

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, 15 December 2020

Time: 18:30

Venue: Virtual Meeting



D. Heywood
Chief Executive

A G E N D A

Part I – Public Session

- | | | |
|----------|---|----------------|
| 1 | Minutes
To confirm the minutes of the meeting of the Planning Committee held on the 17
November 2020 | 1 - 2 |
| 2 | Apologies

To receive any apologies for non-attendance. | |
| 3 | Declarations of Interest

To receive any declarations of interest. | |
| 4 | Determination of Planning Applications
Report of Development Management Team Manager | 3 - 66 |
| 5 | Monthly Update Report
Report of the Lead Planning Manager | 67 - 78 |

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

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.

Minutes of the meeting of the **Planning Committee** South Staffordshire Council held in the Virtual Meeting [Venue Address] on Tuesday, 17 November 2020 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

88 OFFICERS IN ATTENDANCE

Annette Roberts, Sue Frith, Manjit Dhillon, Kelly Harris

89 MINUTES

RESOLVED: that the minutes of the Planning Committee held on 20 October 2020 be approved and signed by the Chairman.

90 APOLOGIES

There were no apologies.

91 DECLARATIONS OF INTEREST

There were no declarations of interest.

92 DETERMINATION OF PLANNING APPLICATIONS REPORT

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

20/00627/FUL – 6 BEECH HURST GARDENS, SEISDON, WOLVERHAMPTON WV5 7HQ - APPLICANT – MR IAN MIDDLETON – PARISH – TRYSULL & SEISDON

Mr Ian Middleton (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 Andrew Hingley-Smith.

Councillor V Wilson, as local member, did not support the recommendation for approval. She repeated the comments she had made at the last meeting – she believed the development would have an adverse effect on neighbouring properties and was contrary to Core Policy EQ11 in being out of character with the rest of the properties in the cul de sac.

A video of the street scene was shared with members.

Councillor B Spencer moved a motion to refuse the application, as it represented over development in the cul de sac and was contrary to Core Policies EQ9 and EQ11.

Councillor L Hingley seconded the motion.

The motion was defeated.

RESOLVED: that the application be **APPROVED** subject to conditions contained in the Planning Officer's report.

20/00571/FUL – WYEVALE GARDEN CENTRE LTD WYEVALE, BRIDGNORTH ROAD, SHIPLEY, WOLVERHAMPTON, WV6 7EJ – APPLICANT – WOODTHORPE HALL GARDEN CENTRE LIMITED - PARISH – TRYSULL AND SEISDON

Councillor V Wilson as local member raised no objection.

RESOLVED: that the application be **APPROVED** subject to the conditions contained in the Planning Officer's Report and an additional condition:

4. Notwithstanding the provisions of Class E of the Town and Country Planning Use Classes Order 1987, as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the areas covered by the canopy structures hereby approved shall be used only for the sale of plants (including trees and shrubs) and other outdoor garden items.

20/00601/COU – LAND TO THE REAR OF HORDEN LODGE, BALL LANE, COVEN HEATH, WV10 7HD - APPLICANT – MR NINO LEE – PARISH - BREWOOD

Councillor D Holmes, as local member, supported the application accepting the inclusion of additional condition 10 but asked for clarity around condition 4 and the number of permitted commercial vehicles.

RESOLVED: that **APPROVAL** be delegated to the Team Manager to issue subject to the conditions contained in the Planning Officer's Report; a satisfactory amendment to clarify condition 4; and an additional condition:

10. The occupation of the additional pitch hereby permitted shall be carried on only by Nicole Jones and her resident dependants.

93 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.

The Meeting ended at: 19:40

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL

PLANNING COMMITTEE – 15 December 2020

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

Report prepared by: Sue Frith, Development Management Team Manager

App no	Applicant/Address	Parish and Ward Councillors	Recommendation	Page
19/00912/OUT MAJOR	Amber Real Estate Investments (Agriculture) Limited Great Chatwell Poultry Premises Great Chatwell Newport TF10 9BJ	BLYMHILL & WESTON UNDER LIZARD Cllr Brian Cox Cllr Venetia Jackson	Refuse	9 - 32
20/00613/FUL NON MAJOR	Mr Shane Clee The Paddock Anvil Park Bursnips Road Essington WOLVERHAMPTON WV11 2RD	ESSINGTON Cllr Warren Fisher Cllr Christopher Steel	Approve	33 - 48
20/00788/FUL NON MAJOR	South Staffordshire Housing Association 18 Hillboro Rise Kinver STOURBRIDGE DY7 6BS	KINVER Cllr Brian Edwards Cllr Lin Hingley Cllr Henry Williams	Approve	49 - 58
20/00809/FUL NON MAJOR	Victoria Williams Harrow Cottage School Lane Coven WOLVERHAMPTON WV9 5AN	BREWOD & COVEN Cllr Wendy J Sutton Cllr Joyce Bolton Cllr Diane Holmes	Approve	59 - 66

**19/00912/OUT
MAJOR**

**Amber Real Estate Investments
(Agriculture) Limited**

**BLYMHILL AND WESTON
UNDER LIZARD**

**Cllr Brian Cox
Cllr Venetia Jackson**

Great Chatwell Poultry Premises Great Chatwell Newport TF10 9BJ

Outline application for the erection of up to 8 residential dwellings with all matters reserved and comprising of: Demolition of the existing poultry farm and agricultural bungalow; Up to 8 residential dwellings with a mix of size and type; To include 3 affordable (low-cost discounted sale) dwellings; comprising 1 x bungalow and 2 x semidetached houses, Green infrastructure including associated landscaping; Associated facilitating works.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Application Site

1.1.1 The application site comprises of a long-standing poultry farm which remains in operation. The farm covers a large area consisting of 2.68ha and comprises of a number of timber buildings with pitched steel-clad roofs used in connection with the poultry farm operation, steel grain silos and substantial hard standing. The site is also occupied by an agricultural bungalow known as 'Tamarinda'.

1.1.2 The site is located wholly within open countryside and is adjacent to the settlement boundary of Great Chatwell. Great Chatwell is a small settlement situated on the rural Shropshire / Staffordshire border. It is situated between the towns of Shifnal, located 6 miles away and Newport located 5 miles away.

1.1.3 The site is surrounded on two sides by open countryside and is bounded to the west by The Red Lion Public House and agricultural buildings to the north. Approximately 100m to the north west of the western entrance to the site lies the Grade II listed 19th Century screened wall and arched entrance to Chatwell Court (Listed reference 1374056). Further along the track lies Great Chatwell House, an 18th Century Grade II Listed Building.

1.1.4 The main farm access is located at the north western end of the site and takes the form of a wide concrete access point with gates set back from the edge of the public highway. The bungalow is accessed at the eastern end of the site through a single-track tarmac roadway.

1.1.5 The topography of the land to the south and north west is relative flat. To the north west the land undulates. A public right of way runs across the road from the site (Blymhill and Weston u Lizard Reference 7 and 0.839). The site is screened along the western extent by mature vegetation.

1.1.6 The site is in close proximity to a number of ecological features, such as an impact risk zone (surface water run off) for the Midlands Meres and Mosses Phase 2 Ramsar and 'Aqualate Mere SSSI' is part of this Ramsar site which lies 5.8km to the north of the site. The

site is also 4.3km west of Motte Meadows Sites of Special Scientific Interest and Special Area of Conservation.

1.1.7 The site also lies within a County Mineral Safeguarding Area for Superficial Sand and Gravel.

1.2 Planning History

AGR/94/00008 – Feed Bins – Planning permission not required 11.04.1994

86/00589 – Two Poultry Houses – Approved subject to conditions 24.03.1986

1.3 Pre-application Advice

The response of officers was not supportive of the proposal as they considered the location of the site was unsustainable due to a lack of facilities within Great Chatwell and a lack of public transport provision.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Outline permission is sought for the erection of up to 8 residential dwellings with all matters reserved. The proposal would comprise of the demolition of the existing poultry farm and agricultural bungalow known as 'Tamarinda' and the erection of up to 8 residential dwellings of mixed scales and design. The housing mix proposed to include:

Affordable (low cost discounted sale) dwellings to comprise of 1 x bungalow (Plot 1) and 2 x semi-detached dwellings (Plots 2 and 3).

The remaining dwellings on the site would be detached properties within their own substantial plots (Plots 4-8).

2.1.2 An Illustrative Masterplan has been submitted to accompany the proposal. That shows indicative access arrangements with seven of the dwellings (Plots 1 and 7) served off the existing main farm access located on the western extent of the site and a single plot (Plot 8) served off the existing access to the farm bungalow.

2.1.3 Each plot will include the following illustrative floorspace;

- *Plot 1 – 92.90m² 2bed bungalow (affordable);*
- *Plots 2 & 3 – 75.25m² 2bed semi-detached (affordable);*
- *Plots 4 & 7 – 195m²;*
- *Plots 5 & 6 – 251m²;*
- *Plot 8 – 325m² + annex over triple garage.*

2.1.4 The proposed development will provide a village green within the site. The village green will form a feature of the proposed development enhancing the main entrance into the site and would be the location of play equipment or used as the location for community events.

2.1.5 New trees will be incorporated into the site and additional hedgerows along the western boundary will provide screening from the Red Lion Public House.

2.2 Agents Submission

2.2.1 The application is supported by a number of documents which are summarised as follows:

Planning Statement, Pegasus Group

- *Following the above assessment an initial proposal was prepared. This consisted of the demolition of all of the existing poultry houses on the site and replacement with 5 large dwellings. The existing bungalow at Tamarinda would be retained. This proposal was subject to direct consultation with members of the Parish Council.*
- *As a result of feedback received, the proposal was amended to show some smaller dwellings, which could be potentially low-cost sale.*
- *Following further discussion with the Parish Council it was proposed to undertake a formal public consultation exercise to ascertain views of the local community in regard to the potential to remove the poultry farm and replace it with new residential development. As a result an exhibition was arranged to be held in the Red Lion Public House on the 10th September 2019.*
- *The exhibition was attended by circa 35 local residents. As a result of the consultation exercise a total of 12 written representations were received.*
- *Following the consultation exercise a proposal was revised to include comments made by the locality such as greater buffer to the land to the west of the site.*
- *The planning application follows an outline approach requesting consent for the principle of the redevelopment of the site for up to 8 dwellings of which 3 would be affordable. All matters would be reserved for future consideration via a reserved matters application.*
- *As the proposal involves the demolition of Tamarinda there will be a net gain in 7 new properties of which 3 (43% of the uplift in dwellings) would be affordable*

Design and Access Statement , Pegasus Group.

- *The application is for outline consent with all matters reserved for future consideration.*
- *The proposed development would enhance the appearance of the site, provide a quantum of development that is appropriate to the site and surrounding context and would significantly reduce the amount of buildings and hardstanding on the site.*
- *The density of the development parcel has been considered in order to reflect the surroundings and village location.*
- *The illustrative street scenes propose traditional materials which include brick and render design, along with the inclusion of chimneys, front gable features and detached garages.*
- *The Illustrative Masterplan demonstrates a range of residential properties with their own density and capacity identified. This takes account of the surrounding context and it is considered that the proposed density is appropriate for the site's village location.*

- *The proposed village green at the western entrance provides a focal point for the development and encourages biodiversity.*
- *Comments from residents at the public consultation have been taken into consideration when reviewing the need for additional boundary treatments along the western boundary.*
- *Significantly reducing the amount of buildings and hardstanding on the site would play a major part in returning majority of the land back to open space or residential gardens which would enhance landscaping and biodiversity.*

Preliminary Ecological Appraisal with Preliminary Roost Assessment, Focus Ecology Ltd.

- *A Preliminary Ecological Appraisal (PEA) has been submitted in support of this application. The PEA recommends various mitigation measures for protected habitats and species.*
- *The report highlights that further survey work will be required to provide satisfactory evidence of the presence or absence of bats in the buildings (poultry buildings, dwelling and outbuilding) to be affected by this application. A minimum one survey visit is recommended on each building in the optimal survey season (May – August).*
- *Existing mature trees and hedgerows should be retained within the development scheme. All retained trees and hedgerows should be afforded adequate protection in line with the 'BS5837: 2012 Trees in relation to design, demolition and construction.'*
- *Strict artificial night-lighting is required to prevent unnecessary illumination of wildlife habitats.*
- *In terms of habitats, the PEA notes the native hedgerows are being retained although some may need to be removed to accommodate visibility splays. The proposal therefore includes additional native hedgerow planting.*
- *In terms of protected species, the PEA recommended bird boxes and a bat barn to provide sufficient scope for mitigation.*
- *The Illustrative Masterplan demonstrates that a bat barn could be provided adjacent to the existing woodland which provides foraging opportunities for bats. Bird boxes would be provided on the dwellings themselves with details provided at Reserved Matters but could be secured by way of a suitably worded condition.*

Flood Risk Assessment and Drainage Strategy, Travis Baker Ltd.

- *The site area is in excess of 1 hectare and an FRA is therefore required.*
- *According to the Government flood mapping information, the whole of the site area which is to be developed is located fully within flood zone 1 and is therefore suitable for residential development.*
- *A copy of the Government surface water flood map illustrates that the previous site arrangements did experience local areas of surface water flooding, caused by low lying depressions in the local topography.*
- *There are no existing surface water or foul water sewers located within the development area. Multiple existing public sewers do however surround the site.*
- *The sewer records provided by Severn Trent show that there are no public surface water sewers located with Great Chatwell.*
- *All existing foul sewers are located north of the proposed development. Two existing foul sewers are located in Bun Lane with the head of the run to each sewer located*

close to the site boundary. One to the north east of the site and the other to the north west of the site. Both of these are on private land.

- *Existing drainage connections from the proposed site into existing sewers at the time of writing this report are unknown. On site connectivity investigations are required to see how the existing site connects into the existing sewers.*
- *The calculations show that the sites Greenfield run off rate equates to 3.8l/s per ha. The site extents are approximately 2.7ha. Current site layout proposals indicate that approximately 0.44ha of the site will be developed. This would equate to a Greenfield run off rate of 1.67l/s. In order to comply with Severn Trent's requirements, the outfall rate is required to be set at*
- *5l/s as this is the minimum surface water flow rate Severn Trent Water will permit.*
- *On site investigations works are required to explore this drainage method.*
- *It is possible that under very extreme storm events, or a system blockage, there may be some surface flooding. The detailed design of the site levels will ensure that unrestricted flood routes are available throughout the development, with buildings also being set a minimum of 150 mm above surrounding ground levels.*

Transport Assessment , Travis Baker Ltd.

- *The site is currently occupied by an operational poultry farm and a single residential dwelling.*
- *The development is expected to be served by the existing vehicular site access/ accesses from the C0290 road, which forms the site's only highway frontage. The accesses would be modified as required to accommodate the proposed development and would provide visibility splay distances appropriate to measured vehicle speeds on the adjacent road.*
- *A comparative assessment of traffic generated by the existing and proposed land uses has been presented in this report. The proposed development would not give rise to a material traffic impact in the village or on the adjacent rural road network. It would also generate no large vehicles, whereas the existing use of the site generates almost exclusively large HGV trips.*
- *To provide an accurate assessment of vehicular trips generated by the site, information on the*
- *existing farm operation was requested from Amber, who supplied a summary of the traffic movements that occur during each 7-week operational cycle.*
- *The report confirms that the existing poultry farm generates a total of 84 one-way HGV movements across a 7-week cycle. This equates to an average maximum of 5 HGV movements inbound per day, or 10 2-way HGV movements per day. Assuming that the site operates across a 12-hour day, the average hourly flow is approximately 1 vehicle per hour.*

BS5837 Arboricultural Survey and Impact Assessment Focus Ecology Ltd.

