

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, 26 January 2021

Time: 18:30

Venue: Virtual Meeting



D. Heywood
Chief Executive

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

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|----------|--|-----------------|
| 1 | Minutes
To confirm the minutes of the meeting of the Planning Committee held on the 15 December 2020 | 1 - 4 |
| 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 the Development Management Team Manager | 5 - 82 |
| 5 | Monthly Update Report
Report of the Lead Planning Manager | 83 - 104 |

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, 15 December 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

94 OFFICERS PRESENT

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

95 MINUTES

RESOLVED: that the minutes of the Planning Committee held on 17 November 2020 be approved and signed by the Chairman

96 APOLOGIES

There were no apologies

97 DECLARATIONS OF INTEREST

The Planning Solicitor declared an interest in application 20/00788/44 and took no part in supporting the committee for consideration of this item

98 DETERMINATION OF PLANNING APPLICATIONS

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

19/00912/OUT – GREAT CHATWELL POULTRY PREMISES, GREAT CHATWELL, NEWPORT, TF10 9BJ - APPLICANT – AMBER REAL ESTATE INVESTMENTS (AGRICULTURE) LTD – PARISH – BLYMHILL & WESTON UNDER LIZARD

Mrs Cathy O'Toole (Pegasus Group Agent) spoke in support of the application and on behalf of Philip Delaloye, Parish Clerk and David Maddocks, Chairman of Blymhill and Weston under Lizard Parish Council.

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

Councillor B Cox as local member did not support the recommendation for refusal. He believed the development would enable Great Chatwell to be a vibrant and sustainable village.

Councillor B Cope believed the development which included affordable houses would enable young people to continue to live there but wanted the Planning Committee to have opportunity to consider the design.

The Lead Planning Manager confirmed that the application was for outline permission and elements including design, would be the subject of future application.

Councillor Ford supported the development as promoting sustainable village life.

Councillor Cox proposed a motion for deferral to allow time for further consideration.

Councillor Allen seconded the motion.

The motion was defeated.

RESOLVED: that the application be **REFUSED** on the grounds contained in the Planning Officers report.

20/00613/FUL - THE PADDOCK, ANVIL PARK, BURNSIPS ROAD, ESSINGTON, WOLVERHAMPTON, WV11 2RD – APPLICANT – MR SHANE CLEE – PARISH – ESSINGTON

A statement in support of the application was read out by the Corporate Director, Planning and Infrastructure, on behalf of and supplied by Michael Hargreaves (agent).

Councillors Fisher and Steele as local members raised no objection.

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

20/00788/FUL – 18 HILLBORO RISE, KINVER, STOURBRIDGE, DY7 6BS - APPLICANT – SOUTH STAFFORDSHIRE HOUSING ASSOCIATION – PARISH - KINVER

Lesley Birch 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 Kath Howl.

Councillor L Hingley as local member did not support the application. She shared local residents concern about loss of parking if the application was approved.

Staffordshire County Council's Senior Highways Engineer explained that although the site of the application had been used for local residents to park, this had been a goodwill gesture on the part of the Housing Association and not a legal right. It was regrettable that there was insufficient off road parking but this did not affect determination of the application.

Councillor Hingley proposed a motion to refuse the application as it adversely affected local resident's amenity and contrary therefor to policy EQ9.

Councillor M Lawrence seconded the motion.

The motion was defeated.

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

**20/00809/FUL – HARROW COTTAGE, SCHOOL LANE, COVEN,
WOLVERHAMPTON, WV9 5AN - APPLICANT – VICTORIA WILLIAMS
– PARISH – BREWOOD AND COVEN**

Councillor D Holmes supported the application.

RESOLVED: that the application be **APPROVED** subject to the conditions contained in the Planning Officers Report and to the following additional condition:

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling, the subject of this approval, without the prior approval of the Local Planning Authority:

e. Schedule 2, Part 1, Class E – garden buildings, enclosures, pool, oil or gas storage.

4. 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

99 MONTHLY UPDATE REPORT

The Committee received the report of the Lead Planning Manager 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: 20:30

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 26 January 2021****DETERMINATION OF PLANNING APPLICATIONS****REPORT OF DEVELOPMENT MANAGEMENT TEAM MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

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

2. RECOMMENDATIONS

2.1 That the planning applications be determined.

3. SUMMARY IMPACT ASSESSMENT

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

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

PART B – ADDITIONAL INFORMATION

4. INFORMATION

All relevant information is contained within the Appendix.

Advice to Applicants and the Public

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

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

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

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

Equality Act Duty

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

Human Rights Implications

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

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

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

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

Consultations Undertaken

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

CONSULTEES

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

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

Details if issue has been previously considered

7. BACKGROUND PAPERS

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

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

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

Report prepared by: Sue Frith, Development Management Team Manager

App no	Applicant/Address	Parish and Ward Councillors	Recommendation	Page
20/00621/OUT MAJOR	Trebor Developments LLP Land South Of White Hill Kinver	KINVER Cllr Brian Edwards Cllr Lin Hingley Cllr Henry Williams	Approve	11 - 48
20/00738/FUL NON MAJOR	Mr Richard Clarke 2 Wesley Road Bilbrook WOLVERHAMPTON WV8 1LW	BILBROOK Cllr Gary Burnett Cllr Ian Sadler	Approve	49 - 56
20/00889/COU NON MAJOR	Miss F Thompson Leper House Whitehouse Lane Codsall Wood WOLVERHAMPTON WV8 1QG	BREWOD & COVEN Cllr Wendy J Sutton Cllr Joyce Bolton Cllr Diane Holmes	Approve	57 - 66
20/00890/LBC NON MAJOR	Miss F Thompson Leper House Whitehouse Lane Codsall Wood WOLVERHAMPTON WV8 1QG	BREWOD & COVEN Cllr Wendy J Sutton Cllr Joyce Bolton Cllr Diane Holmes	Approve	67 - 72
20/00952/COU NON MAJOR	Sarah Round 4 Long Lane Springhill WOLVERHAMPTON WV11 2AA	ESSINGTON Cllr Warren Fisher Cllr Christopher Steel	Approve	73 - 76
20/01004/FUL NON MAJOR	Ms Wendy Sorby Baggeridge Country Park Fir Street Gospel End DUDLEY DY3 4HB	HIMLEY Cllr Roger Lees	Approve	77 - 82

**20/00621/OUT
MAJOR**

Trebor Developments LLP

KINVER

**Councillor Brian Robert Edwards
Councillor Lin N Hingley
Councillor Henry Williams**

Land South of White Hill Kinver

Outline application for residential development of up to 40 dwellings, provision of vehicular access from White Hill, provision of public open space, sustainable drainage and other ancillary and enabling works with all matters reserved excluding access

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The site is an area of land designated for housing in the Council's recently adopted Site Allocations Document. The site is to deliver housing for the main service village of Kinver.

1.1.2 The site is bounded by existing properties on White Hill on all sides bar the south. This area of land has been allocated for future growth and does not form part of the application. There is an existing hedgerow to the front of the site on White Hill along with a small number of mature protected trees. There is a hedgerow which cuts through the site running north south along with a single protected tree. White Hill is, as the name suggests, an area of land that rises from Potters Cross in the east towards open countryside to the west. The site affords views of Kinver Edge and the Rock Houses to the south. Potters Cross Farm directly adjoins the site with an associated farmhouse and brick-built barns, which are excluded from the application.

1.1.3 The site is well connected to Kinver which has various facilities including Foley Infant school, Brindley Heath junior school and Kinver High School, various shops, doctor's surgery and pubs. A public right of way passes through the allocated land to the south.

1.2 Planning History

1.2.1 There are no development management applications on the site.

1.3 Pre-application Advice

1.3.1 Pre-application discussions have taken place.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 This application is an outline proposal for approval of access only. As part of all outline permissions submitted to the Council the agreement of suitable housing mix and affordable housing percentages, as well as the provision of public open space, are to be agreed in a suitable section 106 agreement. Housing mix is to be secured by condition.

2.1.2 The agreed mix of Market housing is:

Market housing

- 30 percent 2 bedroom properties
- 45 percent 3 bedroom properties
- 25 percent 4 plus bedroom properties

A minimum of 10 percent of all market housing to be provided as bungalows

Social rented housing

- 25 percent 1 bedroom maisonettes
- 25 percent 2 bedroom bungalows
- 25 percent 2 bedroom houses
- 25 percent 3 bedroom houses

Shared ownership housing

- 25 percent 2 bedroom maisonettes
- 37.5 percent 2 bedroom houses
- 37.5 percent 3 bedroom houses

2.1.4 The layout has been amended to provide a better provision of usable public open space and reduce the number of dwellings from 40 to 38. The site is small and the spread of dwelling fills a large proportion of the site with the public open space targeted somewhat centrally allowing for the retention of the protected tree and existing hedgerow with a second area sitting alongside and to the east of the access road, which will allow for the views to the Rock Houses and Kinver Edge to be maintained and to allow access to the safeguarded site beyond.

2.2 Applicants Submission

2.2.1 The following documents have been submitted:

- Arboricultural report
- Design and Access statement
- Ecological assessment and Bat report
- Flood risk assessment
- Sustainable drainage statement and additional information
- Landscape and visual appraisal
- Environmental and geotechnical report
- Planning statement
- Transport assessment and Travel Plan

3. POLICY CONTEXT

3.1 The site is designated development boundary

3.2 Core Strategy

National Policy 1 - The Presumption in Favour of Sustainable Development

Core Policy 1 - The Spatial Strategy for South Staffordshire

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

Core Policy 6 - Housing Delivery

Core Policy GB1 - Development in the Green Belt

Policy EQ1 - Protecting, Enhancing and Expanding Natural Assets

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

Policy EQ9 - Protecting Residential Amenity
Policy EQ13 - Development Contributions
Policy H2 - Provision of Affordable Housing
Policy H4 - Delivering Affordable Housing
Policy EV11 - Sustainable Travel
Policy EV12 - Parking Provision
Appendix 6- Parking Standards
Appendix 6 - Space about Dwelling Standards
Design Guide 2018
SUDS Guide 2018

3.3 Site Allocations Document

SAD1: Local Plan Review
SAD2: The Housing Allocations
SAD6: Green Belt, Open Countryside and Development Boundary Amendments
SAD7: Open Space Standards
SAD9: Key Development Requirements

3.4 National Planning Policy Framework

4. CONSULTATION RESPONSES

Comments received to the amended scheme submitted 10th November 2020

Councillor Hingley *has concerns with the scheme regarding impact on highways and ecology and wishes it to be heard at Planning Committee*

Kinver Parish Council (received 10/12/2020) *Recommend Refusal until the reports that have been supplied are updated to show more detailed information. If the application proceeds and is approved then we would request that a S106 is placed on the site with the following requirements: -*

All trees and hedgerows (apart from a small section for the entrance to the site) should remain in situ and are protected with hedgerow and tree preservation orders to lessen the impact of the development in the Greenbelt.

The maximum number of properties should remain as agreed in the SAD documents at 30.

The mix of houses should include 40 percent of social housing and affordable housing, and the house types built to be in line with the requirements of the village (as identified in the SAD consultation process) of smaller units.

Improvement to the drainage system (a soak away will not be enough on the site) Full detail is required to demonstrate that an acceptable outline drainage strategy is proposed and accepted by SSDC before planning is granted.

Any flooding caused by the new build in White Hill which causes flooding at the KSCA should be paid for by the builders.

All utilities (water, electricity, broadband, sewers etc) should be improved to cope with the additional houses and not have a detrimental impact on the existing residents. Any cables to be laid under the ground.

The additional houses will increase car traffic congestion along White Hill (currently not wide enough for 2 cars where cars are always parked). The junction of White Hill with Meddins Lane and Enville Road is already congested, confusing and potentially unsafe for children

walking to the two schools near the junction. Improvements to that junction would be required. Alternative routes are even narrower, so could not take extra traffic. (NB the Traffic report submitted is based on inaccurate and implausible assumptions.) This issue should be addressed before any development takes place.

All village services doctors / transport / schools need to be looked at with the planning application as this is the first phase of a large development and the information provided is out of date.

The vista /view from Kinver Edge to White hill and vice/versa will be irreparably damaged by this development.

The flood risk increase box has been ticked as no, however we believe that the flood risk will increase, and on this version of the plan the pool to take flood water from the site has been removed. What would the developer do to stop flooding being increased?

Local Plans Team (received 01/11/2020)

Housing Strategy

Previously concerns had been raised around the ability of the development to suitably integrate affordable housing with market homes on the site based on the illustrative layout. The revised layout however now demonstrates that it would be possible for affordable housing to be spread across the site in clusters in a satisfactory manner. Whilst the specific design and layout of the affordable plots will be a reserved matter, there does not appear to be anything on the illustrative layout that would indicate these cannot be addressed satisfactorily at detailed planning stage.

The applicant has confirmed their agreement to the proposed housing mix condition which is welcomed. One minor point to note is that the illustrative mix schedule provided would need to provide an additional market bungalow in order to comply with the requirement for a minimum of 10% to be provided. However, this schedule is only indicative and this should not present an issue as long as the case officer is comfortable this additional bungalow could be accommodated on the site based on the illustrative layout proposed.

In terms of internal space, the revised mix schedule demonstrates that all properties would meet the overall floorspace requirement as set out in the Nationally Described Space Standard, apart from the affordable 2-bedroom maisonette. This is only a small shortfall however and it is envisaged this could be addressed through detailed plans at reserved matters stage.

mix condition

The application is only in outline therefore the Council will require the housing mix of the development to be secured via condition at this stage. Based on the mix suggested by the applicant and the issues outlined above, the condition should specify the following:

Unless otherwise agreed in writing with the Council, the housing mix of the development to be provided as follows:

Market housing

30 percent 2 bedroom properties

45 percent 3 bedroom properties

25 percent 4 plus bedroom properties

A minimum of 10 percent of all market housing to be provided as bungalows

Social rented housing

25 percent 1 bedroom maisonettes

25 percent 2 bedroom bungalows

25 percent 2 bedroom houses

25 percent 3 bedroom houses

Shared ownership housing

25 percent 2 bedroom maisonettes

37.5 percent 2 bedroom houses

37.5 percent 3 bedroom houses

Landscape/Design

The previous indicative masterplan raised the following concerns from a landscape/design perspective:

- o An insufficient quantity of public open space against the Policy SAD7 standards*
- o Poor separation of public and private space arising from the landscape buffers on site*
- o Lack of equipped play space on site or indication of satisfactory alternative provision*

Having reviewed the revised indicative masterplan and attached written correspondence, we can confirm that there is roughly 0.39ha of public open space indicated on the indicative masterplan. Equally, whilst side elevations and boundaries of properties do enclose open spaces in some areas, the revised layout is far more acceptable as a whole and broadly ensures that there will be natural surveillance of most areas of open space, encouraging their use for recreational purposes.

It is understood that the applicants seek consent for up to 40 dwellings on the site, implying a need for 0.4ha of open space. Whilst the indicative layout indicates an amount of recreational open space that is just below that amount, the shortfall is relatively minor. Equally, provision of the required commuted sum to provide equipped play offsite would offset this harm and bring the level of recreational space facilitated by this scheme roughly in line with the proposed dwelling capacity (as equipped play facilities are typically 0.04ha in size).

Therefore, having reviewed the updated plans, the only outstanding area of concern is the lack of a firm commitment to the delivery of offsite equipped play provision via an appropriate commuted sum. It is vital that this is secured, particularly as there is no nearby facility that would offset the site's SAD7 requirement for equipped play provision. It is noted that the applicants wish to discuss the 'scope and quantum' of this with officers, but it is advised that the suggested commuted sum is informed by engagement with the Parish Council to identify what financial sum they would need to provide offsite equipped play in the surrounding area. Given the importance of this to achieving conformity with Policy SAD7, it is suggested that it would be better if this is done prior to finalising the heads of terms of the S106 agreement.

Notwithstanding the above issues highlighted with the design implications of accommodating 40 dwellings on the site, any approval should secure the following via condition:

- lighting scheme including an appropriate strategy for mitigation of any landscape effects*
- detailed landscape specification and management scheme, including establishment, first year maintenance and longer-term maintenance is secured with any approval*

Arboricultural Officer (received 02/12/2020) *no objections to the proposed subject to conditions*

County Highways (received 09/10/2020) *There are no objections on Highway grounds to the proposed development subject to conditions*

Staffordshire County Council Flood Team (received 27/11/2020)

Following receipt of the updated infiltration testing results, we have no objection to the application at this stage. We would however recommend that a pre-commencement condition is attached to any planning permission to ensure that the full detailed drainage design is submitted for review.

We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/ alterations. Please also consult us again on any future major changes to the proposed development or drainage scheme.

County Ecologist (received 27/11/2020) *My previous response dated September 2020 was based on the layout submitted at the time that had expanded hedges to woodland belts etc. This still resulted in a net loss to biodiversity, however the above layout is now mainly designed to provide open space. It is understood why this has been done, and the net loss to biodiversity is being followed up. The purpose of this response is to provide clarity over suggested conditions.*

The revised layout takes the kerb close to the root protection area of the large mature tree. I am concerned that once houses are occupied kerb parking will occur and the ground under the tree will become compacted. A substantial barrier (e.g. metal bollards) should be erected to prevent this.

The revised layout also appears to take hedges out of public space and into curtilages of dwellings. This is a concern because control over management, introduction of undesirable species and even removal of hedges will then not be possible. This would mean that these hedges would be regarded as lost to development because their future as habitat cannot be certain. For the purpose of the biodiversity metric, it has been assumed that it is possible to achieve public management of the hedges to the south of the site, but not the ones around the west or east sides.

If minded to approve, conditions are recommended and a Section 106 agreement or similar to secure no net loss (and preferably net gain) to biodiversity. The use of an established biodiversity metric such as the DEFRA one should be used to determine whether mitigation or compensation is adequate.

Further comments received 13/01/2020 *I have reviewed the biodiversity metric submitted by the applicant by email 11-01-21 and am satisfied with the contribution of £46,800 to secure biodiversity net gain.*

County Schools Team (received 14/10/2020) *- the above planning application would not result in an education contribution and is therefore acceptable from an education perspective.*

The response is based on the information contained within the planning application and should the number and/or mix of dwellings change we would wish to be consulted so that a revised contribution can be calculated.

The majority of Staffordshire schools include residence in the school's catchment area as a high priority within their admission arrangements. Even where this is not the case schools still give high priority to children who live in the local area.

The location of a housing development in relation to schools in the local area is taken into consideration when assessing the mitigation required for education provision. Based on the location of the proposed development we have considered the impact on school places at the following school(s):

*Foley Infants School Academy
Brindley Heath Junior
Kinver High School and Sixth Form*

To understand the impact of this development on education infrastructure analysis has been undertaken using

Pupil Number on Roll

Net capacity/funding agreement of the schools

Pupil projections which include committed developments

In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 40 dwellings would require 8 primary school places and that 32 dwellings would require 5 secondary places and 1 Post 16 place. These are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places. Where appropriate all 1 bedroom dwellings have been deducted from the dwellings numbers and at secondary level only, all RSL dwellings have also been deducted in line with our Education Planning Obligations Policy.

