

TO:- Planning Committee

Councillor Michael Lawrence , Councillor Bob Cope , Councillor Penny Allen , Councillor Len Bates B.E.M. , Councillor Barry Bond M.B.E. , Councillor Mike Boyle , Councillor Jo Chapman , Councillor Brian Cox , Councillor Philip Davis , Councillor Mark Evans , Councillor Rita Heseltine , Councillor Diane Holmes , Councillor Kath Perry M.B.E. , Councillor Robert Reade , Councillor Ian Sadler , Councillor Christopher Steel , Councillor Wendy Sutton , Councillor Victoria Wilson

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, 27 September 2022

Time: 18:30

Venue: Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX



D. Heywood
Chief Executive

A G E N D A

Part I – Public Session

- | | | |
|----------|--|------------------|
| 1 | Minutes
To confirm the minutes of the Planning Committee held on 19 July 2022. | 3 - 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 Manager | 5 - 102 |
| 5 | Monthly Update Report
Report of the Lead Planning Manager | 103 - 148 |

RECORDING

Please note that this meeting will be recorded.

Any person wishing to speak must confirm their intention to speak in writing to Development Management by 5pm on the Thursday before Planning Committee

- E-mail: SpeakingatPlanningCommittee@sstaffs.gov.uk
- Telephone: (01902 696000)
- Write to: Development Management Team
South Staffordshire Council
Wolverhampton Road
Codsall
WV8 1PX

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 Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX on Tuesday, 19 July 2022 at 18:30

Present:-

Councillor Penny Allen, Councillor Len Bates, Councillor Barry Bond, Councillor Jo Chapman, Councillor Bob Cope, Councillor Brian Cox, Councillor Mark Evans, Councillor Rita Heseltine, Councillor Diane Holmes, Councillor Michael Lawrence, Councillor Robert Reade, Councillor Ian Sadler, Councillor Christopher Steel, Councillor Wendy Sutton, Councillor Victoria Wilson

13 OFFICERS PRESENT

Annette Roberts, Kelly Harris, Lucy Duffy, Amanda Willis, Pardip Sharma (Solicitor)

14 MINUTES

RESOLVED: - that the minutes of the Planning Committee held on 21 June 2022 be approved and signed by the Chairman

15 APOLOGIES

Apologies were received from Councillors M Boyle, P Davis and K Perry.

16 DECLARATIONS OF INTEREST

There were no declarations of interest

17 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.

21/01247/OUT – MICKLEWOOD STUD, MICKLEWOOD LANE, PENKRIDGE, ST19 5SD - APPLICANT – MR D OAKES – PARISH – PENKRIDGE.

RESOLVED that the application be **APPROVED** subject to Unilateral Undertaking for the Cannock Chase SAC payment; to the conditions set out in the Planning Officer's report and incorporating the amendments set out in the Additional Information list:

1. The application site measures approximately 900 sq.m and consists of a square piece of agricultural land adjacent to Micklewood Lane. The site is part of a wider landholding consisting of equestrian and agricultural uses and there are a range of buildings and a menage built in a linear arrangement to the rear of the site.
2. I therefore conclude that this dwelling complies with the criteria set out within Policy EV8.

22/00082/COU – LAND TO THE REAR OF HORDERN LODGE, BALL LANE, COVEN HEATH, WV10 7HD – APPLICANT – MR NINO LEE – PARISH – BREWOOD AND COVEN

Local Councillor W Sutton did not support the application and shared neighbours' concerns over noise, pollution and disturbance. She did not accept that very special circumstances had been demonstrated. Local Councillor D Holmes shared concerns over the application.

Councillors Allen, Wilson and Read supported the application.

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

Councillor D Holmes and W Sutton abstained from voting.

**22/00339/FUL – SLADE HEATH GARAGE, OLD STAFFORD ROAD,
SLADE HEATH, WV10 7PD – MR NIGEL BROWN – PARISH –
BREWOOD AND COVEN**

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

18 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: 19:30

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 27 September 2022****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: Kelly Harris - Lead Planning Manager, Strategic Planning

App no	Applicant/Address	Parish and Ward Councillors	Recommendation	Page
21/01008/FUL NON MAJOR	Mr Robin Winwood Pendeford Hall Farm Pendeford Hall Lane Coven Staffordshire WV9 5BD	BREWOOD & COVEN Cllr Sutton, Cllr Bolton Cllr Holmes	APPROVE Subject to Conditions	11-24
22/00044/FUL MAJOR	Mr James Stone Field At (Penn 1) Penstone Lane Lower Penn	LOWER PENN Cllr Reade Cllr Bond Cllr Kinsey	APPROVE Subject to Conditions	25-57
22/00045/FUL MAJOR	Mr James Stone Field At (Penn 1) Penstone Lane Lower Penn	LOWER PENN Cllr Reade Cllr Bond Cllr Kinsey	APPROVE Subject to Conditions	59-92
22/00696/FUL NON MAJOR	Mr Imre Tolgyesi Land Adjacent Staffs And Worcs Canal Station Road Four Ashes Staffordshire WV10 7DG	BREWOOD & COVEN Cllr Sutton, Cllr Bolton Cllr Holmes	APPROVE Subject to Conditions	93-102

**21/01008/FUL
NON MAJOR**

Mr Robin Winwood

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

Pendeford Hall Farm Pendeford Hall Lane Coven WV9 5BD

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

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

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

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

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

1.2 Planning History

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1994, Stables, approved (94/00804)

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

1.3 Agents submission

The application is accompanied by the following supporting documents:

- Planning Statement
- Heritage Statement
- Ecology Report

2. APPLICATION DETAILS

2.1 Proposal

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

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

3. POLICY CONTEXT

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

3.2 Adopted Core Strategy

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

GB1 - Development in the Green Belt

EQ1 - Protecting, Enhancing and Expanding Natural Assets

EQ2 - Cannock Chase Special Area of Conservation

EQ3 - Conservation, Preservation and Protection of Heritage Assets

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

EQ9 - Protecting Residential Amenity

EQ11 - Wider Design Considerations

EQ12 - Landscaping

EV12 - Parking Provision

Appendix 5 - Parking Standards

Appendix 6 - Space About Dwellings

Green Belt and Open Countryside SPD

3.3 National Planning Policy Framework

To be read as a whole but particular regard to:

Chapter 12: Achieving well-designed places

Chapter 13: Protecting Green Belt Land

Chapter 16: Conserving and enhancing the historic environment

3.4 National Planning Policy Guidance

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

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

4. CONSULTATION RESPONSES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. APPRAISAL

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

5.2 Key Issues

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

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

5.3 Principle of development

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

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

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

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

5.4 Case for very special circumstances (VSC)

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

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

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

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

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

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

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

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

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

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

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

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

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

5.6 Impact on Heritage Assets

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

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

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

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

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

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

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

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

5.7 Spatial Strategy

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

5.8 Neighbour and occupier amenity

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

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

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

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

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

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

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

5.9 Impact on Ecology and Trees

5.9.1 Policy EQ1 provides that developments should not cause significant harm to habitats of nature conservation, including trees and hedgerows, together with species that are protected or under threat. Support will be given to proposals which enhance and increase the number of sites and habitats of nature conservation value. Policy EQ12 seeks to ensure appropriate landscaping for all developments.

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

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

5.10 Impact on highways/Parking

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

5.11 Cannock Chase Special Area of Conservation (SAC)

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

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

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

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

6.0 CONCLUSIONS

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

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

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

Subject to the following condition(s):

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

3. The development hereby permitted shall not be brought into use until the access drive parking and turning areas have been provided in accordance with the approved plans.
4. Prior to the demolition of the existing building any features with bat roost potential shall be inspected by a qualified bat expert. The demolition of the building shall only proceed thereafter when the qualified bat expert is satisfied that the works can take place without any resultant harm to bats.
5. The 5 No. integrated bat boxes shown on the approved plans shall be fully constructed prior to first occupation of the development and shall be retained in-situ for the lifetime of the development.
6. Prior to any works taking place above damp proof course level, the following information shall be submitted to and approved in writing by the Local Planning Authority:
 - Landscaping Plan to include an ecological buffer strip to canal measuring a minimum of 10 metres. This could be native wildflower seeding (meadow mix) or native species shrub / hedge.
 - Construction Environmental Management Plan to cover both demolition and construction phases to include measures to prevent pollutants and disturbance to the canal.

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

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

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

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

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

Reasons:

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

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

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

INFORMATIVES

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

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

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



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

**22/00044/FUL
MAJOR**

Mr James Stone

**LOWER PENN
Cllr Reade, Cllr Bond &
Cllr Kinsey**

Field At (Penn 1) Penstone Lane Lower Penn

Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping (amended description)

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application site is a 1.9ha area of agricultural land located within the Green Belt. The site is fairly level with a slight slope from north to south. Overhead power lines associated with the existing 4.3ha electricity substation to the west, pass over the site and to the north and south of the site. A hedge and trees run along the northern and western boundary of the site.

1.1.2 The area immediately to the south and east is open agricultural land with a single dwelling, Blackpit Lane which is a sunken single-track road, and further east the Staffordshire Railway Walk. There is no existing formal vehicular access to the site. Agricultural fields lie directly to the north with Penstone Lane and a row of dwellings beyond. The Staffordshire and Worcestershire Canal, a Conservation Area and Local Wildlife Site, lies approximately 250m to the west of the site, adjacent to the existing substation.

1.2 Planning History

1.2.1 Immediately to the southwest of the site an application for an Emergency Standby Electricity Generation Facility was approved in 2018. The site measured 0.9ha and contained 10 generator units measuring 15m in length, 3m in width and 4.9m in height and enclosed by 4m high acoustic fencing and 3m landscaping buffer as screening. The permission has not been implemented and has therefore lapsed.

1.2.2 Other recent applications:

2015, Erection of combined hard flood defence and perimeter fence to a height of 3.4m and erection of 3.4m high flood gate to the west and south and raised kerb, Approved [15/00666/LUP].

2016, Emergency standby electricity generation facility comprising: modern modular dual fuel generator units (up to 14 in total), transformers, fuel storage tanks, boundary treatment, highway access and associated works. Approved [16/00663/FUL]

2017, Emergency standby electricity generation facility comprising: natural gas generator units (up to 10 in total), transformers, boundary treatment including acoustic screening, access improvements and associated works, approved [17/00854/FUL]

2018, Emergency standby electricity generation facility comprising: natural gas generator units (up to 10 in total), transformers, boundary treatment including acoustic screening, access improvements and associated works, approved [18/00674/FUL]

2022, Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping (amended description), awaiting determination, [22/00045/FUL]. The above application is currently being determined alongside this application.

1.2.3 It is noted that a similar proposal located approximately 2.3km northeast of the site has recently been allowed on appeal. The Appeal decision can be found on the council's website under planning application ref 21/00440/FUL.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Planning permission is sought for the installation of a 50-megawatt battery-based electricity storage scheme. The purpose of which is to support the operation of the National Grid 'Balancing Service' which balances the supply and demand of energy to ensure the security and quality of the electricity supply across its transmission system.