- *The removal of a small section of on Cat B hedgerow and six Cat C items would be required to accommodate the proposed scheme.*
- *This tree loss will be counteracted through effective mitigation planting in which would promote the landscape's amenity values long into the future.*
- *The report provides at Appendix 6.1 a Tree Survey Schedule.*
- *A Tree Constraints Plan is provided.*

- *Tree protection measures plan together with descriptions of a number of recommended tree protection measures.*

The proposal is also supported by an Indicative Masterplan as Drawing Reference P19-1042-01 Rev C entitled 'Proposed Site Layout'.

2.3 Additional Information / Amendments

A Phase 1 Geo-Environmental Assessment, Travis Baker Ltd was received dated 6th March 2020 as requested in the comments by the Environment Agency received 28th January 2020. In particular the feedback response sought:

"This site is located above a Principal Aquifer, WFD groundwater body, WFD drinking water protected area and is within 110 m of a surface water course. The site is considered to be of high sensitivity and the proposed development presents potential pollutant linkages to controlled waters. Therefore an assessment of potential contamination found in the proposed development site, an assessment of the pollutant linkages that the development could introduce, and consideration for the risk posed by surface water drainage and foundations will need to be undertaken."

A revision of the Flood Risk Assessment and Drainage Strategy with Revision A dated 29.06.2020 received by the Local Planning Authority dated 2nd July 2020. The Surface water outfall location revised.

A further revision was made to the Flood Risk Assessment and Drainage Strategy with Revision B dated 7.08.2020 .The Drainage Strategy was updated.

A further revision was made to the Flood Risk Assessment and Drainage Strategy Revision C dated 1.09.2020 received by the Local Planning Authority dated 1st September 2020. The Drainage Strategy updated.

3. POLICY CONTEXT

3.1 The site lies outside of a development boundary within Open Countryside.

3.2 South Staffordshire Council Core Strategy, adopted 2012.

- National Policy 1 – The Presumption in Favour of Sustainable Development
- Core Policy 1 – The Spatial Strategy for South Staffordshire
- Policy OC1 – Development in the Open Countryside Beyond the West Midlands Green Belt
- Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
- Policy EQ1 – Protecting, Enhancing and Expanding Natural Assets
- Policy EQ4 – Protecting and Enhancing the Character and Appearance of the Landscape
- Core Policy 3 – Sustainable Development and Climate Change
- Policy EQ7 – Water Quality
- Policy EQ9 – Protecting Residential Amenity
- Core Policy 4 – Promoting High Quality Design
- Policy EQ11 – Wider Design Considerations

- Policy EQ12 – Landscaping
- Core Policy 5 – Infrastructure Delivery
- Policy EQ13 – Development Contributions
- Core Policy 6 – Housing Delivery
- Policy H1 – Achieving a Balanced Housing Market
- Policy H2 – Provision of Affordable Housing
- Core Policy 11 – Sustainable Transport
- Policy EV11 – Sustainable Travel
- Policy EV12 – Parking Provision

3.3 South Staffordshire adopted guidance

- Affordable Housing and Housing Mix SPD 2014
- Green Belt and Open Countryside SPD, 2014

3.4 National Planning Policy Framework, 2019

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

3.5 National Planning Policy Guidance, 2014 as updated

4. CONSULTATION RESPONSES

Councillors: Councillor Cox has called the application in as he wishes to consider the implications of the proposed development against the Local Plan and in the context of the amenity of the area

Blymhill and Weston-u-Lizard Parish Council (Expiration 8.01.2020): Comments in Support “It would be beneficial for the community if this application is approved.” Received 25th February 2020.

Staffordshire County Council (Mineral & Waste Planning) (Expiration 8.01.2020): No Objection with the following comments: “*The records confirm that confirm that part of the site falls within an MSA for Superficial Sand and Gravel as defined in the Minerals Local Plan for Staffordshire (2015-2030). The proposed development does not fall within any of the exemptions criteria listed in Appendix 6 of the document. However, the site lies at the southern edge of the MSA and is already constrained by existing built development and roads. It is, therefore, unlikely to be practicable or environmentally acceptable to extract any underlying mineral in the foreseeable future. It is reasonable to conclude that the proposed development would not lead to the sterilisation of a significant mineral resource. In accordance with Policy 1.2, all ‘major development’ proposals (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and updated by the NPPG or any subsequent changes/revisions) should:*

- i. *Use / Address waste as a resource;*
- ii. *Minimise waste as far as possible;*
- iii. *Demonstrate the use of sustainable design and construction techniques, i.e.: resource-efficiency in terms of sourcing of materials, construction methods, and demolition;*
- iv. *Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its constituent material;*
- v. *Maximise on-site management of construction, demolition and excavation waste arising during construction;*
- vi. *Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and,*
- vii. *Be supported by a site waste management / waste audit if the development is likely to generate significant volumes of waste.” Received 3rd January 2020.*

Staffordshire County Council (Ecology) Final Response following additional plans Drainage plans, Site plans and Detailed attenuation pond and swale plan: No Objection subject to conditions.

Staffordshire County Council (Flood Risk Management):

Final Response - No Objection subject to a condition

Staffordshire County Council (Highways) (Expiration 8.01.2020): No Objection with the following comments *“The proposals are for outline application for the construction of up to 8 dwellings with all matters reserved which will not increase the traffic movements to the site. The site is on unnamed road which is a C road and is subject to a 60mph speed limit. Current records show that there have been no collisions Personal Injury Collisions (PIC) on unnamed road within 215 metres either side of the proposal for the previous five years. The location is poor in sustainability/connectivity terms and would be highly dependent on private vehicles – this would appear to be contrary to parts of the core strategy. There are no highways objections subject to full details of the following have been submitted to and approved in writing by the LPA: Primary and secondary access points; Street layout and character including measures to restrain vehicle speeds to 20mph forward visibility splays.*

-Provision of parking, turning and servicing within the site curtilage

-Disposition of buildings

-Means of surface water drainage and outfall

-Surfacing materials

-Construction Vehicle Management Plan

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of development.” Received 9th March 2020.

Environment Agency

Final Response: No further comments Received 21st September 2020.

Response 2: No Objection

Natural England:

Final Response *“HRA and Appropriate Assessment Response: Aqualate Mere – Midland Meres and Mosses Phase 2 Ramsar. The detailed design of Sustainable Drainage System shows a swale with wetland plant species. The proposed system has the potential to provide water quality mitigation to the extent needed to ensure safety of the Ramsar site. The detailed stage submission should include reedbed provision. Natural England 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). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.*

Your appropriate assessment concludes that your authority can ascertain that the proposal will not result in adverse effects on the integrity of Aqualate Mere (Midland Meres and Mosses Phase 2). Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur because of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.” Received 6th October 2020

Tree Officer (Expiration 8.01.2020): No objection subject to recommended conditions for Landscaping and Means of Enclosure together with Tree Protection measures” Received 3rd January 2020.

Environmental Health (Expiration 8.01.2020): No Objection subject to recommended conditions. Received 27th February 2020.

South Staffordshire Council (Housing Team) (Expiration 8.01.2020): *The NPPF confirms that affordable housing should only be sought on major developments (i.e. 10 or more dwellings or a site size of more than 0.5 hectares). The site size for this development is 2.68 hectares, therefore the Council’s adopted policy on affordable housing applies. On sites of 5-9 dwellings, the relevant contribution is 20% affordable housing, split 50:50 between social rent and shared ownership. In this case then, the affordable housing requirement is for one social rented dwelling and one shared ownership dwelling. In terms of the shared ownership dwelling, the site falls within a Designated Protected Area, meaning that restrictions will be placed on the property to ensure only 80% equity can be purchased (or where staircasing to 100% is allowed, an obligation is placed on the RP to purchase the property back on resale). The applicant is proposing to provide 3 discounted sale properties as part of the housing mix. This is not in accordance with the affordable housing tenure requirements of Policy H2 which also reflect the latest SHMA i.e. a substantial need for social rented and shared ownership homes. It is considered that especially given the location of the site and the illustrative plans provided, discounted sale properties would not be genuinely affordable and therefore would not make a meaningful contribution to meeting local affordable housing need. In order to comply with Policy H2, the applicant would need to confirm provision of one property for social rent and one for shared ownership and agree to secure this via a S106 agreement. In the first instance as per the policy, the Council would expect these to be provided on site. Should the applicant provide evidence of discussions with RPs to take on the units which demonstrates that no RP is willing to take on the units in this location, an offsite financial contribution could be considered. The application is in outline however the illustrative layout and supporting documents suggest that the mix will include 3 smaller properties (including 2 x 2 bedroom houses and 1 bungalow for discount sale), plus 5 large properties for open*

market sale. There are concerns regarding the three discounted market sale properties, as outlined above. It is also considered that the provision of 5 (i.e. more than half the development) very large properties does not comply with Policy H1 which seeks to re-balance the local housing market where there is already an oversupply of large 4+ bedroom properties and not enough smaller homes for young families and those looking to downsize. This development would add to this imbalance already present in the housing market and would not sufficiently contribute to the need identified specifically in this area in the SHMA, particularly for 2 and 3 bedroom market properties.

Policy H1 also confirms that development should particularly contribute to meeting the needs of the district's ageing population. The Council considers the provision of 10% of properties as bungalows a suitable contribution, therefore the provision of one bungalow as part of this proposal is supported. The Council would expect the agreed housing mix to be secured via condition at outline stage." Received 23rd January 2020.

Severn Trent Water (Expiration 8.01.2020): *No Objection subject to conditions*

Ramblers Association (Expiration 8.01.2020): *No Objection with the following comments "The proposed development will have no adverse effects on two Public Rights of Way which are footpaths No. 7 and No 0.838. They are on the opposite side of the land to the development site so will not be affected. Therefore, the Ramblers Association has no objections to the proposal." Received 6th January 2020.*

Staffordshire Police - Crime Prevention Design Advisor (CPDA) (Expiration 8.01.2020): *No objection subject to a number of design recommendations. Received 20th December 2019.*

Staffordshire Fire and Rescue (Expiration 8.01.2020): *No comments received.*

Campaign to Protect Rural England (Expiration 8.01.2020): *No comments received.*

Open Spaces (Expiration 8.01.2020): *No comments received.*

Neighbours Expiration – 8.01.2020

Site Notice Expiration - 11.02.2020

Press Notice Expiration – 29.01.2020

Five representations have been received in response summarised into themes as follows:

Design and Character

- *Concerned that the request for planning is more suited to a large housing estate and more suited to a city plan. Not in-keeping with a country hamlet at all.*
- *The poultry farm site bears no relationship to the historic environment. It slices the site into 8 portions with adjacent houses and gardens in serried ranks. This arrangement is redolent of a suburban estate and seeks to optimise the value in the land, paying no attention to the way the village context is structured.*
- *Given that these houses would be coeval, grouped together, and dominate the eastern approach they would have a high impact on the character of the village.*
- *There are approximately 25 dwellings in Great Chatwell. An additional 8 dwellings would constitute a sizeable addition to the community of the order of 30%.*

- *Concerns with impact of amenity by way of being overlooked by the increase of single-storey shed to two storey dwellings in different use.*

Noise and Pollution

- *Concerns with the disturbance of asbestos and poultry dust which are associated with respiratory disease.*
- *The oldest buildings on this land date from 1960s and later ones from 1980s. Way back then, most of those buildings would have asbestos in them, especially on corrugated roofs and walls. There is a high risk that asbestos is scattered over the area, under the buildings and under hardstanding around the buildings, entrance and exit.*
- *Noise – the current chicken farm is fairly autonomous. Having the proposed residential buildings next door will increase the noise factor substantially. Also, the proposed ‘village green’ as described in the planning documents will be close to our border with outlines for a ‘play area’ there which is obviously built for children so will be a focal point to increase noise.*
- *Vehicle pollution from the estimated 16-20 new cars will have an effect on the local clean air quality and on health and the environment long term.*

Infrastructure

- *The road infrastructure is single track and already difficult to pass, so a possible increase of 16 or more cars (assuming two per household) concentrated in that area will cause increased problems for the area.*
- *Through traffic is already considerable and the crossroads at Chatwell Lane becomes a major route for tractors and commuters to the A41 and A5.*
- *Road capability after occupancy will provide an immediate increase in local traffic with a potential 16 - 20 cars at the 8 houses all commuting in and out of the village with impact on locals, wildlife and the environment?*
- *increased housing will come a need for mobile phone masts, drainage will need to be increased substantially to cope, electricity needs will obviously need to be met and all this disruption will cause long lasting effects on the area and damage the character of a small farming hamlet.*
- *Blymhill Sewage farm capability is limited, the Chatwell Lane Sewage pumps are already*
- *overloaded, how do you plan to ensure local homes won't be affected by additional houses.*
- *In periods of high rainfall Great Chatwell is subject to pooling on the lanes, largely due to run off from the surrounding fields. Concerns further run off would exacerbate issue.*

Ecology

- *Concerned that the Ecologists who undertook the ecology investigation did not find many birds, insects, etc. over the area which is the opposite of local wildlife and insects found around in the area.*
- *The locality has bats which we have seen to our delight regularly in summer/autumn months.*

- *Concerned with the loss of potential habitats including hedgerows and disturbance by increased traffic that comes with the use of 8 new homes.*

Other

- *Due to the limited amount of people that live in the area, I do not expect that there will be a large amount of respondents to the proposals so our collective voice will be small however there is no one that will be as much affected as ourselves so I hope that this fact is given due consideration.*
- *Westerly views directly towards the new houses, despite the planned rooflines, are ruined. The effect could be a drop in market value of our cottage and other local properties affected.*

One representation received was in support summarised as follows:

- *I want to support these proposals that will greatly enhance the area, after an open meeting this development had great support for the majority of residents in the village.*
- *I am delighted that the Poultry Farm is finally going to be demolished. It is an ugly set of buildings, incongruous in the village context, and it continuously gives off an unpleasant odour.*
- *The proposal to redevelop the site is welcome, especially with the inclusion of low-cost housing.*

5. APPRAISAL

5.1 The application has been called to Committee by Councillor Cox, who wishes to consider the implications of the proposed development against the Local Plan and in the context of the amenity of the area

5.2 The key issues with the proposal would be:

- The Principle of the Development;
- Spatial Strategy and Sustainability;
- Development in the Open Countryside beyond West Midlands Green Belt;
- Impact upon Landscape Character;
- Design, Layout and Visual Amenity;
- Space about dwellings;
- Housing Mix;
- Affordable Housing;
- Impact on Neighbouring Amenity;
- Ecology;
- Drainage;
- Pollution; and
- Highways and Parking.

5.3 Principle of Development

5.3.1 Paragraph 11 within the NPPF states that plans and decision should apply a presumption in favour of sustainable development. This is reiterated with Policy NP1 of the Core Strategy, 2012 in that the Council when considering development proposals will take a positive approach that reflect the presumption in favour of sustainable development contained in the NPPF. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise.

5.3.3 The recent Housing Monitoring and 5 Year Housing Land Supply Report 2019-2020 identifies that South Staffordshire can show a 6.4 year housing land supply. As such the spatial policies within the Core Strategy have full weight and are relevant to this case.

5.4 Spatial Strategy and Sustainability

5.4.1 Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth, focusing development in locations which are sustainable through limiting the need to travel and offering a choice of transport modes. This approach of guiding development to areas considered to offer the best potential for promoting the overarching aim of sustainable development is reflected in Core Policy 1 of the adopted local Core Strategy.

5.4.2 Core Policy 1 (The Spatial Strategy for South Staffordshire), of the adopted Core Strategy, 2012 establishes the overarching policy approach when seeking to guide new development to meet the needs of the district. Development is steered towards those settlements considered to be the most sustainable owing to their access to local services, community facilities and sustainable transport opportunities. This approach of guiding development to areas is considered to offer the best potential for promoting sustainable development and is considered to reflect the approach outlined in the NPPF.