There are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education.

County Archaeologist (received 13/08/2020) Historic Built Environment and Designated Heritage Assets

This application has been supported by a Heritage Impact Assessment (HIA) which assesses the potential impact of the proposals on built and designated heritage assets in the vicinity of the proposal site including the scheduled Kinver Camp, an Iron Age hillfort located approx. 550m to the south of the proposal site; a series of probable 17th century dwellings cut into Holy Austin Rock approx. 500m to the south; and Potter's Cross Farm, a probable early 19th century farmstead located immediately adjacent to the east of the proposal site. The HIA is suitably detailed and has been produced in line with the relevant guidance, such as Historic England's guidance on assessing the setting of heritage assets (GPA3), and its conclusions are generally supported. As such I do not wish to raise any concerns in terms of the potential impact of the proposals on the nearby historic built environment and designated heritage assets, however, I would recommend, that you (as we advised previously at the site allocation stage), if you haven't already done so, consult with Historic England with regards to the potential impact of the proposals to the setting of the scheduled Hillfort, and I am happy to defer to their knowledge and experience on these matters.

Archaeological Interest

The application has also been supported by a Historic Environment Desk Based Assessment (HEDBA), which has generally been produced in line with the relevant Chartered Institute for Archaeologists' Standard and Guidance and appears to have made use of a Historic Environment Record search. The conclusions in the report are generally supported, although the Kinver and Pattingham Historic Environment Assessment would suggest that there is a higher potential for below ground archaeology to be encountered within this character zone (KVHECZ 5 Kinver Edge). In addition, there has been very little intrusive archaeological works carried out in the wider area to assist with refining our understanding of the potential. Nevertheless, I am in agreement with the author of the HEDBA that archaeological impacts should not be seen as an overriding constraint preventing development on this site, and any

archaeological remains could be identified, characterised, and recorded through a suitably worded condition attached to planning consent.

Historic Landscape

The proposals to retain and enhance elements of the historic hedgerows within the application site is supported, as is the proposal to utilise an attenuation pond/landscaped area as a buffer to Potter's Cross Farm. It is also welcome that views from White Hill to Holy Austin Rock and Kinver Camp are proposed to be retained. I would be keen for the above details to be retained in any further iterations of the site layout.

Recommendations- Below Ground Archaeology

Taking into account the archaeological potential of this site it is advised that an archaeological evaluation be undertaken to establish the survival, nature, extent, character and significance of archaeological remains within the application site. The evaluation, which should comprise geophysical survey and trial trenching, should be undertaken ideally at outline stage, but certainly sufficiently in advance of works commencing in order to allow the results of this work to inform the need for and extent of any further archaeological mitigation. This approach is supported by NPPF para 189 while any works which stem from the evaluation are supported by NPPF para 199.

All archaeological works must be undertaken by an appropriately experienced archaeological organisation (with suitably experienced personnel) working to the requirements of a brief prepared by this office and/or an approved Written Scheme of Investigation, the Chartered Institute for Archaeologists (CIfA) Code of Conduct and the relevant CIfA Standards and Guidance (2014).

The above archaeological works could be most satisfactorily secured via a condition attached to any planning permission for the scheme.

County Planning (received 30/07/2020) *no comment on waste or mineral planning grounds.*

Severn Trent Water (received 07/12/2020) *No objections subject to conditions*

Environment Agency (received 30/07/2020) *The Environment Agency has no comments to make as the environmental constraints fall outside our remit.*

Natural England (received 12/08/2020) *NO OBJECTION*

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

Ramblers Association (received 13/08/2020) *I have observed from the plan of the development that Public Right of Way No. 16 of Kinver Parish crosses the development site from west to east. This footpath must not be obstructed. The developer should respect it and ideally incorporate it as part of the development. It could become part of the open space or be part of any landscaping scheme. If it is considered necessary to divert the footpath the developer must first obtain a Diversion Order from South Staffs District Council before any*

diversion of the footpath is allowed to take place. The footpath is a material consideration of the development site.

The Ramblers' Association has no objections to the proposal.

Fire Service (received 06/08/2020) *advice included as an Informative*

Police (received 14/08/2020) *Advice in relation to Secure By Design included as an Informative*

Gavin Williamson MP (received 11/11/2020) *I want to raise with you my grave concerns over proposals which could see up to 144 dwellings built on White Hill in Kinver.*

Throughout this process, I have been inundated with letters and emails from concerned residents who have raised their objections with me and on the South Staffordshire Planning Portal.

The village of Kinver is a beautiful and picturesque place to live, where many of the residents choose to enjoy the fantastic views and scenery that is on offer. This application would dismantle many of those views of the 'Staffordshire Way' walk, which is a popular amenity and would be totally lost under this application.

There will be a variety of detrimental knock-on effects that would have a lasting impact on the village. Under the present proposals, there would be increased levels of traffic a Potters Cross which already suffers from congestion during school opening and closing times. The roads that adjoin White Hill are extremely narrow and will find it even tougher to cope with additional vehicles, especially during the busier periods.

The gradient of White Hill is steep, and the proposed site has considerable draining and sewage problems. At present, there is no adequate drainage strategy in place which would lead to rising surface water flooding in the immediate areas and around Potters Cross.

As noted by a constituent, Kinver has also exceeded its quota for dwellings set out in the 2019 Site Allocation document. Alongside the development in Hyde Lane, this proposal would have an enormous effect on local services, including a single bus service that terminates daily at 5.45pm.

I would urge you to consider the points that I have raised around this application and I hope they will be taken on board by the planning committee.

No comments were received from **Open Space Society, Staffordshire Wildlife Trust, Campaign to Protect Rural England, Cadent Gas Limited, Environmental Health Team, Badger Conservation Group, County Waste Team** and the consultation period has expired

116 letters of objection have been received during the course of the application in relation to both the original scheme and the amended one. These objections also included some from interested groups including The National Trust, Peoples Trust for Endangered Species and Kinver Green Belt Action Group detailing loss of Green Belt land, the Planning White Paper, impact on highways and Potters Cross junction, loss of wildlife, flooding, impact on local existing facilities, over development, impact on Heritage and Kinver Edge/Rock Houses, village power cuts, poor broadband

5. APPRAISAL

5.1 The application has been called to Planning Committee by Councillor Lin Hingley, who has concerns about the proposal, including the impact on Potters Cross and the potential impact on ecology.

5.2 Key Issues

- Principle of development
 - a) Housing Mix/Affordable Housing
 - b) Public Open Space
 - c) Density
- Impact on the Landscape and Historic Environment
- Impact on highways
- Ecology
- Drainage
- Impact on neighbours
- Impact on existing infrastructure
- Impact on the Historic Environment
- Section 106 agreement
- Representations

5.3 Principle of the development

5.3.1 The Council has recently adopted the Site Allocations Document (SAD), which sits alongside the Local Plan and allocates sites for short term and long term housing and large scale employment growth. The site selection criteria for housing sites were subject to a wide-ranging consultation in March 2014, as part of the main 'Issues and Options' public consultation. Further consultation on the site selection criteria and the application of criteria to specific sites was undertaken in December 2015 as part of the 'Preferred Options' consultation. The site selection criteria for allocations have been amended and refined to take account of comments received at all stages of consultation.

5.3.2 A settlement hierarchy was established through our Settlement Study, categorising each of the district's settlements as Main, Local, or Small Service Villages, and Other Villages and Hamlets. The criteria used to assess the settlements include access to public transport, size of the village, and level of service provision. Each of the district's settlements has been placed into one of the four categories and, as a result of evidence in the development of the Core Strategy, it has been determined that housing should be focussed in Main and Local Service Villages - as these are identified as the most sustainable locations. This is set out in the Core Strategy as Core Policy 1: The Spatial Strategy for South Staffordshire. 90% of development has been allocated to the Main Service Villages with 10% to the Local Service Villages.

5.3.3 The Core Strategy states that, as at April 1st 2010, 2,244 new homes had been completed or were committed, which equates to nearly 60% of the total required, leaving a minimum of 1606 (rounded up to 1610) homes to be allocated over the remainder of the plan period. However, housing numbers set out in the Core Strategy were adjusted for the SAD to take account of changes to the housing land supply between April 2010 (the housing supply calculation date in the adopted Core Strategy) and December 2015 (the most recent published Site Allocations document). As a result, the SAD needs to allocate a minimum of 1012 homes in the remainder of the plan period. Kinver was allocated to deliver a minimum of 60 homes.

5.3.4 In order to provide the most sustainable development possible in villages, the Core Strategy also supports the delivery of mixed use sites, where uses other than housing would be considered as part of the scheme or where community benefit may be delivered on site. Therefore, the amount of housing to be allocated in some villages may be slightly higher than the minimum number, where it delivers a community benefit where there is local

support and a need for it, providing that it does not undermine the Spatial Strategy. This can include, where appropriate:

- new community facilities, including allotments
- community buildings
- retail
- small scale employment
- open space, sport and recreational uses

5.3.5 Summary of reasons for being identified as a Site Allocation:

- Scored the second best overall in the site assessment process
- Provide part of the Core Strategy housing allocation for Kinver (one of two sites).
- Good access off White Hill both vehicular and pedestrian
- No major flooding (including surface water) issues identified.
- Made a lesser contribution to the Green Belt compared to other sites in Kinver
- Good access to amenities
- Links to, and additional, community benefit opportunities

5.3.6 Planning requirements of the site

- 1.6 ha to be removed from the Green Belt
- Larger than residual allocation requirement to reflect strong natural boundaries
- Vehicular access off White Hill
- Pedestrian access to connect to existing pavement network from White Hill
- Connectivity to existing open space and new open space to be delivered onsite
- Travel Plan/public transport contributions
- Transport assessments to accompany planning applications should assess the operation of the Potters Cross Junction and consider how journeys are made to the adjacent schools, including parent parking and pick-up/drop-off. Measures to promote access to education by sustainable modes should be considered in any mitigation package.
- Site design and layout should maintain views of Kinver Edge and the Holy Austin Rock from the northeast corner of the site, adjacent to White Hill.

5.3.7 All sites will be expected to maximise housing stock variety in accordance with the Core Strategy in order to deliver a good mix of housing choice to meet local needs; and achieve good design principles appropriate to local character.

5.3.8 Housing Mix/Affordable Housing

a) Policy H2 and the site specific requirements of SAD9 require this proposal to provide a minimum of 40% affordable housing. In line with Policy H2, the affordable housing must be split 50:50 between social rent and intermediate tenure i.e. shared ownership. These obligations will be secured via a Section 106 agreement.

b) The Council will require housing mix to be secured via condition attached to the outline permission and provides the required 40% affordable housing. Policy H1 requires proposals for new housing development to provide a mix of property sizes, types and tenures to meet the needs of different groups of the community. It particularly encourages the provision of more 2 and 3 bedroom properties across all areas of the district in order to better balance the local housing market. Mix should also be informed by local need as identified in the Strategic Housing Market Assessment (SHMA).

c) Market housing - the largest need is for 3 bedroom homes, followed by 2 bedroom properties. There is also some need for 1 and 4 bedroom homes.
Affordable housing - the largest need is for 2 bedroom properties, followed by a smaller need for other property sizes.

d) Policy H1 also confirms that the mix of new housing developments should particularly contribute to meeting the needs of the district's ageing population. A contribution of 10 per cent of dwellings provided as bungalows across the site (both market and affordable) is considered an appropriate contribution in order to comply with this policy.

e) After discussions with the Housing Officer a suitable percentage of properties has been agreed. However, as the site is to deliver a relatively low number of dwellings it has been agreed that the developer is to provide as close to the percentage as possible. The agreed mix is as follows:

Housing Mix

Market housing

- 30 percent 2 bedroom properties
- 45 percent 3 bedroom properties
- 25 percent 4 plus bedroom properties
- A minimum of 10 percent of all market housing to be provided as bungalows

Social rented housing

- 25 percent 1 bedroom maisonettes
- 25 percent 2 bedroom bungalows
- 25 percent 2 bedroom houses
- 25 percent 3 bedroom houses

Shared ownership housing

- 25 percent 2 bedroom maisonettes
- 37.5 percent 2 bedroom houses
- 37.5 percent 3 bedroom houses

f) As with all allocation sites, the mix will be secured through the section 106 agreement. In light of the above, I consider the proposal in accordance with H1 and H2 of the Core Strategy.

5.3.9 Provision of Public Open Space (POS)

a) Section 8 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. SAD7 Open Space standards requires new development on sites greater than 0.2 hectares to provide on-site open space in the form of community green spaces. Sites which provide more than 29 dwellings should also provide equipped play areas or MUGA/skateparks. Sites that are to be maintained by district Council should pay £65,190 per ha of open space provided. This site is proposing POS located to the centre of the site, along the frontage with White Hill and a smaller section to the east of the access road. There is a minor shortfall in the provision of the required POS to fully satisfy the policy requirement. However, this shortfall is limited and acceptable in this instance.

b) There is a small section of the proposal that pushes slightly into the safeguarded area to allow for the views up towards Kinver Edge. This is considered acceptable for this reason which is discussed in greater detail in paragraph 5.4.8 of this report. I consider this minor breach acceptable to allow for this.

c) The site is small and is to become part of a wider scheme when the safeguarded site comes forward. That being said, the SAD standard does require the provision of on-site play area. However, because of the constraints of the site, it has been agreed in this instance, that an off-site contribution can be paid by the applicants, which will need to be paid to the Parish Council upon commencement of the development. This can be secured via the Section 106.

5.3.10 Density

a) Section 11 of the NPPF, making effective use of land requires LPAs to promote an effective use of land in meeting the needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 122 states:

b) Planning policies and decisions should support development that makes efficient use of land, taking into account:

- i) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- ii) local market conditions and viability;
- iii) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- iv) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- v) the importance of securing well-designed, attractive and healthy places.

c) If the site were to provide up to 38 dwellings, this would equate to roughly 36.5 dwellings per hectare which would be considered appropriate for this site. This calculation excludes all the land that is to be used for POS.

5.4 Impact on the Landscape and the Historic Environment

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

5.4.2 The supporting Landscape and Visual Impact Assessment concludes that the site will lead to landscape and visual change within the local context. It goes on to say that

It is visually contained by a combination of development, topography and mature vegetation. It is enclosed on three sides by residential development therefore the proposals are both in

keeping and visually well contained. The development would lead to the loss of pastoral farmland to residential use resulting in a medium/high degree of change for the site and its immediate context overall. However, housing is already an evident characteristic of the site's immediate context and as such effects are deemed to be moderate adverse at completion. Effects would lessen by year 10 to moderate/minor adverse as structural planting within public open space matures to further integrate the new housing in to the landscape.

5.4.3 Having visited the site I see no reason to dispute the findings of the assessment and will require a landscaping scheme via a condition. The final design and layout of the scheme will be agreed at the reserved matters stage which will also need to take into account any views of the site. Overall, the proposal is compliant with policies CP2, EQ12 and EQ4 and the aims of the NPPF.

5.4.4 A detailed heritage impact assessment (HIA) has been submitted to accompany the application. Whilst the proposed development will bring the built form closer to the hillfort, the photograph on page 16 of the HIA shows the view from top of the fort towards the site. The safeguarding area is located in between the site and the hillfort. The new proposed built form will be restricted to the end of the site closest to the road. The Conservation officer states that:

'When viewed from the hillfort the view will be altered by the addition of more dwellings in this location but will not be significantly harmed. The new development will logically fit within the area of previous developments'.

5.4.5 The Historic Impact Assessment reads:

"The main change in the one viewpoint from the top of the fort will be the infilling of a gap between the recent housing developments with more housing. There will be a visual change because of the distances away from - and height below - the monument but it is not considered that this will have a major impact on its character, setting or significance. The main element of the character and setting of the monument, its genius loci, will still be that of remoteness and other-worldliness high above the modern 'civilized' world of the lower levels in the landscape."

5.4.6 English Heritage have submitted that there are concerns in relation to the ability for the development, as well as the safeguarded site, to remain and enhance the views to Kinver Edge and its associated heritage assets. I consider it useful here to refer to the Inspectors report, who, at the time of examination (of the SAD) stated:

Having visited the site and these heritage assets, it is apparent that the proposed development would be seen from some points on the elevated locations on Kinver Edge, including from the periphery of the hillfort. However, there are extensive areas of intervening woodland, the proposed sites lie some 500m away from the heritage assets and the new housing would be seen in the context of existing development within Kinver village, which has evolved and changed since the hillfort was established. Although there would be a limited adverse impact on the setting and significance of these heritage assets, I consider that the underlying character, appreciation and interpretation of these heritage assets and historic features would not be significantly eroded or impaired. Consequently, I conclude that the overall impact of the proposed development would cause less than substantial harm to the setting and significance of these heritage features.

5.4.7 And further concluded:

In coming to this conclusion, I have also borne in mind the public benefits of the proposal, including the need to identify new sites for housing development at Kinver and the benefits of meeting these needs, including providing affordable housing and additional open space, and the lack of other suitable, available, deliverable and sequentially preferable sites. The general requirement under Policy SAD9 to provide a heritage statement would ensure that the potential impact on heritage assets is addressed in detail at the planning application stage. However, in order to ensure that any potential adverse impact is effectively mitigated, the planning requirements should require the site design and layout to maintain views of Kinver Edge and Holy Austin Rock from the north-eastern corner of the site adjacent to White Hill.

5.4.8 Whilst Historic England have commented that they note the site is designated for development through the SAD process and they are comfortable with the proposed layout, they wish to ensure that the views through are maintained when the Safeguarded site comes forward. I therefore propose that the approval of this indicative layout is subject to conditions which address the points they have made towards in relation to the views towards Kinver Edge and the Heritage Assets, this proposal is for the allocated site only. Any applications on the land beyond should also seek to protect these Heritage Assets at the time of the submission.

5.4.9 Overall, therefore in light of the above, I conclude that the proposal is in accordance with the aims of both national and local planning policy which seeks to conserve and enhance the historic environment.

5.5 Impact on Highways

5.5.1 Section 9 of the NPPF requires LPAs to consider and promote sustainable forms of transport whilst addressing community needs and creating places that are safe, secure and attractive; which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

5.5.2 Paragraph 111 states

all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Local Plan policy CP11 and EV11 echo these themes.

