0002-P6, Drainage Unit 1,  
19-7785-SK0003-P6, Drainage Unit 2,  
19-7785-SK0004-P6, Drainage Unit 3,  
19-7785-FRA Issue 3, Flood Risk Assessment,  
19-7785-SW-NTWK-01-01, Unit 1 & 2 (Southern Site),  
19-7785-SW-NTWK-02-01, Unit 3 (Northern Site),  
Thereafter, the drainage scheme shall be retained and maintained in accordance with the submitted management and maintenance plan by Complete Design Partnership Ltd as shown in the Flood Risk Assessment (19-7785-FRA, Issue 3).
4. Before any above ground development commences details of the finished floor levels of the buildings shall be submitted to the Local Planning Authority for approval. Such details shall include adjoining proposed land levels and thereafter the development shall be carried out in accordance with the approved levels.
5. The development shall be carried out in full accordance with the details of facing materials to be used on the walls and roofs of the Units hereby approved as indicated on the approved elevation drawings.
6. No part of the development by this consent shall be occupied until a Travel Plan has been submitted to the Local Planning Authority for approval, which will be based upon the Framework Travel Plan submitted with the planning application. The Travel Plan shall set proposals (including a timetable) to promote travel by sustainable modes, which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning

Authority for approval for a period of 5 years from the first occupation of the development permitted by this consent.

7. Prior to the commencement of any construction a Construction Management Plan (CMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, the location of the contractor's compounds, cabins, machinery, material storage areas and contractors parking and the provision of a vehicle wheel wash, facilities for damping down to prevent excessive dusts, and details of road sweeping which shall be carried out at regular intervals, both on the site and the adjoining access highway to prevent excessive dust and mud on the road. The CMP shall also include details of on-site procedures and protocols, based upon best practise, to minimise the nearby residential dwellings exposure to excessive noise levels and disturbance during construction. Thereafter, all site operations shall then be undertaken strictly in accordance with the approved CMP for the duration of the construction programme.
8. The proposed car parking, access, servicing and circulation areas as shown on the approved plans drawings numbers; 6588-51-Rev C, 6588-52-Rev A, shall be sustainably drained, hard surfaced in a bound material, lit and marked out prior to the first occupation of the building hereby permitted. Thereafter these parking/servicing areas shall be retained in accordance with the approved plans for the lifetime of the development.
9. Prior to first occupation of unit 1 on the site the off-site highway improvements to Moseley Road and Cannock Road shall be fully implemented in accordance with the drawings 22334-01 Rev B and 22334 – 03 as they appear in the Transport Assessment prepared by DTA – Doc Ref: SJT/TM/ 22334-02 Transport Assessment\_REV1
10. The proposed secure covered cycle storage as shown on the approved plans drawings numbers; 6588-51-Rev C, 6588-52-Rev A, shall be provided prior to the first occupation of the building hereby permitted. Thereafter these cycle storage areas shall be retained in accordance with the approved plans for the lifetime of the development.
11. All works, including any demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
12. During construction, any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
13. Deliveries to the site associated with the construction of the development shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.
14. The destruction of materials by burning during the construction period is not permitted on site during development.

15. The landscape scheme shown on the approved plans shall be implemented concurrently with the development as it occurs on the southern and northern plots and completed within 12 months of the completion of the development on the respective plots, thereby making provision for a phased development of the application site. The Local Planning Authority shall be notified when the scheme has been completed for each plot (north and/or south). Thereafter, the planting, hard landscaping (and any other introduced features shown on the approved plan(s)) shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
16. 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.
17. Before development commences all construction work, drainage runs and other excavations within the protective fencing/root protection areas of the trees shown to be retained on the approved plan shall be agreed by the Local Planning Authority. All work shall be carried out in accordance with BS 5837:2012 (trees in relation to design, demolition and construction - recommendations).
18. There shall be no storage of construction materials or equipment or oil tanks within the protective fencing/root protection areas of the trees or hedges shown to be retained on the approved plans.
19. No development shall take place until the existing trees, shrubs and hedges on the site have been protected by fencing constructed in accordance with BS 5837:2012 (trees in relation to design, demolition and construction - recommendations) in positions previously agreed with the Local Planning Authority. The fencing shall be retained throughout the development of the site in the approved positions.
20. The proposed external lighting shall be provided in strict accordance with the approved External Lighting Strategy as prepared by DWP – Doc Ref: 1012/DN/01 Rev A.
21. The proposed noise mitigation measures for each Unit detailed in the Noise Impact Assessment shall be implemented in full before each respective Unit is first brought into use. This thereby allows for a phased development and enables each Unit to be occupied upon their respective completion.
22. No additional doors, vents or openings shall be created within the commercial premises without the prior written consent of the local planning authority.

23. No external plant or machinery shall be installed at the premises without the prior written consent of the local planning authority.
24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Thereafter, an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in which shall be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
25. Prior to commencement of any site works, including site preparation, submission of a Construction Environmental Management Plan (CEMP) detailing measures to protect species and retained habitats shall be submitted to and approved in writing by the Local Planning Authority.
26. Prior to commencement a Landscape and Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority, this shall also include details of location and types of 10no. bird boxes, 6no. bat boxes and 4no. bug hotels to be installed on site and maintained thereafter throughout the lifetime of the development.
27. No materials stored outside the premises shall be stacked or deposited to a height exceeding 2.4 metres.

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 for the avoidance of any doubt.
3. To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with Policy EQ7 of the adopted Core Strategy.
4. In order to define the permission and to avoid doubt.
5. In order to define the permission and to avoid doubt.
6. To ensure the use of sustainable transport methods in accordance with policy EV11 of the adopted Core Strategy.
7. In the interest of highway safety and to ensure that suitable facilities are provided to enable the development to proceed without detriment to nearby premises in accordance with Policy EQ11 of the adopted Core Strategy.
8. 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.

9. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
10. To ensure that the development is carried out in a satisfactory manner.
11. In order to protect the amenity of nearby residents during the construction of the development in accordance with Policy EQ9 of the adopted Core Strategy.
12. In order to protect the amenity of nearby residents during the construction of the development in accordance with Policy EQ9 of the adopted Core Strategy.
13. In order to protect the amenity of nearby residents during the construction of the development in accordance with Policy EQ9 of the adopted Core Strategy.
14. In order to protect the amenity of nearby residents during the construction of the development in accordance with Policy EQ9 of the adopted Core Strategy.
15. To safeguard the amenity and appearance of the area in accordance with Policy EQ12 of the adopted Core Policy.
16. To safeguard the amenity and appearance of the area in accordance with Policy EQ12 of the adopted Core Policy.
17. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
18. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
19. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
20. In order to safeguard the visual amenity of the area and nearby residential properties in accordance with Policies EQ9 and EQ11 of the adopted Core Strategy.
21. In order to safeguard the amenity of nearby residential properties in accordance with Policy EQ9 of the adopted Core Strategy.
22. In order to safeguard the amenity of nearby residential properties in accordance with Policy EQ9 of the adopted Core Strategy.
23. In order to safeguard the amenity of nearby residential properties in accordance with Policy EQ9 of the adopted Core Strategy.
24. To ensure that the development is carried out in a satisfactory manner.
25. In the interest of biodiversity in accordance with Policy EQ1 of the adopted Core Strategy.
26. In the interest of biodiversity in accordance with Policy EQ1 of the adopted Core Strategy.

- ### Positive and Proactive Statement

Hilton Cross Business Park, Cannock Road, Featherstone

**21/00069/FUL  
NON MAJOR**

**Mrs Victoria Mitchell**

**PERTON**

**Cllr Anthony Bourke**

**17 Elmley Grove Perton WOLVERHAMPTON WV6 7RW**

**First floor side extension**

**1. SITE DESCRIPTION AND PLANNING HISTORY**

**1.1 Site Description**

1.1.1 The application relates to a detached property on Elmley Grove, a cul-de-sac leading from Richmond Drive on the outer edge of Perton. The dwelling sits at the very bottom of the cul-de-sac and makes up a row of 4 houses who share a private drive. It has off-road parking to the front and garden space to the rear which backs on to open space.

**1.2 Planning History**

1979 Construction Of 956 Houses and Garages, approved (79/00649)

**2. APPLICATION DETAILS**

**2.1 The Proposal**

2.1.1 The application proposes a first-floor extension over the existing garage and kitchen on the east side of the property (9.5m x 2.8m) with a pitched roof to match existing and small gable feature to the front.

**3. POLICY CONTEXT**

Within the Perton Development Boundary.

Adopted Core Strategy

Core Policy 3: Sustainable Development and Climate Change

Policy EQ9: Protecting Residential Amenity

Appendix 6: Space about Dwellings Standards

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: Parking Standards

Adopted local guidance

South Staffordshire Design Guide [2018]

Sustainable Development SPD [2018]

National Planning Policy Framework

12. Achieving well-designed places

#### **4. CONSULTATION RESPONSES**

One **Councillor** comments (received 28.01.2021) - *I support this Application*

**Parish Council** comments (received 17.02.2021) - *No objections*

**No neighbour** comments (expired 17.02.2021)

#### **5. APPRAISAL**

5.1 The application is brought before the Planning Committee as the Applicant for the proposal is related to a member of the Senior Management Team.

##### **5.2 Key Issues**

Principle of development  
Impact on the character of the area  
Space about Dwellings  
Highways/parking

##### **5.3 Principle of development**

5.3.1 The property is within the development boundary where alterations to dwellings such as this can be considered to be an acceptable form of development, providing there is no adverse impact on neighbouring properties or the amenity of the area.

##### **5.4 Impact on neighbouring properties**

5.4.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

5.4.2 I do not consider there will be any material impact on the neighbouring property to the south (No. 11) as the proposal is 14 metres from the flank side wall. Although the first floor will protrude 1.27 metres, due to the separation distances and the properties being south facing, I do not consider that there will be any material impact on the neighbouring properties to the east and west side (Nos 15 & 19) either.

5.4.3 I also note there have been no neighbour comments and as such, I consider that the proposal is in accordance with the aims of policy EQ9.

##### **5.5 Impact on the character of the area**

5.5.1 'Wider Design Considerations' of the South Staffordshire Local Plan states

*'in terms of volume, scale, massing 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'.*

5.5.2 The Council's adopted Design Guide elaborates on these principles and with regard to householder extensions is states generally:



*'extensions should be subservient to the main building. The extension should respect the scale and form of the main building and its relationship to adjacent buildings, including the gaps in between them. Developers should consider the overall effect of the extension on the appearance of the building as a whole, and extensions should not detract from the original building or nearby buildings by overshadowing. Extensions to principal elevations are not usually considered acceptable.'*

5.5.3 Although the extension will come forward of the principal elevation at first floor level, there are similar design extensions within the area and as such, on balance, I consider that it would be sympathetic with the appearance and character of the surrounding area, appropriate in scale, mass, design, materials, layout and siting and would therefore comply with Policy EQ11 of the Core Strategy.