2.1.2 As shown on the submitted plans the proposals consist of:

- Battery storage compound containing battery units and Power Control System (PCS) units enclosed by a 3m high closed board fence.
- Substation compound containing transformer, disconnectors, circuit breakers and associated infrastructure enclosed by 2.4m palisade fencing.
- Distribution Network Operator (DNO) control room and customer switch room & control buildings.
- An access track from Penstone Lane
- Hedge, scrub and wildflower planting.

2.1.3 The battery storage compound would contain 16 battery units with PCS units in-between, split into two rectangular areas each measuring 25m x 50m and enclosed by a 3m high closed board fencing. The battery units would measure 3m in height and the PCS units 2.25m in height.

2.1.4 The substation compound would be located to the southeast of the battery compound. The infrastructure would cover a 25m x 45m area and measure a maximum of 6.4m in height enclosed by a 2.4m palisade fence. A Distribution Network Operator (DNO) control building would be located adjacent to the southwest of the substation infrastructure. The building would measure 4.5m in length and 5.6m in length, and 3.7m in height.

2.1.5 A landscape scheme has been proposed (Plan ref 211111.102 REV E Mitigation Strategy Plan) which shows a proposed 1.5m wide hedgerow enclosing the site to the south with the existing trees hedgerow enclosing the site to the north. Areas of low scrub and shrub planting and wildflower sward are also proposed. The details and management plan for landscaping would be agreed with the Council.

2.1.6 Vehicular access to the site would be from Penstone Lane to the north creating a new access and 4.5m wide track of crushed stone to the site. The submitted Transport Statement

assesses the cumulative traffic impact of this proposal and 22/00044/FUL as they would be constructed concurrently. Therefore, during construction of both proposals there would be approximately 346 HGV vehicles (692 two-way movements) accessing the site over a three-to-five-month period. Overall trip generation would equate to an average of circa 8-12 two-way vehicle trips per day over a 5-day week. It is proposed to route construction traffic to and from the northwest, i.e., past the substation access. Beyond the substation access, site traffic would need to turn west onto Dimmingsdale Road and right at the junction of Dimmingsdale Road and Langley Road. A Construction Traffic Management Plan (CTMP) would be prepared and agreed with the local highway authority prior to any works commencing on site.

2.1.7 The proposed battery storage facility would be a largely automated system. It is envisaged that two visits a week would be undertaken by staff in light goods vehicles to maintain and service the facility including the replacement of battery components—equivalent to four two-way vehicle trips per week. Operational traffic might also include occasional HGV access to replace battery components.

2.2 Planning Agent submission

2.2.1 The applicant has submitted the following documents with the application:

- Sequential Site Selection Report
- Fire System Safety Design
- Battery Safety Management Plan (dated 01.04.2022)
- Supporting Planning Statement (dated 06.09.2021)
- Planning Statement Addendum (dated 06.09.2021)
- Supporting Policy Statement (11.04.2022)
- Design and Access Statement (dated 06.09.2021)
- Preliminary Ecology Appraisal (dated 06.2021)
- Biodiversity Metric (dated 03.08.2021)
- Landscape and Visual Appraisal (dated 03.09.2021)
- Verified Photomontage (dated 05.2022)
- Transport Statement (dated 21.07.2021)
- Statement of Community Involvement (dated 02.09.2021)
- Flood Risk Assessment (dated 09.2021)
- Historic Environment Desk Based Assessment (dated 09.2021)
- Noise Impact Assessment & Appendices A-D (dated 28.07.2021)

3. POLICY CONTEXT

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

3.2 South Staffordshire Core Strategy (2012)

GB1 - Development in the Green Belt

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

EQ1 - Protecting, Enhancing and Expanding Natural Assets

EQ3 - Conservation, Preservation and Protection of Heritage Assets

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

Core Policy 3: Sustainable Development and Climate Change

EQ5 - Sustainable Resources and Energy Efficiency

EQ6 - Renewables Energy

EQ9 - Protecting Residential Amenity

EQ10 - Hazardous and Environmentally Sensitive Development

EQ11 - Wider Design Considerations

EQ12 - Landscaping

EV8 - Agriculture

Core Policy 11 - Sustainable Transport

EV12 - Parking Provision

CS1: Designing Out Crime

Green Belt and Open Countryside SPD, 2014

South Staffordshire Design Guide SPD 2018

Sustainable Development SPD 2018

3.4 National Planning Policy Framework

12. Achieving well-designed places.

13. Protecting Green Belt Land

14. Meeting the challenge of climate change, flooding and coastal change

15. Conserving and Enhancing the Natural Environment

3.5 National Policy Statement for Energy (EN - 1) (July 2011)

Para 2.2.20 - Security of energy supplies

Para 3.3.29 - Reducing demand

Para 3.3.31 - More intelligent use of electricity

3.6 Draft National Policy Statement for Energy (EN - 1) (September 2021)

Para 3.3.24 - 3.3.29 - The role of storage

3.7 National Planning Policy Guidance

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

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

4. CONSULTATION RESPONSES

Local Ward Members (received 08/04/2022) Summary:

- *The application poses a threat to the openness of the Green Belt.*
- *concerned about the nature of construction traffic and route used – a thorough Traffic Management Plan would have to be in place*
- *The site retains water and flooding as a factor must also be taken into consideration.*
- *consistent noise may be audible to nearby residents at all hours and from public footpaths. Modelling on the likely spread of such noise needs to be carefully examined with safeguards in place.*
- *The applicant, regardless of the success of any application, must go further in demonstrating the safety of these sites, both in terms of fire risk, toxicity from any such*

potential incidents (given the nature of the contents of these batteries) and noise pollution.

- Questions regarding the capacity of these units i.e., how long will the unit provide power for a community of what size and whether we will be under or over providing capacity or where it will be needed.*
- it is currently not possible to ascertain how many of these sites are necessary nationally, or how many should be acceptable in close proximity...until there is sufficient steer from Government it is hard to see how a case for special circumstances can be made.*

Lower Penn Parish Council (14.03.2022) Summary:

- cannot see there are any very special circumstances that would outweigh the inappropriate development in the green belt and the impact on the openness of the greenbelt on GB1 land.*
- consideration must surely be given to how all of these developments will detrimentally impact the lives of residents and wildlife in the area if they were all to be allowed*
- Impact of site traffic that will be required during the construction phase and then maintenance of the facility of potentially 3 sites in Lower Penn will be harmful in terms of pollution, noise and unsuitable traffic on our country lanes.*
- The local road network is unsuitable for industrial traffic. The access from the north of the site will mean using a weight restricted road of 7.5 tonnes*
- Access to the site is problematic with the entrance of the access road off a single track lane with a limited footpath on one side of the road and residents' homes opposite the entrance. Have alternative access been considered sharing national grid road access.*
- The junction of Penstone Lane, Orton Lane, and Dene Road is a traffic accident hotspot.*
- Noise pollution from the battery plant may affect both nearby residents and the public using the popular South Staffordshire Railway Walk and Worcestershire and Staffordshire canal,*
- There will also be a negative environmental impact on resident wildlife in the area with loss of habitat.*
- The Penstone lane area varies from a high to medium risk flood zone and is therefore unsuitable for development and may also be of limited use in case of fire emergency on site. Alternative access points for emergency vehicles would also be unsuitable as the area is bordered by fields and a canal.*
- Concerns over the lack of any Government legislation or guidance regarding the development, upkeep and dismantling (disposal) of these sites. Also the lack of legislation regarding the safety aspect of a potentially combustible material being housed in close proximity to a residential area.*

Staffordshire County Highways (received 10.03.2022) *There are no objections on Highway grounds to this proposal subject to conditions:*

- 1. The development hereby permitted shall not commence until the access to the site within the limits of the public highway has been completed.*
- 2. The development hereby permitted shall not be commenced until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 20.0m back from the site boundary.*
- 3. The development hereby permitted shall not be commenced until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.*
- 4. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of;*
 - Means of safe passage of all construction traffic to the site.*

- adequate signage.
- Means of preventing deleterious material from being deposited upon the highway. has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.

County Ecologist (received 22.03.2022) No objection. If minded to approve, conditions are recommended:

- 1 Prior to occupation, a lighting design strategy for biodiversity for shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance along routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 2 Prior to commencement of any site works, submission for approval of Construction Environmental Management Plan with ecology sections to include: Construction phase lighting, Reasonable Avoidance Measures Method Statements for Reptiles and amphibia, nesting birds, badgers and hedgehogs.
- 3 Prior to commencement of any site works, submission of a pre-commencement badger survey.
- 4 Tree protection measures for retained trees and hedges.
- 5 No tree to be removed without a bat roost assessment which must be submitted for approval.
- 6 Prior to operation of the site, details to be submitted of the type and location of 3 number bird boxes and 3 number bat boxes to be installed on retained trees.

Conservation and Design Officer (received 07.06.2022) Looking at the additional information, it is my opinion that whilst there are additional structures proposed within the setting of the conservation area, these will be viewed in the context of the other electrical equipment. Therefore, whilst the proposals will alter the setting, they are not considered to cause additional harm.

County Archaeologist (received 15.03.2022) I am satisfied that the HEDBA has suitably evaluated the archaeological potential (as per par 194 of the NPPF 2021) and assessed the impact of the proposals on the archaeological resource, and that no further archaeological evaluation, recording or mitigation works will be required. With this in mind, an archaeological condition of consent would not be appropriate in this instance.

Staffordshire Fire and Rescue (received 05.03.2022) No objection.

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

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

17800 Kg.

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS) - I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers. Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package.

Crime Prevention Officer (received 15.03.2022) *The response highlights guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated in this development.*

Environmental Health (received 19.05.2022) *I can recommend approval of the application subject to conditions:*

1. *A proactive maintenance schedule for all aspects of the operational plant and equipment shall be provided, in accordance with the manufacturer's instructions. This schedule shall be followed throughout the lifetime of the plant and equipment to ensure the efficient operation of the plant, and records of relevant maintenance kept for inspection if requested. The reason for this condition is to ensure efficient operations, so that requirement for cooling fans is minimised and the potential for noise arising from wear and tear of any consumable items is minimised.*
2. *The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 07:00 and 23:00 shall not exceed 39dB L(A)eq 1-hour as measured 1m from the boundary of nearest residential receptors. This condition is set to protect the amenity of neighbouring residents so they can use their gardens and homes without undue disturbance from any noise associated with the operations, plant and equipment.*
3. *The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 23:00 and 07:00 shall not exceed 35dB L(A)eq 15-minute as measured 1m from the boundary of nearest residential receptors. This condition is set to protect neighbouring residents from undue disturbance from any noise associated with the operations, plant and equipment during the night time period.*
4. *Prior to the commencement of the development the applicant shall install acoustic mitigation, designed specifically to mitigate the frequencies emitted by the plant and equipment. The proposed solution is to be approved by SSDC prior to installation and, once installed, to be maintained for the life of the development.*
5. *Operational hours of any demolition and construction activity, including vehicle movements to and from the site, are restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday, and at no time on Sundays or Bank and Public Holidays.*
6. *Mitigation for dust arising from construction activities shall be provided as necessary to prevent dust being emitted across the site boundary during dry periods.*

County Flood Risk Management Team (received 12.04.2022) *No objection subject to a number of conditions to reduce the risk of surface water flooding to the development and properties downstream of the development during construction and for the lifetime of the development.*

Condition:

No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be

implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- *Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).*
- *Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.*
- *Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full accordance with BRE 365 best practice guidance, in order to confirm or not as to the viability of infiltration as a means of surface water discharge.*
- *SuDs designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and SuDs treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.*
- *Limiting any off-site conveyance of surface water discharge from the site to the rate generated by all equivalent rainfall events up to 100 year plus (40%) climate change in accordance with the guidance in the SCC SuDs Handbook. Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site. Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.*
- *Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.*
- *Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the development. To included the name and contact details of the party(/ies) or body(/ies) responsible.*

The development shall thereafter proceed in accordance with the approved details.