5.5.3 The application is proposing to provide access to the site of a suitable width and has been supported by a Transport Assessment (TA) which has examined the potential impact of this proposal alone and in combination with the other Site Allocation Document at Kinver (Hyde Lane) on relevant junctions. The assessment also considered the impact of school traffic at pick up and drop off times. The report, based on a traffic impact assessment relating to the junctions at Enville Road/White Hill/Meddins Lane and at Hyde Lane/A458 along with the predicted number of vehicles leaving and accessing the site at peak times, concluded that the proposals will not have a significant impact on the operation of the local highway network. Parking within the site will be agreed at reserved matters stage where there is an expectation that they will satisfy the Councils parking standards.

5.5.4 After requesting that further work be carried out, the Highways Team at Staffordshire County Council have considered the information submitted and have concluded, that subject to the inclusion of a number of conditions, the proposal is acceptable.

5.5.5 It does appear from the indicative layout that there would be the provision of pedestrian footpaths within the site, connecting to the existing footpath on White Hill. Condition 3 requires that the reserved matters application must be in general accordance with the submitted drawings unless otherwise agreed in writing. The TA also shows that there are two existing bus services for Stourbridge and the bus stops are within easy walking distance of the site. In addition, there are a number of community facilities that are within walking distance of the site.

5.5.6 Whilst I have taken into account the representations received in relation to the detrimental impact the development will have the surrounding roads, County Highways have no objections subject to conditions.

5.5.7 In light of the above, I consider the proposal in accordance with the aims of the NPPF and the relevant policies in the Core Strategy.

5.6 Ecology

5.6.1 Core Policy 2 of the Core Strategy states the Council will support development or other initiatives where they protect, conserve and enhance the District's natural and heritage assets. EQ1 provides that developments should not cause significant harm to habitats of nature conservation, including woodlands and hedgerows, together with species that are protected or under threat. Support will be given to proposals which enhance and increase the number of sites and habitats of nature conservation value, and to meeting the objectives of the Staffordshire Biodiversity Action Plan. These principles are echoed and supported through the Sustainable Developments SPD 2018.

5.6.2 The County Ecologist requested that the applicants calculated the net loss of biodiversity at the site by using a recognised biodiversity metric. The findings of this metric based on the latest Indicative Masterplan found the residual net loss would be -1 habitat unit. Additional ecology measures have been put forward including improvements in terms of 'on site' habitat creation to be provided within the landscaping scheme at the reserved matters stage which would include traditional 'orchard planting' within the southern area of open space in the south of the site and a more diverse flowering lawn amenity grassland within the open space along with management with a relaxed mowing regime surrounding the infiltration basin and in the south of the site. This can be secured by condition. In addition, it has been agreed that an off-site monetary contribution will be made and secured by a Section 106 agreement that will be used towards the improvement of existing habitat on a site within Kinver to be agreed by relevant parties. The agreed figure is £46,800.

5.7 Drainage

5.7.1 Core Policy 3 of the Core Strategy states that

the Council will require development to be designed to cater for the effects of climate change, making prudent use of natural resources, enabling opportunities for renewable energy and energy efficiency and helping to minimise any environmental impacts by...

- j) guiding development away from known areas of flood risk as identified in the Strategic Flood risk assessment, surface water management plan and consistent with the NPPF,*
- k) ensuring the use of sustainable drainage (SUDS) in all new development and promoting the retrofitting of SUDS where possible,*
- l) ensuring that all development includes pollution prevention measures where appropriate to prevent risk of pollution to controlled waters...*

5.7.2 EQ7 requires new development to include SUDS which is further echoed in the Sustainable Development SPD 2018.

5.7.3 Paragraph 163 of the NPPF states:

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

5.7.4 The County Flood team have reviewed the information submitted and initially requested further work be carried out. This has since been considered and there are now no objections, subject to a number of conditions. The future maintenance of any SUDS will be secured through the Section 106 agreement. As such I consider the proposal to be in accordance with CP3 and EQ7 of the Core Strategy.

5.8 Impact on neighbours and amenity of future residents

5.8.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

5.8.2 There have been a large number of objections received from nearby residents and these points will be dealt with in the relevant section of this report. An indicative layout has been submitted, but because of the constraints of the site, along with having to meet various policy requirements, the reserved matters submission will be required to be similar if not identical to that which is seen as part of this application. The dwellings to the front of the site facing White Hill will have a buffer of POS between them and the existing dwellings opposite. The dwellings on Jenks Avenue to the east that directly adjoin the site (there is an area of land that separates some rear gardens from the site) all have rear garden lengths of over 20m. Overall, I consider the development of the site for residential is in accordance with the aims of EQ9.

5.8.3 Any reserved matters submission will need to adhere to Space About Dwelling standards and national Internal Space Standards.

5.9 Impact on existing infrastructure

5.9.1 As part of developing the Site Allocations Document (SAD), an Infrastructure Delivery Plan (IDP) has been developed alongside it to consider what, if any, infrastructure is needed to support growth. The IDP was one of the documents before the Planning Inspector in his formal Examination of the SAD, which was found to be sound. It has been subject to extensive consultation with infrastructure and service providers and reflects all necessary infrastructure improvements to make the development contained in the SAD acceptable. With specific reference to this site, any application was required to submit a Traffic Assessment (TA) that examined any potential impact on the Potters Cross junction, the results of which have been considered acceptable by the County Highways team.

5.9.2 As part of the application process the County Education team was consulted who have concluded that no monetary contribution was needed as the schools can accommodate the predicted additional places, as existing schools have capacity.

5.10 Section 106 Agreement

5.10.1 Paragraph 54 and 56 of the NPPF states local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

5.10.2 Policy EQ13 states that contributions will be sought from developers where necessary to achieve sustainable development. Although the application is in outline form with all details reserved save for access, a Section 106 Agreement is to be secured at this stage. The items sought for are:

- Affordable housing
- Public Open Space provision and maintenance sum
- Provision of off-site play area contribution (£30,000)
- Off site ecology mitigation sum (£46,800)

5.10.3 The need for these contributions has been discussed in the relevant sections of this report and as such it is considered that they meet the relevant tests of the NPPF and are in accordance with the aims of EQ13.

5.11 Representations

5.11.1 116 objections and 2 letters of support were received in response to the public consultation that was undertaken by the Council. Neighbours who directly adjoin the site were notified, a site notice was put up and a notice placed in the local paper. The representations sited numerous objections as detailed in section 4 of this report. All matters have been addressed in the main body of this report.

6. CONCLUSIONS

6.1 The site has been earmarked for residential development as part of the Council's recently adopted Site Allocations Document after a lengthy and transparent consultation process. The SAD required a number of requirements to come forward as part of any planning application including maintaining views of Kinver Edge, pedestrian connectivity to existing network, vehicle access off White Hill and open space delivered on site.

6.2 The application has been the subject of a number of consultations with both statutory and non statutory consultees who all have submitted no objections to the scheme provided a number of conditions are adhered to and obligations met via a section 106 agreement.

6.3 In light of the above I consider outline permission should be granted at the site subject to a number of conditions and a completed section 106 agreement as the proposal is in accordance with both Local and National Planning policies as listed above.

7. RECOMMENDATION -- Delegate APPROVAL to the Team Manager to issue the decision on completion of a satisfactory Section 106 agreement. If by 20th April 2021, the Section 106 Agreement has not been fully executed by all the parties, the Chairman is to have delegated authority to agree a further short extension to allow for final execution and completion of the Agreement.

Subject to the following condition(s):

1. The development which this permission relates must be begun not later than whichever is the later of the following dates:
 - a. The expiration of three years from the date on which this permission is granted;
 - b. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before the development commences, and within 3 years of the date of this permission, full details of the following reserved matters shall be submitted to the Local Planning Authority:
 - a. The Layout - The way in which buildings, routes and open spaces are to be provided within the development and their relationship to buildings and spaces in the vicinity of the site;
 - b. The Scale - The height, width, length and overall appearance of each of the proposed buildings, including the proposed facing materials, and how they relate to their surroundings;
 - c. The Appearance - The aspects of a building or place which determine the visual impression it makes;
 - d. The Landscaping - The treatment of private and public space and the impact upon the site's amenity through the introduction of hard and soft landscaping.

3. Any reserved matters application must be in general accordance with the submitted drawings reference:
Post development concept – Figure 1
received 11/01/2021
Amended Open Space – OP 02 Rev U
Amended site layout – ISL 01 Rev U
received 10/11/2020
Unless otherwise agreed in writing with the LPA.
4. Unless otherwise agreed in writing with the LPA. Any housing development on the site should provide the following:

Housing Mix

Market housing (60%)
 - o 30 percent 2 bedroom properties
 - o 45 percent 3 bedroom properties
 - o 25 percent 4 plus bedroom properties
 - o A minimum of 10 percent of all market housing to be provided as bungalows
Social rented housing (20%)
 - o 25 percent 1 bedroom maisonettes
 - o 25 percent 2 bedroom bungalows
 - o 25 percent 2 bedroom houses
 - o 25 percent 3 bedroom houses
Shared ownership housing (20%)
 - o 25 percent 2 bedroom maisonettes
 - o 37.5 percent 2 bedroom houses
 - o 37.5 percent 3 bedroom houses
5. A landscape scheme shall be submitted to the Local Planning Authority for approval at the same time as the detailed application for development of the site. The scheme shall include details of the locations of new tree, shrub and hedge planting and for each species their quantities and sizes and include traditional 'orchard planting' within the southern area of open space in the south of the site and a more diverse flowering lawn amenity grassland. Where new landscape treatment of the access, parking and any courtyard areas is proposed along with any new water features/balancing ponds or any other new landscape feature is to be introduced details for those must also be submitted at the same time.
6. Notwithstanding what is shown on approved drawing Post development concept – Figure 1. 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. This permission does not grant or imply consent for the removal of any protected trees on site.

7. 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.
8. 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).
9. 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.
10. 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.
11. An external lighting scheme shall be submitted alongside the reserved matters and be approved in writing by the LPA prior to commencement of development. The scheme shall be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK and including a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as trees and adjoining woodland. The development shall be carried out in accordance with the approved details.
12. All final developed landscaped site and internal boundary structures (fences, walls etc.,) to be designed and constructed so that they do not seal to the ground continuously and stop the movement and dispersal of wildlife, notably hedgehogs. Boundaries must have 130mm by 130mm holes at ground level at least every 10m running length or should not seal to the ground at all between posts with a 120mm gap from fence base to ground.
13. No works shall take place in relation to the removal of any hedges on or bounding site until the developer has taken every step to ensure there are no mammals using the site for nesting/foraging, particularly hedgehogs and badgers and no works to the existing hedges shall be carried out between the months of April and August inclusively.
14. No development shall commence until the biodiversity enhancement measures including 3 groups of 3 number swift boxes and 2 number house sparrow terraces on or integrated into north- or east- facing brickwork of the new buildings and the type and location of eight bat boxes of wood-concrete composite type to be installed on mature trees around the site has been submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.

15. A) 'Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation (the Scheme) shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.
- B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.
- Any subsequent archaeological mitigation must be the focus of a separate WSI produced after the evaluation stage and following detailed discussions with the LPA's archaeological advisor.
16. No phase of the development shall take place, including any clearance works, until a Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:
- Arrangements for the parking of site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development
 - Construction hours
 - Delivery routeing and hours
 - Recorded daily inspections of the highway adjacent to the site access
 - Measures to remove mud or debris carried onto the highway
17. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
- Provision of parking, turning and servicing within the site curtilage
 - disposition of buildings
 - Means of surface water drainage from all shared areas to remain in private ownership
 - Surfacing materials
- The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation/first use of development.
18. Prior to first occupation of the proposed residential units the new site access and associated visibility splays shall be completed within the limits of the public highway.
19. Concurrent with the construction of the new site access, the adjacent existing field access from White Hill, made redundant as a consequence of the proposed development, shall be permanently closed with the access crossing reinstated as footway.

20. Prior to construction stage details of a suitable pedestrian crossing facility between the new access and the missing section of footway shall be submitted to and approved in writing by the Local Planning Authority. The crossing facility shall thereafter be provided in accordance with the approved details prior to first occupation at the site.

21. No development shall commence until the final detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The overall strategy should be in accordance with the principles laid out within the Flood Risk Assessment and Drainage Strategy report (ref: IB/LMO/R19/885/B, October 2020, CTMR Consulting Engineers). The design must demonstrate:

Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).

SuDS design to provide adequate water quality treatment for all sources of runoff, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.

Limiting the discharge rate generated by all rainfall events up to 100 year plus climate change in accordance with the guidance in the SCC SUDS Handbook.

Provision of surface water runoff attenuation storage to achieve the limited discharge. It must be ensured that the design allows for sufficient access for routine and non-routine maintenance of SUDS components. SUDS components should not be located in private gardens where access may be restricted.

Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations.

Regarding the point of discharge, sufficient evidence to demonstrate that it is suitable.

Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system, including pump failure where applicable.

Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

22. Before any development takes place a scheme for the provision and implementation of foul drainage works shall be submitted for the approval of the Local Planning Authority. The development shall not be occupied/brought into use until the approved scheme has been completed.

23. This housing site hereby approved shall deliver a maximum of 38 dwellings.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. In order to define the permission and to avoid doubt.
4. In order to define the permission and to avoid doubt.
5. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
6. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
7. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
8. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
9. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
10. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
11. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
12. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
13. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
14. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
15. In order to preserve and record any items of archaeological interest in accordance with policy EQ3 of the adopted Core Strategy.
16. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
17. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
18. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

19. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
20. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
21. To prevent danger or damage from flooding by the adjacent watercourse in accordance with policy EQ7 of the adopted Core Strategy.
22. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution, in accordance with policy EQ7 of the adopted Core Strategy.
23. In order to define the permission and to avoid doubt.

SECURE BY DESIGN INFORMATIVE

1. Design Concerns.

I support the intention to incorporate Natural Surveillance and Active Dwelling Frontages.

Access and permeability.

I recommend that there be only one joint vehicle and pedestrian access to these proposals.

- 1.1 Footpath Design (Secured By Design Guidance).

Secured By Design. Homes 2019

Section 13. Rear access footpaths.

Section 13.1 Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house.

I recommend that the proposed separate footpath access from White Hill is reconsidered. There should be only one joint vehicle and pedestrian access to these proposals. The following guidance highlights the need to reduce opportunities for crime by reducing unnecessary permeability.

Secured By Design. Homes 2019

Section 8. Layout of roads and footpaths.

Footpath design.

Section 8.8 Routes for pedestrians, cyclists and vehicles should be integrated and assist easy, intuitive wayfinding through the application of inclusive design by increasing activity and therefore natural surveillance, a proven deterrent to crime and anti-social behaviour.

Section 8.9 Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime.

Section 8.10 Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are:

- as straight as possible;
- wide;
- well lit (see Secured By Design. Homes 2019. paragraphs 8.19 to 8.21);
- devoid of potential hiding places;
- overlooked by surrounding buildings and activities;
- well maintained so as to enable natural surveillance along the path and its borders.

Section 8.11 Physical barriers may also have to be put in place where 'desire' lines (unsanctioned direct routes) place users in danger, such as at busy road junctions. It is important that the user has good visibility along the route of the footpath. The footpath should be as much 'designed' as the buildings.

Section 8.12 Where isolated footpaths are unavoidable, and where space permits, they should be at least 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles). If footpaths are designated as an emergency access route they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers.

Planting next to a footpath.

Section 8.14 In general, planting next to a footpath should be arranged with the lowest growing specimens adjacent to the path, and larger shrubs and trees planted towards the rear. Planting immediately abutting the path should be avoided as shrubs and trees may grow over the path, creating pinch points, places of concealment and unnecessary maintenance.

Section 8.15 Think carefully when selecting tree species to be used adjacent to a footpath or verge, and consider their whole-life growth characteristics. Many trees will grow tall, dense canopies as they reach maturity. If unmaintained, this broad canopy will spread many metres from the trunk of the tree, and overhang paths and may create difficulties in maintaining a clear, accessible route, in addition to creating a sense of enclosure for path users. Routes with overhanging branches can also be a particular issue for people with sight loss. A large canopy may also block natural light and restrict the effectiveness of street lighting.

Section 8.16 Trees with slender or fastigate forms naturally grow a narrow, tall canopy, and are less likely to over-hang paths regardless of their maturity. Similarly, pleached trees have been trained to produce a narrow canopy above a very straight, clear stem. A variety of species are available with similar growth forms, which provide height and structure without the issue associated with large canopies.

Section 8.17 Where footpaths run next to buildings or roads, the path should be open to view. This does not prevent planting, but will influence the choice of species and the density of planting. Public footpaths should not run immediately next to doors and windows, therefore defensive space should be created to separate a path from a

building elevation. This is particularly important in areas with a known graffiti or anti-social behaviour problem.

Secured By Design. Homes 2019
Through-roads and cul-de-sacs.

Section 8.3 There are advantages in some road layout patterns over others especially where the pattern frustrates the searching behaviour of the criminal and his need to escape. Whilst it is accepted that through routes will be included within development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings, or by providing too many or unnecessary segregated footpaths (Note 8.3).

Developments that promote intuitive wayfinding and enhance the passive surveillance of the street by residents within their homes and high levels of street activity are desirable as they have both been proven to deter criminal behaviour, but they are no guarantee of lower crime, which evidence proves is achieved primarily through the control and limitation of permeability.

Note 8.3: The Design Council's/ CABI's Case Study 6 of 2012 states that: "Permeability can be achieved in a scheme without creating separate movement paths" and notes that "paths and pavements run as part of the street to the front of dwellings reinforces movement in the right places to keep streets animated and does not open up rear access to properties".

Section 8.4 A review of available research in this area concluded that: "Neighbourhood permeability... is one of the community level design features most reliably linked to crime rates, and the connections operate consistently in the same direction across studies: more permeability, more crime. Several studies across several decades link neighbourhood property crime rates with permeability versus inaccessibility of neighbourhood layout. Neighbourhoods with smaller streets or more one-way streets, or fewer entrance streets or with more turnings have lower property crime rates..." Source: Taylor R B 2002 "Crime Prevention Through Environmental Design (CPTED): Yes, No, Maybe, Unknowable, and all of the above" in Bechtel RB (ed) "Handbook of Environmental Psychology", John Wiley, New York, Pages 413 - 426. Cited by Professor Ted Kitchen Sheffield Hallam University 2007.

Section 8.5 Cul-de-sacs that are short in length and not linked by footpaths can be very safe environments in which residents benefit from lower crime.

Section 8.6 However, research shows that the benefit of a cul-de-sac can be compromised if one or more of the following undesirable features exists:

- backing onto open land, railway lines, canal towpaths etc.
- are very deep (long)
- linked to one another by footpaths (leaky cul-de-sacs);
- poorly lit

Section 8.7 Cul-de-sacs that connect by footpaths to other parts of a development, often referred to as 'leaky cul-de-sacs', experienced the highest levels of crime when compared to crime levels within a true cul-de-sac. Crime in this kind of design can be 110% higher than crime in a true cul-de-sac and therefore should be avoided.