## **5.6 Space about Dwellings**

5.6.1 Garden length will remain at 12.8 metres, more than adequate for this dwelling. There is a separation distance of 14 metres between the proposed front window and the flank side wall to the property at number 11. The proposal does not infringe any other Councils normal Space about Dwellings standards.

## **5.7 Highways/parking**

5.7.1 Although the property will become a 4-bedroom dwelling, the garage will remain and there is sufficient off-road parking for a further 2 car parking spaces, there are no other highway concerns with the proposal.

## **6. CONCLUSIONS**

6.1 The application is considered acceptable as it will not cause any undue harm to the amenity of neighbouring residential properties and will be sympathetic to the character of the surrounding area. Therefore, the proposal is in accordance with Local Plan Policies EQ9 and EQ11 and I recommend the application for approval.

## **7. RECOMMENDATION - APPROVE**

Subject to the following condition(s):

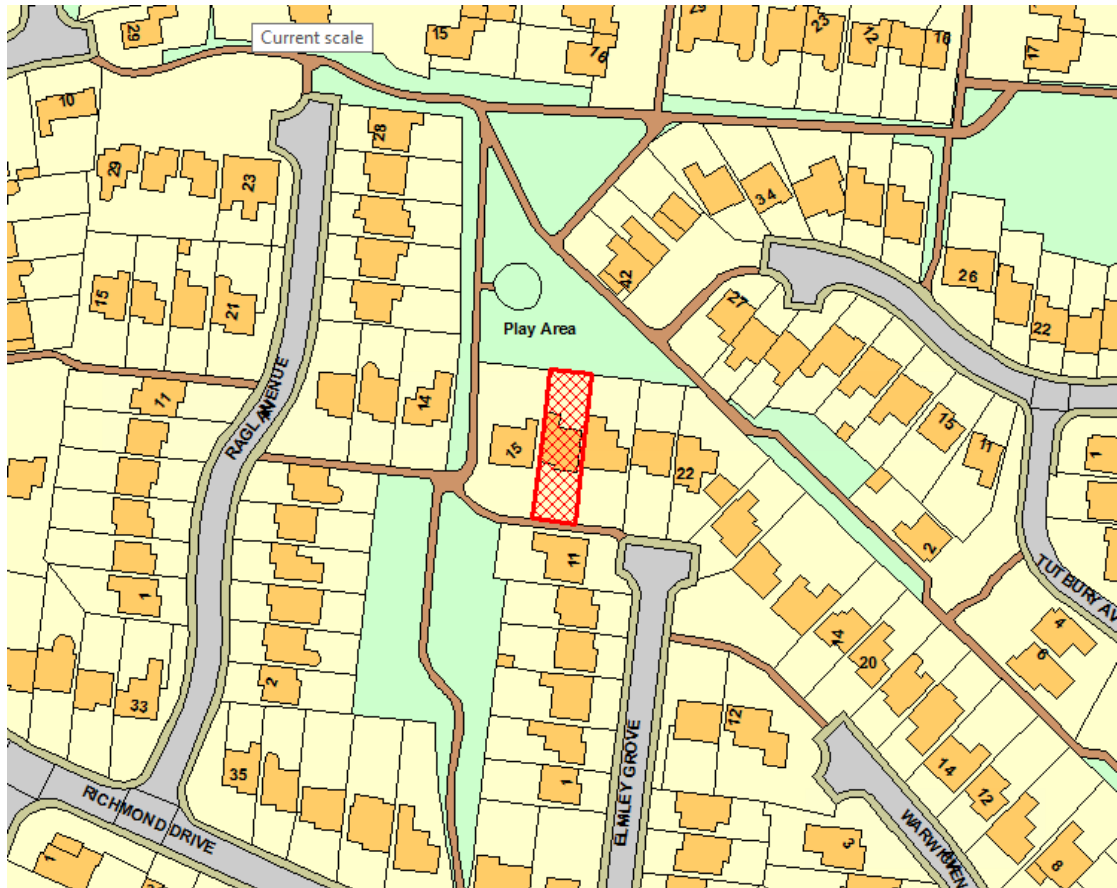
1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: Block Plan 01, Proposed Floor Plans 04 Proposed Elevations 05 received 22.01.2021
3. The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

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 visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.

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, 2019.



17 Elmley Grove, Perton, WOLVERHAMPTON WV6 7RW



**SOUTH STAFFORDSHIRE COUNCIL****PLANNING COMMITTEE – 16 MARCH 2021****MONTHLY UPDATE REPORT****REPORT OF THE LEAD PLANNING MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

1.1 A monthly update report to ensure that the Committee is kept informed on key matters including:

- Proposed training
- Any changes that impact on National Policy
- Any recent Planning Appeal Decisions
- Relevant Planning Enforcement cases on a quarterly basis
- The latest data produced by the Ministry of Housing Communities and Local Government

**2. RECOMMENDATION**

2.1 That Committee note the content of the update report.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	16 March 2021	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.