Reason

To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.

Condition

The applicant and developer are to ensure that adequate and satisfactory provision for the management and control of surface water are in place as part of any temporary works associate with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction.

Natural England (received 14.03.2022) *Natural England has no comments to make on this application.*

Western Power Distribution (received 11.03.202) *Western Power Distribution (WPD) has Extra High Voltage (EHV) (132kV) network installed on this this site. WPD MUST be contacted in all instances for safety guidance, proximity clearances and clear working methodologies related to locating equipment and safe working practices prior to any physical (or survey) works at this site.*

Great Crested Newt Officer (received 14.03.2022) *I am satisfied with this ecological report, and that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.*

Severn Trent Water (received 19.08.2022) *No objection subject to conditions including use of pollution capture membranes beneath infiltration swales, filter drains and battery storage/transformer compounds.*

Health and Safety Executive (05.04.2022) *The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.*

Public representations

A total of 59 representations have been received objecting to the proposals.

Summary of main points/concerns raised:

Green Belt and impact on character

- *Inappropriate development on Green Belt land with harm not clearly outweighed by very special circumstances*
- *A brown field site close to a substation should be preferred.*
- *Lack of defensible boundary to site undermines the Green Belt.*
- *the site will be very obvious from the Canal Conservation Area and the Scheduled Monument and not at all in keeping with their historic character*
- *alter the character of beautiful Greenbelt*

Access/traffic

- *would cause congestion during the construction & operational phases of the site with risk to local residents*
- *Notorious blackspot on the approach from Orton Lane with many vehicles misjudging the bend and flipping into the farmers field on the end of Dene Road / Penstone Lane.*
- *Local roads are in a poor condition and unsuitable for HGVs*
- *Construction phase will cause disruption and noise that is not acceptable*
- *Further traffic would endanger drivers, horses and their riders, cyclists and pedestrians*
- *based on a limited survey of traffic during the coronavirus pandemic leading to inconclusive findings.*
- *Access should be through the existing National Grid Substation.*

Ecology

- *Noise and light pollution will harm protected species.*
- *would cause harm to the Greenbelt and the natural habitats of the residing animals & birds of which some are protected species.*
- *Proximity to badger sett*
- *Loss of hedgerows*
- *ecological damage due to mining for materials so that overall, the claims made for the “green” credentials of batteries cannot be sustained.*

Health, safety, pollution

- *Concerns regarding leakage of pollutants to water supply (500m from a Severn Trent Borehole), Local Nature Reserve, canal and nearby stream.*
- *Lithium batteries are inherently unstable, prone to quick ignitions and violent explosions.*
- *Safety measures are never full proof*
- *If mixed with water in event of fire, presenting a severe airborne danger to local residents and damage to the environment and local wildlife.*
- *very concerned not only regarding the quantum of noise but that there is potential for that noise to be at any time, day or night.*
- *Concern over the age of batteries if second life batteries are used.*
- *Battery storage facilities are prone to fires and explosions. Highlighting of a battery fire in Merseyside, and others in USA, China, S Korea and Australia.*
- *High level of fire control in this facility would be required. The proposed UL9540A system is just not adequate.*
- *Access for fire engines is inadequate.*
- *fails to cover the need for foul water disposal at all.*
- *the fact that this market is not fully regulated greatly increases the risk*

Other

- *Loss of visual amenity from nearby residential dwelling.*
- *Loss of green space*
- *Question whether battery energy storage is a green option considering the full life cycle of the batteries.*
- *Detrimental impact on the enjoyment of public rights of way such as the Railway Walk and canal footpath.*
- *the batteries contain a variety of highly volatile and toxic materials. That this is so can clearly be inferred from the fact that they are classified as Class 9 hazardous materials for which strict rules apply.*
- *Several areas of this site have flooding problems*
- *Concerned that the CCTV monitoring breaches privacy*
- *The planning application and subsequent documents submitted by Anglo Renewables Ltd contain inaccuracies and information that is misleading*
- *Concerns regarding what happens in the event the venture fails, who would remove the redundant batteries?*

A site notice was displayed on Tuesday 23.02.2022 and a press notice published on 01.03.2022.

5. APPRAISAL

5.1 The application is referred to planning committee as it is not listed as an acceptable type of development within the Green Belt under Core Strategy Policy GB1: Development in the Green Belt.

5.2 Key Issues

- Principle of the development
- Design/layout and impact upon landscape character and heritage assets
- Impact on the Highway and Access
- Ecology, trees, and landscaping
- Drainage and flooding
- Impact on Neighbouring amenity/Noise and Health

5.3 Principle of the development

5.3.1 The application site is within the West Midlands Green Belt. The main issue in establishing the principle of the development are firstly, whether or not the proposal constitutes inappropriate development in the Green Belt for the purposes of Core Strategy policy GB1 and the National Planning Policy Framework (NPPF); secondly, if the development is deemed inappropriate, whether the harm by reason of inappropriateness, and any other identified harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

5.3.2 Whether or not the proposal constitutes inappropriate development.

5.3.3 Paragraph 147 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 149 states, 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. However, there are exceptions to this as set out within Paragraphs 149 & 150 of the NPPF. Core Strategy Policy GB1 also sets out what may be acceptable development within the Green Belt.

5.3.4 The erection of a battery based electrical storage facility including associated substation does not fall within any of the exceptions listed in local or national policy and is therefore considered to be inappropriate development. The applicant does not contest this conclusion.

5.3.5 The Green Belt serves five purposes as defined in the NPPF. They are:

- a) to check the unrestricted sprawl of large built-up areas,
- b) to prevent neighbouring towns from merging into one another,
- c) to assist in safeguarding the countryside from encroachment,
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.3.6 There is no conflict with a), b) or d).

5.3.7 Purpose (e) encourages urban regeneration and the recycling of derelict land. The land is not derelict land and is located in a rural location outside of existing urban development boundaries.

5.3.8 Regarding purpose (c), this proposal would develop the site which is in the countryside which conflicts with the purpose of safeguarding the countryside from encroachment. There are exceptions, as listed under paragraphs 149 and 150, but the type of development proposed here is not listed.

5.3.9 The proposal therefore causes definitional harm being 'inappropriate development' which is given substantial weight.

5.3.10 Paragraph 137 of the NPPF states that, 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

5.3.11 The NPPG (22 July 2019) provides guidance on matters which may need to be taken into account in assessing the impact on the openness of the Green Belt. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;
 - the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - the degree of activity likely to be generated, such as traffic generation.
- (Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019)

5.3.12 The site is an area of agricultural land which slopes slightly to the east and north. There is no previously developed land within the site. The proposed developed part of the site would comprise a battery storage compound with two rectangular areas measuring approximately 25m x 50m enclosed by a 3m high closed board fencing. The battery units within would measure up to 3m in height. An associated substation is proposed measuring 25m x 45m in area with the structures a maximum of 6.4m in height enclosed by a 2.4m palisade fence. Two control buildings would be located alongside the substation infrastructure measuring 3.2m and 3.7m in height. An access track is proposed from Penstone Lane to the site, constructed of crushed stone.

5.3.13 Spatially the proposal reduces the openness of the Green Belt, as an area of undeveloped land would become developed, as described above. If the site is no longer needed it would be relatively straightforward to remediate the land to its existing state. The application states that the proposed development is for a period of 35 years which, whilst not permanent, is a considerable amount of time. Nevertheless, this could be included as a condition to ensure it does not become a permanent feature in the landscape.

5.3.14 The development would be partially visible from Union Lane where the bridge crosses the canal and further to the east through a gap in the hedge along Blackpit Lane. Views are limited however as Blackpit Lane is slightly below the level of the fields in which the site is located. Views from Penstone Lane would be screened by intervening trees and hedgerows and combined with the distance, it would be a challenge to identify the proposal. There would be views of the site from the South Staffordshire Railway Walk although there are limited gaps in the vegetation along the path to see through to the site.

5.3.15 Views of the development itself would also be limited by the proposed hedgerow planting which would be no less than 3m in height once established. This would largely screen views of the proposed battery units which measure 3m in height. The most visible element would be parts of the substation infrastructure which reach up to 6m in height. However, similar structures of a greater height are already visible from the existing substation which is substantially larger at 4.3ha in area. Against this backdrop, the proposed development would, in my view, be seen in this context and therefore the visual impact would be limited in the medium to longer term once the proposed landscape mitigation is established.

5.3.16 Regarding the level of activity likely to be generated, the construction period would generate a reasonable level of traffic activity including large HGV vehicles accessing the site which would impact visually through onsite activity and use of the proposed temporary access from Penstone Lane. However, as this activity would be temporary for 3-5 months the impact on the openness and permanence of the green belt would be minimal on a longer timeframe.

5.3.17 Overall, it is considered that in addition to the definitional harm already identified, there would also be a degree of harm arising from the loss of openness and from being

contrary to one of the purposes of including land within the Green Belt, which is encroachment of development into the countryside.

5.4 Other Considerations

5.4.1 The proposed scheme is designed to store 50MW within the batteries and would be able to release or absorb energy from the power network.

5.4.2 One of the key commitments in the governments' National Policy Statement (NPS) for Energy (2011 and draft 2021) and Energy White Paper 2020 is to create an efficient electricity market which needs to adapt as the deployment of renewable generation increases. Balancing supply and demand becomes more complex because most renewables are, by their nature, intermittent and generate electricity only when the wind blows or the sun shines. The Energy White Paper states that 'increasingly, flexibility will come from new, cleaner sources, such as energy storage in batteries...Storing excess low-carbon generation over longer periods of time could enable us to decarbonise the energy system more deeply at lower costs' (page 33).

5.4.3 Paragraph 3.3.24 of the draft Energy NPS states, 'Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. There is currently around 4GW of electricity storage operational in GB, around 3GW of which is pumped hydro storage and around 1GW is battery storage'.

5.4.4 Paragraph 3.3.25 of the draft Energy NPS states, 'Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the NETSO and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases'.

5.4.5 The provision of low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the National Planning Policy Framework (NPPF Para 8 and 152). The policy support for renewable energy and associated development given in the NPPF is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, the energy storage benefit of the proposal as part of the wider national strategy of decarbonising the country's energy system must be accorded substantial weight.

5.4.6 Public objections have been received questioning why the proposal cannot be located on a brownfield site and therefore avoiding any harm to the Green Belt. However, brownfield land is more often than not found in urban residential areas and is usually prioritised for other forms of development, notably residential and employment development. A site would need to be found that in close proximity to an available grid connection, with a large site area, connection to suitable substation, close to primary highway network, sufficient distance from residential areas to meet noise requirements and also avoiding areas of statutory protection, ecological importance and flood risk. This is set out in the submitted Sequential Site Selection Process document. There is no requirement for such proposals to undertake a sequential test. However, I am satisfied that the site

chosen, adjacent to an existing substation, is appropriate and brownfield sites are unlikely to be suitable or available for such a use.