5.4.3 Within Core Policy 1, Great Chatwell is defined as '*Other villages and Hamlets*', here the policy is quite clear that those villages are not identified for housing growth. In this case, Great Chatwell is a settlement within the Open Countryside beyond the Green Belt. Housing will only be delivered on rural exception sites for provision of rural affordable housing to meet identified local needs. The proposal seeks for the 8 dwellings, whilst one would replace the existing dwelling subject to an occupation condition at the site, the number of dwellings proposed in comparison with the existing dwellings within Great Chatwell, would result in a sizeable increase to the area.

5.4.4 Policy SAD6 within the Site Allocations Document (September 2018) sets out where the Green Belt, Open Countryside or Development boundaries that will be amended. These are largely constricted to development boundary revisions of main service villages and local service villages or revisions where Major Development Sites (MDS) have been granted i.e. Gospel End. There are no amendments to the other villages and hamlets including Great Chatwell nor the immediate surrounding open countryside. The document is clear that Great Chatwell is not identified for housing growth. Again, it is reiterated that housing will be delivered on rural exception sites for the provision of rural affordable housing to meet identified local needs. It is considered that the agricultural site lies beyond the hamlet of Great Chatwell in an open countryside location.

5.4.5 There are very few facilities in Great Chatwell to meet the day-to-day needs of residents such as food stores, schools or bus links to higher order services. The proposed additional dwellings would not alter this. Travel outside the village would therefore be inevitable. There are limited opportunities to use public transport in the location to offer a realistic or reasonable alternative to the car for most trips from this location. As such, there will be the reliance on the private car. This is not unusual in rural areas and existing residents within Great Chatwell are equally as car dependent. This would be contrary to Paragraph 103 of the NPPF and Core Policy 1 of the Core Strategy.

5.4.6 Turning to the objectives of the NPPF, Paragraph 77 within the NPPF states that in rural areas, planning policies should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and to consider whether allowing some market housing on these sites would help to facilitate this.

5.4.7 Paragraph 79 goes on to state that planning policies should avoid the development of isolated homes in the countryside unless one of a number of circumstances apply. It is not considered that the proposal would fall into any of these criteria.

5.4.8 Overall it is concluded that the principle of the proposal cannot be supported. The proposal would be located within an area not identified for growth, offering limited opportunities for public transport, sustainable forms of travel and public services and representing an unsustainable location for new residential development. The proposal therefore fails to comply with Policies NP1, CP1 and OC1 of the Core Strategy together with paragraph 79 of the NPPF, 2019.

5.5 Development in the Open Countryside beyond West Midlands Green Belt

5.5.1 Policy OC1 sets out that the Open Countryside will be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value. Development within the open countryside is limited to the following situations:

“A) - A new or extended building, provided it is for:

- a) Purposes directly related to agriculture or forestry; or*
- b) Appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the appearance or character of the Open Countryside beyond the Green Belt; or*
- c) affordable housing where there is a proven local need in accordance with Policy H2; or*
- d) Limited infilling and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces.”*

5.5.2 The policy states that development proposals should also be consistent with other development management policies.

5.5.3 At Paragraph 7.1 within the Green Belt and Open Countryside SPD, 2014, the replacement of an existing building is an acceptable form of development within the Open Countryside, providing that *'it is not materially larger than the building replaces'* as stated in Policy OC1.

5.5.4 Policy OC1 seeks to protect open land from this form of development. Therefore, given the location of the site, the proposal is considered to be a departure from the development plan and the loss of this land (from development) could have an impact upon the character and amenity of the area contrary to policy OC1.

5.5.5 The proposal seeks to replace the existing buildings at the site associated with the poultry operation together with the agricultural bungalow known as "Tamarinda" which is subject to an agricultural occupation condition. As the proposal involves the demolition of Tamarinda there will be a net gain in 7 new properties. The existing buildings on the site measure approximately 9940.5m² in floor area with the agricultural bungalow and associated garage measuring a further approximately 196m². In total the floor area at the site to be demolished would equate to approximately 10, 136m².

5.5.6 The existing site buildings comprise 10 timber structures with pitched steel-clad roofs, along with a substantial amount of hard-standing areas surrounding the buildings themselves. In addition, there is the agricultural bungalow. The Indicative Masterplan that accompanies the planning proposal shows that the 8 dwellings would represent approximately 940m² of residential floor space. It is identified that the replacement buildings are not materially larger than the development as a whole that it would replace.

5.5.7 However, the policy states that should an application propose a replacement building in a different use, the judgement on suitability will be based on the social, environmental and economic implications of that use, having regard to Policy NP1 (presumption in favour of sustainable development). It also seeks to define whether or not the new use is likely to have a greater impact on the character of the landscape than the existing use which is likely to be an important factor in the decision.

5.5.8 The redevelopment of the site would change from an agricultural use compatible within the rural countryside to a residential use. Notwithstanding that the proposal is contrary to spatial and sustainable policy, it is discussed further below how the proposal would also have a greater impact on the character of the landscape.

5.5.9 For these reasons, it is not considered that the proposal would accord with the caveats within the policy as the proposal would be in an unsustainable location and would have a greater impact on the character of the landscape and wider area attributed to the change of use. As such the proposal is contrary to Policy OC1 of the Core Strategy, 2012.

5.6 Impact upon Landscape Character

5.6.1 Policy EQ4 (Protecting and Enhancing Character and Appearance of the Landscape) and EQ12 (Landscaping) states the intrinsic character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Paragraph 17 of the NPPF sets out 12 core land use planning principles, which amongst others; include the provision to recognise the intrinsic character and beauty of the countryside. Section 15 of the NPPF relates to Conserving and Enhancing the Natural Environment.

5.6.2 A key aim is to protect and enhance valued landscapes and recognising the intrinsic character and beauty of the countryside are identified as ways in which decisions can contribute to and enhance the natural and local environment (NPPF Paragraph 170). It is accepted that the site is not subject of any specific planning policy, environmental or landscape designation and is not of such demonstrable value to be considered part of a 'valued landscape' (as referred to in Chapter 15 of the NPPF).

5.6.3 The application site is located some distance from this focal point given the nature of the rural use. The buildings in question at the site are low lying and constructed out of timber with pitched steel-clad roofs, along with a substantial amount of hard-standing areas surrounding the buildings. The agricultural bungalow and the tops of some of the low-lying buildings are just visible from the public right of way adjacent to the site to the north.

5.6.4 The northern site boundary is characterised by a native hedgerow with trees that bounds the site. An Arboricultural Survey and Impact Assessment was submitted to support the scheme. The report offers a constraints map and identifies the requirement for the removal of a small section of hedgerow and six low category items to accommodate the proposed demolition of existing poultry buildings and residential bungalow.

5.6.5 The Indicative Masterplan shows that the proposed dwellings would be sited within the middle of the application site in a linear formation with garden land to the rear. Two access points would be utilised which are both existing to the site along the lane that is situated to the north of the site. Plots 1 and 7 would be served from the access to the north western access and each dwelling would be served by a long private way. Plot 8 would be served by the existing access at the north east aspect of the application site.

5.6.6 It is concluded that the proposed development would result in a perceptible encroachment of residential development into the open countryside. The spatial character of Great Chatwell is characterised by dwellings clustered around Chatwell House Farm and Chatwell Lodge. The historic spatial character of the area has evolved sporadically which is characteristic of rural development. The proposed linear formation as shown within the Indicative Masterplan would be uncharacteristic of the area. It is considered the introduction of two-storey properties would be visible within the landscape and would be significantly more prominent than the low-lying timber rural buildings which are typical within the rural open countryside. In addition, whilst in indicative stage, the presence of domestic paraphernalia and garden amenity to the rear garden spaces, particularly with the flat open land would further the impact on the landscape and would be uncharacteristic to the open countryside. The linear formation would not fit well within the existing field patterns within the open countryside surrounding the site.

5.6.7 As such the proposal would be out of scale and be significant within the landscape contrary to the aims of the Policy EQ4 together with Section 15 of the NPPF,2019.

5.7 Design, Layout and Visual Amenity

5.7.1 Core Strategy policy EQ11 (Wider Design Considerations) states that development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles around use, movement, form and

space. This is reinforced by the Councils Design Guide 2018. The Policy states also that the form of proposals should respect local character and distinctiveness.

5.7.2 Whilst it is acknowledged that the site layout is in indicative masterplan form, the spacing between the proposed properties along the linear degree is considered to be an urbanised concept rather than the wider context of dwellings within the area which are set within substantial plots with substantial spaces between each dwelling. In discussing this with the Agent there has been no amendment to the proposal.

5.7.3 Spatially as discussed above, the existing development within Great Chatwell has developed sporadically but largely around the dwellings clustered around Grade II Listed Building Chatwell House Farm and Chatwell Lodge. It is not considered that the proposed linear formation with gardens to the rear within the middle of the application site would be in-keeping with the sporadic character of the development within the area. The character is loose knit akin to rural areas. In addition, the scale of the development would be out of scale with the surrounding area. The addition of 8 new dwellings within the area which is made up of approximately 20 dwellinghouses. The addition of 8 new dwellings would be a sizeable addition to the area.

5.7.4 The site is located outside of a development boundary and is therefore, in planning policy terms, defined as Open Countryside. The site is rural in character, it is adjacent to agricultural fields and hedgerow boundaries and therefore encroachment into the open countryside would result in a loss of agricultural land and open space.

5.7.5 Overall it is considered that the proposal would fail to accord with Policy EQ11 of the Core Strategy, 2012.

5.8 Space About Dwellings Standards

5.8.1 The Council's Space about Dwelling standards recommend minimum thresholds for the provision of garden space for dwellings. The length of the gardens of each of the plots would comply with the minimum length of 10.5m. It has not been determined the number of bedrooms for each proposed dwelling, however it is deemed that each of the plots would benefit from adequate garden amenity space.

5.9 Housing Mix

5.9.1 Notwithstanding that the application site is not in an identified location for housing growth and the proposal is contrary to spatial policies, Policy H1 (Achieving a Balanced Housing Market) states that the Council will seek to secure a wide choice of high quality new homes within the District with particular attention given to creating a more sustainable and better balanced housing market by encouraging the provision of more 2 and 3 bedroom homes in all housing areas.

5.9.2 The Housing Market Assessment for the North Western Sub-Area does not provide specific details of supply and demand for Great Chatwell, but in the sub region as a whole there is a requirement for two and three-bedroom homes.

5.9.3 The application is in outline however the illustrative layout and supporting documents suggest that the mix will include:

- 1 bungalow (for discount sale) (Plot 1)
- 2 x 2 bedroom semi-detached dwellings (for discount sale) (Plots 2 &3)
- The remaining dwellings on the site would be detached properties within their own substantial plots (Plots 4-8).

5.9.4 The Senior Housing Officer has concerns with the proposed five large properties for open market sale in this location. It is considered that the provision of five very large properties does not comply with Policy H1 which seeks to rebalance the local housing market where there is already an oversupply of large 4+ bedroom properties and not enough smaller homes for young families and those looking to downsize. This development would add to this imbalance already present in the housing market and would not sufficiently contribute to the need identified specifically in this area in the SHMA, particularly for 2- and 3-bedroom market properties.

5.9.5 Policy H1 also confirms that development should particularly contribute to meeting the needs of the district's ageing population. The Council considers the provision of 10% of properties as bungalows a suitable contribution, therefore the provision of one bungalow as part of this proposal is supported.

5.10 Affordable Housing

5.10.1 Policy H2 (Provision of Affordable Housing) sets out the thresholds across the settlement hierarchy. The NPPF supersedes Policy H2, and therefore the Council will require affordable housing in line with the NPPF threshold across the district. The proposed development is set within the open countryside and as such the Policy states that the Council will support the delivery of schemes for the provision of 100% affordable housing on rural exceptions sites at the other villages and hamlets where a need has been demonstrated with Policy H3. For clarification the site is not offering 100% affordable housing in line with the policy given the location.

5.10.2 The scheme is proposing to provide 3 discounted sale properties as part of the housing mix. This is not in accordance with the affordable housing tenure requirements of Policy H2 which also reflect the latest SHMA i.e. a substantial need for social rented and shared ownership homes. It is considered that especially given the location of the site and the illustrative plans provided, discounted sale properties would not be genuinely affordable and therefore would not make a meaningful contribution to meeting local affordable housing need.

5.10.3 In addition, the site falls within a Designated Protected Area, meaning that restrictions will be placed on the property to ensure only 80% equity can be purchased.

5.11 Impact on Neighbouring Amenity

5.11.1 Policy EQ9 (Protecting Residential Amenity) 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, odours and daylight.

5.11.2 It is noted that there have been a number of concerns raised in relation to the proposals impact on adjacent neighbouring properties. The nearest neighbour to the proposal would be approx. 60m in distance to the west. Concerns have been raised in relation to boundary screening, however this would be dealt with at reserved matters stage. There are no other observations at this outline stage.

5.12 Ecological Implications

5.12.1 Section 16 of the NPPF seeks to minimise impacts and provide net gains in biodiversity. Paragraph 175 of the NPPF states that

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

This is echoed within Policy EQ1 (Protecting, Enhancing and Expanding Natural Assets) which states that permission will be granted for development that does not cause significant harm to sites or habitats of nature conservation. Policy EQ7 (Water Quality) seeks for negative impact on water quality, either directly through pollution of surface or groundwater or overloading of wastewater treatment works. Development proposals located in proximity or upstream of environmentally significant sites will be required to demonstrate that the development will have no adverse effect on environmentally significant sites.

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

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

5.12.4 Although no biodiversity metric has been submitted the Design and Access Statement states that there will be an overall reduction in built development. The remainder of the site will comprise mainly gardens, and so it can be concluded that there will be a net gain of habitat, and as such the development meets the requirements of NPPF 170.

5.12.5 A Preliminary Ecological Appraisal with Preliminary Roost Assessment accompanies the planning application. While further bat surveys are required to establish whether bats are using buildings and if so, population size, the ecologist acting on behalf of the applicant is confident that creation of a bat barn will achieve favourable conservation status of any bat species present. The applicant has committed to building this structure and the site layout

has adequate space. It seems therefore reasonable in this case to deal with this matter via condition. The County Ecologist has no objection to this.

5.12.6 The application site triggers an impact risk zone (surface water run-off) for the Midlands Meres and Mosses Phase 2 RAMSAR. The Aqualate Mere SSSI to the north of the site is part of this RAMSAR site. The development is 5.6m to this RAMSAR site and therefore has the potential to affect its interest features. These sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').

5.12.7 The watercourses – Dawford Brook to the north or the Lynn Brook to the west of the application site flow to the north and into the Mere which is already at its limits for silt and nutrients. In order to undertake a Habitats Regulations Assessment, further information within the proposed drainage scheme and mitigation was required to eliminate any negative effects on the Aqualate Mere. Impacts such as pollution to be factored in include garden maintenance chemicals, silt, oil, detergent etc. from car cleaning and possible sewer overflows caused by blockages.

5.12.8 The council has worked with the Agent to overcome a number of objections from the County Ecologist and Natural England on these matters. The Agent provided further above grounds SuDS including a treatment pond, reedbeds and swales. Staffordshire Flood Management Team have indicated that detailed design at pre-commencement stage should include adequate water treatment through SUDS. Because of the Aqualate Mere RAMSAR site, to be considered adequate this treatment will need to guarantee no adverse effects.

5.12.9 The County Ecologist has no objections to the proposal. A further Habitats Regulations Assessment was undertaken and Natural England has no objection subject to the wording of a condition.

5.13 Flood Risk and Drainage

5.13.1 Policy EQ7 of the Core Strategy advises that development will be permitted where proposals do not have a negative impact on water quality, either directly through pollution of surface or groundwater or indirectly through overloading of wastewater treatment works.

5.13.2 It is identified that within the immediate area there has been past issues with flooding surface water from surrounding fields.