1.2 Boundaries (Minimum recommended design guidance).

Particular attention must be paid to restricting access to the proposed Wildlife Corridor Areas, Landscaping Buffers and Hedgerows to the rear of Plots and access to the rear of properties through use of additional boundaries.

Secured By Design. Homes 2019.
Section 10. Dwelling Boundaries.

Front boundaries.

Section 10.1 It is important that the boundary between public and private areas is clearly indicated. For the majority of housing developments, it will be desirable for dwelling frontages to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination of wall (maximum height 1 metre) and railings or timber picket fence if a more substantial front boundary is required.

Section 10.2 Front garden planting of feature shrubs and suitable trees (e.g. open branched or light foliage or columnar fastigiated habit, etc.) will also be acceptable provided they are set back from paths and placed to avoid obstructing visibility of doors, windows and access gates to the rear of the property. Similarly, planting which allows a clear line of sight to the pavement and road is preferable.

Section 10.3 Plant specimens may be used to discourage access to specific areas of the house frontage. For example, a specimen with thorns may be used to deter access to the base of a window.

Secured By Design. Homes 2019.
Access gates to rear gardens.

Section 10.4 Gates to the side of the dwelling that provide access to rear gardens or yards must be robustly constructed, be the same height as the fence (minimum height 1.8m) and be capable of being locked (operable by key from both sides of the gate). Such gates must be located on or as near to the front of the building line as possible.

Section 13. Rear access footpaths.

Section 13.1 Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house.

Section 13.2 (Access to rear of properties) It is preferable that footpaths are not placed to the back of properties. If they are essential to give access to the rear of properties they must be gated. The gates must be placed at the entrance to the footpath, as near to the front building line as possible, so that attempts to climb them will be in full view of the street.

Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. The gates must have a key operated lock. The gates must not be

easy to climb or remove from their hinges and serve the minimum number of homes, usually four or less.

Section 13.3 Gates will generally be constructed of timber when allowing access to the rear of a small number of dwellings. However in larger developments where the rear footpath provides access to a large number of properties then a gate constructed of steel may be required by the DOCO. Substantial purpose made gates meeting LPS 1175 SR 1 or Sold Secure Silver (minimum) standard are available and may be required by the DOCO. Any gate providing access to the rear of dwellings must be designed to resist climbing, forced entry and allow a high degree of surveillance of the footpath from the street.

Location of access gates and boundaries to the side and rear of properties.

Note: Where there is access proposed to the rear of 1 or more dwellings, then an initial lockable gate should be erected as described above. The location of boundaries and gates between dwellings must be considered alongside the location of services, to ensure that gates are recessed no more than 600mm and that services are to the front of dwellings and easily overlooked. Secured By Design. Homes 2019

This is necessary to reduce the opportunities for theft by bogus officials and unwanted (unobserved) access to property.

In addition, this reduces the opportunity and need for an official to enter the building or access gates to read a meter.

Secured By Design. Homes 2019.
Side and rear boundaries.

Section 10.5 Vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance. Trellis topped fencing can be useful in such circumstances.

Additional deterrent features such as increasing the height of fencing or planting thorny shrubs may be considered as an alternative. A wide range of specimens can be planted along the boundary of a property, which offer attractive planting characteristics of colour and form, whilst containing sharp thorns to dissuade intruders. Many species are available which may be trained to any shape, size or height.

From within a garden, specimens such as Hawthorn may be trained to provide an additional physical barrier above the height of the fence with minimal impact on the garden below. Alternatively, ornamental specimens such as rose may be attached to a fence to deter climbing.

Section 10.6 (Fencing Design) It is expected that developers will install fencing to a high standard to ensure the security and longevity of the boundary.

10.6.5 Fencing panels or railings mounted on a wall should be located as close to the outer (external) face of the wall as possible to eliminate climbing opportunities or use as informal seating.

10.6.6 Fence heights should be of a minimum 1.8m overall and be capable of raking/stepping to maintain height over different terrain.

10.6.7 (Design of Pedestrian Gates) Pedestrian gates should be of a framed design and employ galvanised adjustable hinges and fixings mounted behind the attack face. On outward opening gates, where the hinges/brace is mounted on the attack face, fixings should be of a galvanised coach bolt design. Hinge systems must not allow the gate to be 'lifted off' and therefore should employ a method to restrict the removal of the gate from the fence post or wall. Gates should be capable of being locked (operable by key from both sides of the gate). The gate construction should have the same design and construction attributes as the fence.

10.6.8 (Vehicle gates) Where entrance/driveway gates are required they should ideally be inward opening, of substantial framed construction and employ galvanised adjustable hinges and fixings mounted behind the attack face. Hinge systems must not allow the gate to be 'lifted off' and therefore should employ a method to restrict the removal of the gate from the adjoining fence post or wall. Gates should be fitted with a galvanised drop bolts and facility for dedicated gate locking systems, padlocking (manual gates) or electro-mechanical locking (automated gates) and employ mechanical/electromechanical devices as applicable to hold gate leaves in the open position.

10.6.9 The gate construction should have the same design and construction attributes as the fence.

Note: Particular attention should be paid to ensuring that the rear and side boundaries backing onto open and accessible land are secure. Please consider using trellis topping to bring these boundaries to 2m in height.

Refuse Collection.

Recent developments provided with rear access routes to store and move bins for collection have resulted in these bins being left constantly to the front of dwellings. These bins are often misused including use as climbing aids. I recommend accessible bin stores or a dedicated store area be

1.3 Layout and Orientation of Dwellings.

I support the intention to provide a layout that primarily provides back-to-back security for existing neighbouring plots. Particular attention must be paid to reducing opportunities for unwanted access to Wildlife Corridor Areas and Buffers and access to the rear of properties.

Secured By Design. Homes 2016.

Section 11 Layout and orientation of dwellings.

Section 11.1 Dwellings should be positioned facing each other to allow neighbours to easily view their surroundings and thus making the potential offender feel vulnerable to detection.

1.4 Gable End Walls (guidance).

Glazing providing unobscured natural surveillance is necessary where a gable is easily accessed, and where adjacent garages, parked vehicles, rear access (gates and boundaries) and gates to parking courts are not immediately overlooked.

Note: This may require handing of proposed dwelling layouts to provide unobscured glazing to staircases, or landings and hallways.

Secured By Design. Homes 2019.
Section 12. Gable end walls.

Section 12.1 It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces; this type of elevation, commonly at the end of a terrace, tends to attract graffiti, inappropriate loitering and ball games.

The provision of at least one window above ground floor level, where possible, will offer additional surveillance over the public area.

Section 12.2 Where blank gable walls are unavoidable, one of the following methods should be used to protect them;

12.2.1 Provide a 1m buffer zone using either a 1.2 - 1.4m railing (with an access gate) or a 1m mature height hedge with high thorn content. Hedging will have to be protected with a fence until it becomes established.

The hedge shall be contained within the boundary of the adjacent building to increase the likelihood that it will be maintained.

12.2.2 Where there is insufficient room to create defensible space between public and private space, an appropriate (non-destructive) climbing plant should be planted adjacent to the wall, or a finish applied to the wall that will allow easy removal of graffiti.

1.5 Design Features and Climbing Aids.

Design features that may create climbing and access points should be avoided. Boundary walls, existing and proposed trees, bins and bin stores and any low roofs or balconies should be designed so as not to provide climbing aids to gain access into the property.

1.6 Car Parking and Vehicle Security.

Landscaping Adjacent to Parking Bays.

I recommend that any planting adjacent to parking bays should preferably be berberis or thorny and should have a mature or maintained growth height of 500mm to help prevent people from hiding in those areas.

Secured By Design. Homes 2019.
Section 16. Vehicle Parking.

Section 16.5 Where dedicated garages are provided within the curtilage of the dwelling the entrance should be easily observed from the street and neighbouring dwellings.

Section 16.6 Where parking is designed to be adjacent to or between units, a gable end window should be considered to allow residents an unrestricted view over their vehicles.

Lighting To Parking Areas and Facilities.

Secured By Design. Homes 2019.

Section 55. Car Parking.

Section 55.2 Lighting must be at the levels recommended by BS 5489-1:2013.

Section 16. Vehicle Parking.

Section 16.7 Communal parking facilities must be lit to the relevant levels as recommended by BS 5489-1:2013.

Section 16.9 Lighting is required to meet 'Street Lighting' standards.

Luminaires should be vandal resistant and not mounted below 2.5 metres from the ground and out of reach for those wishing to cause interference.

Bollard lighting is not appropriate as it does not project sufficient light at the right height and distorts the available light due to the 'up-lighting' effect; making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

1.7 Planting and Landscaping.

Landscaping must not impeded natural surveillance and must not create potential hiding places for intruders, especially where it is adjacent to footpaths, public open space or where it may obscure views of and from doors and windows. This is valuable in helping to maintain a clear field of vision around a site, and in reducing fear of crime and opportunities for crime

Secured By Design. Homes 2019.

Section 17. Planting in new developments.

Section 17.1 The planting of trees and shrubs in new developments to create attractive residential environments will be supported provided that:

17.1.1 The layout provides sufficient space to accommodate specimens once they have reached maturity, clear of access routes and required circulation areas;

17.1.2 Future maintenance requirements and budgets are considered at the planting design stage and management programmes are put in place to ensure the landscape fulfils the aims of the original design;

17.1.3 The planting design takes full account of all other opportunities for crime.

1.8 Street Lighting.

Street lighting should be carefully designed to cover all vulnerable areas without creating shadows. This can significantly reduce potential danger spots and reduce the fear of

crime. Landscaping, tree planting and lighting schemes must not be in conflict with each other.

Secured By Design. Homes 2019.

Section 18. Street lighting.

Section 18.1 All street lighting for adopted highways and footpaths, private estate roads and footpaths and car parks must comply with BS 5489-1:2013.

Section 18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.

Section 18.4 Trees may restrict the performance of street lighting by blocking light or causing damage through collision with branches and should not be located within 5 metres of a lighting source.

Section 18.6 Secured by Design encourages, wherever possible, the use of the most environmentally friendly light sources.

Moreover the Institute of Lighting Professionals (ILP) currently favours the use of good quality LED lighting and other energy effective light sources and advises against the use of fluorescent lighting which is environmentally unsustainable for a variety of reasons

Secured By Design. Homes 2019.

Section 59. Private External lighting and dwelling lighting.

Private external lighting to common areas.

Section 59.1 Where possible the lighting requirements within BS 5489-1:2013 should be applied.

Section 59.2 SBD requires that only luminaires with suitable photometry serving to reduce light spill and light pollution may be used. Reducing light spill from inefficient luminaires into areas where lighting is not required is extremely important

Section 59.3 External public lighting must be switched using a photo electric cell (dusk to dawn).

Dwelling lighting.

Section 59.4 Lighting is required to illuminate all elevations containing a doorset, car parking and garage areas and footpaths leading to dwellings and blocks of flats.

Bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

1.9 Design of Public Open Space.

Note: The design and provision of Public Open Space and equipment in recent residential development has shown that the process can benefit from being delayed until a high

percentage of dwellings are occupied and the residents can be included in the consultation process. This helps to ensure that any equipment meets the requirements of the appropriate age group.

Secured By Design. Homes 2019.

Communal Areas and Play Space.

Section 9.1 Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour.

These may often be referred to as:

- Local Areas of Play (LAP) - primarily for the under 6 year olds;
- Local Equipped Area for Play (LEAP) - primarily for children who are starting to play independently;
- Neighbourhood Equipped Area of Play (NEAP) - primarily for older children;
- Multi-Use Games Areas (MUGA) - primarily for older children.

Section 9.2 They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go.

Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access.

Communal spaces as described above should not immediately abut residential buildings.

Section 9.3 The provision of inclusively designed public open amenity space, as an integral part of residential developments, should make a valuable contribution towards the quality of the development and the character of the neighbourhood.

In order to do this it must be carefully located to suit its intended purpose - mere residual space unwanted by the developer is very unlikely to be acceptable.

9.3.1 The open space must be inclusively designed with due regard for wayfinding and natural surveillance, and; 9.3.2 Adequate mechanisms and resources must be put in place to ensure its satisfactory future management and maintenance, and;

9.3.3 Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space, and;

9.3.4 It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance.

Section 9.6 External communal drying spaces should be enclosed and have secured access via a locked gate so that they are only accessible to residents. The DOCO will provide advice in respect to fencing, gate construction and locking.

2. Physical Security.

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

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

2.1 Utilities.

Access to Utility Meters.

Secured By Design. Homes. Section 26 Utility meters.

Section 26.1 Utility meters should be located outside the dwelling at the front or as close to the front of the building line as possible (to ensure they are visible). If located to the side of the dwelling they must be as near to the front of the building line as possible and to the front on any fencing or gates (care should be taken not to provide a climbing aid).

The overall intention is to reduce the opportunities for theft by bogus officials. As such, this requirement includes 'Smart Meters', as the service providers will require open access to meters. The intention is to prevent the need for an official to enter the building or access gates to read a meter.

3. Further Information and Guidance.

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

-www.securedbydesign.com

(Police preferred specification scheme and recognised component manufacturers).

-www.ico.gov.uk

(Online notification of CCTV schemes and relevant codes of practice).

-www.bsi-global.com

(Various security standards).

-www.brecertification.co.uk

(Government test house for the Loss Prevention Certification Board).

-www.nsi.org.uk

(National Security Inspectorate).

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

FIRE SERVICE INFORMATIVE

VEHICLE ACCESS

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

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

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)

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

DOMESTIC SPRINKLERS

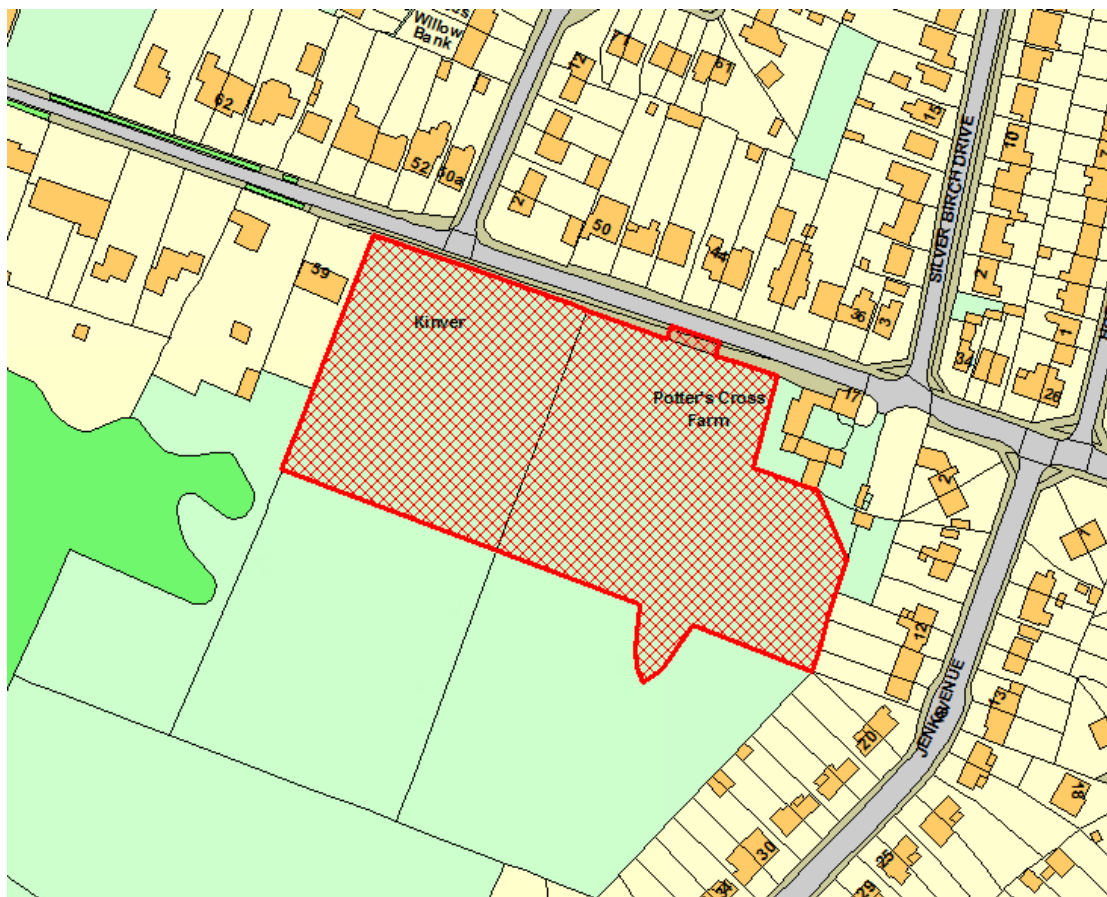
In the interest of preventing deaths and injuries from fires within domestic dwellings Staffordshire Fire and Rescue Service strongly recommend the provision of a sprinkler system to a relevant standard.

Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing fire deaths and injuries in domestic premises and financial implications for all stakeholders.
Further information can be found at www.bafsa.org.uk - the website of the British Automatic Fire Sprinklers Association Ltd.

HIGHWAYS INFORMATIVE

- i) The conditions above requiring off site works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to road.adoptions@staffordshire.gov.uk. The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>
- (ii) Road construction details submitted following the granting of Reserved Matters consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council in good time to ensure that all approvals and agreements are secured before commencement of works.
- (iii) Swept path analysis drawings for an 11.9m long refuse vehicle shall be provided in support of the Reserved Matters application.

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



Land South Of White Hill, Kinver

**20/00738/FUL
NON MAJOR**

Mr Richard Clarke

**BILBROOK
Councillor Gary Burnett
Councillor Ian Sadler**

2 Wesley Road Bilbrook WOLVERHAMPTON WV8 1LW

Erection of 1 new dwelling

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application relates to a semi-detached dwelling on the corner of Wesley Road in Bilbrook. There is a landscaped garden to the front with path to the front door and a large enclosed rear garden. The side of the plot is used for parking and is enclosed by a close boarded fence. Vehicle access is off Lane Green Road.

1.2 Planning History

1.2.1 No relevant history.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Amended plans have resulted in a proposal to erect a three-bed attached dwelling on land to the side of No.2 Wesley Road. The building would match the existing ridge height and would create a small terrace [3 properties]. The principal elevation would face Wesley Road and there would be a landscaped front and side garden. A new boundary fence would be erected approximately 5.4m from the pavement to enclose the rear garden area, with two car parking spaces provided off Lane Green Road.

2.1.2 The new dwelling would be 3 bed and have an overall floor area around 95sqm [national space standards advise 83sqm]. The front building line would be staggered with the side projection having a lower ridge height.

2.1.3 A new boundary fence with access gate will be provided for the host property with two car parking spaces off Lane Green Road.

2.1.4 The existing access onto Lane Green Road will need to be widened to accommodate the proposal.

2.1.5 The host dwelling would retain a garden area of 83sqm with a depth of some 9m to 12m. The proposed dwelling would have an amenity area of around 42sqm with garden depths of 4m and 7m.