5.4.7 In summary, the proposal is inappropriate development and there would also be a moderate degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt. This would be limited once the construction of the site is complete and the proposed planting is established. Nevertheless, this harm by reason of inappropriateness and harm to openness is given substantial weight in accordance with Paragraph 148 of the Framework.

5.4.8 Paragraph 151 of the Framework accepts that very special circumstances will need to be demonstrated if developments are to proceed in the Green Belt. It states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The proposed scheme would make a valuable contribution to cutting greenhouse gas emissions, by increasing the opportunity to store energy, and this also attracts substantial weight.

5.4.9 National policy advises that developments should be located where impacts are, or can be made, acceptable. I consider that the location of the proposed development, adjacent to an existing substation, together with the existing and proposed landscaping means that this would be the case here. Additionally, whilst the proposed development would be located at the site for a number of years, it is reversible and capable of being removed from the site. The remediation of the site in the event of the use ceasing should be included as a condition.

5.4.10 Therefore, I consider that the significance of such projects in supporting the government's national strategy of decarbonising the country's energy system, and the fact that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist and the scheme would not conflict with Core Strategy Policy GB1 or the Framework.

5.4.11 Concurrent with this application is planning application 22/00045/FUL which is a similar proposal to here and lying adjacent. The two proposals would be brought forward together and therefore it is necessary to consider the combined impacts of both applications as well as individually. The impacts of planning application 22/00045/FUL on Green Belt openness would be similar to here as described in the officer report for that application. When combined, I am of the view that the level of harm would increase but still be relatively limited in the medium to longer term due to the existing context of the site including the existing substation/pylon backdrop and also the proposed planting largely screening both sites from external views. The benefits would also increase with 2 X 50MW of electricity storage supporting the government's national strategy of decarbonising the country's energy system. For this reason, I consider that implementing both proposals would not conflict with Core Strategy Policy GB1 or the Framework.

5.5 Design/layout and impact upon landscape character and heritage assets

5.5.1 Policy EQ4 and EQ12 state that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced.

5.5.2 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

5.5.3 Chapter 16 of the NPPF 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.

5.5.4 The character of the landscape reflects its location within the countryside and also its proximity to the urban areas to the west and the industrial history of the wider area. Adjacent to the site is agricultural land and Penn Substation with electricity pylons and overhead cables on its eastern side. Staffordshire and Worcestershire Canal is located approximately 250m to the west of the site and Staffordshire Railway walk approximately 300m to east.

5.5.5 The site has a degree of enclosure from tree/vegetation cover located along field boundaries and roads and the existing substation to the northeast. There are no prolonged views into the site, with views being glimpses through vegetation from Staffordshire Railway Walk. By reason of separation distance, design and existing vegetation the proposed development would not have an adverse effect on the visual amenity and would in time be screened by planting to replicate field boundary hedgerows. The remaining visible infrastructure would, in my view, be limited and unassuming in the context of the existing substation infrastructure visible to the rear and surrounding electricity pylons and overhead powerlines.

5.5.6 There would be some harm to landscape character in the short term during the construction phase and prior to the proposed screening becoming established. However, this would be a temporary occurrence and in the medium to longer term the impact on landscape character would, in my view, not amount to a harmful impact.

5.5.7 The proposals are within the setting of the Staffordshire and Worcestershire Canal Conservation Area including the bridge and lock which are Grade II Listed. An Historic Environment Desk-Based Assessment has been submitted which concludes that the Site provides a neutral contribution to the setting of the Conservation Area and would not result in harm to any designated heritage assets.

5.5.8 The council's conservation officer has commented that, 'It is my opinion that whilst there are additional structures proposed within the setting of the conservation area, these will be viewed in the context of the other electrical equipment. Therefore, whilst the proposals will alter the setting, they are not considered to cause additional harm'. I am therefore satisfied that the proposals would not harm to the significance of the designated heritage assets in the vicinity of the Site, and are also in accordance with Core Strategy policy EQ3 - Conservation, Preservation and Protection of Heritage Assets.

5.5.9 As a result, I consider that the proposal would not harm the rural character and local distinctiveness of the area in accordance with Core Strategy Policies EQ3, EQ4 and EQ12, subject to conditions such as securing appropriate landscaping, boundary treatment and materials.

5.6 Impact on the Highway and Access

5.6.1 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. Local Plan policy CP11 and EV11 echo these themes.

5.6.2 Vehicular access to the site would be from Penstone Lane to the north creating a new access and 4.5m wide track of crushed stone to the site. The submitted Transport Statement assesses the cumulative traffic impact of this proposal and 22/00045/FUL as they would be constructed concurrently and utilise the same access. Therefore, during construction of both proposals there would be approximately 346 HGV vehicles (692 two-way movements) accessing the site over a three-to-five-month period. Overall trip generation would equate to an average of circa 8-12 two-way vehicle trips per day over a 5-day week. It is proposed to route construction traffic to and from the northwest, i.e., past the substation access. Beyond the substation access, site traffic would need to turn west onto Dimmingsdale Road and right at the junction of Dimmingsdale Road and Langley Road. A Construction Traffic Management Plan (CTMP) would be prepared and agreed with the local highway authority prior to any works commencing on site.

5.6.3 I acknowledge the objections to the proposal which include concerns that the proposals will cause traffic congestion, highway safety issues and disturbance during construction works. However, Staffordshire County Highways have considered the proposal and do not object, subject to a range of conditions ensuring highway safety and minimising disturbance during construction.

5.6.4 In conclusion, I consider that the proposals (and in combination with 22/00045/FUL) would be acceptable with regard to highways and access impacts subject to the Highways Authority conditions being attached to any permission.

5.7 Ecology, trees, and landscaping

5.7.1 South Staffordshire Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

5.7.2 Policy EQ4 Protecting and Enhancing the Character and Appearance of the Landscape of the adopted Core Strategy that states (in part): 'The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved'.

5.7.3 Policy EQ11 states that 'design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1'.

5.7.4 The area of the site proposed for development comprises working arable land which is of low ecological value. To create access to the site, a short section of hedgerow would be removed to access Penstone Lane. Public representations raise concerns that the proposals would harm the environment. However, the scheme proposes native hedge planting, a wildflower sward and low scrub/shrub planting. The submitted biodiversity metric spreadsheet demonstrates that this would result in substantial net gain in biodiversity. The Council's ecology officer has no objections to the proposals subject conditions requiring a

lighting strategy, a Construction Environmental Management Plan (CEMP) to ensure that flora and fauna are protected during construction, tree/hedgerow protection measures, pre commencement badger survey, and installation of bird and bat boxes on nearby trees.

5.7.5 Public representations raise concerns that ecological damage is caused elsewhere due to mining for materials. This is a matter for the government's overall strategy for reducing use of fossil fuels. The resulting national policy position is clear that battery storage of electricity is a key part of the overall objective moving to a low carbon economy. The impact of the scheme on ecology is therefore assessed on a site impact basis as above.

5.7.6 In conclusion, the necessary protection methods, mitigation, and enhancement can be secured via conditions to ensure that the proposals are in accordance with Core Strategy Policies EQ1, EQ4, and EQ11.

5.8 Drainage and flooding

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

5.8.2 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

5.8.3 The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of users to safely access and exit during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

5.8.4 The main site is within Flood Zone 1 which has a low risk of flooding. A small part of the access track is within Flood Zones 2 and 3 of the Warstones Brook. The submitted Flood Risk Assessment suggests that a flood warning management strategy should be prepared so that all users of the site are aware of the potential flood risks and can act appropriately in the event of flooding impacting the site. Additionally, I consider that a similar strategy is prepared in consultation with the Staffordshire Fire and Rescue Service. These can be added as conditions to be agreed prior to the operation of the site.

5.8.5 The Lead Local Flood Authority does not object to the proposed development subject to planning conditions. This includes a fully detailed surface water drainage scheme to reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.

5.8.6 Severn Trent Water were consulted and sought further information around the risk posed to groundwater sites in the area in the event of a fire at the site whereby the fire suppression system failed, and the Fire Authority were required, and contaminated

firefighting water could infiltrate the ground. I consider that such a scenario is unlikely, and I note that it would be unusual for an application to deal with the potential impacts from fire fighting activities. The proposals include a fire detection and suppression system. In addition, the scheme proposes oversized interception swales/filter drains at the most downgradient contours from the battery storage and transformer compounds which would capture any contaminated runoff from the site. The interception swales can attenuate approximately 200m³ across each site (totalling circa 400m³ of attenuation across the two sites). These interception features would capture contaminated water and include pollution capture membranes underneath. These would also be placed underneath the filter drains and battery storage/transformer compounds. Filtered water would then either infiltrate into the ground or be removed and appropriately disposed of by a management company with a quick response time. Following a fire/contamination event, the impacted areas of the site would be removed and replaced (i.e., dig out contaminated swales, gravel and membranes). Severn Trent support this approach.

5.8.7 Public representations raise concerns that water may drain into nearby watercourses to the west. However, the topography of the site slightly slopes north away from the river and canal and therefore drainage into a watercourse is unlikely.

5.8.8 It is noted that The Sustainable Drainage Systems (SuDS) incorporated within the proposed drainage strategy have been selected with the CIRIA SuDS Manual Simple Index Approach.

5.8.9 As a result, I am satisfied that the application deals with flooding and drainage in accordance with Core Strategy Policy EQ7, subject to the conditions set out within the consultee responses.

5.9 Impact on Neighbouring amenity/Noise and Health

5.9.1 Core Strategy Policy EQ10 states that public, land uses and the natural environment will be protected from the actual or potential effects of hazardous or other activities likely to be detrimental to public health or amenity.

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

5.9.3 A number of objections have been received from the public raising concerns regarding the safety of the proposals and impacts on health and these have been given serious consideration whilst forming my recommendation. These include battery safety e.g., fire/explosion risk, contaminated materials and disposal of batteries being bad for the environment.

5.9.4 A Noise Impact Assessment has been submitted which shows that there would be a low impact on all receptors within the study area. The cumulative impact was also low with the exception of receptor 8 (residential property 'Arawak') which had a high impact. As a result, a 3.0m high acoustic grade fence has been proposed around the battery element of the Proposed Development to reduce the cumulative impact to low for all receptors. The levels at each receptor are below the Night Noise Guideline value of 40dB set out in the WHO Night-time Guidelines. This is the level recommended for the primary prevention of subclinical adverse health effects related to night noise in the population.

5.9.5 The Council's Environmental Health Officer has reviewed the application and has confirmed no objection subject to conditions relating to the control of noise, dust and working hours during construction and operation to safeguard the amenity of residents.

5.9.6 The concerns regarding fire/explosion risk are noted. The applicant has submitted a Battery Safety Management Plan setting out how the development would be managed from a fire safety risk mitigation perspective. The Council's Environmental Health Officer and Staffordshire Fire and Rescue Service have not raised any concerns in this regard. I am therefore satisfied with the approach to managing risk including the suggested conditions within the Battery Safety Management Plan which should be attached to any permission.