5.13.3 A Flood Risk Assessment and Drainage Strategy was submitted to accompany the planning application. The Lead Local Flood Authority (LLFA) initially objected to the proposal as the submitted documents did not demonstrate that a viable surface water drainage strategy was possible at the site.

5.13.4 The Drainage Strategy was revised a number of times and to include the information sought from the ecological issues as mentioned above. The proposed surface water outfall was changed to include a surface water pumping station which would discharge to the culverted watercourse under Chatwell Lane. Various other amendments were made to the scheme.

5.13.5 The LLFA were reconsulted and had no objection to the scheme subject to a condition for a final detailed surface water drainage with a number of inclusions prior to commencement of the development.

5.13.6 With regards to utilities, Severn Trent Water had been consulted and requested a pre-commencement condition to secure foul and surface water drainage plans as per above.

5.14 Contaminants and Pollution

5.14.1 Policy EQ9 (Protecting Residential Amenity) states that sensitive developments such as housing will not be permitted in the vicinity of established sources of pollution which may give rise to harm to the amenity of occupants. Policy EQ7 (Water Quality) seeks for negative impact on water quality, either directly through pollution of surface or groundwater or overloading of wastewater treatment works.

5.14.2 This site is located above a Principal Aquifer, WFD groundwater body, WFD drinking water protected area and is within 110 m of a surface water course. The site is considered to be of high sensitivity and the proposed development presents potential pollutant linkages to controlled waters.

5.14.3 Owing to site history and environmental setting, the Environment Agency initially objected to the proposal as there was insufficient information to demonstrate that the risk of pollution to controlled waters was acceptable. A Phase 1 Geo Investigation Report was submitted and the Environmental Agency had no objection subject to a number of conditions.

5.14.4 The Environmental Health Team were consulted on the proposal and have no objections to the scheme subject to a number of conditions to protect the future occupants at the site from any ground contaminants.

5.14.5 It is considered that the proposal subject to appropriate conditions would accord with Policy EQ9 and Policy EQ7 of the Core Strategy, 2012.

5.15 Highways Implications

5.15.1 Policy EV12 and Appendix 5 (Parking Standards) of the Core Strategy specify a minimum parking requirements. Policy EV11 seeks for development to include provision for sustainable forms of transport to access the site.

5.15.2 The proposal is in outline with all matters reserved with access reserved for future consideration. It is indicated that the two access points would serve the development. Parking would be dealt with at reserved matters stage, however it is considered that there would be ample room to accommodate the necessary parking.

5.15.3 The Local Highways Authority has been consulted on the proposal and considered that the traffic movements to the site would not increase given the operation at the site and information contained within the Transport Assessment submitted with the application. There are no highways objections subject to appropriate conditions.

5.15.4 The Local Highways Authority however note that the location is poor in sustainability/connectivity terms and would be highly dependent on private vehicles. This has been discussed in further detail previously.

6. CONCLUSIONS

6.1 The new dwellings would be located within an area not identified for growth, offering limited opportunities for public transport, sustainable forms of travel and public services, representing an unsustainable location for new development. Furthermore it is considered whilst the scheme would replace various buildings associated with the existing agricultural use, the layout of the dwellings as indicated on the Indicative Masterplan resemble an urbanised form and would be out of keeping with the sporadic loose knit dwellings within Great Chatwell typical to rural areas. It is considered that the presence of these dwellings would have a detrimental impact on the open and rural landscape. The proposal therefore fails to comply with Policies CP1, OC1, EQ1, EQ4 and EQ11 of the South Staffordshire Core Strategy together with paragraph 103 of the NPPF. Accordingly, it is proposed a recommendation of refusal of the application.

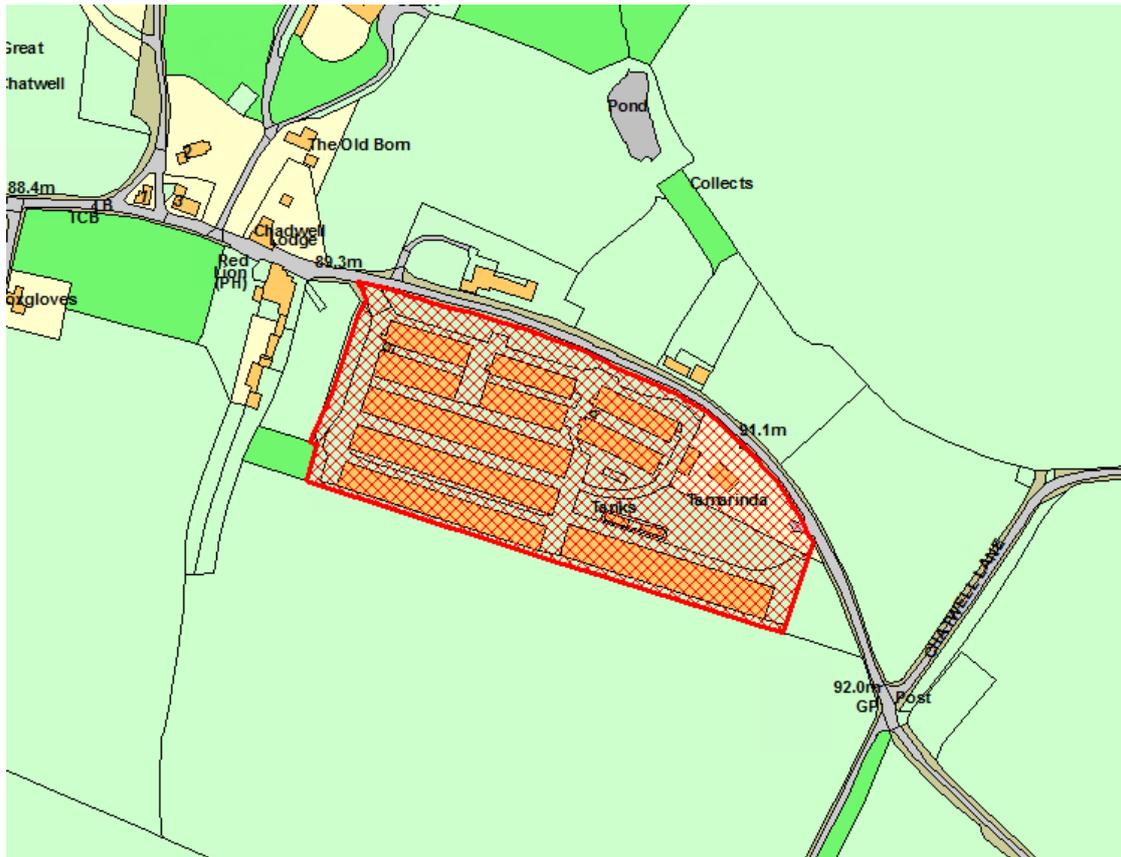
7. RECOMMENDATION - REFUSE ON THE FOLLOWING GROUNDS:

1. The proposed development fails to comply with Core Policy 1 of the Core Strategy which states that Other Villages and Hamlets are not identified for growth. CP1 identifies that growth within the District should be located at the most accessible and sustainable locations in accordance with the Council's settlement hierarchy, to ensure that adequate infrastructure services and villages are available to support growth. It is noted that Great Chatwell has no public transport and services or facilities to support the development. The occupants of the new dwelling would therefore be dependent on the use of a private car to gain access to everyday facilities, contrary to Core Policy 1 of the South Staffordshire Core Strategy, 2012 together with paragraph 103 and wider sustainability objectives of the NPPF, 2019.
2. The proposed development is contrary to the policies for the control of development in the Open Countryside. The proposal would result in a negative impact on the rural loose knit character and landscape. As such the proposal would be contrary to Policies 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) and EQ11 (Wider Design Considerations) of the South Staffordshire Core Strategy, 2012
3. The NPPF confirms that affordable housing should only be sought on major developments (i.e. 10 or more dwellings or a site size of more than 0.5 hectares). The site size for this development is 2.68 hectares, therefore the Council's adopted policy on affordable housing applies. On sites of 5-9 dwellings, the relevant contribution is 20% affordable housing, split 50:50 between social rent and shared ownership. In this case then, the affordable housing requirement is for one social rented dwelling and one shared ownership dwelling. In terms of the shared ownership dwelling, the site falls within a Designated Protected Area, meaning that restrictions will be placed on the property to ensure only 80% equity can be

purchased (or where staircasing to 100% is allowed, an obligation is placed on the RP to purchase the property back on resale).

The proposal is to provide 3 discounted sale properties as part of the housing mix. This is not in accordance with the affordable housing tenure requirements of Policy H2 which also reflect the latest SHMA i.e. a substantial need for social rented and shared ownership homes. It is considered that, especially given the location of the site and the illustrative plans provided, discounted sale properties would not be genuinely affordable and therefore would not make a meaningful contribution to meeting local affordable housing need.

The application is in outline, however, the illustrative layout and supporting documents suggest that the mix will include 3 smaller properties (including 2 x 2 bedroom houses and 1 bungalow for discount sale), plus 5 large properties for open market sale. It is also considered that the provision of 5 (i.e. more than half the development) very large properties does not comply with Policy H1 which seeks to re-balance the local housing market where there is already an oversupply of large 4+ bedroom properties and not enough smaller homes for young families and those looking to downsize. This development would add to this imbalance already present in the housing market and would not sufficiently contribute to the need identified specifically in this area in the SHMA, particularly for 2 and 3 bedroom market properties.



Great Chatwell Poultry Premises Great Chatwell Newport TF10 9BJ

**20/00613/FUL
NON MAJOR**

Mr Shane Clee

ESSINGTON

**Cllr Warren Fisher
Cllr Christopher Steel**

The Paddock, Anvil Park, Bursnips Road, Essington, Wolverhampton. WV11 2RD.

Change of use of the land to Gypsy and Traveller residential use with the siting of four caravans, of which no more than two would be mobile homes, and the retention of a day room, a stables store building and a storage shed, together with the stationing of a Gypsy vardo (which would only be stored on the site).

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application site is on the west side of Bursnips Road immediately to the south of, and sharing the same access with, an established 8 pitch gypsy and traveller site (Brickyard Cottage/Anvil Park) which is occupied by members of the appellant's family including his adult children, father and brothers. It is within the Green Belt.

1.1.2 The former quarry site abuts the site to the west and south. There is a loose knit ribbon of detached houses to the opposite side of Bursnips Road to the north east. The prevailing character of the area is rural. Wood Farm Golf & Leisure Club is to the east, on the opposite side of Bursnips Road.

1.1.3 Established screening hedges and trees bound the site on all sides, including the highway frontage.

1.1.4 The site is 1.2km north-east of Essington Village with a range of services and facilities including a primary school.

1.2 Relevant Planning History

1983 Gypsy caravan site, refused (83/00226)

1985 Retention of fencing, refused (85/ 00889)

1993 Stationing of 5 additional Gypsy caravans, refused (93/01038)

1994 Outline application for residential development, refused (97/00839) 1998 Variation of condition to permit the parking of one additional caravan, refused (98/00173).

2017, Change of use of the land to a single Gypsy and Traveller residential pitch with the siting of two caravans, of which no more than one would be a mobile home, and the development of a day room, together with stationing a Gypsy vardo (which would only be stored on the site), and development of a stables store building and a storage shed, for a temporary period of five years. Refused. Appeal allowed on 3-year term and personal basis at appeal (16/00432/FUL and appeal reference APP/C3430/W/16/ 3162671 of 25 July 2017).

Relevant planning history on adjoining site (Brickyard Cottage/Anvil Park.)

1987, 8 permanent gypsy and traveller pitches, refused. Appeal allowed (87/00305/FUL)

2009, wall fence and gates, refused. Appeal dismissed (09/00621/FUL). 2013, change of use to private gypsy caravan site, consisting of 15 pitches, 1 dayroom, 7 utility blocks and associated works, refused (13/00655/FUL)

2014, change of use of land to a private gypsy and traveller caravan site consisting of 13 no. pitches, 6 no. utility blocks and associated works, refused (14/00338).

2018, 2 additional gypsy and traveller pitches as an extension to the immediate north of the existing 'Brickyard Cottage/Anvil Park' site. Approved under adopted SAD Allocation Policy (18/00789/COU).

2017, discharge of development scheme condition, approved 16/00432/COND.

1.3 Pre-Application Discussions

1.3.1 None.

2. APPLICATION DETAILS

2.1 Proposal

2.1.1 Planning permission was granted at appeal in July 2017 for the use of this site as:

“a single Gypsy and Traveller residential pitch with the siting of two caravans, of which no more than one would be a mobile home, and the development of a day room, together with the stationing of a Gypsy vardo (which would only be stored on the site), and development of a stables store building and a storage shed”.

2.1.2 The appointed Inspector allowed the appeal for a temporary 3-year term and on a personal basis given the personal circumstances cited.

2.1.3 Permission was granted on a temporary 3-year basis as it was envisaged in the circumstances at the time that the on-going Development Plan position would deliver pitch allocations by the end of the 3-year term.

2.1.4 The application proposes 2 permanent Gypsy and Traveller pitches comprising a maximum number of 2 mobile homes under the definition of The Caravan Sites Act 1968; 2 touring caravan spaces; a detached timber clad and tiled roof built amenity/day room; a stables block and store room clad in timber with a tiled roof and a storage shed and stationary gypsy vardo. There are also shared lawned play and garden areas included in the proposed layout, and hard surfaced space for the parking and turning of the applicant's cars.

2.1.5 The additional physical development proposed, beyond that allowed temporarily at appeal/under the development scheme approved in 2017 under appeal condition requirements (16/00432/COND), is one additional mobile home, a space for one additional touring caravan, and a 4m wide extension to the approved day room. This application therefore seeks to replace the temporary pitch with 2 permanent pitches and associated supplementary buildings.

2.1.6 The position of the existing mobile home, day room, stables/storeroom, shed and vardo are as previously approved on a temporary basis.

2.2. AGENTS SUBMISSIONS: Summary

Background:

The application is to make permanent the current planning permission for Gypsy and Traveller residential use of the land which was granted for a temporary three-year period through appeal decision APP/C3430/W/16/ 3162671 of 25 July 2017.

The application also seeks to make a number of amendments to the way the site is used compared with the proposals approved on a temporary basis. The most important changes are to extend the day room building and to increase the number of caravans authorised on the site from two, (of which one can be a mobile home) to four, (of which two can be mobile homes). This means that the application is for the equivalent of two Gypsy and Traveller pitches.

The site will continue to provide accommodation for the applicant, Shayne Clee and his family. They are all ethnically Romany Gypsies under the PPTS definition of Gypsy and Travellers.

Development Plan Policy Assessment:

The proposals are not one of the uses or developments allowed under Core Strategy Policy GB1: Development in the Green Belt. The fact it is in the Green Belt means it is also contrary to criterion 8 (a) of Core Strategy Policy H6: Gypsies, Travellers and Travelling Showpeople.

Apart from in regard to criterion 8(a) Inspector Worthington found at para 32 of Appeal Decision 3162671:

'The proposal would comply with the other criteria of Core Strategy Policy H6. The site is well screened the proposal would cause no harm to the character and appearance of the surrounding area (criterion 8). Furthermore, it would not put an unacceptable strain on infrastructure or dominate existing settled communities. There is support from local residents and the proposal would promote strong social cohesion with existing families, both on the adjacent Anvil Park and with the local settled community nearby (criterion 7).'

Very Special Circumstances:

Para 16 of Planning Policy for Traveller Sites states:

'Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'.

That does not mean Traveller accommodation cannot be approved in the Green Belt, only that approval on the basis of personal circumstances and unmet need is unlikely. As in all planning matters, each case must be determined on its merits. In practice over the years a significant number of permanent sites have been granted in Green Belt, including Anvil Park itself, and the recent permission 18/00789/COU for two pitches on land to the north of Anvil Park.