2.2 Agents Submission

2.2.1 Not applicable.

3. POLICY CONTEXT

3.1 The site is within the Development Boundary

3.2 Core Strategy

NP1: The Presumption in Favour of Sustainable Development

Core Policy 1: The Spatial Strategy

Core Policy 3: Sustainable Development and Climate Change

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

Policy EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 6: Housing Delivery

Policy EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space about Dwellings

3.3 National Planning Policy Framework

3.4 Supplementary Planning Document

South Staffordshire Design Guide

4. CONSULTATION RESPONSES

Councillor Burnett [02/12/2020]: *I object on the grounds of no provision for parking. I also agree with County Highways about insufficient information provided to determine the impact on the highway.*

Parish Council [03/12/2020]: *The Parish reject this application on the grounds that there is insufficient car parking and it will prejudice highway safety.*

Severn Trent [03/11/2020]: *As the proposal has minimal impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied.*

County Highways [04/12/2020]: *No objections subject to conditions.*

Neighbours [23/11/2020 - 02/12/2020]: *Two comments received; concerns expressed over:*

- *impact on neighbouring amenity;*
- *overdevelopment/design/out of character;*
- *insufficient parking/highway safety*

A **site notice** was posted on the lamppost of Lane Green Road on the 20th of October 2020.

5. APPRAISAL

5.1 The application has been referred to planning committee by Councillor Burnett with concerns over parking and highway safety.

5.2 Key Issues

- Principle of development

- Impact on neighbouring amenity/space about dwelling standards
- Impact on the character of the area
- Landscaping
- Access/parking
- Representations

5.3 Principle of development

5.3.1 The proposal is located within the main service village of Bilbrook which is considered to be a sustainable location in terms of the level of essential community facilities and services available, access to public transport and supporting infrastructure. Locating growth to the main service villages will help create better balanced settlements, reduce the need to travel and utilise and consolidate existing physical, social and community and green infrastructure. The principle of one new dwelling is therefore accepted subject to the appraisal of other relevant material planning considerations.

5.4 Impact on neighbouring amenity/Space about dwelling standards

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

5.4.2 The Councils Space About Dwelling standards recommends a separation distance of 21m between facing windows to habitable rooms and 13m from habitable windows to flank walls of neighbouring houses.

5.4.3 The proposed dwelling would sit in line with the front building of the host property and 900mm past the single storey rear extension [1.6m beyond the original two-storey element]. As the rear elevation and garden is north facing, it is not considered that the proposed protrusion could cause any detrimental harm on the amenity of the host property.

5.4.4 Turning to the dwelling to the rear (No.8 Lane Green Road) a concern has been received over the proposal impact on amenity with regards to overlooking and loss of light. The new dwelling would be positioned around 12m from the side wall of the dwelling (1m short of the recommended standard), however this guideline is there to protect the living standards of the future occupants. Given the satisfactory distance and the orientation between the plots it is not considered that the proposal would cause any adverse harm with regards to a loss of light. Concerning overlooking/impact on privacy, there will be an oblique view of the neighbour's garden from the upstairs windows, however given that the garden area of No.8 Lane Green Road is currently overlooked by the host property and other neighbouring dwellings, it is not considered that the addition of one extra dwelling, would cause any additional harm.

5.4.5 Concerning the proposed living conditions for future occupants, as noted above, the proposal falls around 1m short of the recommended standard for distances between habitable windows to flank walls. As the dwelling would sit on a corner plot, there would be a satisfactory outlook for occupants and the 1m infringement in this case is acceptable.

5.4.6. The external floor area for the new dwelling exceeds the national space standards and the garden area would be around 42sqm, which is short of the Councils recommended standards for a three bed [65sqm]. It is not possible to increase the amount of the enclosed garden area for the development given the need to provide car parking and maintaining an

open, landscaped boundary. The site will though have the use of additional amenity land to the side and front of the site which will be surrounded by shrub planting. I therefore consider the overall amenity area to be acceptable in this instance.

5.4.7 There is no conflict with Policy EQ9.

5.5 Impact on the character of the area

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

5.5.2 The South Staffordshire Design Guide confirms that developments should aim to continue the established pattern, without creating a sharp or sudden change in height of building scale.

5.5.3 The proposed dwelling respects the existing plot patterns along Wesley Road and matches the scale and height of the existing dwellings. A setback has been included on the side gable to allow a greater distance from the pavement and a soft boundary treatment is proposed to retain a sense of openness. Indicative street scene images have been submitted by the agent which shows the proposals appropriateness. As such I do not consider that the proposal would be so harmful to the character of the area as to warrant a refusal.

5.5.4 The proposal is compliant with Policy EQ11.

5.6 Landscaping

5.6.1 Policy EQ12 ensures that appropriate landscaping is provided for all new developments.

5.6.2 The site plan includes a landscaped front and side garden with a soft boundary treatment along the frontages of the site. Further details such as species/mix will be conditioned. The proposal is compliant with Policy EQ12.

5.7 Access/parking

5.7.1 Access and parking have now been provided to the satisfaction of the highways department. Both the host and the proposed dwelling will have two off road car parking spaces each in accordance with the Councils Standards. The proposal is compliant with Policy EV12.

5.8 Representations

5.8.1 The comments received have been addressed in the main body of the report.

6. CONCLUSIONS

6.1 The application site is located within the development boundary of a main service village where there is a presumption in favour of sustainable development. There will be no

adverse impacts on neighbouring amenity, character of the area or on the local highway network and therefore I recommend the application for approval.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: 2020/08/SITE/110 B, 2020/08/FP/001 C and, 2020/08/SITE/002 B.
3. The materials to be used on the walls and roof of the building shall match those of the host building unless otherwise agreed in writing by the Local Planning Authority.
4. 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).
5. 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 widened, reconstructed and completed.
6. The development hereby permitted shall not be brought into use until the existing parking area has been widened, reconstructed and completed in accordance with the approved plans.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with 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. In the interest of highway safety

6. In the interest of highway safety

Informatives

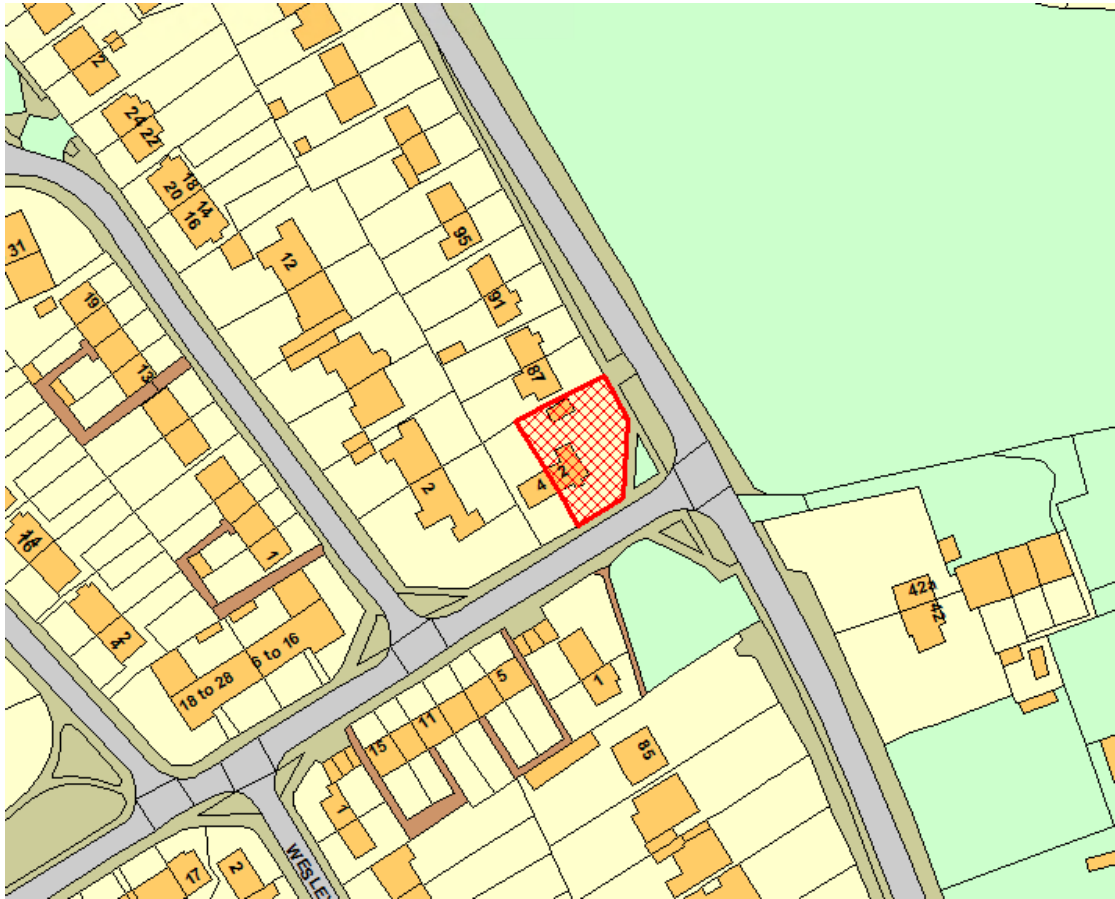
1. County Highways

The existing dropped crossing to the site shall be widened and reconstructed. Please note that prior to the access being reconstructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application Form for a dropped crossing. Please complete and send to the address indicated on the application Form which is Staffordshire County Council, Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford. ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

2. Severn Trent Water

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

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



2 Wesley Road, Bilbrook, WOLVERHAMPTON WV8 1LW

**20/00889/COU
NON MAJOR**

Miss F Thompson

**BREWOOD & COVEN
Councillor Wendy J Sutton
Councillor Joyce M Bolton
Councillor Diane M Holmes**

Leper House Whitehouse Lane Codsall Wood WOLVERHAMPTON WV8 1QG

Conversion of the existing listed barns into 2 dwellings and the retention of stabling and stores.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The site is the location of an L shaped listed barn forming part of Leper House Farm and is located approximately one mile west of Codsall Wood Village and four miles east of junction two of the M54 motorway. The application site is an irregular shaped plot of land with Whitehouse Lane to the south, Leper Farm Farmhouse to the west and agricultural grass land to the north and east.

1.2 Relevant Planning History

1994, Renovation and alterations, approved, (94/00015/LBC)

2017, Detailed planning application (and Listed Building Consent) for the Change of Use of Leper Farm Barns to three dwellings with associated parking and amenity space (Use Class C3), approved (17/00410/FUL & 17/00411/LBC)

2018, Reinstate window at rear elevation and install oil boiler and oil tank, approved (18/01016/FUL and 18/01017/LBC)

2020, Variation of 17/00410/FUL Condition 2. Parking for Barns B and C to be changed to the frontage of the site, refused (20/00381/VAR)

2. APPLICATION DETAILS

2.1 Proposal Description

2.1.1 Planning permission was granted in 2017 by planning committee for the conversion of the listed barn into three residential dwellings (17/00410/FUL & 17/00411/LBC).

2.1.2 This application proposes to convert the listed barn into two, three bed dwellings (The Cart House and The Hayloft), with the retention of the stabling and stores.

2.1.3 The main differences to the previous approval are the following:

- Retention of stabling in the single storey West projection.
- Relocate the proposed bat loft from the South tip of the South projection into the roof space over the retained stabling.

- The single storey North East corner of building is to be converted into accommodation for the Hayloft.
- 2No. new window openings are proposed.

2.1.4 Site vehicular access is provided off Whitehouse Lane via the existing access for Leper House and also the existing gated entrance to the land proposed as rear gardens, the latter forming 2 parking bays for the 'Cart House' as previously approved. The courtyard is proposed to be retained, with a 3m. strip of hard standing against the barns for access and parking for 'the Hayloft'

2.1.5 Both dwellings will have floor areas and garden areas/depths exceeding the recommended standards.

2.2 Agents Submission

2.2.1 The agent has provided the following documents:

- Design, Access and Heritage Statement;
- Ecological Report
- Structural Drawing
- Schedule of Repairs

3. POLICY CONTEXT

3.1 The property is a grade II listed building and within the Green Belt

3.2 Core Strategy

NP1: The Presumption in Favour of Sustainable Development

CP1: The Spatial Strategy

GB1: Development in the Green Belt

EQ1: Protecting, Enhancing and Expanding Natural Assets

EQ3: Conservation, Preservation and Protection of Heritage Assets

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

EQ7: Water Quality

EQ9 Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

EQ12: Landscaping

EV6: Re-Use of Redundant Rural Buildings

EV12: Parking Provision

Appendix 5 Car parking standards

Appendix 6 Space about Dwellings

3.3 National Planning Policy Framework

3.4 Green Belt and Open Countryside Supplementary Planning Document

4. CONSULTATION RESPONSES

Councillors: No comments received, expired 25/11/2020

Parish Council [13/11/2020]: *No objection*

Conservation Officer [18/12/2020]: *Summary*

The building is a Grade II Listed partially timber framed barn to form a residential unit. The barn was listed on 28th March 1985.

"Barn. C17 with later alterations. Timber framed, partly rebuilt in brick; sandstone plinth; corrugated iron roof. 4 framed bays. Irregular framing with tension brace to left; partly covered in corrugated iron sheets. Board doors to left and right." (Historic England)

The building has previously been granted approval for the conversion into residential units. In general terms there are no objections to the principle of the conversion. Details have been provided with regards to the proposed repairs required to the timber frame, having visited the site I can confirm that these are indeed necessary as can be seen from the photographs. There are no objections to the proposed replacement with either re-claimed or kiln dried timber.

Detailed documents relating to the repairs required along with the proposed changes have been submitted, and based upon the information submitted, there are no conservation objections to the proposed works to the building. There are significant areas where invasive repairs will be needed (including replacement of timbers and rebuilding of brickwork). These areas will need works doing whether the building is converted to residential or not in order to ensure that there is not a structural collapse. Therefore, there are no objections to these works being carried out as per the documents submitted.

The materials will be key in ensuring that the development has minimal impact upon the building and the setting of the adjacent listed house. The details will need to be as outlined on drawings 065 & 066. As well as this information full details of bricks, tiles, rainwater goods etc. will be needed. These details could either be submitted prior to the determination of the application or covered by a condition at the time of determination.

Previous comments regarding the proposed windows stated;

"Whilst there are no objections to the proposed sections of the timber windows. It would be preferred to see the use of a slimmer double glazing (i.e. 12mm) as the building is individually listed. Details of this will be needed."

The details have been amended and the glazing changed to the 12mm (4mm glass, 4mm space, 4mm glass) as requested. There are therefore no further conservation objections to this element of the scheme.

County Ecologist [25/11/2020]: *Summary: Assessment of Submitted Documents and Plans*

Section 4.5 of the DAS refers to breathable roofing felt (BRF):

the original advice stills stands, currently the only bat safe roofing membrane is bitumen 1F felt that is a non-woven short fibred construction.

The plans therefore need amending to the use of bitumen 1F felt under any section of roof that will have bat access. The bat survey (page 26) also makes this clear. Otherwise I am satisfied mitigation and enhancement measures for bats are adequate.

The provision of bat and bird boxes is welcome

Conclusions and Recommendations

Further information is required:

Amendment of plans to use of bat suitable bitumen 1F felt under any section of roof that will have bat access.

Informative note:

Swallow cups should probably be sited higher up underneath overhang. Dropping deflector boards may also be desirable.

Environmental Health: No comments received, expired 25/11/2020

Severn Trent [11/11/2020]: *As the proposal has minimal impact on the public sewerage system we have no objections to the proposals and do not require a drainage condition to be applied.*

County Highways [20/11/2020]: There are no objections subject to conditions;

Neighbours: No comments received, expired 25/11/2020

Site Notice and Advert expired 26/11/2020 and 12/12/2020

5. APPRAISAL

5.1 This application has been referred to Planning Committee as it is proposed to demolish and rebuild a significant amount of the existing building, contrary to Core Strategy policy EV6.

5.2 Key Issues

- Principle of Development
- Extent of demolition and rebuilding
- Impact on the Heritage Asset
- Impact on the openness and visual amenity of the Green Belt
- Impact on neighbouring amenity
- Landscaping
- Space about dwelling standards
- Access/Parking
- Protected Species

5.3 Principle of Development

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

where the proposed development is for [...] in the case of the re-use of a building, that the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the openness of the Green Belt or the fulfilment of its purposes.

5.3.2 The implication of this statement is that Policy GB1 requires development proposals to be in accordance with the NPPF to represent "not inappropriate development" in the Green Belt. It also follows that when the Core Strategy is silent in decision making, we should defer to the NPPF.

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

5.3.4 The listed barns subject of this application is of a permanent and substantial construction and no extensions are proposed. The proposal is compliant with Policy GB1.

5.3.5 In terms of location, the application site is located 2 miles from the village centre of Codsall and is in an isolated position. Paragraph 79 of the NPPF provides a list of exceptions where new isolated homes in the countryside would be acceptable and this application meets the exceptions, e.g. optimal viable use of a heritage asset and the re-use of redundant building to enhance its setting.

5.3.6 The principle of the development is therefore supported, subject to compliance with other local policies.

5.4 Extent of demolition and re-building

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

5.4.2 The structural report for the previous application concluded that the buildings are in a very poor structural condition throughout and will require extensive re-construction and remedial works in order to restore them to an acceptable structural state. In addition, it is estimated the reconstruction works are likely to account for approximately 25-30% of the main elevations. A structural drawing and schedule of repairs has been submitted with the application and it is not considered that the building is capable of conversion without substantial reconstruction.

5.4.3 Whilst there is conflict with Policy EV6, allowing the re-construction works would ultimately secure a viable use for the listed building and the preservation of a heritage asset.

5.5 Impact on the Heritage Asset

5.5.1 Chapter 16 of the National Planning Policy Framework and Policy EQ3 of the adopted Core Strategy state that care and consideration must be taken to ensure no harm is caused to the character or appearance of a heritage asset. Heritage assets are buildings, sites, monuments, places, areas or landscapes identified as significant features in the historic environment. Conservation areas are designated under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and defined as "an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance." The NPPF stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5.5.2 The building is a Grade II Listed partially timber framed barn to form a residential unit. The barn was listed on 28th March 1985.

"Barn. C17 with later alterations. Timber framed, partly rebuilt in brick; sandstone plinth; corrugated iron roof. 4 framed bays. Irregular framing with tension brace to left; partly covered in corrugated iron sheets. Board doors to left and right." (Historic England)

5.5.3 The building has previously been granted approval for the conversion into three residential units and this application does not propose any significant external or internal alterations to the approved scheme. Details have been provided with regards to the proposed repairs required to the timber frame and re-building of brickwork, to the satisfaction of the Conservation Officer. Conditions have been recommended to secure appropriate materials and finishes.