5.9.7 In conclusion, I consider that, subject to the above conditions, the proposal would protect public health/amenity in accordance with Core Strategy Policy EQ10.

6. CONCLUSIONS

6.1 The proposal is inappropriate development and the impact on openness would be moderate until proposed planting is established, reducing to a limited impact in the medium/longer term. This harm by reason of inappropriateness and harm to openness is given substantial weight.

6.2 National policy advises that developments should be located where impacts are, or can be made, acceptable. I consider that the location of the proposed development, adjacent to an existing substation, together with the existing and proposed landscaping means that this would be the case here. Additionally, whilst the proposed development would be located at the site for a number of years, it is reversible and capable of being removed from the site.

6.3 Therefore, I consider that the significance of such projects in supporting the governments national strategy of decarbonising the country's energy system, and the fact that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist and the scheme would not conflict with Core Strategy Policy GB1 or the Framework.

6.4 Subject to various conditions, the proposal is in accordance with the relevant policies in the South Staffordshire Core Strategy 2012, and the relevant provisions of the NPPF 2021.

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 and documents:

P1872-01C LOCATION PLAN
EPC-0339-C-E-LA-AR ACCESS ROAD ELEVATION
EPC-0339-C-E-LA-BATT BATTERY UNIT PLAN AND ELEVATIONS
EPC-0339-C-E-LA-CCR CUSTOMER CONTROL ROOM ELEVATIONS
EPC-0339-C-E-LA-CCTV CCTV ELEVATION
EPC-0339-C-E-LA-DNO DNO CONTROL ROOM ELEVATIONS

EPC-0339-C-E-LA-ELV SUBSTATION 1 SITE LAYOUT OUTLINE ELEVATIONS
EPC-0339-C-E-LA-FG FENCE AND GATE ELEVATIONS
EPC-0339-C-E-LA-PCS PCS UNIT PLAN AND ELEVATIONS
211111.102 REV E FIGURE 20 MITIGATION STRATEGY PLAN
Received 19 January 2022

EPC 339 C LA PENN1 REV D SITE LAYOUT PLAN
Received 18 February 2022

EPC-339-C-LA-PENN1+2 SITE LAYOUT INCLUDING 22/00045/FUL
26 July 2022

Fire System Safety Design (received 19.01.2022)
Finalised Battery Safety Management Plan (dated 01.04.2022)
Design and Access Statement (dated 06.09.2021)
Preliminary Ecology Appraisal (dated 06.2021)
Biodiversity Metric (dated 03.08.2021)
Landscape and Visual Appraisal (dated 03.09.2021)
Transport Statement (dated 21.07.2021)
Flood Risk Assessment (dated 09.2021)
Noise Impact Assessment & Appendices A-D (dated 28.07.2021)

3. Before works above slab level, full details of facing materials to be used shall be 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. Before the commencement of any construction related activity on site, an Arboricultural Method Statement, providing comprehensive details of all underground service/utility runs, ground protection measures, 'No-Dig' construction types, construction methods within the Root Protection Areas of retained trees and a finalised Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority. Subsequently, all measures within the approved method statement and Tree Protection Plan shall be adhered to until all construction related activity has been completed.
5. The development hereby permitted shall not commence until the access to the site within the limits of the public highway has been completed.
6. The development hereby permitted shall not be commenced until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 20.0m back from the site boundary.
7. The development hereby permitted shall not be brought into use until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.
8. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of;
 - Means of safe passage of all construction traffic to the site.
 - adequate signage.
 - Means of preventing deleterious material from being deposited upon the highway.

has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.

9. Before any construction works hereby permitted are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure net gain of the site's Biodiversity Value, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided: Construction phase lighting, Reasonable Avoidance Measures, Method Statements for Reptiles and amphibians, nesting birds, badgers and hedgehogs, descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation; Details of both species composition and abundance where planting is to occur; Proposed management prescriptions for all habitats for a period of no less than 25 years; Assurances of achievability; Timetable of delivery for all habitats; and A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and thereafter maintained in accordance with the approved CEMP and HMP.
10. Prior to commencement of any site works, submission of a pre-commencement badger survey.
11. Prior to operation of the development the applicant shall install acoustic mitigation, designed specifically to mitigate the frequencies emitted by the plant and equipment. The proposed solution is to be approved by the Local Planning Authority prior to installation and once installed, shall thereafter be maintained for the life of the development.
12. No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
 - Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).
 - Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.
 - Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full accordance with BRE 365 best practice guidance, in order to confirm or not as to the viability of infiltration as a means of surface water discharge.
 - SuDs designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and

SuDS treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.

- Limiting any off-site conveyance of surface water discharge from the site to the rate generated by all equivalent rainfall events up to 100 year plus (40%) climate change in accordance with the guidance in the SCC SuDS Handbook. Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site.
- Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the development. To include the name and contact details of the party(/ies) or body(/ies) responsible.

The development shall thereafter proceed in accordance with the approved details.

13. The applicant and developer are to ensure that adequate and satisfactory provision for the management and control of surface water are in place as part of any temporary works associate with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.
14. Prior to occupation, a lighting design strategy for biodiversity for shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance along routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
15. Prior to operation of the site, details to be submitted of the type and location of 3 number bird boxes and 3 number bat boxes to be installed on retained trees.
16. Prior to operation, a proactive maintenance schedule for all aspects of the operational plant and equipment shall be provided, in accordance with the manufacturer's instructions. This schedule shall be followed throughout the lifetime of the plant and equipment to ensure the efficient operation of the plant, and

records of relevant maintenance kept for inspection if requested. The reason for this condition is to ensure efficient operations, so that requirement for cooling fans is minimised and the potential for noise arising from wear and tear of any consumable items is minimised.

17. Prior to operation, a SuDS Operations and Maintenance Plan shall be submitted to and approved by the Local Planning Authority. This shall include installation of pollution capture membranes beneath the infiltration swales, filter drains and battery storage/transformer compounds. Following a fire/contamination event, the impacted areas of the site shall be removed and replaced (i.e., dig out contaminated swales, gravel and membranes).
18. The site shall be operated in accordance with the technical and safety information within the submitted Outline Battery Safety Management Plan. This shall include approaching Staffordshire Fire and Rescue Service to develop a Tactical Information Record for Lower Penn Battery Storage Facility 1; which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. This shall be completed prior to the operation of the site.
19. Prior to operation of the development, a landscape scheme, detailing native species planting / seed mixes and how these will be managed via a Landscape Ecological Management Plan or similar, shall be submitted to the Local Planning Authority for approval. All measures within the approved landscaping / tree planting scheme, including aftercare provision, shall be implemented within 6 months of completion of construction related activity and maintained as specified. Any trees that die or become unsuitable for retention within 5 years of the initial planting date will be replaced on a like for like basis.
20. No tree shall be removed without a bat roost assessment which must be submitted to the Local Planning Authority for approval.
21. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 07:00 and 23:00 shall not exceed 39dB L(A)eq 1-hour as measured 1m from the boundary of nearest residential receptors. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 23:00 and 07:00 shall not exceed 35dB L(A)eq 15-minute as measured 1m from the boundary of nearest residential receptors.
22. Operational hours of any demolition and construction activity, including vehicle movements to and from the site are restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday, and at no time on Sundays or Bank and Public Holidays.
23. Mitigation for dust arising from construction activities shall be provided as necessary to prevent dust being emitted across the site boundary during dry periods.
24. The planning permission hereby granted is for a period of 35 years and 6 months after the date the development is first operational as an energy storage site, notice of which will be supplied in writing to the Local Planning Authority within 14 days. When the use shall cease and the batteries, transformer units, inverters, all associated structures and fencing approved and landscaping initially required to mitigate the landscape and visual impacts of the development shall be removed.

A Decommissioning Method Statement to be submitted and approved by the Local planning Authority at least 12 months prior to the expiry of the planning permission. The scheme shall include a programme of works to remove the batteries, transformer units, inverters, all associated structures and fencing. The developer shall notify the Local Planning Authority in writing no later than twenty working days following cessation of import/export electricity to the grid for energy storage use. The site shall subsequently be restored in accordance with the submitted scheme and timescale, to be within 12 months of cessation of use.

If the development ceases to import/export electricity to the grid and operate as an energy storage facility for a continuous period of 24 months, then a scheme shall be submitted to the Local Planning Authority for its written approval for the removal of the batteries, transformer units, inverters, all associated structures and fencing and the restoration of the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.

If within 12 months of completion of the development, no operational use has commenced the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site in accordance with Decommissioning Method Statement to be submitted and approved by the Local planning Authority.

If a permanent cessation of construction works occurs for a period of 6 months prior to completion and the battery facility coming into operational use, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site in accordance with Decommissioning Method Statement to be submitted and approved 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 amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
5. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

8. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
9. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
10. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
11. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
12. To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.
13. To reduce the risk of surface water flooding to the development and surrounding properties during construction.
14. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
15. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
16. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
17. To avoid pollution of the water environment in accordance with policy EQ7 of the adopted Core Strategy.
18. To ensure that all safety concerns around the facility are addressed in so far as is reasonably practicable.
19. To safeguard the amenity of the area and build biodiversity into the development scheme in accordance with policy EQ11, EQ1 and EQ4 of the adopted Core Strategy.
20. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
21. To protect the amenity of neighbouring residents so they can use their gardens and homes without undue disturbance from any noise associated with the operations, plant and equipment in accordance with policy EQ9 of the adopted Core Strategy.
22. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
23. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
24. 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, 2021.

INFORMATIVES

Highways Authority

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

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

Great Crested Newts

Please note that the application site is within a Green Impact Risk Zone for Great Crested Newts. Whilst the proposal is considered to be low risk, there is the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or NatureSpace) as to how to proceed.

Western Power Distribution

Western Power Distribution (WPD) has Extra High Voltage (EHV) (132kV) network installed on this site. WPD MUST be contacted in all instances for safety guidance, proximity clearances and clear working methodologies related to locating equipment and safe working practices prior to any physical (or survey) works at this site. Any alteration, building or ground works proposed within 50 meters of any network, apparatus or equipment that may or may not directly affect cables or conductors, must be notified in detail to Western Power Distribution. For further information contact - Western Power Distribution, Tipton Projects Team, Toll End Road, Tipton, West Midlands, DY4 0HH or via telephone on: Emergency contact number (West): 0330 123 5008 General Enquiries: 0845 724 0240. WPD accepts no responsibility for works undertaken by any party on this site without written prior consent from an authorised WPD employee (approval subject to submission of working method statements and compliance with network safety requirements. All attendees on this site are advised and encouraged to familiarise themselves with ENA GS6 (Avoidance of Danger from Overhead Lines) prior to taking site access.

When working in proximity to overhead lines, the minimum statutory clearances required, are shown in the table below for the voltage to which the line is designed. In order to allow for construction tolerances and compliance with HSE Note of Guidance, WPD strongly recommend that clearances are increased to the figures shown in the right hand column.