Among the appeal decisions I am aware of which have granted permanent permission in Green Belt since the publication of the 2015 version of PPfTS are 2179237, 3136780, 280818, 3183666, and 3129221. Looking at those decisions, the key factors which in different combinations weighed in favour of the proposals, represented very special circumstances and led to the appeals being allowed were the lack of robust assessments of need, unmet need, the lack of alternative accommodation, the failure to make provision for Gypsies & Travellers falling outside the definition for planning purposes, the lack of a five year supply of

sites, the failure to make provision over an extended period, the need for any provision to be in Green Belt, personal circumstances, and the best interests of the children.

In the case of the current application, there are group of factors which come together to clearly outweigh the harm to the Green Belt and to constitute the very special circumstances for granting approval. Those factors are based on and similar to the reasons that Inspector Worthington used at paras 30 – 36 of her decision letter in determining that the appeal should be allowed for a temporary three-year period.

Need for Accommodation, Five Year Supply:

Firstly, there is a substantial level of unmet need in South Staffordshire

On the basis of the most up to date assessment of need, The Black Country and South Staffordshire Accommodation Assessment, May 2017 the Council is significantly short of having a 5 years' supply of deliverable sites and at least further 5 years' supply of specific deliverable sites or broad locations for growth. That study found (Table A.5) a need for 48 additional pitches 2016 -2021, representing a need for 10 additional pitches a year. Inspector Worthington found, para 22:

'The existence of unmet need, including the lack of a 5-year supply of deliverable sites, adds significant weight in favour of the appeal scheme'.

The allocations for 20 additional pitches through extensions to 12 existing sites through the Site Allocations Document (SAD), adopted in September 2018 are not adequate to provide a 5 years' supply of deliverable sites. The reason is that those allocations were based on the 2014 assessment, which suggested a much lower level of need than the later Black Country and South Staffordshire Assessment, May 2017.

The numeric assessment of need should be seen against the high level of need and acute accommodation shortage in South Staffs and the surrounding districts reflecting the fact the areas has a significant Gypsy and Traveller population, but has made little progress in making adequate provision. A Statutory Declaration by Mrs Clee provides evidence of the shortage of accommodation, and of the difficulties for Gypsy people in purchasing suitable land.

Given the unmet need and the absence of a 5-year supply, weight should be given to the fact that the application proposals will provide 2 additional permanent Gypsy and Traveller residential pitches.

Secondly, there is no alternative accommodation available for Mr and Mrs Clee and one of their daughters There are no public sites in South Staffs. The allocations in the SAD are all for additional pitches within or extensions to established sites, and will be needed for those families. The approved extension for Anvil Park is needed for Mr Clee's brother's children. This means Mr and Mrs Clee and one of their daughters will be homeless with no appropriate alternatives available to them if the application is refused.

Sites need to be in the Green Belt:

Thirdly, the situation in South Staffs where nearly all of the district is either built up and developed or in the Green Belt means it is almost inevitable that the provision required will be in the Green Belt. That is what happened with the SAD. All of the allocations made

through it are extensions to existing Gypsy and Traveller sites on Green Belt land owned by Gypsy and Traveller families.

A relatively suitable Green Belt site:

Fourthly, if the Council were to make further allocations commensurate with the level of need established through the Black Country and South Staffordshire Accommodation Needs Assessment there is a strong likelihood that the application site would be one of the sites allocated. There are a group of reasons for this:

- The site is similar to the sites approved through the SAD process, that is small extensions, in this case of the equivalent of two pitches, to an existing established family site;*
- In practice if compared with the site to the north of the existing site, which was allocated through the SAD and was recently approved for two additional pitches through planning permission 18/00789/COU it*
- will be seen that the impact of the application site on the open landscape will be significantly less;*
- The site can only be accessed via the long-established adjoining Traveller site. If the application is refused, the land would remain vacant and unused;*
- The degree of harm to the Green Belt would be moderate. Inspector Worthington found, para 11:*

'The appeal site relates closely to the adjacent Travellers site and is enclosed by existing fencing and mature planting. It is not readily appreciated as part of the wider open land to the south and west which itself is somewhat semi-rural in character comprising part of a former quarry. Consequently, the harm caused to this purpose of Green Belt [safeguarding the countryside from encroachment] would only be small',

Personal Circumstances

Fifthly, the Personal Circumstances are exceptional in this case and should carry very significant weight in establishing that there are very special circumstances.

In her decision letter Inspector Worthington put a considerable stress on the family's need for a safe, secure place home, paras 26 – 29:

'The family would all benefit from having a settled base in order to access medical care. Whilst I am conscious that their health needs could be met by another settled site, as set out above, there is no evidence to suggest that there are any other sites available to them. Access to the required healthcare would be much more difficult if they had to revert to a roadside existence.

Moreover, the appellant strongly contends that his family needs to be living within a gypsy and traveller community and importantly, within close proximity to his own wider family where they are welcomed, protected and safe. He suggests that whilst gypsies and travellers routinely experience prejudice, what he and his family has gone through is an extreme example. I am sympathetic to this view and consider that as a result of their experience, they have particular accommodation needs which are specific to them and somewhat out of the ordinary.

The appeal site provides the appellant and his family with a home where they feel secure and gives them the opportunity to return to health and regain their confidence with the support

of their wider family. To remove them now would cause considerable distress and hardship and I find the arguments for them to remain at the appeal site on a temporary basis to be persuasive. Should this appeal be dismissed the family would be required to vacate the site which is now their home, and in the absence of any suitable alternative accommodation they would be likely to revert to a roadside existence. This would represent a significant interference with the home and family life of the appellant, his wife and his daughter. It seems to me that it would also be highly undesirable for the mental well-being of the appellant's wife and daughter in particular.

On this basis, in my view having a settled base at the appeal site would result in very tangible benefits to the appellant and his family and this adds a considerable amount of weight in favour of the proposal'.

*The weight to be given to the applicants need for a secure home has not reduced since the appeal, and, if anything, has increased
Reflecting what happened to them, Mr and Mrs Clee and their daughter are vulnerable and it is very important that they have a safe place to live. The application site is particularly suitable because they will be able to continue living with and supported by their other daughter and her family and embedded within their extended family on the adjoining site.*

Any decision not to grant permission would require consideration to be given as to whether such a decision was proportionate relative to the family's right to respect to their private and family life under Article 8 of Schedule 1 to the Human Rights Act 1998. Given the particular circumstances in this case, such a decision would have profound effects on Mr and Mrs Clee and their daughter, not only because of denying them a safe home. Given the limited arguments against the current proposals we would question whether such a decision could be proportionate.

Such a decision would also impact on the Article 8 Rights of their other daughter, Crystal, and her family. They occupy a very small pitch on Anvil Park which is increasingly overcrowded as the children get older. The family is a very close one. Following the Supreme Court judgement in ZH Tanzania, on the basis such a decision would impact on the children an assessment would be required of the children's best interest which would need to be treated as a consideration of primary importance. Again, we would question whether such a decision would be proportionate.

Temporary Permission, Conclusions

Planning Practice Guidance indicates that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change at the end of that period. At the time of the appeal there was a reasonable expectation of a change of circumstances leading to accommodation being available for the family through the application site or alternative sites being allocated through adoption of the SAD, Inspectors Report paras 15, 16.

*In practice the potential change of circumstances envisaged by Inspector Worthington has not occurred, and no site is available for the applicants.
Planning Conditions Guidance is that it will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can be granted permanently or refused if there is clear justification for doing so.*

While there is no presumption that a temporary grant of planning permission will lead to permission being granted permanently, here there is unmet need, no five-year supply, no alternative accommodation available and an extremely strong case for approval. To make adequate provision for its Gypsy and Traveller population South Staffordshire will need to allocate or approve a significant number of additional pitches beyond the allocations in the SAD. Most sites will need to be on land currently in the Green Belt. The application site is exactly the kind of site which will perform well in any appraisal. On that basis a temporary permission would be inappropriate and taking account of the exceptional personal circumstances in this case, and the impact on their human rights, there are very special circumstances, and the application should be granted on a permanent basis.

Agents Comments in response to Coal Authority Representation:

Following the representations by the Coal Authority, the applicant has provided a Coal Mining Report relating to a residential development.

- *The report finds: The property is in a surface area that could be affected by underground mining in 1 seam of coal at 190m to 220m depth, and last worked in 1952.
Any movement in the ground due to coal mining activity associated with these workings should have stopped by now.
In addition, the property is in an area where the Coal Authority believes there is coal at or close to the surface. This coal may have been worked at some time in the past. The potential presence of coal workings at or close to the surface should be considered, particularly prior to any site works or future development activity, as ground movement could still be a risk. Your attention is drawn to the Professional opinion sections of the report;*
- *The property is not within a surface area that could be affected by present underground mining.*
- *The property is not in an area where the Coal Authority has received an application for, and is currently considering whether to grant a licence to remove or work coal by underground methods. The property is not in an area where a licence has been granted to remove or otherwise work coal using underground methods. The property is not in an area likely to be affected from any planned future underground coal mining. However, reserves of coal exist in the local area which could be worked at some time in the future. No*
- *notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence.*
- *There are no recorded coal mine entries known to the Coal Authority within, or within 20 metres, of the boundary of the property.*
- *The Coal Authority is not aware of any damage due to geological faults or other lines of weakness that have been affected by coal mining.*
- *The property is not within the boundary of an opencast site from which coal has been removed by opencast methods.*
- *The property does not lie within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods.*
- *There are no licence requests outstanding to remove coal by opencast methods within 800 metres of the boundary. The property is not within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.*
- *The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres of the enquiry boundary, since 31 October*

1994. There is no current Stop Notice delaying the start of remedial works or repairs to the property. The Coal Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

- *The Coal Authority has no record of a mine gas emission requiring action.*
- *The property has not been subject to remedial works, by or on behalf of the Coal Authority, under its Emergency Surface Hazard Call Out procedures.*

These findings suggest the level of risk to the current proposals from the coal mining history are minimal and insignificant. The implications for the day room were not raised in regard to the previous application 16/00432/FUL, nor the appeal in 2017, and it was not raised in regard to the recent neighbouring application 18/00789/COU.

In the light of this, the indication in the representation by the Coal Authority that a coal mining risk assessment prepared by a competent body is required would appear disproportionate.

3. POLICY CONTEXT

3.1 Within the Green Belt

3.2 Adopted Core Strategy

Strategic Objectives:

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 3: To protect and improve South Staffordshire's environmental assets.

Strategic Objective 6: To ensure that all new development is sustainable, enabling people to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations.

Strategic Objective 8: To ensure the delivery of decent homes for members of the community including the provision of more affordable housing which matches in type, tenure and size the needs of the residents of South Staffordshire and to meet the needs of an ageing population.

Core Policies:

Core Policy 1 - The Spatial Strategy for South Staffordshire

Core Policy 6 - Housing Delivery

Core Policy 11 - Sustainable Transport

Development Policies:

GB1 - Development in the Green Belt

EQ1 - Protecting, Enhancing and Expanding Natural Assets

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

EQ11 - Wider Design Conditions

EQ12 - Landscaping

H6 - Gypsies, Travellers and Travelling Showpeople
EV11 - Sustainable Travel
EV12 - Parking Provision

3.3 Adopted Site Allocations Document – SAD 4 Gypsy and Traveller Pitch Provision.

3.4 Joint Strategic and Site Allocations Local Plan Review (including Gypsy & Traveller provision assessment and future allocations). Issues & Options consultation undertaken between 8th October 2018 and 30th November 2018.

The needs/issues of the Gypsy and Traveller community will be consulted on at Preferred Options stage, now scheduled for Summer 2021 as a result of unavoidable practicable consultation slippage resulting from Covid 19 restrictions. The Preferred Options stage will include the consideration of new sites for gypsy and traveller pitches. The revised Local Development Scheme programme (June 2022) anticipates Publication of the Preferred Plan for consultation in Summer 2022, Submission to the Secretary of State in Winter 2022, Examination in Spring 2023, and Adoption in Winter 2023.

3.5 Other Policy Considerations:

Planning Policy for Traveller Sites
National Planning Policy Framework
Designing Gypsy and Traveller Sites - A Good Practice Guide Communities and Local Government
Gypsy and Traveller Accommodation Assessments (GTAA's)

4. CONSULTATION RESPONSES

Councillor comments: No Comments received (expired 25.08.2020).

Parish Council - No Comments (received expired 25.08.2020).

Local Plans - (Comments received 23.11.2020).

Introduction

The proposal seeks permission for a change of use of land to allow for 4 caravans, a day room, a stables store building, a storage shed and the stationing of a Gypsy vardo. The proposal seeks permission on a permanent basis.

The 16/00432/FUL application for this site granted change of use of land to allow for one pitch including two caravans, a stable store building, a storage shed, and the stationing of a Gypsy vardo on a temporary basis until 25/07/2020. Conditions limiting the number of caravans and the time scale were attached to lessen potential harm to the Green Belt. The 20/00613/FUL proposal includes two caravans in addition to that permitted (including one mobile home) in the previous application.

National Policy

The National Planning Policy Framework (NPPF) and Planning Policy for Traveller's Sites (PPTS) imposes a duty on Local Planning Authorities (LPA'S) to provide Gypsy and Traveller

itches and plots to meet evidenced need over a plan period. The above proposal however is within the West Midlands Green Belt.

While the NPPF is based upon a presumption in favour of sustainable development, it is clear from the framework that Green Belt Policy cannot be overridden by this presumption (see paragraph 11 and footnote 6). Likewise, the PPTS Paragraph 16 under Policy E further enhances this stance by stating that;

“Inappropriate development is harmful to the green belt and should not be approved, except in very special circumstances”

Paragraph 16 of the PPTS also comments that;

“Subject to the best interests of the child, personal circumstances, and unmet need are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”

South Staffordshire Local Plan

The 2012 adopted Core Strategy contains Policy, H6: Gypsies, Travellers and Travelling Showpeople which sets out criteria for the determination of applications for gypsy and traveller sites and pitch requirements up to 2028. The Site Allocations Document (SAD) which was found sound in 2018, delivers the residual pitch requirements from Policy H6, with the allocations to meet these requirements set out in Policy SAD4. The site was not put forward and assessed for allocation and therefore subsequently has not been allocated in the SAD 4.

The SAD allocated pitches to ensure that the pitch requirements identified in the Core Strategy were met. New provision for gypsies and travellers has therefore come through the plan led system, namely the SAD. Additional provision will come through the Local Plan Review to enable sites to be located in the most suitable locations where the need is the greatest. Fundamentally, it is Local Plans view that all new provision for Gypsy and Traveller pitches should come through this plan-making process.

A new GTAA was carried out in 2017 with neighbouring authorities – the Black Country and South Staffordshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment - to update the needs evidence. This GTTSA 2017, undertaken as part of the 2017 SHMA with the Black Country authorities, identifies a need for 87 additional pitches over the 2016-2036 period; and a need of 48 over the 2016-2021 period. This assessment was prepared on the basis of a completely different methodology compared to the 2014 and 2008 GTAAs; and represents an increase in needs compared to the adopted Core Strategy. The updated needs requirement will be considered in the review of the Local Plan and will be included in the Duty to Co-operate discussions with neighbouring authorities as to how the identified needs can be collectively met. The SAD assists in meeting needs in the short term and the new Local Plan/Duty to Cooperate agreements will focus on meeting needs in the medium to long term.

Principle of the development

The site is in the Green Belt. Planning Policy for Traveller Sites (2015), the NPPF and Core Strategy policy GB1 all note that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The Planning Policy for Traveller Sites clearly states that traveller sites in the Green Belt are inappropriate development.