5.5.4 The proposal is compliant with Policy EQ3 of the Local Plan and Chapter 16 of the NPPF.

5.6 Impact on the Openness and Visual amenity of the Green Belt

5.6.1 There will no material impact on the openness of the Green Belt as a result of this development. No extensions to the barn are proposed. A small section of the barns is proposed to be demolished and rebuilt however the size and scale of the replacement will be the same as existing. The proposals are therefore considered to be compliant with policy GB1. The residential curtilages are of a similar size to the approved scheme and permitted development rights will be removed to control future extensions and outbuildings.

5.7 Impact on Residential Amenity

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

5.7.2 The barn is located in a relatively isolated location. Leper Farm Farmhouse is located 14m to the west of the barns. Otherwise the nearest properties are over half a mile away, with Gunstone Hall to the south-east and Moors Farm to the south-west. No windows are proposed on the west elevation closest to the farmhouse and therefore there would be no loss of privacy as a result of the conversion. The proposal is compliant with Core Policy EQ9.

5.8 Landscaping

5.8.1 Policy EQ12 provides that appropriate landscaping is provided for developments. The plans indicate that the existing hedgerows and trees will be retained. A landscape condition will be attached to the proposal ensuring a suitable scheme. The proposal is compliant with Policy EQ12

5.9 Space about dwelling standards

5.9.1 There is no infringement with the Council's space about dwelling standards. The floor area for each dwelling exceeds the national space standards.

5.10 Access/Parking

5.10.1 Access, parking and turning areas have been provided to the satisfaction of the Highways Department. Each dwelling has the provision of two parking standards in accordance with the Council's Standards

5.11 Protected Species.

Policy EQ1 provides that developments should not cause significant harm to habitats of nature conservation, including woodlands and hedgerows, together with species that are

protected or under threat. Support will be given to proposals which enhance and increase the number of sites and habitats of nature conservation value, and to meeting the objectives of the Staffordshire Biodiversity Action Plan.

An ecological report has been submitted with the application and the plans/materials have been amended in accordance with the Councils Ecologist comments, i.e. inclusion of bitumen felt for bat access above stables. The proposal is compliant with Policy EQ1.

6. CONCLUSIONS

6.1 The proposed development is acceptable in principle. Adequate parking and amenity space would be provided. The impact on protected species has been considered and appropriate mitigation measures have been included. The proposal complies with some elements of policy EV6 but not others. Overall, it is considered that whilst the building may not be capable of conversion without extensive reconstruction, by allowing the reconstruction, a Listed building will be saved that would otherwise be lost. I therefore recommend approval.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: 002, 060, 061, 065, 066, 072, 100 Rev A.
3. Notwithstanding details on the approved drawings, the development hereby approved shall be commenced, until details of all external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
4. Any disturbed work resulting from the approved alterations is to be made good to match the existing building in accordance with details submitted to and approved in writing by the local planning authority.
5. If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record together with recommendations for dealing with it in the context of the scheme shall be submitted for written approval by the local planning authority.
6. The permission hereby granted relates to the conversion of the existing buildings and does not grant or imply consent for the demolition or rebuilding of any part of the buildings, other than as specified on the approved plans.
7. Within 1 month of any development commencing on the site a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall

be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).

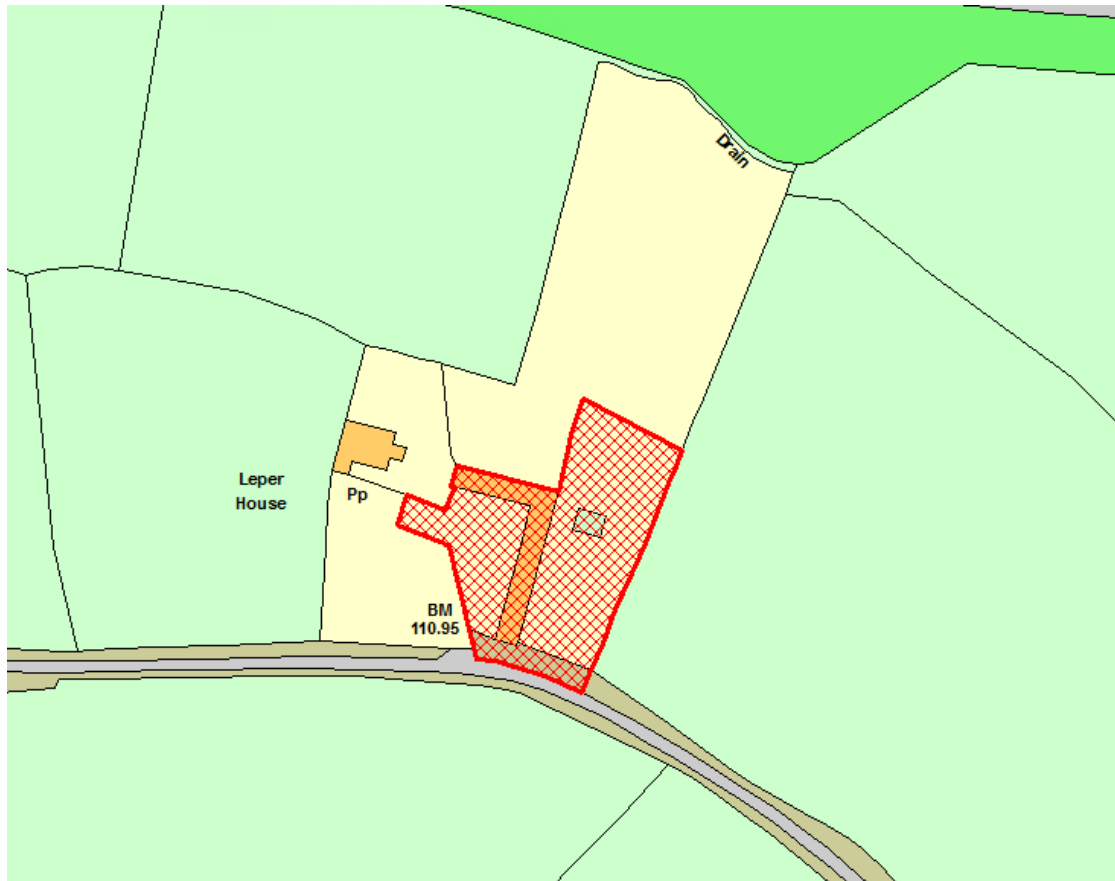
8. No existing trees, shrubs or hedges on the site or its boundaries shall be pruned in any way or cut down for a period of 10 years following completion of the development without the prior consent of the Local Planning Authority. If any the existing planting is removed or dies within 5 years of completion of the development it shall be replaced with the same species (or alternative agreed with the Council) within 12 months of its removal and as close to the original position as possible (or elsewhere in a position agreed with the Council). The existing and any replacement planting shall be maintained for a period of 10 years respectively from completion of the development or time of planting to the satisfaction of the Local Planning Authority.
9. The development hereby permitted shall not be brought into use until the existing access to the site within the limits of the public highway has been reconstructed and completed.
10. The development hereby permitted shall not be brought into use until the access drive and parking areas have been provided in accordance with the approved plans.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
4. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
5. In order to preserve and record any items of archaeological interest in accordance with policy EQ3 of the adopted Core Strategy.
6. In order to define the permission and to avoid doubt.
7. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
8. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
9. In the interest of highway safety

10. In the interest of highway safety

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.



Leper House, Whitehouse Lane, Codsall Wood, WOLVERHAMPTON WV8 1QG

**20/00890/LBC
NON MAJOR**

Miss F Thompson

**BREWOOD & COVEN
Councillor Wendy J Sutton
Councillor Joyce M Bolton
Councillor Diane M Holmes**

Leper House Whitehouse Lane Codsall Wood WOLVERHAMPTON WV8 1QG

Conversion of the existing listed barns into 2 dwellings and the retention of stabling and stores.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The site is the location of an L shaped listed barn forming part of Leper House Farm and is located approximately one mile west of Codsall Wood Village and four miles east of junction two of the M54 motorway. The application site is an irregular shaped plot of land with Whitehouse Lane to the south, Leper Farm Farmhouse to the west and agricultural grass land to the north and east.

1.2 Relevant Planning History

1994, Renovation and alterations, approved, (94/00015/LBC)

2017, Detailed planning application (and Listed Building Consent) for the Change of Use of Leper Farm Barns to three dwellings with associated parking and amenity space (Use Class C3), approved (17/00410/FUL & 17/00411/LBC)

2018, Reinstate window at rear elevation and install oil boiler and oil tank, approved (18/01016/FUL and 18/01017/LBC)

2020, Variation of 17/00410/FUL Condition 2. Parking for Barns B and C to be changed to the frontage of the site, refused (20/00381/VAR)

2. APPLICATION DETAILS

2.1 Proposal Description

2.1.1 Planning permission was granted in 2017 by planning committee for the conversion of the listed barn into three residential dwellings (17/00410/FUL & 17/00411/LBC).

2.1.2 This application proposes to convert the listed barn into two, three bed dwellings (The Cart House and The Hayloft) with the retention of the stabling and stores.

2.1.3 The main differences to the previous approval are the following:

- Retention of stabling in the single storey West projection.
- Relocate the proposed bat loft from the South tip of the South projection into the roof space over the retained stabling.

- The single storey North East corner of building is to be converted into accommodation for the Hayloft.
- 2No. new window openings are proposed.

2.1.4 Site vehicular access is provided off Whitehouse Lane via the existing access for Leper House and also the existing gated entrance to the land proposed as rear gardens, the latter forming 2 parking bays for the 'Cart House' as previously approved. The courtyard is proposed to be retained, with a 3m. strip of hard standing against the barns for access and parking for 'the Hayloft'.

2.1.5 Both dwellings will have floor areas and garden areas/depths exceeding the recommended standards.

2.2 Agents Submission

2.2.1 The agent has provided the following documents:

- Design, Access and Heritage Statement;
- Ecological Report
- Structural Drawing
- Schedule of Repairs

3. POLICY CONTEXT

3.1 The property is a grade II listed building and within the Green Belt

3.2 Core Strategy

Policy EQ3: Conservation, Preservation and Protection of Heritage Assets

3.3 National Planning Policy Framework

Part 16: Conserving and Enhancing the Historic Environment

4. CONSULTATION RESPONSES

4.1 Comments received

Councillors: No comments received, expired 25/11/2020

Parish Council [13/11/2020]: No objection

Conservation Officer [18/12/2020]: *Summary*

The building is a Grade II Listed partially timber framed barn to form a residential unit. The barn was listed on 28th March 1985.

"Barn. C17 with later alterations. Timber framed, partly rebuilt in brick; sandstone plinth; corrugated iron roof. 4 framed bays. Irregular framing with tension brace to left; partly covered in corrugated iron sheets. Board doors to left and right." (Historic England)

The building has previously been granted approval for the conversion into residential units. In general terms there are no objections to the principle of the conversion. Details have been

provided with regards to the proposed repairs required to the timber frame, having visited the site I can confirm that these are indeed necessary as can be seen from the photographs. There are no objections to the proposed replacement with either re-claimed or kiln dried timber.

Detailed documents relating to the repairs required along with the proposed changes have been submitted, and based upon the information submitted, there are no conservation objections to the proposed works to the building. There are significant areas where invasive repairs will be needed (including replacement of timbers and rebuilding of brickwork). These areas will need works doing whether the building is converted to residential or not in order to ensure that there is not a structural collapse. Therefore, there are no objections to these works being carried out as per the documents submitted.

The materials will be key in ensuring that the development has minimal impact upon the building and the setting of the adjacent listed house. The details will need to be as outlined on drawings 065 & 066. As well as this information full details of bricks, tiles, rainwater goods etc. will be needed. These details could either be submitted prior to the determination of the application or covered by a condition at the time of determination.

Previous comments regarding the proposed windows stated;

"Whilst there are no objections to the proposed sections of the timber windows. It would be preferred to see the use of a slimmer double glazing (i.e. 12mm) as the building is individually listed. Details of this will be needed."

The details have been amended and the glazing changed to the 12mm (4mm glass, 4mm space, 4mm glass) as requested. There are therefore no further conservation objections to this element of the scheme.

Conditions:

Notwithstanding details on the approved drawings, the development hereby approved shall be commenced, until details of all external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Any disturbed work resulting from the approved alterations and/or extensions is to be made good to match the existing building in accordance with details submitted to and approved in writing by the local planning authority.

If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record together with recommendations for dealing with it in the context of the scheme shall be submitted for written approval by the local planning authority.

Neighbours: No comments received, expired 25/11/2020

Site Notice and Advert expired 26/11/2020 and 12/12/2020

5. APPRAISAL

5.1 This application has been referred to Planning Committee as the full application 20/00889/FUL is contrary to Core Strategy policy EV6.

5.2 Principle of development/Impact on the Heritage Asset

5.2.1 The principle of the alterations and extensions to listed buildings is acceptable provided that evidence is submitted to confirm the proposal does not adversely affect the special archaeological, architectural, historic or artistic interest of the asset.

5.2.2 Chapter 16 of the National Planning Policy Framework and Policy EQ3 of the adopted Core Strategy state that care and consideration must be taken to ensure no harm is caused to the character or appearance of a heritage asset. Heritage assets are buildings, sites, monuments, places, areas or landscapes identified as significant features in the historic environment. Conservation areas are designated under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and defined as "an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance." The NPPF stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5.2.3 The building is a Grade II Listed partially timber framed barn to form a residential unit. The barn was listed on 28th March 1985.

"Barn. C17 with later alterations. Timber framed, partly rebuilt in brick; sandstone plinth; corrugated iron roof. 4 framed bays. Irregular framing with tension brace to left; partly covered in corrugated iron sheets. Board doors to left and right." (Historic England)

5.2.4 The building has previously been granted approval for the conversion into three residential units and this application does not propose any significant external or internal alterations to the approved scheme. Details have been provided with regards to the proposed repairs required to the timber frame and re-building of brickwork, to the satisfaction of the Conservation Officer. Conditions have been recommended to secure appropriate materials and finishes.

5.2.5 The proposal is compliant with Policy EQ3 of the Local Plan and Chapter 16 of the NPPF.

6. CONCLUSIONS

6.1 The application has demonstrated that the proposal will not result in a loss of the heritage fabric. Allowing the extensive re-construction works would ultimately secure a viable use for the listed building and the preservation of a heritage asset.

6.2 The proposal is compliant with Policies EQ3 and Chapter 12 of the NPPF and I therefore recommend the application for approval.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

2. The development shall be carried out in accordance with the approved drawings: 002, 060, 061, 065, 066, 072, 100 Rev A.
3. Notwithstanding details on the approved drawings, the development hereby approved shall be commenced, until details of all external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
4. Any disturbed work resulting from the approved alterations is to be made good to match the existing building in accordance with details submitted to and approved in writing by the local planning authority.
5. If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record together with recommendations for dealing with it in the context of the scheme shall be submitted for written approval by the local planning authority.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
4. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
5. In order to preserve and record any items of archaeological interest in accordance with policy EQ3 of the adopted Core Strategy.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



Leper House, Whitehouse Lane, Codsall Wood WOLVERHAMPTON WV8 1QG

**20/00952/COU
NON MAJOR**

Sarah Round

**ESSINGTON
Councillor Warren Fisher
Councillor Christopher Steel**

Land Adjacent 4 Long Lane Springhill WOLVERHAMPTON WV11 2AA

Temporary permission for static caravan

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

1.1.1 The site is an area of land lying to the northeast of 4 Long Lane in the Parish of Essington. This dwelling is the last one in the Development Boundary and the Green Belt lies beyond. The site is accessed via an access track that runs along the side boundary of the dwelling. There are dwellings located on the south side of Long Lane and the surrounding land is used by horses.

1.2 Planning history

2011 New dwelling, refused (11/00280/FUL)
2017 Two bed detached dormer bungalow, withdrawn (17/00291)
2019 Dwelling, approved (19/00033/OUT)

2. APPLICATION DETAILS

2.1 Proposal

2.1.1 The applicants propose to site a static caravan on the land to be lived in by them during the construction of the approved dwelling granted planning permission in 2020. A two year temporary permission is sought after which time the caravan would be removed.

2.2 Pre-application Discussions

2.2.1 No pre-application discussions have taken place.

3. POLICY CONTEXT

The site is within the Green Belt

Core Strategy

Policy GB1: Development in the Green Belt

Policy EQ4: Protecting and Enhancing the character and appearance of the landscape

EQ9: Protecting residential amenity

Policy EQ11: Wider Design Considerations

National Planning Policy Framework

4. CONSULTATION RESPONSES

No comments were received from neighbours or consultees (expired 04/12/2020)

Site notice expired (06/12/2020)

5. APPRAISAL

5.1 The application is to be heard at Planning Committee as it is contrary to Green Belt policy.

5.2 Key Issues

- Principle of development
- Very Special Circumstances
- Residential Amenity

5.3 Principle of development

5.3.1 The site is located within the Green Belt where there is a presumption against inappropriate development. The stationing of a residential caravan is inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 in the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

'Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

5.4 Very Special Circumstances

5.4.1 This proposal is for the temporary stationing of a mobile home. It is for occupation by the applicant as owner of the site whilst the approved works for the erection of the new dwelling take place. The caravan would be removed at the end of two years. No permanent development will take place and so the harm to the openness of the Green Belt is limited to the duration of the retention of the caravan. I consider in this instance that the temporary time period amounts to very special circumstances sufficient to clearly outweigh the potential harm to the Green Belt.

5.3 Residential Amenity

5.3.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

5.3.2 The site is located away from the closest residential properties which are sited along Long Lane. I therefore do not consider there will be impact on the occupier's amenity.

6. CONCLUSIONS

6.1 The proposal is considered to be inappropriate development in the Green Belt, however very special circumstances exist that clearly outweigh the potential harm. The proposal will

not impact on the amenity of neighbouring residential properties. I therefore recommend the application for approval subject to conditions.

7. RECOMMENDATION - APPROVE Subject to Conditions

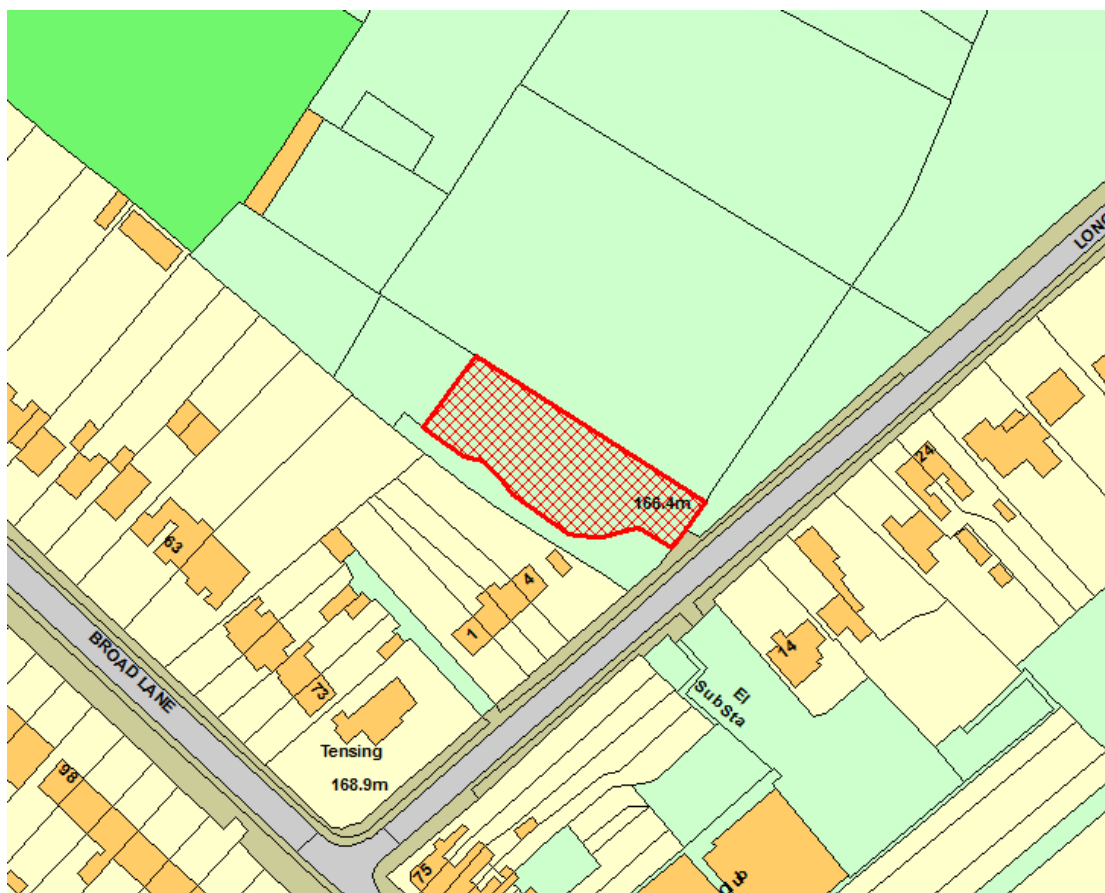
Subject to the following condition(s):

1. The development shall be carried out in accordance with the approved drawings 'site plan' received 5th November 2020.
2. The caravan and any related infrastructure in its entirety shall be removed from the site by the 27th January 2023.

Reasons

1. In order to define the permission and to avoid doubt.
2. In order to define the permission and to avoid doubt.

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.



Land Adjacent, 4 Long Lane, Springhill WOLVERHAMPTON WV11 2AA

**20/01004/FUL
NON MAJOR**

Ms Wendy Sorby

**HIMLEY
Councillor Roger Lees**

Baggeridge Country Park Fir Street Gospel End DUDLEY DY3 4HB

The stationing of a shipping container for use by Breathing Space Therapeutic Services only.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

1.1.1 The site lies within the Baggeridge Country Park on an area of land found to the west of the recent car park and craft village constructed as part of the redevelopment of the Baggeridge Brickworks site. The site has a grassed area but is surrounded by woodland.

1.2 Planning history

1.2.1 No history for this part of the site.

2. APPLICATION DETAILS

2.1 Proposal

2.1.1 The applicants are a Therapeutic Services Community Interest Company (CIC) and use the park to provide their services to the community, providing support for children and young adults with mental health issues and emotional needs. The Children are from both inside and outside the District. They propose the introduction of a metal storage container for a 3 year period.

2.2 Pre-application Discussions

2.2.1 No pre-application discussions have taken place.

3. POLICY CONTEXT

3.1 The site is within the Green Belt

3.2 Core Strategy

Policy GB1: Development in the Green Belt

Policy EQ4: Protecting and Enhancing the character and appearance of the landscape

EQ9: Protecting residential amenity

Policy EQ11: Wider Design Considerations

Strategic Objective 16 - To support the needs of children and young people in South Staffordshire ensure that provision is made for children's play and that teenagers have access to leisure, sport and recreation and learning opportunities.

Core Policy 15: Children and Young People

3.3 National Planning Policy Framework

4. CONSULTATION RESPONSES

No comments were received from neighbours or consultees (expired 10/12/2020)

Site notice expired (10/12/2020)

5. APPRAISAL

5.1 The application is to be heard at Planning Committee as it is contrary to Green Belt policy.

5.2 Key Issues

- Principle of development
- Very Special Circumstances
- Residential Amenity

5.3 Principle of development

5.3.1 The NPPF attaches great importance to the Green Belt with its fundamental aim of preventing urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

5.3.2 The siting of temporary metal storage containers has historically been considered as a change of use of the land in policy terms. Paragraph 146 of the NPPF considers that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including material changes of use. The siting of a metal storage container, although small and of a temporary nature, will have some impact, albeit limited; there is no conflict with the purposes of including land within Green Belt. I therefore consider the proposal to be inappropriate. Any such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 in the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

'Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

5.4 Very Special Circumstances

5.4.1 The applicants are a woodland-based therapeutic provision offering a variety of services. These include:

- one to one therapeutic support and part time intervention to children and young people identified as at risk of exclusion from education or society due to significant mental and emotional health needs.
- Bespoke workshops and training packages on a variety of mental and emotional health related topics to individuals, organisations and professionals.
- School holiday programme aimed at families with young children with behavioural challenges.

5.4.2 South Staffordshire's Spatial Strategy supports the improvement of services and facilities for children and young people. The Council will support proposals and initiatives to improve access to services for children and young people and the provision, improvement and enhancement of facilities for children's play and youth development. The proposal will provide an opportunity for vulnerable people to use the park to improve and develop their mental wellbeing. I consider that these considerations amount to the very special circumstances needed to clearly outweigh the potential harm to the Green belt in this instance. A condition will be placed on the permission requiring the containers removal after 3 years.

5.5 Residential Amenity

5.5.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

5.5.2 Planning Permission has been granted to change of the use of an existing office building to residential on the now redeveloped Baggeridge Brickworks site due east of the application site. This has been implemented. This building is around 85m away from the application site. The site is well screened by trees and existing mature shrubbery. I therefore do not consider there will be impact on the future occupier's amenity.

6. CONCLUSIONS

6.1 The proposal is considered to be inappropriate development in the Green Belt, however very special circumstances apply that clearly outweigh the potential harm. The proposal will not impact on the amenity of neighbouring residential properties. I therefore recommend the application for approval subject to conditions.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: proposed plan, received 29/10/2020 and location plan received 04/11/2020
3. The storage container hereby approved shall be permanently removed from the land on or before the 26th January 2024.
4. The container hereby approved shall be painted dark green and maintained as such throughout the lifetime of the development.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.

3. 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.
4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



Baggeridge Country Park, Fir Street, Gospel End, DUDLEY DY3 4HB

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 26 January 2021****MONTHLY UPDATE REPORT****REPORT OF THE LEAD PLANNING MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

1.1 A monthly update report to ensure that the Committee is kept informed on key matters including:

- Proposed training
- Any changes that impact on National Policy
- Any recent Planning Appeal Decisions
- Relevant Planning Enforcement cases on a quarterly basis
- The latest data produced by the Ministry of Housing Communities and Local Government

2. RECOMMENDATION

2.1 That Committee note the content of the update report.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	26 January 2021	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.

IMPACT ON SPECIFIC WARDS	No	District-wide application.
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PART B – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 Future Training** – Changes to Planning Committee were approved at the 26 March 2019 meeting of the Council to reduce committee size from 49 potential members to 21 members. As part of these changes an update report will now be brought to each meeting of the Committee. The intention has been that with a reduced size of Committee additional training will be provided throughout the year, namely before Planning Committee. The sessions may well change depending on what issues are on the agenda. Due to COVID 19, these had to be suspended, however we have 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. If Members have any thoughts on areas for planning training, please let me know.
- 4.2 Changes in National Policy** – The government’s responses to part of this summer’s ‘Changes to the Current Planning System’ were published before Christmas, including updated guidance on how to calculate our housing need. As members may recall, the measures set out in this summer’s consultation would have led to a significant increase in South Staffordshire’s own housing need, due to an increased emphasis on affordability and settlement size in the proposed methodology. The Government has listened to the concerns raised nationally by most local authorities and some M.P.s and revisited the proposed methodology.
- 4.3** This means that our own need is currently still 254 dwellings per annum, so we still have a 5 year supply. We will have to update the number each year to reflect the latest growth levels in the household projections and the most up-to-date affordability ratios, but this at least offers some comfort that our own need will remain at around this level for the time being.
- 4.4 Planning Appeal Decisions** – every Planning Appeal decision will now be brought to the Committee for the Committee to consider. There have been 4 appeal decisions since the last Committee, a copy of the decisions are attached as Appendices 1-4. These relate to:
- 1 An appeal against a refusal to demolish an existing ground floor store and erection of first floor rear extension to existing bungalow at Somerford, Hawthorne Lane, Codsall, Staffordshire WV8 2DA. The appeal was allowed because the Inspector concluded that whilst the extension would be a greater height than the existing dwelling, the limited increase in the height of the roof would not have a significant impact on the streetscene or the general character and appearance of the area.
 - 2 An appeal against a refusal for the conversion of agricultural building to 3 dwellings at Brinsford Farm, Brinsford Lane, Slade Heath WV10 7PR. It was

refused on the basis that the Council did not consider that the proposal accorded with the limitations and restrictions contained within Classes Q(a) and Q(b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The appeal was allowed and costs awarded because the Inspector concluded that in his view the proposal satisfies the requirements of the GPDO for change of use from an agricultural building to a dwelling, as set out under Schedule 2, Part 3, Class Q, both with regard to being permitted development and also meeting the prior approval conditions. Therefore, the appeal is allowed and prior approval is granted.

- 3 An appeal against a refusal for a new detached three bedroom dwelling house with integral garage at 16 Brantley Crescent, Bobbington, Stourbridge DY7 5DB. The appeal was dismissed because the Inspector concluded that the effect of the proposal on the oak tree on the site would be unacceptable. The development would lead to harm to the oak and so in this regard it would be contrary to policy EQ4 of the Core Strategy 2012.
 - 4 An appeal against the erection of dormer bungalow in the Green Belt at Wergs Farm House, Popes Lane, Wolverhampton, WV6 8TX. The appeal was allowed because the Inspector concluded that the proposal constitute limited infill in a village for the purposes of paragraph 145 of the Framework it would not be inappropriate development in the Green Belt.
- 4.6 We are still awaiting the outcome of the 2 Crematoria appeal decisions. The decisions were due by 12 September 2019.
- 4.7 The Secretary of State for Transport has made an order granting development consent West Midlands Interchange (WMI). Documents can be seen here : <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/> Officers are now working with the site promoters to understand next steps.
- 4.8 **Relevant Planning Enforcement cases on a quarterly basis** – Performance is currently at 81%, above the 80% target. There has clearly been an improvement in planning enforcement performance as a result of extra staff and a targeted triage approach to dealing with new cases. We are now fully staffed after successful recruitment, and as such the temporary staff have now left the Council.
- 4.9 **The latest data produced by the Ministry of Housing Communities and Local Government** – As members will recall, MHCLG sets designation targets that must be met regarding both quality and speed of planning decisions. The targets are broken into Major and Non major development. If the targets are not met, then unless exceptional circumstances apply, MHCLG will “designate” the relevant authority and developers have the option to avoid applying to the relevant designated Local Planning Authority and apply direct, and pay the fees, to the Planning Inspectorate. Details can be seen at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf

- 4.10 We will ensure that the Committee is kept informed of performance against the relevant targets including through the MHCLG's own data.
- 4.11 For Speed – the 2020 target for major developments is that 60% of decisions must be made within the relevant time frame (or with an agreed extension of time) and for non-major it is 70%. For Quality – for 2020 the threshold is 10% for both major and non-major decisions. Current performance is well within these targets and the position as set out on MHCLG's website will be shown to the Committee at the meeting – the information can be seen on the following link tables:
- 151a – speed – major
 - 152a – quality – major
 - 153 – speed – non major
 - 154 – quality – non major

The link is here – <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

The latest position is on the MHCLG website and the key figures are below:

Speed

151a – majors – target 60% (or above) – result = 90.7% (data up to September 2020)

153 – others – target 70% (or above) – result = 88.5% (data up to September 2020)

Quality

152a – majors – target 10% (or below) – result = 6.1% (date up to March 2019)

154 – others – target 10% or below – result = 0.8% (date up to March 2019)

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

N/A

7. BACKGROUND PAPERS

Appendix 1 – Appeal Decision – Somerford, Hawthorne Lane, Codsall, WV8 2DA
Appendix 2a and 2b – Appeal and Costs Decision – Brinsford Farm, Brinsford Lane, Slade Heath WV10 7PR

Appendix 3 – Appeal Decision – 16 Brantley Crescent, Bobbington, DY7 5DB

Appendix 4 – Appeal Decision – Wergs Farm House, Popes Lane, Wolverhampton, WV6 8TX

Report prepared by:
Kelly Harris
Lead Planning Manager



Appeal Decision

Site visit made on 15 December 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal Ref: APP/C3430/D/20/3246964

Somerford, Hawthorne Lane, Codsall, Staffordshire WV8 2DA

- 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 A Qualters against the decision of South Staffordshire Council.
 - The application Ref 19/00537/FUL, dated 28 June 2019, was refused by notice dated 28 January 2020.
 - The development proposed is the demolition of existing ground floor store and erection of first floor rear extension to existing bungalow.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing ground floor store and erection of first floor rear extension to existing bungalow at Somerford, Hawthorne Lane, Codsall, Staffordshire WV8 2DA in accordance with the terms of the application, Ref 19/00537/FUL, dated 28 June 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 17.290.06; 17.290.10 rev D; 17.290.16 Rev E and 17.290.20.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located at the edge of a residential area of Codsall. Hawthorne Lane itself consists of a variety of housing types and designs including semi-detached and detached two storey properties, bungalows, and bungalows with accommodation within their roof space. As a result, as I noted at my site visit, there is a wide variety of different dwelling heights on the street. The most relevant of these to the appeal proposal is in the relationship between Little Holme, a one and a half storey property with a crown roof, and The Stork which is a bungalow with a hipped roof.

4. From the Council officers' report planning permission has already been granted for a similar development¹. From the information before me, the main difference between that scheme and the one before me is in relation to the height of the roof, which in the appeal scheme would be around 0.4 metres higher than the existing property and that of the planning permission already granted.
5. Whilst the increase in roof height would inevitably result in some change in the massing and bulk of the existing built form, this would not be significantly different to that already granted planning permission. This is also the case in respect of the rearward extent of the extension which would be in line with the rear wall of the existing flat roofed single storey extension. Significantly, it would be broadly in line with the rear wall of Stoven (the property on the northern side of the appeal property) and would not dominate its rear aspect.
6. Whilst the extension would be a greater height than the existing dwelling, when the proposal is taken as a whole, the resultant building would appear as one dwelling and would not be overly dominant or out of scale with the existing development in the area. It would also successfully integrate the existing dwelling into the overall design. Furthermore, the difference in building heights between the appeal property and Stoven would not be significantly different to that between The Stork and Little Holme.
7. To my mind, the limited increase in the height of the roof would not therefore have a significant impact on the streetscene or the general character and appearance of the area particularly when the wide variety of house designs and roof heights is taken into account.
8. For the above reasons the proposal would not harm the character and appearance of the area and would accord with Policy EQ11 of the Core Strategy Development Plan Document (2012) which amongst other matters seeks to ensure that all developments are of the highest quality which take into account local character and distinctiveness and contribute positively to the streetscene and surrounding buildings.

Conditions

9. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

¹ Reference 18/00767/FUL



Appeal Decision

Site Visit made on 15 December 2020

by Mr Andrew McGlone BSc(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Appeal Ref: APP/C3430/W/20/3259550

Brinsford Farm, Brinsford Lane, Slade Heath WV10 7PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr David Hill of Warm Beautiful Homes against the decision of South Staffordshire District Council.
 - The application Ref 20/00316/AGRRES, dated 21 April 2020, was refused by notice dated 15 July 2020.
 - The development proposed is conversion of agricultural building to 3 dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of agricultural building to 3 dwellings at Brinsford Farm, Brinsford Lane, Slade Heath WV10 7PR in accordance with the terms of the application, Ref 20/00316/AGRRES, dated 21 April 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 123113/103; 123113/102; and 123113/101C.
 - 2) No works hereby approved shall be commenced until full details of the exterior roof materials, fenestration and rainwater goods (design, materials, colour and finish), and any external lighting are submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.
 - 3) The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans.

Applications for costs

2. An application for costs was made by Warm Beautiful Homes against South Staffordshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) grants planning permission for certain forms of development, including the change of use of an agricultural building to a dwelling house, together with building operations reasonably necessary to

convert the building to that use, provided that certain conditions, limitations and restrictions are complied with.

4. The Council has refused the application on the basis that it does not accord with the limitations and restrictions contained within Classes Q(a) and Q(b) of Part 3 of Schedule 2 of the GPDO. Development permitted under Class Q is also subject to the condition that before commencement, an application must be made to determine whether prior approval is required in respect of the matters referred to in (a)-(f) of paragraph Q.2(1). The Highway Authority do not raise issue with the scheme in highway terms and the Council does not raise concern with the remaining conditions of paragraph Q.2(1) of the GPDO. I agree.

Main Issue

5. Prior approval has previously been granted for the conversion of an adjacent building on the site to residential use¹. However, the submitted evidence confirms that the prior approval scheme granted has not been implemented and can no longer be implemented following the grant of planning permission² for 6 dwellings which is in the process of being implemented on site. As such, there is no conflict with paragraph Q.1(c) of Class Q.
6. Consequently, the main issue is whether the development would be permitted development for the purposes of the Order, having regard to the limitations listed in paragraph Q.1 of Class Q, with regard to building operations.

Reasons

7. The appeal building is constructed from a steel frame, with a concrete dado abutting the steel columns up to a height of around 2.2 metres high. The wall supports timber cladding above which extends up to the dual pitched roof which is covered with cement fibre sheeting. Timber purlins support the roof. Both gable elevations are of a similar construction, but they have a large opening in either. Internally, there is no floor slab, but each of the columns are about 300mm below existing ground levels and set within concrete.
8. The Planning Practice Guidance (the Guidance) explains that the right, under Class Q, "assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right." (Paragraph: 105 Reference ID: 13-105-20180615).
9. The GPDO does not make a distinction between structural and non-structural works, and it places no restriction on whether works are structural or not. Even so, it was held in *Hibbitt v SSCLG [2016] EWHC 2853* that the building must be

¹ Council Ref: 19/00623/AGGRES

² Council Ref: 19/00820/FUL

capable of conversion to residential use without new structural elements, and that the existing building should be sufficiently strong enough to bear the loading from the external works.

10. The structural analysis submitted by the appellant confirm that, although the frame has theoretical horizontal deflection of 36mm at eaves level, the existing structure can support the proposed conversion with no risk of an ultimate failure nor danger of irreversible deformations. It was later clarified that the existing foundations to the building are adequate provided that the additional weight to the structure is no greater than 10% of the existing. This evidence is not disputed by the Council and there is no evidence that suggests that the additional weight would not be greater than the 10% extra.
11. The appeal scheme would see the retention of the steel frame, concrete walls and timber cladding. The blockwork would be insulated, infilled and re-clad. Metal cladding would be replaced with timber and new insulated metal roof sheets are proposed along with new windows and doors. The amended version of the scheme would see the cladding not extend as low as originally proposed. These aspects of the proposal would all be building operations as set out in paragraph Q.1(i) and the Guidance which both envisage either the installation or replacement.
12. Section 55(2) of the Town and Country Planning Act 1990 is clear that internal works are not generally development. This is backed up by the Guidance³, which says "For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q."
13. A new concrete ground floor is proposed. This can be inserted without carrying out any excavation works. The new ground floor would support internal load bearing walls that would support a freestanding first floor. Other internal partition walls would be inserted along with insulation and weatherproof panels behind the existing cladding/walls.
14. Despite the Council's concerns about the totality of the works, many are building operations listed within paragraph Q.1(i) and others are internal works. The Council offer no substantive evidence which challenges the appellants structural evidence. I do not consider that the proposals go above and beyond what is reasonably necessary to convert the building into a dwellinghouse as the building is capable of conversion. As a result, I conclude that the development would be permitted development for the purposes of the Order, having regard to the limitations listed in paragraph Q.1 of Class Q.

Other matter

15. Article 3(1) of the GPDO grants planning permission for the classes of development described as permitted development in Schedule 2 subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017. Article 3(1) effectively imposes a pre-commencement condition on all development that is permitted by the GPDO and would affect a European protected habitat. Permitted development cannot be lawfully begun until the developer has made a Regulation 77 application and the Council is satisfied that the development would have no adverse effect on the integrity of the

³ Paragraph: 105 Reference ID: 13-105-20180615

habitat. The appeal site is within 15km of the Cannock Chase Special Area of Conservation (SAC). In dealing with the appeal scheme, the Council and Natural England have considered the proposal's effect on the SAC. While I note the outcome of this assessment, a Regulation 77 application is a matter for the main parties to address outside of this appeal before the development starts.

Conclusion and Conditions

16. For the reasons set out above, I conclude that the proposal satisfies the requirements of the GPDO for change of use from an agricultural building to a dwelling, as set out under Schedule 2, Part 3, Class Q, both with regard to being permitted development and also meeting the prior approval conditions. Therefore, the appeal should be allowed and prior approval is granted.
17. The GPDO requires at Part 3 paragraph W(12)(a) that the development shall be carried out in accordance with the details approved by the local planning authority. As paragraph Q.2(3) stipulates that development shall be completed within a period of three years, a condition is not required in this regard.
18. Paragraph W(13) of the GPDO allows local planning authorities to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. I have imposed a plans condition in the interests of certainty. Given my findings and a result of the plans condition, a further condition concerning the scope of works is not necessary. Nor is a condition to control the curtilage of each dwelling needed as this duplicates the plans condition and the provisions of the GPDO. I have, however, imposed amended version of conditions about materials and finishes and the parking and turning areas in the interests of the character and appearance of the area and highway safety respectively.

Mr Andrew McGlone

INSPECTOR

Costs Decision

Site visit made on 15 December 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Costs application in relation to Appeal Ref: APP/C3430/W/20/3259550 Brinsford Farm, Brinsford Lane, Slade Heath WV10 7PR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Warm Beautiful Homes for a full award of costs against South Staffordshire District Council.
 - The appeal was against the refusal of planning permission for the conversion of agricultural building to 3 dwellings.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. In order to be successful, an application for costs needs to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. Parties in the appeal process are normally expected to meet their own expenses.
3. The applicant is of the view that the Council have, in refusing prior approval for the proposed development and then failing to defend this position at appeal, has led to unnecessary expense in the pursuance of an appeal. In the applicant's view the Council have: prevented development which should clearly have been permitted; failed to produce evidence to substantiate their reason for refusal on appeal; made vague, generalised or inaccurate assertions about the proposal's impact which are unsupported by any objective analysis; acted contrary to, or not following, well-established case law; and persisted in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
4. No comments have been made by the Council in response. Nor did the Council submit an appeal statement. While a statement is not obligatory, it did mean that the applicant's submissions which raised numerous concerns with the Council's stance were not addressed.
5. I am mindful that this topic does require a judgement. Given the information available, the Council would have needed to have regard to the relevant provisions of the GPDO, the Act, case law and the Guidance which collectively form the basis on which an assessment is to be made. While it is fair to say

that Class Q does not envisage substantial demolition, it does permit partial demolition and the installation and replacement. The latter is particularly key as it relates to windows, doors, roofs or exterior walls. All these elements form part of the appeal scheme and a component of the Council's concern about much of the building's external fabric being removed. There was detailed evidence before the Council, which included a structural assessment, to enable thorough reasons to be set out explaining why these works were felt to be outside the scope of Class Q, especially as the steel frame, concrete walls and timber cladding would be retained or re-used.

6. Nevertheless, a narrow view was taken by the Council in respect of the new concrete ground floor and the internal walls that would support a new first floor. The Council solely relied upon the GPDO and did not account for Section 55(2) of the Act or the Guidance in respect of internal works. Although a judgement is still needed, the Council did not appear to grapple with either in substantiating its case, especially when the structural assessment confirmed that the existing structure would not be reliant on the new concrete floor.
7. The Council's approach to the internal works and view taken about elements of the scheme that are permitted by the GPDO bring into question whether the Council should have refused the prior approval scheme. However, even if they did not prevent development which should clearly have been permitted, the Council made vague, generalised or inaccurate assertions about the proposal's impact which are unsupported by any objective analysis and then failed to produce evidence to substantiate their reason for refusal on appeal. These actions have led to unnecessary or wasted expense for the applicant.
8. Although the applicant cited an appeal decision in support of their case, this decision was reached having regard to the construction of that building. The Council was entitled to consider the appeal building on its own merits and in the context of the works proposed. The Council has not therefore persisted in objections to a scheme previously indicated to be acceptable.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has been demonstrated and that a full award of costs is justified.

Conclusion

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that South Staffordshire District Council shall pay to Warm Beautiful Homes, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicants are now invited to submit to South Staffordshire District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Andrew McGlone

INSPECTOR



Appeal Decision

Site visit made on 5 January 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2021

Appeal Ref: APP/C3430/W/20/3245585

16 Brantley Crescent, Bobbington, Stourbridge DY7 5DB

- 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 D Morgan (M and W Contractors Limited) against the decision of South Staffordshire Council.
 - The application Ref 19/00659/FUL, dated 28 August 2019, was refused by notice dated 29 October 2019.
 - The development proposed is described as new detached three bedroom dwelling house with integral garage (resubmission of 19/00145/FUL).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the oak tree on the site.

Reasons

3. The oak tree lies in the rear corner of the plot but can be seen over and to the side of houses from nearby roads. It is the subject of a tree preservation order, of a significant size and is in good condition. The oak makes a positive contribution to the area's character and local distinctiveness.
4. Crown lifting and light pruning works are proposed but nevertheless the tree's branches would overhang most of the dwelling's back garden. Consequently, it is likely that the garden would be the subject of significant detritus such as leaves, acorns, twigs, branches and bird excrement falling from the oak. Furthermore, the tree's canopy would darken the back garden although it would not block direct sunlight for parts of the day.
5. No application to carry out works to the tree have been submitted previously, which suggests it causes no significant problems to existing properties. However, most of the proposal's back garden would be affected by the oak. As such, it is likely the development would lead to pressure from future occupiers to carry out tree works to address safety and nuisance issues associated with detritus and shading. Such operations would require the Council's consent but they may be difficult to resist given that safety or property damage could be at issue. Furthermore, there is no guarantee that the suggested on-going tree maintenance works would avoid requests to carry out more substantial operations by residents of the proposal.

6. The house could be constructed without causing unacceptable direct damage to the tree or its roots. However, BS 5837:2012 states that incompatibilities between development layout and retained trees and future pressure for removal should be considered in the design of proposals. For the reasons set out above, the oak is likely to cause nuisance and apprehension to future occupiers and so the proposal does not adequately take account of the tree.
7. As such, I conclude that the development would lead to harm to the oak and so in this regard it would be contrary to policy EQ4 of the South Staffordshire Core Strategy 2012 (CS). This aims, amongst other things, to ensure development takes account of components of the landscape and local distinctiveness, including existing vegetation. The Council's refusal reason also refers to CS policy EQ1. This relates to sites of nature conservation value and ancient woodlands and so is irrelevant to this appeal.

Conclusion

8. The proposal would conflict with the development plan and material considerations do not lead me to a decision otherwise. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR

Appeal Decision

Site visit made on 7 December 2020 by A J Sutton BA Hons DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2021

Appeal Ref: APP/C3430/W/20/3258620

Wergs Farm House, Popes Lane, Wolverhampton, WV6 8TX

- 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 G Bailey against the decision of South Staffordshire Council.
 - The application Ref 19/00609/FUL, dated 29 July 2019, was refused by notice dated 20 March 2020.
 - The development proposed is the erection of dormer bungalow.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of dormer bungalow at Wergs Farm House, Popes Lane, Wolverhampton, WV6 8TX, in accordance with the terms of the application, Ref 19/00609/FUL, dated 29 July 2019, and subject to the schedule of 8 conditions attached to this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. There were a number of drawings which included a proposed bungalow and a house submitted as part of the appeal to which I have had regard. I have concluded, under the principles established by the Courts in *Wheatcroft*,¹ that to consider such modifications would deprive those who should have been consulted on the change, the opportunity of such consultation. Accordingly, and in the interest of clarity this case has been considered on the basis of plans cited on the Council's decision notice.

Main Issues

4. The appeal property is in the Green Belt and therefore the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy, and
 - the effect of the proposal on the openness of the Green Belt.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

Reasons for Recommendation

5. The Framework states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It requires, when considering any planning application, that substantial weight is given to any harm to the Green Belt.
6. Policy GB1 of the South Staffordshire Core Strategy Development Plan Document 2012 (Core Strategy) states that in the Green Belt development acceptable within the terms of national planning policy set out in the Framework will normally be permitted.

Whether Inappropriate Development

7. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that the construction of new buildings should be regarded as inappropriate. However, paragraphs 145 and 146 of the Framework identifies exceptions to this, which include, at paragraph 145 e), limited infilling in villages.
8. Whilst the Core Strategy pre-dates the latest iteration of the Framework, this exception is partially reflected in Policy GB1 d) in respect to infilling. Unlike the Framework, a footnote to Policy GB1 provides a definition of limited infilling as *'the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed portion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within in it.'*
9. Further guidance on this matter, which also predates the Framework, is set out in the Green Belt and Open Countryside Supplementary Planning Document 2014 (SPD), which advises that limited infilling will be considered to be acceptable where it would not harm the character of the open countryside. For example, situations where there is a strong ribbon of development with a gap suitable for an additional building would not necessarily be harmful to the character of the open countryside.
10. The appeal site is a plot of land within the curtilage of Wergs Farm House. The large grounds currently host two well-spaced dwellings which are accessed via a long, gated drive off Popes Lane. It is bound to the west by a small residential estate and to the east by an irregular pattern of development comprising a group of dwellings and barn like buildings on Popes Lane. The northern boundary of the property is edged by Wergs Golf Course.
11. The proposal would comprise one new dwelling and therefore would be limited in scale.
12. The appeal property is part of a cluster of buildings on the district boundary with Wolverhampton. The immediate built form to the west appears suburban in terms of density and character. Whilst development on Popes Lane is different in character it is connected directly with the A41 along which the wider settlement is focused and as such appears as part of the surrounding built environment. The area forms the outer section of a continuous pattern of development around Wergs and the large village of Tettenhall. Therefore, in my

judgement the appeal site is within a cluster of buildings in a village and forms part of a strong ribbon of development.

13. The appeal property is a spacious plot which is set reasonably close to neighbouring properties, and forms part of the built-up frontage of Popes Lane. Although properties on Popes Lane are at the end of the settlement, the proposed development would be located between the existing Farm House and buildings to the south at the neighbouring property. It would not, therefore, encroach into open countryside, alter the existing line of the settlement or contribute to urban sprawl. Therefore, the proposed development, by virtue of its position, flanked by existing buildings, would not form the edge of the cluster/village or extend a ribbon of development. Given the above I conclude that the proposal would result in limited infilling in a village and would not be inappropriate development in the Green Belt.

Openness of the Green Belt

14. The introduction of a new building on the site where there is none at present would have an impact on the openness of the Green Belt, in that it would be reduced. However, the impact on openness is implicitly taken into account in the exceptions in the Framework, unless there is a specific requirement within them to consider the actual effect on it. Therefore, where the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness, there is no requirement in national policy to assess the impact of the development on the openness of the Green Belt.
15. In this regard the definition of infilling contained in the footnote to Core Strategy Policy GB1 and its reference to openness is inconsistent with paragraph 145 e) of the Framework. To require an assessment of the impact of a new building on the openness of the Green Belt in order to establish whether it is limited infilling in a village would be contrary to the Framework, and to Policy GB1 itself. It is not however inconsistent with paragraph 145 g) of the Framework which requires an assessment of openness where the new building includes the limited infilling of previously developed land, which is not the case in this appeal.

Green Belt Conclusion

16. As the proposal would constitute limited infill in a village for the purposes of paragraph 145 of the Framework it would not be inappropriate development in the Green Belt. As such, it would accord with Policy GB1 of the Core Strategy and the SPD. Consequently, there is no conflict with the purposes of the Green Belt set out in paragraph 134 of the Framework. There is no need to consider whether there are other considerations which would amount to very special circumstances.

Other Matter

17. Although not cited as a reason for refusal the officer's report states that the proposal would fail to comply with Policy EQ11 of the Core Strategy with regard the impact on the character of the area. Reference was also made to the Council's Design Guide which was not submitted as part of the appeal.
18. The plot currently hosts two dwellings of distinctly different character which benefit from space around the properties. Whilst the proposed dwelling would be positioned close to the existing Farm House, resulting in a loss of space at

this aspect. However, the landscaped setting of the host dwelling would remain and would provide the setting for the new dwelling. The pattern of development would be altered within the plot by an addition of the modestly sized dwelling; however, the sense of spaciousness would not be detrimentally eroded given the extensive size of the grounds. The existing Farm House has a relatively low profile, however, it is two storeys, as are other surrounding dwellings which have a more traditional pitch height. As such the proposed 1 ½ storey dwelling would not appear of a disproportionate height compared to neighbouring properties. Furthermore, despite its proximity to the existing dwelling, it would not appear out of character in its wider setting which is distinguished by its irregular pattern of built form.

19. It is therefore concluded that the proposed development would not have a harmful effect on the character and appearance of the area and would not be in conflict with Policy EQ11 of the Core Strategy which states that development proposals must seek, amongst other matter, to achieve creative and sustainable designs that take into account local character and distinctiveness.
20. I have had regard to comments regarding adverse effects of the development on the living conditions of occupants of Wergs Farm Cottage. The proposed development would face the side elevation of the Cottage. However, it would be set in line with the existing Farm House, and some distance from the Cottage. It would therefore not result in a material change of living conditions for occupiers of the Cottage which is already afforded an open aspect in the plot and are overlooked by the existing Farm House.

Conditions

21. The Council has suggested a number of conditions in the eventuality that the appeal is allowed to which I have had regard.
22. Accordance with the approved plans is necessary in the interest of certainty, as is the approval of external surface materials in the interest of character and appearance. A landscaping/boundary treatment scheme is reasonable and necessary to protect the character of the site and wildlife in the area.
23. In accordance with the Planning Practice Guidance, the appellant has provided written agreement for the terms of a pre-commencement condition regarding root protection areas which is necessary to safeguard trees during the construction phase.
24. The suggested condition to ensure the ongoing protection of retained trees is also considered necessary for certainty and in the interest of the character of the area and the environment. However, no substantive evidence has been provided to demonstrate why the suggested time period is necessary. I have therefore altered this to a 5 year period which is normally a reasonable amount of time for such matters.
25. Conditions relating to lighting and ecology are also necessary and reasonable to secure biodiversity enhancements.

Conclusion and Recommendation

26. For the reasons given above, and having regard to all matters raised, I recommend that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and concur that the appeal should be allowed with the suggested conditions.

R C Kirby

INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan No. 19 09 02A and Proposed Amended House Type No.19 09 04.
- 3) 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. The development shall be carried out in accordance with the approved details and retained thereafter.
- 4) The development hereby approved shall not be occupied until an external lighting scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK and shall include a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as trees and adjoining woodland. The development shall be carried out in accordance with the approved details and retained thereafter.
- 5) The development hereby approved shall not be occupied until details of the type and location of biodiversity enhancement measures including the type of bat box to be installed as per 6.1.3 of the Ecological Appraisal and location of a house sparrow terrace to be installed on the north or east side of the dwelling hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.
- 6) Prior to the commencement of any development works, an Arboriculture Method Statement (AMS) detailing how any approved construction works will be carried out shall be submitted to and agreed in writing by the local planning authority. The AMS shall include details on when and how the works will take place and be managed and how the trees, shrubs and hedgerows will be adequately protected during such a process. The retained 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 previously agreed with the local planning authority during all construction phases. The fencing shall be retained throughout the development of the site in the approved positions.
- 7) Within 1 month of any development commencing on the site a landscape scheme including native hedges and planting to provide nectar, seeds and berries shall be submitted to the local planning authority for approval in writing, the scheme shall also include any means of enclosure and shall incorporate 13 x 13cm gaps so that hedgehogs can gain access. 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 and the scheme shall be maintained in accordance with the approved scheme thereafter. Any plant failures that

occur during the first 5 years of the notified completion date of the scheme shall be replaced with similar size plant and species within the next available planting season (after failure), unless the local planning authority gives written consent to any variation.

- 8) No retained trees on the site shall be topped, looped, cut down, uprooted or destroyed other than in accordance with the approved plans and particulars for a period of 5 years following completion of the development without the prior written consent of the local planning authority. Any pruning shall be carried out in accordance with British Standard BS 3998:2010 Tree Works. If a retained tree 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 local planning authority) within 12 months of its removal and as close to the original position as possible (or elsewhere in a position agreed with the local planning authority). The retained and any replacement planting shall be maintained for a period of 5 years respectively from completion of the development or time of planting.