Description of Clearance	Minimum Clearance from 132kV Lines (Meters)	Recommended Clearances from 132kV Lines (Meters)
Line Conductors to Ground (other than a road)	6.7	7.0
Line Conductors to road surface (not a high load route or motorway)	6.7	7.3
Line Conductor to building or other structure	3.6	6.6
Line conductor to plant during construction	3.2*	-

*Any part of the barrier required by HSE GS6 which may be stood on must be at least 3.6m from the conductors.

The use of any plant that is capable of extending and infringing Clearance to the conductors must be strictly controlled. Any plant working beneath or immediately to the side of the conductors must not be capable of extending above 4m and must have the appropriate restrictors fitted to prevent inadvertent contact with the overhead Conductors.

Please note that the overhead conductors are live at 132,000 volts.

Staffordshire Police

I support the intention to install CCTV in these proposals. I recommend that vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered. Where privacy requirements allow, this should include vehicle and pedestrian access points for both sites.

I recommend that the Customer Switchroom and Control Building, DNO Control Room and any other vulnerable structures are protected by Monitored Alarm Systems to BS EN 50131-1:1997 Grade 3 and BS 8418 with a unique reference number aimed at achieving Police Response.

1.1 Alarm System and CCTV.

I recommend that the Customer Switchroom and Control Building, DNO Control Room and any other vulnerable structures are protected by Monitored Alarm Systems to the following standards with a unique reference number aimed at achieving Police Response.

Secured By Design Commercial Developments 2015.
Section 64 Intruder alarms systems.

Section 64.1 (Security Systems Policy and Police Response)

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

Section 64.2 (Loss Prevention Certification Board component requirements)

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

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

I support the intention to install CCTV in these proposals. I recommend that vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered. Where privacy requirements allow, this should include vehicle and pedestrian access points for both sites.

Section 49 Closed circuit television (CCTV).

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

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

Section 49.3

The CCTV system must have a recording capability, using a format that is acceptable to the local police. The recorded images must be of evidential quality if intended for prosecution. Normally this would require a full 'body shot' image of a suspect. It is recommended that fixed cameras are deployed at specific locations for the purpose of obtaining such identification shots. An operational requirement must take account of this fact and decisions made as to what locations around the building are suitable for obtaining this detail of image. The recording of vehicle licence plates may also be practical and useful.

Section 49.4 (Matters requiring discussion with installer)

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

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

Section 49.5 (Required Minimum Standard for installation)

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

Section 49.6 (Lighting must support the proposed CCTV system)

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

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

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

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

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

Section 49.10 (Installation standard for detector operated systems)

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

1.2 Proposed Security Fence.

I support the intention to install a Palisade fence to a height of 2.4m. This boundary should be manufactured and installed to LPS 1175 Security Rating 1.

Secured By Design. Commercial 2015.

Note 43.16: The above LPS standard (LPS 1175 Security Rating 1) relates to both the height and penetrative resistance of the fence i.e. SR 3 is substantially more resistant to penetration than SR1. Such penetrative resistance may not always be required even though a height of 2.4m is necessary. In such circumstances, SBD will allow the extension in height of a certificated SR 1 fence.

Section 43.17 All fencing systems and gates as described in paragraphs 43 and 44 (Secured By Design. Commercial 2015) must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice. Consideration must given to the provision of a strip foundation if there is a perceived risk of the fence being bypassed or undermined by the removal of substrate, guidance is also provided in BS 1722.

This fencing must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice.

Gates.

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

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

Note: If gates are installed with locks that are remotely operated, they must form part of the manufacturer's Secured By Design certificated range.

1.3 Lighting (Recommended minimum guidance.)

The proposed lighting layout should be aimed at removing opportunities for criminals to act unobserved during the hours of darkness. The entire site should be illuminated, with higher lighting levels provided for vulnerable areas. This is of greater importance where this lighting is intended to support CCTV. Note: Taking into account the location and the use of CCTV, motion sensor activated lighting is probably the most appropriate lighting for these proposals.

Secured By Design. Commercial (2015 V2).
Security Lighting. Section 39. External Lighting.

Section 39.2 In terms of security, the objective of lighting commercial units after dark is to deter or detect an intruder (See Section 2 paragraphs 48 for standards and values).

Section 39.3 Lighting design should be co-ordinated with a CCTV installation (when specified) and the landscape designed to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system. Light fittings should be protected where vulnerable to vandalism.

39.4 A lighting scheme should provide uniformed lighting levels with good colour rendition and be sufficient to cater for lawful after dark activity around the industrial or warehouse unit and site. It should not cause glare or light pollution and should support both formal and informal surveillance of the site.

Section 39.5 External illumination when the building is unoccupied is recommended for entrance gates and routes to the main entrance and doors, car parks (if occupied by vehicles) and observable building elevations.

Section 39.6 In some circumstances, and especially where security guards are monitoring the building from outside, it may be useful to direct lighting at the building to aid intruder detection.

Section 39.7 The use of bollard lights may be useful for way finding, however bollard lights fail to properly model the facial features of pedestrians and are vulnerable to

vandalism and vehicle collision. Therefore, their use for security purposes is discouraged.

Section 48. External lighting standard requirements.

Section 48.1 All street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks must comply with BS 5489-1:2013.

Section 48.2 Landscaping, tree planting and lighting schemes shall not be in conflict with each other.

2. Further Information.

Please note that relevant help and information may be gained from the following web sites:

www.securedbydesign.com (The official Police Security Initiative and Police Preferred Specified security product scheme).

www.gov.uk/data-protection (Online notification of CCTV schemes, Data Protection Principles and relevant Codes Of Practice).

www.bsi-global.com (Standards, Training, Testing, Assessment and Certification).

www.bregroup.com (Offer quality of performance and protection certification for fire, security and environmental products and services).

www.nsi.org.uk (Independent UKAS-accredited certification body in the security and fire sector).

www.ico.gov.uk (Independent authority upholding information rights in the public interest and data privacy for individuals).

Staffordshire Fire and Rescue Service

FIRE MAINS, HYDRANTS AND VEHICLE ACCESS

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

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers. Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.
- Protect property, heritage, environment and our climate;
- Help promote and sustain business continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- Increase fire fighter safety
- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.
- Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop

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

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community. Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing financial implications for all stakeholders.

Further information can be found at www.bafsa.org.uk- the website of the British Automatic Fire Sprinklers Association Ltd.

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**22/00045/FUL
MAJOR**

Mr James Stone

**LOWER PENN
Cllr Reade, Cllr Bond &
Cllr Kinsey**

Field At (Penn 2) Penstone Lane Lower Penn

Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping (amended description)

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application site is a 1.9ha area of agricultural land located within the Green Belt. Overhead power lines associated with the existing 4.3ha electricity substation to the northwest, pass over the site from north to south. A tree belt forms the northern boundary of the site with the existing substation beyond.

1.1.2 The area immediately to the south and east is open agricultural land, with a single dwelling and Blackpit Lane which is a sunken single-track road beyond. Further to the east is the Staffordshire Railway Walk. There is no existing formal vehicular access to the site. The Staffordshire and Worcestershire Canal, lies approximately 120m to the west of the site boundary.

1.2 Planning History

1.2.1 An application for an Emergency Standby Electricity Generation Facility was approved in 2018 on the same site. The site measured 0.9ha and contained 10 generator units measuring 15m in length, 3m in width and 4.9m in height and enclosed by 4m high acoustic fencing and 3m landscaping buffer as screening. The permission has not been implemented and has therefore lapsed.

1.2.2 Other recent applications:

2015, Erection of combined hard flood defence and perimeter fence to a height of 3.4m and erection of 3.4m high flood gate to the west and south and raised kerb, Approved [15/00666/LUP].

2016, Emergency standby electricity generation facility comprising: modern modular dual fuel generator units (up to 14 in total), transformers, fuel storage tanks, boundary treatment, highway access and associated works. Approved [16/00663/FUL]

2017, Emergency standby electricity generation facility comprising: natural gas generator units (up to 10 in total), transformers, boundary treatment including acoustic screening, access improvements and associated works, approved [17/00854/FUL]

2018, Emergency standby electricity generation facility comprising: natural gas generator units (up to 10 in total), transformers, boundary treatment including acoustic screening, access improvements and associated works, approved [18/00674/FUL]

2022, Proposed battery energy storage facility, new compound, with associated infrastructure, fencing, access road, drainage and landscaping (amended description), awaiting determination, [22/00044/FUL]

1.2.3 It is noted that a similar proposal located approximately 2.3km northeast of the site has recently been allowed on appeal. The Appeal decision can be found on the council's website under planning application ref 21/00440/FUL.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Planning permission is sought for the installation of a 50-megawatt battery-based electricity storage scheme. The purpose of which is to support the operation of the National Grid 'Balancing Service' which balances the supply and demand of energy to ensure the security and quality of the electricity supply across its transmission system.

2.1.2 An amended Site Layout Plan (ref EPC-339-C-LA-PENN02) and Landscape Mitigation Strategy (ref 211111.103 Rev F) have been submitted during the course of the application. The proposed infrastructure and planting have been moved further away from a gas pipeline to meet Cadent Gas requirements.

2.1.3 As shown on the submitted plans the proposal consist of:

- Battery storage compound containing battery units and Power Control System (PCS) units enclosed by a 3m high closed board fence.
- Substation compound containing transformer, disconnectors, circuit breakers and associated infrastructure enclosed by 2.4m palisade fencing.
- Distribution Network Operator (DNO) control room and customer switch room & control buildings.
- An access track from Penstone Lane.
- Hedge, scrub and wildflower planting.

2.1.4 The battery storage compound would measure 60m x 65m and contain 16 battery units with PCS units in-between. The battery units would measure 3m in height and the PCS units 2.25m in height from the ground level. The compound would be enclosed by 3m high closed board fencing and native hedgerows, tree planting and low scrub/shrub planting. A swale is proposed to the west of the battery compound.

2.1.5 The proposed substation compound would be located to the northeast of the battery compound separated by a proposed wildflower sward and scrub/scrub planting with existing power lines above and pylons immediately to the south and north. The substation compound would cover a 20m x 50m area enclosed by a 2.4m palisade fence and hedge planting. The structures within the compound range in height from 4m to a maximum of 6.4m. A Distribution Network Operator (DNO) control building would be located adjacent to the north east of the substation compound and a customer switchroom and control building to the northeast corner of the compound.

2.1.6 A landscape scheme has been proposed (Plan ref 211111.102 REV F Landscape Mitigation Strategy) which shows a proposed 1.5m wide hedgerow enclosing the site to the south with the existing trees hedgerow enclosing the site to the north. Areas of low scrub and shrub planting and wildflower sward are also proposed. The application proposes that a

management plan for landscaping would be agreed with the local planning authority via condition.

2.1.7 Vehicular access to the site would be from Penstone Lane to the northeast creating a new access and 4.5m wide track of crushed stone to the site. During construction (including 22/00044/FUL) there would be approximately 346 HGV vehicles (692 two-way movements) accessing the site over a three-to-five-month period. Overall trip generation would equate to an average of circa 8-12 two-way vehicle trips per day over a 5-day week. It is proposed to route construction traffic to and from the northwest, i.e., past the substation access. Beyond the substation access, site traffic would need to turn west onto Dimmingsdale Road and right at the junction of Dimmingsdale Road and Langley Road. The application proposes that a Construction Traffic Management Plan (CTMP) would be prepared and agreed with the local highway authority prior to any works commencing on site.

2.1.8 The proposed battery storage facility would be a largely automated system once in operation. Two visits a week would be undertaken by staff in light goods vehicles to maintain and service the facility including the replacement of battery components– equivalent to four two-way vehicle trips per week. Operational traffic might also include occasional HGV access to replace battery components.

2.2 Planning Agent submission

2.2.1 The applicant has submitted the following documents with the application:

- Sequential Site Selection Report (received 19.01.2022)
- Fire System Safety Design (received 19.01.2022)
- Battery Safety Management Plan (dated 01.04.2022)
- Supporting Planning Statement (dated 06.09.2021)
- Planning Statement Addendum (dated 06.09.2021)
- Supporting Policy Statement (11.04.2022)
- Design and Access Statement (dated 06.09.2021)
- Preliminary Ecology Appraisal (dated 06.2021)
- Biodiversity Metric (dated 03.08.2021)
- Landscape and Visual Appraisal V6 (dated 03.09.2021)
- Verified Photomontage (dated 05.2022)
- Transport Statement (dated 21.07.2021)
- Statement of Community Involvement (dated 02.09.2021)
- Flood Risk Assessment (dated 09.2021)
- Historic Environment Desk Based Assessment (dated 09.2021)
- Noise Impact Assessment & Appendices A-D (dated 28.07.2021)

3. POLICY CONTEXT

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

3.2 South Staffordshire Core Strategy (2012)

GB1 - Development in the Green Belt

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

EQ3 - Conservation, Preservation and Protection of Heritage Assets

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

Core Policy 3: Sustainable Development and Climate Change

EQ5 - Sustainable Resources and Energy Efficiency

EQ6 - Renewables Energy
EQ9 - Protecting Residential Amenity
EQ10 - Hazardous and Environmentally Sensitive Development
EQ11 - Wider Design Considerations
EQ12 - Landscaping
EV8 - Agriculture
Core Policy 11 - Sustainable Transport
EV12 - Parking Provision
CS1: Designing Out Crime
Green Belt and Open Countryside SPD, 2014
South Staffordshire Design Guide SPD 2018
Sustainable Development SPD 2018

3.4 National Planning Policy Framework

- 12. Achieving well-designed places.
- 13. Protecting Green Belt Land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and Enhancing the Natural Environment

3.5 National Policy Statement for Energy (EN - 1) (July 2011)

- Para 1.1.1 - Role of this NPS in the planning system
- Para 2.2.5 - The transition to a low carbon economy
- Para 2.2.20 - Security of energy supplies
- Para 3.3.29 - Reducing demand
- Para 3.3.11/12 - The need for more electricity capacity to support an increased supply from renewables
- Para 3.3.31 - More intelligent use of electricity

3.6 Draft National Policy Statement for Energy (EN - 1) (September 2021)

- Para 3.3.24 - 3.3.29 - The role of storage

3.7 National Planning Policy Guidance

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

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

4. CONSULTATION RESPONSES

Local Ward Members (received 08/04/2022) Summary:

- *The application poses a threat to the openness of the Green Belt, character of the area, to local wildlife.*
- *concerned about the nature of construction traffic and route used – a thorough Traffic Management Plan would have to be in place*

- *The site retains water and flooding as a factor must also be taken into consideration.*
- *consistent noise may be audible to nearby residents at all hours and from public footpaths. Modelling on the likely spread of such noise needs to be carefully examined with safeguards in place.*
- *Concerned by the cumulative impact of both applications.*
- *The applicant, regardless of the success of any application, must go further in demonstrating the safety of these sites, both in terms of fire risk, toxicity from any such potential incidents (given the nature of the contents of these batteries) and noise pollution.*
- *The two proposed sites fall very close to the canal and South Staffordshire Railway Walk, and particularly with the pervasiveness of even low-level noise, these valuable assets need to be safeguarded from disruption.*
- *Questions regarding the capacity of these units i.e. how long will the unit provide power for a community of what size and whether we will be under or over providing capacity or where it will be needed.*
- *it is currently not possible to ascertain how many of these sites are necessary nationally, or how many should be acceptable in close proximity...until there is sufficient steer from Government it is hard to see how a case for special circumstances can be made.*

Lower Penn Parish Council (14.03.2022) Summary:

- *cannot see there are any very special circumstances that would outweigh the inappropriate development in the green belt and the impact on the openness of the greenbelt on GB1 land.*
- *consideration must surely be given to how all of these developments will detrimentally impact the lives of residents and wildlife in the area if they were all to be allowed*
- *Impact of site traffic that will be required during the construction phase and then maintenance of the facility of potentially 3 sites in Lower Penn will be harmful in terms of pollution, noise and unsuitable traffic on our country lanes.*
- *The local road network is unsuitable for industrial traffic. The access from the north of the site will mean using a weight restricted road of 7.5 tonnes*
- *Access to the site is problematic with the entrance of the access road off a single track lane with a limited footpath on one side of the road and residents' homes opposite the entrance. Have alternative access been considered sharing national grid road access.*
- *The junction of Penstone Lane, Orton Lane, and Dene Road is a traffic accident hotspot.*
- *Noise pollution from the battery plant may affect both nearby residents and the public using the popular South Staffordshire Railway Walk and Worcestershire and Staffordshire canal,*
- *There will also be a negative environmental impact on resident wildlife in the area with loss of habitat.*
- *The Penstone lane area varies from a high to medium risk flood zone and is therefore unsuitable for development and may also be of limited use in case of fire emergency on site. Alternative access points for emergency vehicles would also be unsuitable as the area is bordered by fields and a canal.*
- *Concerns over the lack of any Government legislation or guidance regarding the development, upkeep and dismantling (disposal) of these sites. Also the lack of legislation regarding the safety aspect of a potentially combustible material being housed in close proximity to a residential area.*

Staffordshire County Highways (received 10.03.2022) *There are no objections on Highway grounds to this proposal subject to conditions:*

- 1. The development hereby permitted shall not commence until the access to the site within the limits of the public highway has been completed.*
- 2. The development hereby permitted shall not be commenced until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 20.0m back from the site boundary.*
- 3. The development hereby permitted shall not be commenced until the access drive, parking, servicing and Turning areas have been provided in accordance with the approved plans.*
- 4. The development hereby permitted shall not be commenced until an off-site traffic management Scheme comprising of;*
 - Means of safe passage of all construction traffic to the site.*
 - adequate signage.*
 - Means of preventing deleterious material from being deposited upon the highway.**has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.*

County Ecologist (received 22.03.2022) No objection. If minded to approve, conditions are recommended:

- 1 Prior to occupation, a lighting design strategy for biodiversity for shall be submitted to and approved in writing by the local planning authority. The strategy shall:*
 - a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance along routes used to access key areas of their territory, for example, for foraging; and*
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.**All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.*
- 2 Prior to commencement of any site works, submission for approval of Construction Environmental Management Plan with ecology sections to include: Construction phase lighting, Reasonable Avoidance Measures Method Statements for Reptiles and amphibia, nesting birds, badgers and hedgehogs.*
- 3 Prior to commencement of any site works, submission of a pre-commencement badger survey.*
- 4 Tree protection measures for retained trees and hedges.*
- 5 No tree to be removed without a bat roost assessment which must be submitted for approval.*
- 6 Prior to operation of the site, details to be submitted of the type and location of 3 number bird boxes and 3 number bat boxes to be installed on retained trees.*

Conservation and Design Officer (received 07.06.2022) Looking at the additional information, it is my opinion that whilst there are additional structures proposed within the setting of the conservation area, these will be viewed in the context of the other electrical equipment. Therefore, whilst the proposals will alter the setting, they are not considered to cause additional harm.

County Archaeologist (received 15.03.2022) *I am satisfied that the HEDBA has suitably evaluated the archaeological potential (as per par 194 of the NPPF 2021) and assessed the impact of the proposals on the archaeological resource, and that no further archaeological evaluation, recording or mitigation works will be required. With this in mind, an archaeological condition of consent would not be appropriate in this instance.*

Staffordshire Fire and Rescue (received 05.03.2022) *No objection.*

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

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

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS) - I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers. Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package.

Crime Prevention Officer (received 15.03.2022) *The response highlights guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated in this development.*

Environmental Health (received 19.05.2022) *I can recommend approval of the application subject to conditions:*

- 1. A proactive maintenance schedule for all aspects of the operational plant and equipment shall be provided, in accordance with the manufacturer's instructions. This schedule shall be followed throughout the lifetime of the plant and equipment to ensure the efficient operation of the plant, and records of relevant maintenance kept for inspection if requested. The reason for this condition is to ensure efficient operations, so that requirement for cooling fans is minimised and the potential for noise arising from wear and tear of any consumable items is minimised.*
- 2. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 07:00 and 23:00 shall not exceed 39dB L(A)eq 1-hour as measured 1m from the boundary of nearest residential receptors. This condition is set to protect the amenity of neighbouring residents so they can use their gardens and homes without undue disturbance from any noise associated with the operations, plant and equipment.*
- 3. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 23:00 and 07:00 shall not exceed 35dB L(A)eq 15-minute as measured 1m from the boundary of nearest residential receptors. This condition is set to protect neighbouring residents from undue disturbance from any noise associated with the operations, plant and equipment during the night time period.*
- 4. Prior to the commencement of the development the applicant shall install acoustic mitigation, designed specifically to mitigate the frequencies emitted by the plant and equipment. The proposed solution is to be approved by SSDC prior to installation and, once installed, to be maintained for the life of the development.*
- 5. Operational hours of any demolition and construction activity, including vehicle movements to and from the site, are restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday, and at no time on Sundays or Bank and Public Holidays.*

6. *Mitigation for dust arising from construction activities shall be provided as necessary to prevent dust being emitted across the site boundary during dry periods.*

County Flood Risk Management Team (received 12.04.2022) *No objection subject to a number of conditions to reduce the risk of surface water flooding to the development and properties downstream of the development during construction and for the lifetime of the development.*

Condition 1:

No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme to be submitted shall demonstrate:

- *Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).*
 - *Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.*
 - *Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full accordance with BRE 365 best practice guidance, in order to confirm or not as to the viability of infiltration as a means of surface water discharge.*
 - *SuDS designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and SuDS treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.*
 - *Limiting any off-site conveyance of surface water discharge from the site to the rate generated by all equivalent rainfall events up to 100 year plus (40%) climate change in accordance with the guidance in the SCC SuDS Handbook. Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site.*
- Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.*
- *Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.*
 - *Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the development. To included the name and contact details of the party(/ies) or body(/ies) responsible.*

The development shall thereafter proceed in accordance with the approved details.

Reason

To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.

Condition 2

The applicant and developer are to ensure that adequate and satisfactory provision for the management and control of surface water are in place as part of any temporary works associate with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

Reason

To reduce the risk of surface water flooding to the development and surrounding properties during construction.