Following consideration of the proposal against Planning Policy for Travellers Sites (2015), Core Strategy Policy GB1 and the NPPF it is considered that the proposal constitutes inappropriate development in the Green Belt, and therefore 'Very Special Circumstances' are required in order for the application to be acceptable.

Very Special Circumstances

The applicants have submitted a personal circumstances declaration for a positive consideration of this proposal. This includes detail of personal need for permanent planning permission on this specific site and a shortage of accommodation for Gypsy

and Traveller sites. There is unmet need for Gypsy and Traveller pitches within South Staffordshire, demonstrated by a lack of 5-year supply and availability of permanent alternative sites.

The applicant sets out their family's personal circumstances in their declaration, including those relating to healthcare, mental well-being, and safety. This is due to the family experiencing previous attacks on the family's former home, of which at

appeal for the previous application, the Planning Inspector put significant weight on need for a secure base. The applicant sets out the need for permanent permission on the grounds of these factors. As noted at paragraph 16 of the Planning Policy for Traveller Sites (PPTS):

'Traveller sites (temporary or permanent) in the Green Belt are inappropriate development...subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'.

Core Strategy Policy H6 considerations

The case officer will need to consider the proposal against each of the criteria in Policy H6 and be satisfied that each of these have been met, in order for the proposal to be considered in conformity with the policy. As set out above, the proposal will be harmful to the Green Belt and therefore very special circumstances will need to be demonstrated in order to confirm to both Core Strategy Policy GB1 and Policy H6 (criteria 8(a)).

Conclusion

The present application for four caravans exceeds the previous condition granted in the 16/00432/FUL appeal decision for 1 pitch including 2 caravans on a temporary basis. The additional pitch is for the applicant's daughter who it is said are residing on an overcrowded neighbouring pitch. The applicant has put forward a case for VSC including lack of 5-year supply and need for additional pitches, lack of alternative pitches, personal circumstances and the characteristics of the site including small harm to the Green Belt. All these factors will need to be weighed up in the balance to determine whether the applicant has demonstrated VSC and whether a permanent consent is justified.

Planning Enforcement & Environmental Protection - (No Comments received expired 25.08.2020).

Environmental Health (Comments received 12.08.2020).

No objections to the proposed development. However, the applicant needs to be aware that should planning permission be approved they would need to apply for a caravan site license.

The Coal Authority (Comments received 11.08.2020):

Fundamental Concern. The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate the site has been subject to probable shallow coal mining and the presence of a thick coal seam which outcrops to the east of the site that may also have been worked by illicit means. In addition, the site is just within the boundary of a site from which coal has been removed by surface mining (opencast) methods.

Whilst this planning application is predominantly for the change of use of land (siting of four caravans) together with the erection of what would appear to be a timber framed stable (non-habitable), we do not consider that a Coal Mining Risk Assessment would be proportionate to the level of development. However, we note that this proposal also includes the retention of a day room, therefore we would have expected the applicant to provide the LPA with relevant information on how the risk of former coal mining activity (land instability / mine gas) has been incorporated into the design of this particular building. As it would appear that no information has yet been provided, the Coal Authority currently objects to this proposal, as we do not consider that the applicant has demonstrated to the LPA that the day room is or has been made safe and stable (NPPF paras. 178-179).

The Coal Authority welcomes the opportunity to review and comment on further information submitted in support of this planning application.

County Highways – (Comments received 28.08.2020)

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

Site Notice - Posted 11.08.2020 (Consultation period expired 01.09.2020).

5. APPRAISAL

5.1 The application is to be heard at Planning Committee as it is contrary to policy GB1

5.2 Key Issues

- The principle of development in the Green Belt
- The mining impact assessment

5.3 The Principle of development

5.3.1 This 0.1 ha. temporarily approved appeal site is well screened by an established, physically defined mature tree and hedgerow boundaries, and comfortably has the capacity to accommodate an additional pitch in the form proposed.

5.3.2 The additional quantum of development proposed by the siting of one additional mobile/static home, the 4m wide extension to the existing 4.4m x 7.5m (resulting 11.5m)

3.2m high timber clad and pitched, tiled roof existing day room, and the parking of one additional touring caravan, would be readily assimilated within the screened confines of the site. There would be only moderate harm caused by increased loss of openness in these circumstances, and there would be no additional encroachment beyond the limits of the temporarily approved appeal site.

5.3.3 The proposal is by definition inappropriate development within the Green Belt and substantial weight has to be afforded to this automatic harm in the planning balance. The appeal was allowed in 2017 for 3 years on the basis of demonstrable unmet need, lack of 5-year proven supply, a lack of alternative available sites, and the personal very special circumstances of the applicants, including health needs and the best interests of children.

5.3.4 The site is not allocated in the current adopted Local Plan. The determination must be based on the application of adopted Core Strategy Policy H6 criteria and the circumstances put forward. There remains an acknowledged shortfall in pitch provision against the evidenced needs of the GTAA, and no proven 5-year supply or alternative available pitches within the District that could meet the needs of the family.

5.3.5 The proposal satisfies the site selection criteria set out in adopted Core Strategy Policy H6. The applicant has gypsy and traveller status; satisfactory services and adequate access are available; the site is well screened by established landscape features and sustainably located; the proposed density and layout safeguards neighbour amenities; the established hedgerow and tree defined boundaries and location in proximity to established development ensure that there is relatively low Green Belt impact; there are no cohesion issues; and the site is not subject to flood risk.

5.3.6 This site has capacity to accommodate 2 pitches (1 additional pitch and the 1 temporary pitch being made permanent) that would assist in meeting the acknowledged shortfall in provision against identified needs for additional pitches, without causing substantial additional harm by loss of openness, or encroachment into the Green Belt.

5.3.7 The 2 pitches would provide a settled base for the applicant's extended family with convenient access to schools, health services and a range of services and amenities. It would also provide convenient access to the strategic highways network for work travel convenience. Very special circumstances have been put forward that demonstrate health needs and the best interests of children would be met.

5.3.8 The proposed 11.5m x 4.4m extended utility building would be shared between the 2 pitches, which would minimise visual and openness impact in comparison with separate building provision. The extended building would include a bathroom, kitchen and sitting room. The proposed designs are a simple/rectangular plan forms with horizontal timber board cladding and shallow pitched tiled roofs that would respect the rural character of the area. The design and scale is acceptable.

5.3.9 It is acknowledged that there is a current shortfall in the supply of pitches in the District and that a 5-year supply cannot currently be demonstrated. The proposed development will assist in reducing the shortfall by the provision of 2 permanent pitches in a location with low Green Belt impact and good sustainability, accessibility, and social cohesion credentials.

5.4 The mining impact assessment

5.4.1 A mining impact assessment has been provided by the applicant and an updated response is awaited in response to re-consultation from the Coal Authority. Given the existing development on the site, and that minimal additional development is proposed on a site which received no previous objections in this regard including at appeal consideration, it is not considered that an objection could be sustained on these grounds as a reason for planning refusal.

6. CONCLUSION

6.1.1 The proposal is in accordance with Core Strategy Policy H6. This development of 2 permanent pitches to replace the one temporary pitch, within the screened physical confines of an appeal approved site will have relatively low Green Belt impact, performs well when assessed against Core Strategy Policy H6 and Site Selection criteria, and Very Special Circumstances exist to warrant approval, namely demonstrable family need for a settled base for education and health needs, combined with a lack of alternative site availability, and a lack of a demonstrable current 5-year supply.

6.1.2 The proposal will assist in meeting the delivery aims of the Development Plan and is in accordance with NPPF and PPTS policy and guidance for Gypsy and Traveller development.

6.1.3 As the development is inappropriate by definition within the Green Belt, and very special/personal circumstances are required as part of the justification/planning balance, consent should be on a personal basis and controlled as such by the imposition of planning condition.

8. RECOMMENDATION - APPROVE subject to the following conditions:

1. The development shall be carried out in accordance with the approved drawings: Proposed Site Development Scheme, Drawing Number SC07 and Proposed Dayroom/Utility building Floor Plans and Elevations, Drawing Number SC08; received on 21st July 2020.
2. Prior to the commencement of development details of external materials relating to the dayroom/utility building extension and for the surfacing of driveways and parking spaces, shall be submitted to and approved in writing by the LPA.
3. The use hereby permitted shall be carried on only by the following: Mr Shayne Clee, Mrs Julie Clee and Ms Julieanne Clee, and Mr Jonathan Smith and Mrs Crystal Smith and their dependent children.
4. When the premises cease to be occupied by those named in condition 3 above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.
5. The site shall not be occupied by any persons other than gypsies and travellers as defined in the National Planning Policy for Traveller Sites.
6. No more than one commercial vehicle shall be kept on the site for use by the occupiers of the caravans hereby permitted.

7. No vehicle over 3.5 tonnes shall be stationed, parked, or stored on this site.
8. No commercial activities shall take place on the land, including the external storage of vehicles/materials.
9. No more than 4 caravans, of which no more than 2 may be a static caravan/mobile home, shall be stationed on the site at any time.
10. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reasons:

1. In order to define the permission and to avoid doubt.
2. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
- 3, 4, 5 The proposal represents inappropriate development in the Green Belt and the development has been justified on the basis that its occupation by gypsies and travellers represents very special circumstances to outweigh the automatic harm to the Green Belt in accordance with Policy GB1 of the Core Strategy and the Planning Policy for Traveller Sites.
6. To restrict the impact of the development on the openness of the Green Belt in accordance with Policy GB1 of the Core Strategy.
7. In the interests of highway safety, in accordance with Policy EV11 of the Core Strategy
8. In the interests of highway safety, in accordance with Policy EV11 of the Core Strategy
9. To restrict the impact of the development on the openness of the Green Belt in accordance with Policy GB1 of the Core Strategy.
10. 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.

Proactive Statement

In dealing with the application, the Local Planning Authority has worked in a positive and proactive manner based on seeking solutions to problems in relation to dealing with the planning application, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



The Paddock, Anvil Park, Bursnips Road, Essington, Wolverhampton. WV11 2RD.

**20/00788/FUL
NON-MAJOR**

**South Staffordshire Housing
Association**

**KINVER
Cllr Brian Edwards
Cllr Lin Hingley
Cllr Henry Williams**

18 Hillboro Rise Kinver STOURBRIDGE DY7 6BS

Construction of a detached bungalow

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

1.1.1 The site occupies a municipal housing association garage court in the northeastern corner of Hillsboro Rise within the main service village of Kinver. The site area is 657 sqm. There are currently a number of flat roofed block of garages and a large amount of hardstanding on the site.

1.1.2 The site is bounded by residential development on all sides bar the north which backs on to open fields. Hillsboro Rise is characterised by a mix of privately owned and housing association dwellings; some with off road parking available, some of which have to park on the road, particularly numbers 23 to 19 which have very limited space to provide off road.

1.2 Planning History

1.2.1 None

1.3 Pre-application Discussions

1.3.1 Discussions have taken place.

2. APPLICATION DETAILS

2.1 Proposal

2.1.1 The application proposes to demolish the existing garage block and to replace it with a detached four bed bungalow. The proposed bungalow is approximately 13.9m wide including the side carport and 11.5m deep, with a ridge height of 5.7m. There will be open plan living accommodation, 2 x double bedrooms and 2 x singles bedrooms, together with a family bathroom and WC.

2.1.2 There will be off road parking and private amenity area to the side and rear and two off road parking for visitors and other residents of Hillsboro Rise.

2.2 Agents Submission

Design and Access statement
Drainage strategy
Tree report

3. POLICY CONTEXT

3.1 Within the Development Boundary

3.2 Core Strategy

Strategic Objective 8: To ensure the delivery of a minimum of 644 decent homes for members of the community including the provision of affordable homes which match in type, tenure and size the needs of the residents of South Staffordshire and to meet the needs of an ageing population

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

EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

EQ12: Landscaping

Core Policy 6: Housing Delivery

Policy H1: Achieving a Balanced Housing Mix

Policy H2: Provision of Affordable Housing

Policy H4: Delivering Affordable Housing

Core Policy 11: Sustainable Transport

EV12: Parking Provision

Space about Dwellings

Design Guide

3.3 National Planning Policy Framework

4. CONSULTATION RESPONSES

Councillor L Hingley called the application to committee on the grounds of highway concerns

Kinver Parish Council (received 17/11/2020) Recommend Refusal on the grounds that:-

' The area was originally designed with limited parking in front of properties and the garages were provided for this reason, in allowing the removal of the garages this has a major impact on the original ethos of the area.

' It will totally change the street scene.

' The loss of parking is unacceptable, as the car park / garage area is used to get cars safely parked away from being parked on the pavement. Although the other garage area is to remain, for those living at the top of the road, this will not be helpful. It was noted that residents from Enville Road also park in this street as they have no off-street parking.

' Highways need to visit the site (at an appropriate time) to look at the impact that this development would have to the existing residents.

' A plan is attached showing the residents that have parking (as appendix 4 to these minutes).

The Clerk to contact the Housing Association to discuss the concerns of the Council and local residents over the loss of parking in this area.

County Highways (02/11/2020) No objections subject to conditions
Notes to Planning Officer.

i) The proposed development of a detached bungalow is to be constructed on land used as a garage parking area. this is situated at the end of a cul-de-sac with existing residential properties with limited off-street parking. Although it is recognised that many objections have been submitted with regards to the loss of a parking facility, as can be seen within the Design and Access Statement the use of the garages are considerably reduced and could be removed at any time regardless of the construction of the bungalow.

ii) This site was visited on Thursday 29th October 2020.

Tree officer (received 26/11/2020) No objections subject to conditions

Severn Trent Water (received 12/10/2020) No objections

41 **neighbours** have sent in objections regarding lack of parking and subsequent impact the removal of this parking provision will have

Site Notice (expired 26/10/2020)

5. APPRAISAL

5.1 Councillor Lin Hingley called the application to Committee on highways grounds.

5.2 Key Issues

- Principle of development
- Design and Impact on character of the area
- Impact on Neighbours
- Space about Dwellings and parking
- Loss of garages

5.1 Principle of development

5.1.1 The site is situated within the Development Boundary where the principle of new development is considered acceptable subject to the development not having an adverse impact on the character of the surrounding area, or the amenity of neighbouring residents. The redevelopment of a brownfield site in a sustainable location, in a village identified for growth, close to a good level of facilities and services and with good transport links meets the aims of policies CP1 CP3, EQ11 and CP6. Provision of affordable housing is a high priority for the Council and the proposed bungalow will contribute to meeting identified housing needs - policies H1, H2 and H4. The Council is committed to providing 644 decent homes in the district for members of the community including the provision of affordable homes. Housing Plus is looking to provide the bungalow for a specific resident who requires specialist housing accommodation to meet their needs.

5.2 Design and Impact on character of the area

5.2.1 Policy EQ11 requires that new development:

respects local character and distinctiveness, including that of the surrounding development and landscape [...] by enhancing the positive attributes whilst mitigating the negative aspects[.]

In terms of scale, [design] and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.

5.2.2 The 2018 Design Guide (page 40) recommends that

developers take care to ensure that the form of buildings fit well into their surrounding environment. The shape of buildings could take inspiration from the surrounding buildings or features, or the landscape, and this can improve the appearance of places. Incorporating traditional designs and construction techniques alongside modern development can help to tie buildings to their local place.

5.2.3 The character of Hillsboro Rise is typical of its time and provides standard municipal designed properties. The bungalow is functional with a simple design. The replacement of the ugly garage blocks can only be a good thing in design terms. Overall, I consider it to be in accordance with the aims of EQ11 of the Design Guide.

5.3 Impact on Neighbours

5.3.1 In order to comply with Policy EQ9 of the Core Strategy any new development should avoid harming the amenity of neighbouring properties. A number of objection letters have been received from neighbours relating to the loss of parking spaces, loss of garages and the subsequent impact this will have on the highway. I have taken the comments into consideration and have addressed the planning issues raised earlier in my report. With regard to impact on amenity from the erection of the bungalow, due to adequate separation distances and heights there will be no issues with overlooking or being overbearing. Whilst there may be some minor disturbance during the build, this will be relatively short-lived. I therefore consider the proposal in accordance in EQ9.