IMPACT ON SPECIFIC WARDS	No	District-wide application.
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## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

- 4.1 Future Training** – Changes to Planning Committee were approved at the 26 March 2019 meeting of the Council to reduce committee size from 49 potential members to 21 members. As part of these changes an update report will now be brought to each meeting of the Committee. The intention has been that with a reduced size of Committee additional training will be provided throughout the year, namely before Planning Committee. The sessions may well change depending on what issues are on the agenda. Due to COVID 19, these had to be suspended, however we have now resumed some remote training. Prior to planning committee this evening, Members were invited to a training session from Staffordshire County Council highways.
- 4.2 Changes in National Policy** – The government is currently seeking views on draft revisions to the National Planning Policy Framework (NPPF). The consultation closes on 27<sup>th</sup> March 2021. The text has been revised to implement policy changes in response to the Building Better Building Beautiful Commission “Living with Beauty” report. A number of other changes to the text of the NPPF are also set out and explained in this consultation document, but it is not proposed to review the NPPF in its entirety at this stage. A fuller review of the NPPF is likely to be required depending on the implementation of the government’s Planning White Paper proposals. This consultation is also seeking views on the draft National Model Design Code, which provides detailed guidance on the production of design codes, guides and policies to promote successful design. The government expects the National Model Design Code to be used to inform the production of local design guides, codes and policies. Officers have prepared a draft response on behalf of the Council for Members to consider separately.
- 4.4 Planning Appeal Decisions** – every Planning Appeal decision will now be brought to the Committee for the Committee to consider. As there was no committee in February, there are 2 months of appeal decisions, and there have been 4 appeal decisions since the last Committee, a copy of the decisions are attached as Appendix 1, 2, 3 and 4. These relate to:
- 1 An appeal against a proposed single storey rear and first floor side extensions at 28 Queens Gardens, Codsall, WV8 2EP. The appeal was allowed because the Inspector concluded that on balance the proposed development would not harm the character or appearance of the host dwelling or the surrounding area. The inspector also noted that the proposal would be unlikely to result in a loss of privacy to the rear garden of No 29 to the degree that would be harmful to its occupiers’ living conditions.
  - 2 An appeal against a refusal to development proposed is the installation of a 20 metre slim-line column supporting 6 no. antennas, 1 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto including a GPS

- module and 3 no. Remote Radio Units (RRUs). on the grass verge adjacent to Codsall Road, Codsall, WV6 9QG. The appeal was dismissed because the Inspector concluded that the benefits of the provision of the appeal installation to facilitate 5G coverage does not outweigh the harm they found to the character and appearance of the area.
- 3 An appeal against a refusal for a revised design for previously approved replacement dwelling at land adjacent to 26 Dark Lane, Kinver, Stourbridge, DY7 6JA. It was dismissed because the Inspector concluded that the development would significantly harm both the character and appearance of the area and the living conditions of the occupiers of The Cottage.
  - 4 An appeal against a refusal to remove a condition associated with a hot food takeaway shop ref 06/01323/COU, dated 21 February 2007. The condition in dispute is No 2 which states that: the premises shall remain closed between 23:00 hours and 11:30 hours at 3 Rosemary Road, Cheslyn Hay WS6 7DY. The appeal was dismissed because the Inspector concluded that the limited scale of the economic benefits would not outweigh the harm in respect of the detrimental impact on the living conditions of existing occupiers of nearby residential properties.
- 4.6 We are still awaiting the outcome of the 2 Crematoria appeal decisions. The decisions were due by 12 September 2019.
  - 4.7 The Secretary of State for Transport has made an order granting development consent West Midlands Interchange (WMI). Documents can be seen here : <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/> Officers are now working with the site promoters to understand next steps.
  - 4.8 **Relevant Planning Enforcement cases on a quarterly basis** – Performance is currently at 81%, above the 80% target. There has clearly been an improvement in planning enforcement performance as a result of extra staff and a targeted triage approach to dealing with new cases. We are now fully staffed after successful recruitment, and as such the temporary staff have now left the Council.
  - 4.9 **The latest data produced by the Ministry of Housing Communities and Local Government** – As members will recall, MHCLG sets designation targets that must be met regarding both quality and speed of planning decisions. The targets are broken into Major and Non major development. If the targets are not met, then unless exceptional circumstances apply, MHCLG will “designate” the relevant authority and developers have the option to avoid applying to the relevant designated Local Planning Authority and apply direct, and pay the fees, to the Planning Inspectorate. Details can be seen at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/760040/Improving\\_planning\\_performance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf)
  - 4.10 We will ensure that the Committee is kept informed of performance against the relevant targets including through the MHCLG’s own data.

4.11 For Speed – the 2020 target for major developments is that 60% of decisions must be made within the relevant time frame (or with an agreed extension of time) and for non-major it is 70%. For Quality – for 2020 the threshold is 10% for both major and non-major decisions. Current performance is well within these targets and the position as set out on MHCLG’s website will be shown to the Committee at the meeting – the information can be seen on the following link tables:

- 151a – speed – major
- 152a – quality – major
- 153 – speed – non major
- 154 – quality – non major

The link is here – <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

The latest position is on the MHCLG website and the key figures are below:

**Speed**

151a – majors – target 60% (or above) – result = 90.7% (data up to September 2020)

153 – others – target 70% (or above) – result = 88.5% (data up to September 2020)

**Quality**

152a – majors – target 10% (or below) – result = 6.1% (date up to March 2019)

154 – others – target 10% (or below) – result = 0.8% (date up to March 2019)

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

N/A

7. BACKGROUND PAPERS

Appendix 1 – Appeal Decision – 28 Queens Gardens, Codsall, WV8 2EP

Appendix 2 – Appeal Decision – land adjacent to Codsall Road, Codsall, WV6 9QG

Appendix 3 – Appeal Decision – 26 Dark Lane, Kinver, Stourbridge, DY7 6JA

Appendix 4 – Appeal Decision – 3 Rosemary Road, Cheslyn Hay WS6 7DY

Report prepared by:

Kelly Harris

Lead Planning Manager



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## Appeal Decision

Site visit made on 7 December 2020 by A J Sutton BA Hons DipTP MRTPI

**by R C Kirby BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 January 2021**

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**Appeal Ref: APP/C3430/D/20/3262160**

**28 Queens Gardens, Codsall, WV8 2EP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs J Price against the decision of South Staffordshire Council.
  - The application Ref 20/00536/FUL, dated 1 July 2020, was refused by notice dated 20 August 2020.
  - The development proposed is described as 'Proposed single storey rear and first floor side extensions.'
- 

### Decision

1. The appeal is allowed, and planning permission is granted for proposed single storey rear and first floor side extensions, at 28 Queens Gardens, Codsall, WV8 2EP, in accordance with the terms of the application Ref 20/00536/FUL, dated 1 July 2020, and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan No 20 45 06, Planning Proposals No 20 45 05.
  - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match the existing building.
  - 4) The flat roof area below the Juliet balcony style rear window hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matters

3. Planning permission for a very similar development at the appeal property was granted earlier in 2020.<sup>1</sup> The proposal seeks to amend the design of the approved extension.