5.3.2 I note the comments made by an immediate neighbour who is concerned about damage to their property as well as the proposed boundary treatment. The build will be the responsibility of the contractor and the Council would not become involved. I consider it prudent to secure the submission of plan for any boundary treatments. I therefore consider the proposal in accordance in EQ9.

5.4 Space about Dwellings/Car Parking Standards

5.4.1 The development provides a large rear and side garden way in excess of the 100 sqm, as set out in the Council's Space about Dwellings standards. The garden length, at approximately 8.5m does not meet the required length of 10.5m. However, I do not consider there are any issues with loss of privacy as there are no dwellings to the rear.

5.4.2 The proposal is providing 3 off road parking spaces in accordance with the Council's car parking standards.

5.5 Loss of garages/off road parking

5.5.1 I have every sympathy with the residents who have concerns regarding loss of off road parking and the subsequent danger this could cause to highway users, as well as the ability of the emergency services to be able to reach the dwellings at the top of Hillsboro Rise due to residents parking on the street. However, I have discussed the matter at length with the Housing Association representative who has confirmed that they could remove the use of all

the garages for locals and demolish the buildings all together if they chose to, a matter which the County Highways engineer has also taken into account when providing no objections to the scheme. The Council has had this issue raised on a number of garage redevelopment sites throughout the district in the past. Notwithstanding this however and whilst I reaffirm that I have every sympathy with the existing residents, who will no doubt be faced with lack of parking, I see no material planning arguments to support refusal on this basis.

5.6 Impact on trees

5.6.1 The Tree officer has reviewed the tree survey submitted and has no objections subject to a number of conditions protecting the existing trees.

6. CONCLUSION

6.1 The proposal is within the Development Boundary where development such as this is considered to be acceptable. The design of the proposed dwelling is in keeping with the surrounding area, there will be no impact on neighbour amenity and the scheme will provide much-needed affordable housing for a family. I have sympathy with the existing residents' concerns about the loss of parking, but have to bear in mind that there is a reasonable fallback position where the garages could be closed from use without requiring planning permission. On balance therefore, I consider the proposal is in accordance with CP1 CP4 and CP6, H1, EQ9 and EQ11 of the submitted Core Strategy.

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: 20009 2B, 20009 5 20009 6 received 17th September 2020
3. 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).
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.

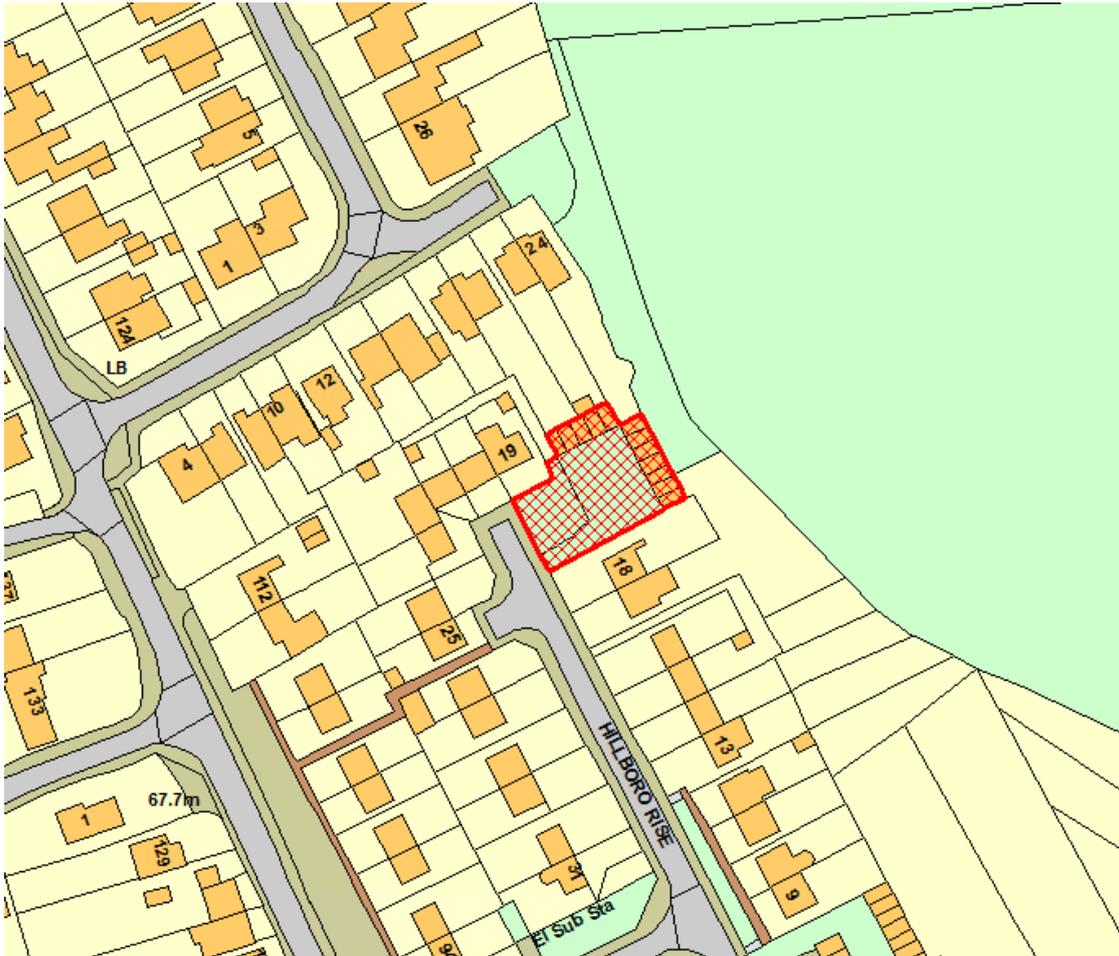
5. Before the development commences the existing trees, shrubs and hedges on the site shall be protected by fencing constructed in accordance with BS 5837:2012 (trees in relation to design, demolition and construction - recommendations) in positions to be agreed with the Local Planning Authority which 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. 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.
10. No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
11. 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.
12. The development hereby permitted shall not be brought into use until the access to the parking bays within the limits of the public highway has been completed.
13. The development hereby permitted shall not be brought into use until the access drive and parking areas have been provided in accordance with the approved plans.
14. The garage indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

15. Before the development reaches damp proof course details of all boundary treatment around and within the site shall be submitted to the Local Planning Authority for approval. The approved boundary treatment shall be built/erected concurrently with the development and shall thereafter be retained in the approved form and position throughout the life 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. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
4. To safeguard the amenity of the area in accordance with policy EQ11 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
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11. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
12. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
13. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
14. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

15. 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.



18 Hillboro Rise Kinver STOURBRIDGE DY7 6BS

**20/00809/FUL
NON MAJOR**

Victoria Williams

BREWOOD & COVEN

**Clr Wendy J Sutton
Clr Joyce Bolton
Clr Diane Holmes**

Harrow Cottage School Lane Coven WOLVERHAMPTON WV9 5AN

Erection of oak framed building to form garaging and garden store.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application relates to a two-storey semi-detached house on the corner of School Lane and the A449 Stafford Road in the local service village of Coven.

1.1.2 The property, which was one of two dwellings created in the early 1960's from the amalgamation of 4 cottages, benefits from an existing rear extension (previously approved under the larger homeowner prior notification scheme) along with permission to extend this extension across the full width of the entire rear of the dwelling (that was granted approval in February 2020) but otherwise stands now as it was original converted, with no other apparent extensions or alterations. A private garden is located to the eastern side/rear of the property and there is off street parking available at the front of the property.

1.2 Relevant planning history

1963 Conversion of four cottages into two dwellings, approved (CCR 4941)

2016 Single storey larger rear elevation extension (length beyond original rear wall 4.3m, maximum height 3.6m, maximum eaves height 2.475m), approved (16/01103/LHSHLD)

2020 The extension being sought will sit adjacent to the one approved under 16/01103/LHSHLD. 16/01103/LHSHLD has been implemented and fully complete, approved (20/00170/LHSHLD)

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The applicant proposes a detached outbuilding to the rear of the dwelling house to provide garaging for 2no. vehicles and a garden store. This will measure 8.02 metres wide by 4.21 metres deep and will have a pitched roof with a maximum height of 3.65 metres and an eaves height of 2.5 metres. The proposed outbuilding will be located a minimum of 2 metres from both the eastern side boundary and the rear boundary.

2.2 Applicant's statement

2.2.1 The application is accompanied by a short statement from the applicant setting out why she believes the development would be classed as limited infilling.

3. POLICY CONTEXT

3.1 Within the Green Belt

3.2 Adopted Core Strategy

Core Policy 1: The Spatial Strategy

Policy GB1: Green Belt

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

Core Policy 3: Sustainable Development and Climate Change

Core Policy 4 Promoting High Quality Design

Policy EQ9: Protecting Residential Amenities

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

Green Belt and Open Countryside Supplementary Planning Document April 2014

South Staffordshire Design Guide [2018]

Sustainable Development SPD [2018]

3.3 National Planning Policy Framework

Chapter 12: Achieving well-designed spaces

Chapter 13: Protecting Green Belt land

4. CONSULTATION RESPONSES

No Councillor comments (expired 30.10.2020)

No Landscape comments (expired 04.11.2020)

Brewood and Coven Parish Council comments (response 30.10.2020) Concern about traffic onto the A449. No objection

No Neighbour comments (expired 30.10.2020)

Site notice expired 13.11.2020

5. APPRAISAL

5.1 The application is brought before the Planning Committee as the proposal is inappropriate development in the Green Belt, contrary to GB1 of the Core Strategy, 2012 and the provisions of the NPPF.

5.2 Key Issues

- Principle of development
- Impact on the openness of the Green Belt
- Case for Very special circumstances
- Design/Impact on character of the area
- Impact on neighbouring properties
- Space about Dwellings

- Highways/Parking

5.3 Principle of development

5.3.1 The property is within the West Midlands Green Belt. According to the NPPF, the essential characteristics of Green Belt land are its permanence and its openness. Policy GB1 of the Core Strategy and Paragraph 145 of the NPPF regards the construction of new buildings as inappropriate development in the Green Belt, unless they fall within a list of exceptions including appropriate facilities for outdoor sport or recreation and purposes directly related to agriculture or forestry.

5.3.2 It is accepted that the proposal is situated within the curtilage of the dwelling, however it cannot be considered as an extension or alteration due to its detached nature. The detached garage would not replace any existing building nor would it fall into any of the other exceptions outlined within the Policy. Outbuildings do not fall into any defined exception within the Policy.

5.3.3 In the applicant's submission it is stated that the proposals should be viewed as limited infilling on site. Paragraph 89 of the NPPF states that limited infilling can be an acceptable form of development in villages. Limited infilling is defined in the Green Belt and Open Countryside SPD as the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site, or have a greater impact on the openness of the Green Belt and the purposes of including land within it. An example of limited infilling that is also likely to be acceptable is within a tight cluster of buildings, where the additional building is unlikely to impact on the openness of the area, due to its position within the cluster.

5.3.4 The site is not considered to be in a village and the proposed outbuilding is not considered to be in a ribbon/built up frontage or in a tight cluster. A tight cluster is characterised by built development immediately adjacent on all sides and in this instance the nearest buildings are the dwelling and a workshop immediately adjacent to the south. Therefore, I do not consider the proposed outbuilding a form of limited infilling.

5.3.5 As such the proposal is deemed inappropriate development within the Green Belt. The proposal is therefore contrary to Policy GB1 of the Core Strategy, the guidance contained within the Green Belt and Open Countryside SPD, 2014 together with the objectives of the NPPF. In order for inappropriate development to be acceptable, material considerations amounting to very special circumstances must be advanced to justify a grant of planning permission.

5.4 Impact on the openness of the Green Belt.

5.4.1 The key characteristic of Green Belts are their openness and their permanence. Any development proposals should not cause undue harm or loss of this openness.

5.4.2 There has been much dispute in recent years in case law in defining openness. A defining case in *R (Timmins & Anr) v Gedling BC & Anr* helps to define whether the visual impact of a development could be taken into account in considering 'openness'. It was held that 'openness' is characterised by the lack of buildings but not by buildings that are un-

obtrusive or screened in some way. It was also held that 'openness' and 'visual impact are different concepts', although they could 'relate to each other'.

5.4.3 The NPPG has also been updated (July 2019) with guidance on factors taken into account when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to:

- "openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation."

5.4.4 In assessing the proposal as to whether the proposal has an impact on the openness of the Green Belt, the overall volume of the proposal is assessed as follows.

5.4.5 The proposed detached garage would be sited within the domestic curtilage of the dwellinghouse. The detached garage is designed as a partially open fronted informal structure, constructed out of a two-three course rendered block brick plinth and timber. The outbuilding will be sited to the rear of the dwelling, and would measure approx. 3.65 m to maximum ridge height with an eaves height of approx. 2.5 m. The structure would only be visible from within the site or from the surrounding dwellings, it would be screened from view of the wider surrounding area by the perimeter fence and landscaping. However, the matter of the physical presence of the proposal by reason of its scale and siting on part of the land which is currently free from development would increase the built-up area of the site.

5.4.6 It is considered that there would be a small degree of reduction to the openness by way of the additional built form within the curtilage of the dwellinghouse. It is therefore considered that as the proposal is within the green belt it would be detrimental to the purposes of including land in the green belt. However, when considered in context with the main dwelling, it is considered that the proposal would have a limited impact on the openness of this part of the Green Belt.

5.5 Very Special Circumstances

5.5.1 Paragraph 144 of the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Given the view has been taken with regard to the proposal being inappropriate development there would need to be 'Very Special Circumstances' put forward in support of the application to justify approval.

5.5.2 The property still holds full Permitted Development (PD) rights, and therefore the applicant could, in theory, erect a very similar detached garage in the same location without the need to gain planning permission from the Local Planning Authority. For example, a building with a similar footprint and not exceeding a maximum height of 2.5m (i.e 1.1m lower than the current proposal), would meet the dimensional requirements of householder PD rights for outbuildings. Alternatively, should the applicant site the building a further 1.7 metres from the rear boundary this could be considered Permitted Development at its current dimensions. In either scenario the proposed use of the building as a double garage

with garden store would also in my view meet a "test of reasonableness" for an incidental domestic outbuilding. As such, it is considered that the hypothetical fall-back position of erecting a very similar outbuilding under PD rights in either a slightly revised location or of a slightly lower height would carry sufficient weight in justifying the current proposal.

5.5.3 The proposed double garage would exceed the height of a hypothetical PD outbuilding by 1.1m, should it be constructed in this location. The additional bulk and massing (volume) involved would not be considered prejudicial to the openness of the Green Belt and it is considered that there would be no material detrimental harm to the openness of the Green Belt as a result of this application. Given the limited harm upon the Green Belt as a result of the detached garage in the context of the main site and the screening afforded by the siting of the proposal, together with the realistic alternative of constructing a similar outbuilding utilising the properties Permitted Development rights; it is considered that this amounts to very special circumstances. It is therefore considered that there are very special circumstances to clearly outweigh the potential harm on the Green Belt by reason of inappropriateness and the automatic policy objection with GB1 in this instance. The principle of the proposal would therefore be considered acceptable.

5.6 Impact on the character of the area

5.6.1 Policy EQ4 seeks for development to respect the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Policy EQ11 of the Core Strategy 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", and that "in terms of scale, volume, 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 2018 Design Guide has been adopted and amplifies the principles set out in Policy EQ11 of the Core Strategy and provides that extensions should be subservient to the main building, respecting the scale, form and relationship to adjacent buildings.

5.6.2 The proposals would be located within the rear of the site and would be screened from being visible from the public realm by the dwelling and the landscaping surrounding the rear garden and as such would have no impact on the street scene. I consider that the proposals would be sympathetic with the appearance and character of the surrounding area and appropriate in scale, mass, design, materials, layout and siting and would therefore comply with Policies EQ4 and EQ11 of the Core Strategy.

5.7 Impact on neighbouring amenity

5.7.1 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.

5.7.2 Due to the separation distances involved, the outbuilding will have no impact on any of the existing neighbouring dwellings in respect of loss of light or overbearing. I note that there is a recent planning application for the replacement of the workshop to the rear of this dwelling, however, again given the separation from the potential dwelling and the orientation of the site, there are no concerns arising in respect of neighbour amenity. No

neighbouring objections have been received and therefore there are no objections under Policy EQ9.

5.8 Space about Dwellings

5.8.1 The proposal does not infringe the Councils normal space about dwellings standards.

5.9 Highways/parking

5.9.1 Policy EV12 and Appendix 5 of the Core Strategy require that highway safety and parking provision are considered as part of development proposals. There are no parking or highways issues in respect of this application. The proposed outbuilding/garage would provide further onsite parking utilising the existing access at the front/eastern side of the property and would have no parking or highway-related implications.

6. CONCLUSION

6.1 Whilst the principle of this proposal is inappropriate development in the Green Belt, there are very special circumstances which clearly outweigh the potential harm to the Green Belt.

6.2 The proposal would cause no material harm to the amenity of neighbouring residential properties and would be sympathetic to the character of the existing property and the surrounding area. There are no car parking or highway related concerns, and as such, I recommend this application is approved.

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: Revised block plan received on 18.11.2020, Proposed garage plans and elevation received on 18.11.2020
3. The garage shall be used only for purposes incidental to, and in connection with, the use of the site as a dwelling.

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. 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

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.



Harrow Cottage School Lane Coven WOLVERHAMPTON WV9 5AN

SOUTH STAFFORDSHIRE COUNCIL

PLANNING COMMITTEE – 15 DECEMBER 2020

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	15 December 2020	
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 our first virtual training before December committee on the Planning Protocol, committee requirements and ‘making good planning decisions’. A further session on planning enforcement is being explored for early next year.

4.2 **Changes in National Policy:**

4.3 In a [written ministerial statement](#) published on 30 November, Robert Jenrick MP confirmed that councils should temporarily relax any restrictions on store opening hours and publicise the move to local retailers. The statement confirms:

“Restrictions on shop opening hours on weekday and Saturdays were removed by section 23 of the Deregulation and Contracting Out Act 1994. However, many retailers are subject to local controls through planning conditions which restrict opening times.

As a matter of urgency, local planning authorities should take a positive approach to their engagement with retailers to ensure planning controls are not a barrier to the temporary extension of retail opening times in December and January.

In particular, local planning authorities, having regard to their legal obligations, should not seek to undertake planning enforcement action which would result in the unnecessary restriction of retail hours during this period.

4.4 Whilst it isn’t formally changing national policy or legislation at this stage, members should also be aware that the treasury has recently published a National Infrastructure Strategy. Whilst this does not formally change planning legislation or the NPPF, it does indicate the following directions of travel from government:

- Reforms to permitted development rights to allow schools, hospitals and prisons to expand without going through the full planning permission process
- An ambition to significantly speed up the determination of Nationally Strategic Infrastructure Projects submitted from September 2023

- Greater government support for renewable energy projects such as onshore wind and solar PV, in order to decarbonise the economy and adapt to climate change

4.5 **Planning Appeal Decisions** – every Planning Appeal decision will now be brought to the Committee for the Committee to consider. There have been 2 appeal decisions since the last Committee, a copy of the decisions are attached as Appendix 1 and 2. These relate to:

- 1 An appeal against a refusal to demolish an existing dwelling and construction of four 2-bedroom bungalows with associated works at 60A Stone Lane, Kinver, DY7 6DY. The appeal was dismissed because the Inspector concluded that the proposal would fail to provide a safe and suitable access for all users.
- 2 An appeal against a refusal for a two-storey rear extension at The Old Pump House, Bennetts Lane, Wolverhampton, WV6 7EY. The appeal was dismissed because it was inappropriate in the Green Belt and the harm that would be caused to the Green Belt in addition to the harm to the character and appearance of the host dwelling would not be clearly outweighed by any private benefits to the homeowner of the scheme. Consequently, very special circumstances do not exist.

4.6 We are still awaiting the outcome of the 2 Crematoria appeal decisions. The decisions were due by 12 September 2019. On 13 October 2020, the Council received a copy correspondence from PINS to the crematoria applicants to ask whether there had been a material change to the evidence on need for crematoria in the appeals. The Cabinet agreed a response on 24 October 2020, which has been provided to Members separately. At the time of writing this report we have no further update on this matter.

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 84%, 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

- 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 = 90.9% (data up to June 2020)

153 – others – target 70% (or above) – result = 88.9% (data up to June 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 – 60A Stone Lane, Kinver, DY7 6DY

Appendix 2 – Appeal Decision – The Old Pump House, Bennetts Lane, Wolverhampton, WV6 7EY

Report prepared by:

Kelly Harris

Lead Planning Manager



Appeal Decision

Site Visit made on 25 September 2020

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2020

Appeal Ref: APP/C3430/W/20/3254873

60A Stone Lane, Kinver, STOURBRIDGE, DY7 6DY

- 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 Lawnswood & Sons Developments Limited against the decision of South Staffordshire District Council.
 - The application Ref 19/00734/FUL, dated 25 September 2019, was refused by notice dated 24 April 2020.
 - The development proposed is demolition of existing dwelling and construction of four 2-bedroom bungalows with associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refused the application on a single ground, namely the effect of the proposal on the character and appearance of the area. However, additional issues have been raised by interested parties, including concerns about the adequacy of the proposed access. I consider these concerns to be significant and have therefore included the provision of a safe and satisfactory access as a main issue. Both parties have had an opportunity to provide further comments in relation to this.

Main Issues

3. The main issues are:
 - i) whether the site would provide a safe and suitable access for all users; and
 - ii) the effect of the proposal on the character and appearance of the area.

Reasons

Safe and suitable access

4. The appeal site is located within the village of Kinver, surrounded by residential properties. The site, which contains a single dwelling, is situated to the rear of existing houses, and is accessed from Stone Lane via a long, narrow driveway.
 5. According to the submitted Transport Statement, the existing driveway varies between 3.5 metres and 4.1 metres in width, so is insufficient for two vehicles to pass. However, the number of trips which would be generated by the proposal would be low, so vehicles would need to pass only infrequently.
-

- Furthermore, as the driveway is straight, drivers approaching the access would be able to see any vehicle already present and could wait for it to pass, before then safely entering.
6. In order avoid any vehicle conflict on the highway, which might otherwise occur whilst vehicles are waiting to enter the site, it is proposed to widen the access at the Stone Lane end, using highways land, to enable two cars to pass. On this basis, the highways officer raised no objections to the scheme, and I am satisfied that the scheme would provide a suitable access for vehicles.
 7. However, the access would need to be suitable for all users, and there would be times when cars and other vehicles would need to pass pedestrians using the driveway. Whilst a vehicle may only take a few seconds to travel along the access, pedestrians would take considerably longer, particularly those with mobility difficulties. Even if they see them, drivers may not always wait for pedestrians to complete their journey before entering the access, and so it is important that there would be sufficient space for them to pass safely.
 8. The Transport Statement suggests that a well defined shared surface would be created, with a footway provided along the eastern edge of the existing driveway. The footway would have a minimum width of approximately 0.7 metres. In my experience, there are minimum standards for footway width, and that minimum is significantly wider than 0.7 metres. The proposed footway width here is of particular concern given that future occupiers of the proposed bungalows might be elderly and may have mobility aids, which tend to require more space.
 9. If pedestrians were unable to use the pavement because it was too narrow, they may be forced to use the road, raising concerns for safety, particularly during hours of darkness. According to the Transport Statement, following construction of the footway the width of the carriageway would be reduced to between 2.8 – 3.2 metres, so a car or small van would take up most of the available space. This would leave insufficient space for a car or small van to comfortably pass a pedestrian who was unable to use the narrow pavement.
 10. The driveway is lined by walls and fences on both sides, and a hedge of conifers has been planted immediately adjacent to the boundary on one side, which extends for a significant distance. This would require regular cutting to avoid any further reduction in the width of the access, which could exacerbate the concerns raised.
 11. The narrow width of the driveway also means that larger vehicles would not be able to access the site. No objections have been raised by the Council or fire officer regarding access in the event of a fire. However, as acknowledged in the Transport Statement, the proposed development has not been designed to enable access by refuse wagons. The reasons for this are understandable, but as a result, occupiers of the development would be required to take their refuse to the entrance of the site at Stone Lane for collection.
 12. The Transport Statement notes that the access road is some 65 metres long, which is considerably further than the advice in Manual for Streets (Department for Transport, 2007), which recommends that residents should not be required to carry waste more than 30 metres to the storage point.

13. For all potential occupiers of the scheme, and in particular those of plots 3 and 4 which would be furthest from the road frontage, the distances required for moving refuse would be unacceptable. I acknowledge that this situation already exists for occupiers of the existing property, but the proposed development would intensify the use of the site from one to four properties. Furthermore, the need to transport bins over such a large distance is a particular concern in the proposed scheme, given the suggestion that the bungalows would be suitable for older residents or those with mobility problems. These occupiers may find this difficult, or even impossible.
14. I note the appellant's comments that buyers of the properties would be made aware of the situation regarding refuse collection. However, even if future occupiers were satisfied that they could undertake this task when buying a dwelling, health and mobility situations can change.
15. The Council has provided wheelie bins, but in many areas multiple receptacles are provided for recyclables and other waste, which would necessitate multiple trips. Whilst bin storage areas would be provided adjacent to each dwelling, the difficulties involved in moving wheelie bins or other receptacles for the distances required, may result in people leaving their bins on the highway verge and making journeys with smaller bags. This would result in clutter on the roadside with associated harm to the appearance of the area.
16. I conclude that the proposal would fail to provide a safe and suitable access for all users. It would conflict with Part C.1 of Policy EQ11 of the South Staffordshire Local Plan 2012 (Local Plan), which requires a high standard of access for all with safe and easy access to all potential users, regardless of ability, age or gender. There would be further conflict with paragraph 108 of the National Planning Policy Framework (the Framework), which has a similar aim.

Character and appearance

17. Houses in the surrounding area vary in type and size, with larger, detached properties in substantial plots along Stone Lane; semi detached dwellings with long rear gardens on Compton Gardens, and more modest, detached houses and bungalows in shorter plots along Church View Gardens.
18. The proposed bungalows would have a similar footprint to houses along Church View Gardens which back onto the site, but the proposed plot sizes would be smaller than many of those around. However, given the mixed character of the surrounding area, further variation could be accommodated without causing undue harm to its character.
19. The proposal would maximise use of the site, but in doing so would make efficient use of land, as promoted by Framework paragraph 122, and the submitted plan shows that the four dwellings could be comfortably accommodated. The bungalows would all have rear gardens which would be sufficient to meet the Council's Space about Dwellings Standards, whilst also providing sufficient separation from neighbouring properties. Dedicated parking and garages would be provided to the side of the properties, and space for landscaping would be retained within the layout.

20. The inclusion of bungalows, rather than houses, would limit the visual impact of the proposal, and help prevent the development from feeling overly built up or cramped.
21. Unlike other properties in the area, the proposed dwellings would not front directly onto the highway, but that is already the case with the existing house, and the view from the street would be unchanged.
22. I conclude that the proposal would not cause undue harm to the character and appearance of the area. I find no conflict with points C.e) and C.f) of Local Plan Policy EQ11, which require that proposals respect local character and distinctiveness, and respect the scale of spaces and buildings in the local area.

Other Matters

23. Concerns have been raised by neighbouring residents about the potential effects on their living conditions resulting from noise and disturbance from additional vehicle movements. However, the number of trips which the proposal would generate would be sufficiently low so as not to result in an unacceptable impact on neighbouring occupiers.
24. I acknowledge that the site is an appropriate location for housing, within the built up area of the village and a short distance from local services and facilities. I have also found that the scheme would not cause undue harm to the character and appearance of the area. However, these factors are not sufficient to outweigh the significant concerns regarding the adequacy of the access.

Conclusion

25. Material considerations do not indicate that I should conclude other than in accordance with the development plan as a whole. I therefore conclude that the appeal be dismissed.

R. Morgan

INSPECTOR



Appeal Decision

Site visit made on 19 October 2020 by Darren Ellis MPlan

Decision by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/C3430/D/20/3255804

The Old Pump House, Bennetts Lane, Wolverhampton, WV6 7EY

- 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 Pietro Corbelli against the decision of South Staffordshire Council.
 - The application Ref 20/00266/FUL, dated 6 March 2020, was refused by notice dated 8 June 2020.
 - The development proposed is a rear two storey extension.
-

Decision

1. The appeal is dismissed.

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.

Main Issues

3. The appeal site is within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the host dwelling; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

4. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original

building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.' It does not however define 'disproportionate'.

5. This exception for extensions to a building is reflected in Policy GB1 of the Core Strategy Development Plan Document (adopted 11th December 2012) (CS). Section 4 of the Green Belt and Open Countryside Supplementary Planning Document (April 2014) (SPD) sets out that extensions to dwellings in the Green Belt should be limited to an increase of floorspace of between 20-40%.
6. The appeal dwelling formerly consisted of a pump house that was part of a sewerage works. Planning permission was granted in 1999¹ and renewed in 2005² for the change of use, alterations and extensions to the pump house to form a dwelling and detached garage. The proposed development would see the erection of a two-storey rear extension to the dwelling.
7. The former pump house is therefore the original building for the purposes of the Framework and Policy GB1 of the CS. The Council's calculations show that the proposed extension in combination with the extensions from the conversion would increase the footprint by 123% above the footprint of the original building. The Council further calculates that the proposed extension alone would increase the footprint by 64% above the original building. The appellant does not contest these figures. The range set out in the SPD would therefore be exceeded considerably.
8. The Framework refers to extensions and alterations not resulting in disproportionate additions over and above the size of the original building. Size is more than a function of floorspace and includes bulk, mass, and height. From the information before me I am satisfied, as a matter of judgement, that the additions to the original building would be disproportionate in the context of the Framework and Policy GB1 of the CS.
9. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness

10. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant³. As the visual and spatial bulk of the building would be increased by the extension, the proposal would result in a reduction in the openness of the Green Belt. This would cause moderate harm to the openness of the Green Belt and is in addition to the harm by reason of its inappropriateness.

Character and Appearance

11. The depth of the proposed two-storey extension would be similar to the depth of the existing dwelling, and as such the extension would be a considerable addition to the property. Furthermore, the side elevations of the proposed extension would have large expanses of bare brickwork. For these reasons, the proposal would fail to respect the scale, massing and design of the existing

¹ Planning application ref. 99/00587/COU

² Planning application ref. 04/01433/FUL

³ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

dwelling. The proposal would therefore conflict with Policy EQ11 of the CS, which amongst other things requires development to be of a high-quality building design and detailing.

Planning balance and Conclusion

12. The development causes harm to the Green Belt by way of its inappropriateness and to its openness, and the Framework establishes that substantial weight should be given to any harm to the Green Belt.
13. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. No considerations have been put forward by the appellant although I recognise that the proposal would result in the increase in habitable space in the appeal dwelling. However, the harm that would be caused to the Green Belt in addition to the harm to the character and appearance of the host dwelling would not be clearly outweighed by any private benefits to the scheme. Consequently, very special circumstances do not exist.
14. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR