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<sup>1</sup>Ref 20/00301/FUL

## **Main Issue**

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

## **Reasons for Recommendation**

5. The appeal property forms one half of paired dwellings in a suburban cul-de-sac which comprises a mix of semi-detached and detached dwellings. It appeared unaltered to the side with an attached garage abutting the side boundary. Whilst the area has a design coherency reflective of the period in which it was originally constructed, the street scene is characterised by a variety of built forms, spacing and architectural detail. A number of properties have been extended to the side including some semi-detached dwellings.
6. The design of the proposed development takes its cues from the original architectural character of the host property. Although the first floor element would be closer to the party boundary and therefore wider than the previously approved extension, its ridge height would be set lower than the original roof, the front first floor elevation would be set back from that of the host dwelling and the proposed fenestration to the front would ensure the development would appear as a subservient addition, in keeping with the host dwelling.
7. The proposal would reduce the gap in the street scene at first floor between the host property and its neighbour, however the gap that would remain would be similar to nearby development in Queens Gardens and as such would reflect the character and appearance of the area. The proposal would not appear cramped or out of keeping with the varied street scene.
8. It is therefore concluded that the proposed development would not harm the character or appearance of the host dwelling or the surrounding area. Accordingly, the proposal complies with Policy EQ11 of the South Staffordshire Core Strategy Development Plan Document 2012 which requires the design of development to be of the highest quality, in terms of scale, volume, massing and materials, which should contribute positively to the street scene and surrounding buildings, respecting the scale of spaces and buildings in the local area.

## **Other Matters**

9. The proposed doors and window serving the rear bedroom would take first floor windows closer to the party boundary with No 29. Views from these areas would be largely down the rear garden of the host property, but those stood in the window/doors would also be able to obtain views in to and across the gardens of neighbouring properties.
10. However, whilst the proposal would change the existing relationship between first floor windows and the rear garden of No 29, I am mindful that in suburban situations such as this that a level of mutual overlooking of nearby gardens is to be expected. The proposal would be unlikely to result in a loss of privacy to the rear garden of No 29 to the degree that would be harmful to its occupiers' living conditions. It is noteworthy that the recently secured planning permission permits a similar feature in the same position to that before me, which could be constructed in the event that this appeal was not successful. Moreover, I note that the Council did not include the effect of the proposal on the privacy of

nearby occupiers as a concern when it refused the planning application, the subject of this appeal.

11. However, in the event that the flat roof beyond the Juliet style balcony was used as a balcony, including for sitting out on, I find that its relationship to the rear garden and patio area of No 29 would result in a loss of privacy to the occupiers of this property whilst using their outdoor space. This matter could however be controlled by a suitably worded planning condition, which both main parties have confirmed is acceptable.
12. Accordingly, and subject to a condition restricting the use of the flat roof area beyond the Juliet balcony, I conclude that the living conditions of nearby occupiers would be preserved. There would be no conflict with the National Planning Policy Framework, which sets out at paragraph 127 that developments should create places with a high standard of amenity for existing and future users.
13. The concerns relating to roof drainage are noted, however the granting of planning permission does not permit encroachment on to third party land without the necessary consents being obtained.

### **Conditions**

14. Conditions requiring compliance with the approved plans, and external surfaces to be constructed in materials to match the existing dwelling are necessary in the interest of certainty, and to protect the character and appearance of the host property and the surrounding area.
15. An additional condition which prevents the use of the flat roof at the rear of the property as a balcony is necessary to protect the living conditions of the occupants of the neighbouring property.

### **Conclusion and Recommendation**

16. For the reasons given above, and having regard to all matters raised, I recommend that the appeal should be allowed.

*A J Sutton*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

17. I have considered all the submitted evidence and concur that the appeal should be allowed with the suggested conditions.

*RC Kirby*

INSPECTOR





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## Appeal Decision

Site visit made on 15 December 2020

**by Chris Forrett BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> January 2021**

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**Appeal Ref: APP/C3430/W/20/3260464**

**Grass verge adjacent to Codsall Road, Codsall, Wolverhampton WV6 9QG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Clarke Telecom Ltd against the decision of South Staffordshire Council.
  - The application Ref 20/00247/TEL, dated 30 March 2020, was refused by notice dated 29 May 2020.
  - The development proposed is the installation of a 20 metre slim-line column supporting 6 no. antennas, 1 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto including a GPS module and 3 no. Remote Radio Units (RRUs).
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

### Reasons

#### *Character and appearance*

3. The appeal site is located in an undeveloped area to the south-east of the built-up area of Codsall. It is also located within the Green Belt. Further to the south-east there is an existing telecommunications installation on the roadside at the edge of Claygate, which is a built-up area on the outskirts of Wolverhampton. The broad area of the appeal site is set in a dip in the local topography with the site of the existing mast being set at a higher land level. The Appellant states that such undulations in the local landscape are between 5 and 10 metres higher than the lowest point which is close to the appeal site.
4. The Council have not raised any concern in respect of the equipment cabinets and I have no reason to come to a different conclusion. I have therefore focused my attention on the visual implications of the proposed column in terms of its siting and appearance.
5. The proposal includes a 20-metre high column which would be sited close to Codsall Road where there is an existing agricultural access and a tree which is around 14 metres in height. There are also other trees and hedgerows in the area which provide some vegetative cover.

6. At my site visit I noted that there is limited street furniture in the vicinity of the site with the nearest lamp-post being around 8 metres in height. As such, the introduction of a 20-metre high column would appear as a significantly taller structure than anything else which currently exists in the area.
7. The National Planning Policy Framework (the Framework) advises that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
8. Whilst the column would be partially camouflaged by the backdrop of the nearby tree, it would still exceed the height of the tallest nearby street furniture by a significant margin and would be some six metres above the adjacent tree. In my opinion, it would unacceptably stand out as an overly prominent feature given its height. This is particularly the case when travelling from the Codsall direction along Codsall Road.
9. Furthermore, the adjoining tree is a deciduous tree and during the winter months would not provide the same level of screening as it does during the times when it is in leaf. During this time, the column would appear as a highly prominent and obtrusive piece of street furniture.
10. I have also considered the visual impacts of the column from the footpath known as Codsall 32. Whilst the column would be partially obscured from view when travelling along the footpath by the existing tree, it would still be visible given its overall height. That said, I am also conscious that the land level falls as you approach the appeal site whilst walking along the footpath in a northerly direction which has the effect of decreasing the level of impact. However, the level of screening from the tree is dependent on the time of year.
11. Taking this into account, the development would result in some visual harm when compared to the existing situation for users of the footpath. However, I consider that this is not a determinative factor on its own. Nevertheless, some harm would result and this adds weight to my overall view that the column would harm the character and appearance of the area.
12. In coming to the above views, I consider that the overall design of the column and antennas/dishes are not unacceptable per se. However, this does not override my concerns over the height of the column.
13. For the above reasons, the column would stand out as an incongruous feature within the surrounding area largely as a result of its height. As a result, it would be harmful to the character and appearance of the area contrary to Policies EV10, EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan Document (2012) (CS) which amongst other matters seek to respect and maintain the intrinsic rural character of the landscape, including supporting necessary telecommunications installations where there is no acceptable alternative location which would be less harmful to the environment.

#### *Telecommunications balance*

14. The Framework, at paragraph 112, is clear that advanced, high quality and reliable communications infrastructure is essential for sustainable economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks. It also specifically includes support next generation mobile technology (such as 5G).

15. The Council does not dispute the need for network coverage in the area, nor is there any contention of the substantial benefits to mobile connectivity. Furthermore, it is not disputed that in order to provide 5G coverage there is a need to provide separate masts for the Vodafone and Telefonica networks. I see no reason to take a different view on these points.
16. The proposed mast is part of the deployment of 5G in the area, but also re-locates the existing 2G, 3G and 4G from the shared mast which is located around 200 metres away to the south-east. However, from the information before me, it is unclear on how the 5G coverage would fit in with other proposed sites or what the search area for other suitable sites was.
17. I am also conscious that the coverage plots supplied with the appeal proposal indicate that the strongest 5G signal areas would be where there is little development. Indeed, there is only limited development in the areas indicated as 'indoor' coverage. Additionally, very limited information has been provided in respect of the replacement 2G, 3G or 4G coverage.
18. Notwithstanding the above, the Appellant has stated that several notable areas would benefit from improvements in coverage including a significant stretch of Codsall Road, a significant stretch of the commuter railway line linking Wolverhampton with Codsall, and the residential areas of Codsall and Claygate.
19. Whilst I consider that the coverage from the installation can hardly be described as significant in respect of Codsall Road and the railway, it would nevertheless provide coverage to these travel corridors. However, it is unclear whether this could be achieved by alternative means which would not have the same level of harm as the appeal proposal.
20. In coming to that view, I also acknowledge that the Appellant has stated that the height of the column, at 20 metres, is the lowest possible height that will enable the operator to provide equivalent 2G, 3G and 4G coverage to the area whilst enabling 5G to be delivered in an efficient manner. Whilst this may be the case, this could also be as a result of the siting of the installation in a dip in the local landscape.
21. In addition to the above, the Appellant has referred to the amount of growth in the area, including over 300 new homes and 7.08 hectares of employment land. However, it is unclear how the proposal would assist in telecommunications coverage in these areas and therefore I can only give this very limited positive weight.
22. Taking all of the above into account, I consider that the benefits of the provision of the appeal installation to facilitate 5G coverage does not outweigh the harm I have found to the character and appearance of the area.
23. I have also considered the generally supportive aspects of the Framework and Policy EV10 of the CS in reaching the above view. However, from the evidence before me, I consider that suitable alternative means of providing coverage have not been fully explored and that there remains a possibility that the use of alternative, less harmful location or locations (including locations closer to the existing installation and/or other sites in the area), may merit further discussion. This is particularly important in the context of Policy EV10 as this is supportive of otherwise unacceptable telecommunications development

providing that there is no acceptable alternative location(s) which would be less harmful to the environment.

### **Conclusions**

24. For the reasons given above, including the Governments overarching objective to improve mobile connectivity and to deliver required network improvements, I conclude that the appeal should be dismissed.

*Chris Forrett*

INSPECTOR





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## Appeal Decision

Site visit made on 15 December 2020

**by Thomas Hatfield BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> January 2021**

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**Appeal Ref: APP/C3430/W/20/3259789**

**Dark Lane, Kinver, Stourbridge, DY7 6JA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ron Whitehouse against the decision of South Staffordshire Council.
  - The application Ref 19/00973/FUL, dated 20 December 2019, was refused by notice dated 23 March 2020.
  - The development proposed is described as "*revised design for previously approved replacement dwelling (Ref: 0291/97)*".
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of the occupiers of The Cottage with regard to overlooking.

### Reasons

#### *Character and appearance*

3. The appeal site is positioned at the junction between Dark Lane and Hawthorne Way, on the edge of Kinver. It consists of a small triangular piece of land within the settlement boundary where the new dwelling and its curtilage are proposed, and a larger paddock to the south that is within the Green Belt. The site has been subject to two previous planning permissions<sup>1</sup> for a new dwelling, both of which remain extant.
4. The appeal proposal would be significantly taller than both previously approved schemes and would occupy a larger footprint. In this regard, it would have a significantly steeper roof pitch, with gables at both ends, that would result in a taller and more imposing dwelling positioned close to the road. The scale and height of the development would contrast sharply with the more modest proportions of The Cottage, and it would be prominent in longer views along the street. From these vantage points it would appear as an unduly tall and dominant feature that would draw the eye. Moreover, its excessive footprint would leave only a small garden area in the eastern corner of the site that

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<sup>1</sup> Refs 0291/97 and 20/00431/FUL

would have limited usability due to its size. Whilst I note that other nearby dwellings are also situated within irregular shaped plots, those properties have larger and more usable garden areas.

5. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policy EQ11 of the South Staffordshire Core Strategy (2012). This policy seeks to ensure, amongst other things, that new development is of high quality design that takes into account local character.

#### *Living conditions*

6. Unlike the two previously approved schemes, the appeal proposal would incorporate a double garage with two dormer windows above it. These windows would serve a bedroom and would face directly onto the side elevation of The Cottage at relatively close quarters. In this regard, an existing first floor window in The Cottage is positioned opposite to the proposed dormer windows, and there would be a significant degree of intervisibility between them. The distance between these windows would be below the minimum separation distances set out in Appendix 6 of the Core Strategy, and this arrangement would result in a significant loss of privacy in my view.
7. Separately, the existing trees and hedges along the boundary would ensure that there would be no significant loss of privacy to the adjoining property at No 26 Dark Lane. However, that does not alter my other concerns regarding the development, as set out above.
8. For the above reasons, I conclude that the development would significantly harm the living conditions of the occupiers of The Cottage with regard to overlooking. It would therefore be contrary to Policy EQ9 of the South Staffordshire Core Strategy (2012), which seeks to protect residential amenity.

#### **Conclusion**

9. As set out above, I conclude that the development would significantly harm both the character and appearance of the area and the living conditions of the occupiers of The Cottage. Whilst it would provide a new dwelling on a previously developed site, and would generate some economic benefits during the construction phase, that does not alter my view that the appeal should be dismissed.

*Thomas Hatfield*

INSPECTOR



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## Appeal Decision

Site visit made on 12 January 2021

**by J Williamson BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 February 2021**

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**Appeal Ref: APP/C3430/W/20/3261372**

**3 Rosemary Road, Cheslyn Hay WS6 7DY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr H Kok against the decision of South Staffordshire Council.
  - The application Ref 19/00864/VAR, dated 28 October 2019, was refused by notice dated 22 May 2020.
  - The application sought planning permission for hot food takeaway shop without complying with a condition attached to planning permission Ref 06/01323/COU, dated 21 February 2007.
  - The condition in dispute is No 2 which states that: the premises shall remain closed between 23:00 hours and 11:30 hours on Mondays to Saturdays and shall remain closed on Sundays and Bank Holidays.
  - The reason given for the condition is: to safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Although the application sought to remove condition 2, the appellant's statement confirms that he would accept the opening hours condition being varied, should the appeal be allowed. The suggested variation is that the premises would be allowed to open on Sundays and Bank Holidays with a closing time of 11pm. Additionally, the appellant's final comments state that he would accept a varied hours of operation condition proposed by the Planning Inspectorate, should the appeal be allowed.
3. I consider no one would be prejudiced by me considering the suggested variation at this stage. I have therefore taken it into account in reaching my decision.
4. The appellant's statement notes that the application to the Council to remove/vary the condition also included a proposed up-grade to the existing extraction system, which was supported with a noise assessment. I appreciate the appellant's position regarding this matter. However, the proposed alterations to the extraction system do not relate to the condition which the appellant seeks to have removed/varied. Consequently, it does not form part of

the appeal proposal. Notwithstanding this, given the main issue in this case, I have had regard to the noise assessment.

### **Main Issue**

5. The main issue is the effect on the living conditions of occupiers of nearby residential properties, with regard to noise and disturbance, should the condition be removed or varied.

### **Reasons**

6. The appeal site comprises the ground-floor of a 2-storey mid-terrace property. The terrace consists of 3 properties, all of which have hot food takeaway uses on the ground-floor and residential accommodation above on the first floor. There are other residential properties very close to the appeal site; in particular, those north-west of the site on Rosemary Road and Liberty Square. There is a public car park and Public House opposite the site and an area of public open space to the rear of the terrace, also close to the residential properties, with benches where people can sit.
7. The appellant's evidence suggests that the site lies within the village Retail Centre, which the Council has not challenged. In addition to the premises noted above, other commercial premises are located to the east/north-east of the site on High Street/Station Street. Hence, the area within which the site is located consists of a mix of uses - commercial and residential. However, I disagree with the appellant's characterisation of the area as being "overriding bustling commercial". Although there is a community/social club and a restaurant in this part of the Retail Centre, most of the commercial premises are of a type that operate during the day time only, including accountants, hair and beauty salons, chemists, a bakery and electrical shop.
8. Although I did not experience the Retail Centre as it usually would be, as my observations were made during a period of Covid-19 restrictions, due to the Centre being relatively small-scale and the nature of the businesses along the High Street/Station Street section of the Centre, I would characterise the Retail Centre as a small, local village Centre where small numbers of people calmly go about their day-to-day activities, with limited activity in the evenings.
9. The Council refer to a previous appeal decision related to the site, APP/C3430/A/09/2107644, which was also an appeal against the Council's refusal to remove/vary condition 2 on application 06/01323/COU. The appeal was dismissed; the Inspector considered that the occupiers of neighbouring residential properties should be given respite from, among other things, noise and disturbance resulting from customers congregating outside the premises, revving car engines, and slamming car doors. I have had significant regard to this appeal decision as the current appeal to remove/vary the condition is the same, and I have not been provided with any evidence that there has been significant changes in site circumstances during the intervening 10 or so years. Where local and national planning policies have changed during the intervening period, I have had due regard to them.
10. Within the context outlined above, I have no justifiable reason to reach a different conclusion to that of the Inspector in the previous appeal. Hence, I conclude that removing or varying condition 2 attached to approval

06/01323/COU would have a detrimental impact on the living conditions of existing occupiers of the residential units close to the site due to noise and disturbance, particularly the flats above the terrace and the residential properties immediately north-west of the site on Rosemary Road and Liberty Square.

11. I appreciate the appellant's assertion that commercial uses take precedence in town and village centres. However, the character of the relevant centre needs to be borne in mind and occupiers of existing residential properties within such centres are entitled to retain satisfactory living conditions should development occur. Like the Inspector in the previous appeal, I consider that existing occupiers of residential properties close to the site should have some respite from the type of noise and disturbance generated simply whilst people queue and/or congregate outside the takeaway premises or sit and consume their takeaway in the nearby open space. That is, noise and disturbance resulting from people talking, shouting, laughing and/or using their mobile phones. Additional noise disturbance could also result from engines revving and car doors slamming if people use their cars and/or taxis to travel to/from the premises.
12. The appellant considers that the proposal would not generate an increase of people in the area desiring a takeaway; and also suggests that increasing the number of takeaway premises with more extensive opening hours would ensure those people using such facilities were served quicker and dispersed from the area sooner than at present. However, I am not persuaded by these arguments. I believe more takeaway premises being open for longer hours, as a result of either removing or varying condition 2, has the potential to generate an increase in users and for users to visit such facilities at times that are currently not an option.
13. The appellant contends that there have been no instances of anti-social behaviour within the vicinity of the site, and therefore it is not necessary to continue to restrict the opening hours of the premises to prevent an exacerbation of anti-social behaviour in the area, as such behaviour does not exist. However, the behaviours I have referred to above that could result in residents being disturbed by noise would, for the most part, not constitute anti-social behaviour requiring intervention by the police.
14. The appellant refers to paragraph 182 of the National Planning Policy Framework (the Framework), which advises that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. In this case, however, the residential development known as Liberty Square actually existed before the appeal premises were granted planning permission for a change of use from retail to hot food takeaway.
15. The appellant contends that they have taken account of the living conditions of occupiers of existing residential properties, as required by policy EQ9, and I acknowledge that this is the case. However, bearing in mind all the above, I consider that the proposal to remove or vary condition 2 attached to approved planning application 06/01323/COU does not accord with Policy EQ9 of the Core Strategy Development Plan Document 2012 or sub paragraph 127 (f) of the Framework. This is because these policies, taken together, and among other things, require development proposals to not only take account of the

living conditions of occupiers of existing properties, but to also ensure development provides a high standard of living conditions for existing occupiers and does not unacceptably affect such living conditions.

*Other considerations*

16. As noted above, the appellant submitted a noise assessment. However, this assessment dealt specifically with the impact of up-graded plant at the premises on the most sensitive receptor, ie the residential premises above, taking account of the sound insulation between the units. The assessment did not encompass the type of noise and disturbance described above.
17. A covering letter submitted with the planning application refers to the trade organisation for Turkish speaking individuals in the food & leisure industry and the importance of human rights legislation in the context of determining planning applications. The letter suggests that the opening hours of all the takeaway premises in the terrace should be consistent. Also, it is contended that one of the objectors on a previous application at the site has a financial interest in an adjoining takeaway. As such, it is suggested that the motives for objecting were financial and therefore the basis of the concerns raised is questioned.
18. I understand that the hours of opening of number 1 Rosemary Drive are not restricted, and therefore the 3 takeaway premises have different opening hours. However, due to the history of No 1, the opening hours of the premises is outside the control of the planning system.
19. I note that the Council did not receive any comments from members of the public regarding the application. Comments submitted in respect of previous applications are not relevant to the current proposal.
20. I also note that in general the courts have concluded that planning is concerned with land use in the public interest, rather than the protection of purely private interests. I have reached my decision based on this principle and the appellant has been given a fair trial through the appeal process. I have had due regard to the Human Rights Act 1998 and the Public Sector Equality Duty contained in the Equality Act 2010.
21. Finally, I acknowledge that removing or varying the opening hours could provide economic/commercial benefits, and I attach moderate weight to this. However, I consider the limited scale of these benefits do not outweigh the harm I have found in respect of the detrimental impact on the living conditions of existing occupiers of nearby residential properties.

**Conclusion**

22. For the reasons outlined, I conclude that the appeal is dismissed.

*J Williamson*

INSPECTOR