Natural England (received 14.03.2022) *Natural England has no comments to make on this application.*

Western Power Distribution (received 11.03.2022) *Western Power Distribution (WPD) has Extra High Voltage (EHV) (132kV) network installed on this site. WPD MUST be contacted in all instances for safety guidance, proximity clearances and clear working methodologies related to locating equipment and safe working practices prior to any physical (or survey) works at this site.*

Great Crested Newt Officer (received 15.03.2022) *I am satisfied with this ecological report, and that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.*

Severn Trent Water (received 19.08.2022) *No objection subject to conditions including use of pollution capture membranes beneath infiltration swales, filter drains and battery storage/transformer compounds.*

Cadent Gas (received 08.08.2022)

We have no objection to your proposal from a planning perspective. (Informative attached)

Health and Safety Executive (05.04.2022) *Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.*

Public representations

A total of 55 representations have been received objecting to the proposals.

Summary of main points/concerns raised:

Green Belt and impact on character

- *Inappropriate development on Green Belt land with harm not clearly outweighed by very special circumstances*
- *A brown field site close to a substation should be preferred.*
- *Lack of defensible boundary to site undermines the Green Belt.*
- *the site will be very obvious from the Canal Conservation Area and the Scheduled Monument and not at all in keeping with their historic character*
- *alter the character of beautiful Greenbelt*

Access/traffic

- *would cause congestion during the construction & operational phases of the site with risk to local residents*
- *Notorious blackspot on the approach from Orton Lane with many vehicles misjudging the bend and flipping into the farmers field on the end of Dene Road / Penstone Lane.*
- *Local roads are in a poor condition and unsuitable for HGVs*
- *Construction phase will cause disruption and noise that is not acceptable*
- *Further traffic would endanger drivers, horses and their riders, cyclists and pedestrians*
- *based on a limited survey of traffic during the coronavirus pandemic leading to inconclusive findings.*
- *Access should be through the existing National Grid Substation.*

Ecology

- *Noise and light pollution will harm protected species.*
- *would cause harm to the Greenbelt and the natural habitats of the residing animals & birds of which some are protected species.*
- *Proximity to badger sett*
- *Loss of hedgerows*
- *ecological damage due to mining for materials so that overall, the claims made for the “green” credentials of batteries cannot be sustained.*

Health, safety, pollution

- *Concerns regarding leakage of pollutants to water supply (500m from a Severn Trent Borehole), Local Nature Reserve, canal and nearby stream.*
- *Lithium batteries are inherently unstable, prone to quick ignitions and violent explosions.*
- *Safety measures are never full proof*
- *If mixed with water in event of fire , presenting a severe airborne danger to local residents and damage to the environment and local wildlife.*
- *very concerned not only regarding the quantum of noise but that there is potential for that noise to be at any time, day or night.*
- *Concern over the age of batteries if second life batteries are used.*
- *Battery storage facilities are prone to fires and explosions. Highlighting of a battery fire in Merseyside, and others in USA, China, S Korea and Australia.*
- *High level of fire control in this facility would be required. The proposed UL9540A system is just not adequate.*
- *Access for fire engines is inadequate.*
- *fails to cover the need for foul water disposal at all.*
- *the fact that this market is not fully regulated greatly increases the risk*

Other

- *Loss of visual amenity from nearby residential dwelling.*
- *Loss of green space*
- *Question whether battery energy storage is a green option considering the full life cycle of the batteries.*
- *Detrimental impact on the enjoyment of public rights of way such as the Railway Walk and canal footpath.*
- *the batteries contain a variety of highly volatile and toxic materials. That this is so can clearly be inferred from the fact that they are classified as Class 9 hazardous materials for which strict rules apply.*
- *Several areas of this site have flooding problems*
- *Concerned that the CCTV monitoring breaches privacy*
- *The planning application and subsequent documents submitted by Anglo Renewables Ltd contain inaccuracies and information that is misleading*
- *Concerns regarding what happens in the event the venture fails, who would remove the redundant batteries?*

A site notice was displayed on 03.03.2022 and a press notice published on 01.03.2022.

5. APPRAISAL

5.1 The application is referred to planning committee as it is not listed as an acceptable type of development within the Green Belt under Core Strategy Policy GB1: Development in the Green Belt.

5.2 Key Issues

- Principle of the development
- Design/layout and impact upon landscape character and heritage assets
- Impact on the Highway and Access
- Ecology, trees, and landscaping
- Drainage and flooding
- Impact on Neighbouring amenity/Noise and Health

5.3 Principle of the development

5.3.1 The application site is within the West Midlands Green Belt. The main issue in establishing the principle of the development are firstly, whether or not the proposal constitutes inappropriate development in the Green Belt for the purposes of Core Strategy policy GB1 and the National Planning Policy Framework (NPPF); secondly, if the development is deemed inappropriate, whether the harm by reason of inappropriateness, and any other identified harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

5.3.2 Whether or not the proposal constitutes inappropriate development.

5.3.3 Paragraph 147 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 149 states, 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. However, there are exceptions to this as set out within Paragraphs 149 & 150 of the NPPF. Core Strategy Policy GB1 also sets out what may be acceptable development within the Green Belt.

5.3.4 The erection of a battery based electrical storage facility including associated substation does not fall within any of the exceptions listed in local or national policy and is therefore considered to be inappropriate development. The applicant does not contest this conclusion.

5.3.5 The Green Belt serves five purposes as defined in the NPPF. They are:

- a) to check the unrestricted sprawl of large built-up areas,
- b) to prevent neighbouring towns from merging into one another,
- c) to assist in safeguarding the countryside from encroachment,
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.3.6 There is no conflict with a), b) or d).

5.3.7 Purpose (e) encourages urban regeneration and the recycling of derelict land. The land is not derelict land and is located in a rural location outside of existing urban development boundaries.

5.3.8 Regarding purpose (c), this proposal would develop the site which is in the countryside which conflicts with the purpose of safeguarding the countryside from encroachment. There

are exceptions, as listed under paragraphs 149 and 150, but the type of development proposed here is not listed.

5.3.9 The proposal therefore causes definitional harm being 'inappropriate development' which is given substantial weight.

5.3.10 Paragraph 137 of the NPPF states that, 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

5.3.11 The NPPG (22 July 2019) provides guidance on matters which may need to be taken into account in assessing the impact on the openness of the Green Belt. These include, but are not limited to:

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

(Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019)

5.3.12 The site is an area of agricultural land which slopes slightly to the north. There is no previously developed land within the site. The proposed developed part of the site would comprise a square shaped battery storage compound enclosed by 3m high closed board fencing. The battery units within would measure up to 3m in height. An associated substation is proposed measuring with the structures a maximum of 6.4m in height enclosed by a 2.4m palisade fence. Two control buildings would be located adjacent to the compound. An access track is proposed from Penstone Lane to the site, constructed of crushed stone.

5.3.13 Spatially the proposal reduces the openness of the Green Belt, as an area of undeveloped land would become developed, as described above. If the site is no longer needed it would be relatively straightforward to remediate the land to its existing state. The application states that the proposed development is for a period of 35 years which, whilst not permanent, is a considerable amount of time. Nevertheless, its removal and remediation of the site could be included as a condition to ensure it does not become a permanent feature in the landscape.

5.3.14 In the short term the proposed fencing and some of infrastructure within the substation compound would initially be visible from Union Lane where the bridge crosses the canal and further to the east through a gap in the hedge along Blackpit Lane. Views would be limited from Blackpit Lane as it is slightly below the level of the fields in which the site is located. There would be no views of the development from Penstone Lane with the existing substation and trees and hedgerows located in between. There would be views of the site from the South Staffordshire Railway Walk although there are limited gaps in the vegetation along the path to see through to the site.

5.3.15 In the medium- and long-term views of the development would be limited by the proposed tree and hedgerow planting. This would largely screen views of the proposed battery unit compound. The most visible element would be parts of the substation infrastructure which would extend above the planting. However, similar structures of a greater height and visibility are already visible from the existing substation to the rear of the site. Against this backdrop, the proposed development would, in my view, be seen in this context and therefore the visual impact would be limited in the medium to longer term once

the proposed landscape mitigation is established. This is confirmed by the submitted photomontage which shows how the development would be seen from potentially sensitive locations.

5.3.16 Regarding the level of activity likely to be generated, the construction period would generate a reasonable level of traffic activity including large HGV vehicles accessing the site which would impact visually through onsite activity and use of the proposed temporary access from Penstone Lane. However, as this activity would be temporary for 3-5 months the impact on the openness and permanence of the green belt would be minimal on a longer timeframe.

5.3.17 Overall, it is considered that in addition to the definitional harm already identified, there would also be a degree of harm arising from the loss of openness which would reduce as the proposed planting became established, and also from being contrary to one of the purposes of including land within the Green Belt, which is encroachment of development into the countryside.

5.4 Other Considerations

5.4.1 The proposed scheme is designed to store 50MW within the batteries and would be able to release or absorb energy from the power network.

5.4.2 One of the key commitments in the governments' National Policy Statement (NPS) for Energy (2011 and draft 2021) and Energy White Paper 2020 is to create an efficient electricity market which needs to adapt as the deployment of renewable generation increases. Balancing supply and demand becomes more complex because most renewables are, by their nature, intermittent and generate electricity only when the wind blows or the sun shines. The Energy White Paper states that 'increasingly, flexibility will come from new, cleaner sources, such as energy storage in batteries...Storing excess low-carbon generation over longer periods of time could enable us to decarbonise the energy system more deeply at lower costs' (page 33).

5.4.3 Paragraph 3.3.24 of the draft Energy NPS states, 'Storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. There is currently around 4GW of electricity storage operational in GB, around 3GW of which is pumped hydro storage and around 1GW is battery storage'.

5.4.4 Paragraph 3.3.25 of the draft Energy NPS states, 'Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the NETSO and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases'

5.4.5 The provision of low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the National Planning Policy Framework (NPPF Para 8 and 152). The policy support for renewable energy and associated development given in the NPPF is caveated by the need for the impacts to be

acceptable, or capable of being made so. Nevertheless, the energy storage benefit of the proposal as part of the wider national strategy of decarbonising the country's energy system must be accorded substantial weight.

5.4.6 Public objections have been received questioning why the proposal cannot be located on a brownfield site and therefore avoiding any harm to the Green Belt. However, brownfield land is more often than not found in urban residential areas and is usually prioritised for other forms of development, notably residential and employment development. A site would need to be found that in close proximity to an available grid connection, with a large site area, connection to suitable substation, close to primary highway network, sufficient distance from residential areas to meet noise requirements and also avoiding areas of statutory protection, ecological importance and flood risk. This is set out in the submitted Sequential Site Selection Process document. There is no requirement for such proposals to undertake a sequential test. However, I am satisfied that the site chosen, adjacent to an existing substation, is appropriate and brownfield sites are unlikely to be suitable or available for such a use.

5.4.7 In summary, the proposal is inappropriate development and there would also be a moderate degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt. This would be limited once the construction of the site is complete and the proposed planting is established. Nevertheless, this harm by reason of inappropriateness and harm to openness is given substantial weight in accordance with Paragraph 148 of the Framework.

5.4.8 Paragraph 151 of the Framework accepts that very special circumstances will need to be demonstrated if developments are to proceed in the Green Belt. It states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The proposed scheme would make a valuable contribution to cutting greenhouse gas emissions, by increasing the opportunity to store energy, and this also attracts substantial weight.

5.4.9 National policy advises that developments should be located where impacts are, or can be made, acceptable. I consider that the location of the proposed development, adjacent to an existing substation, together with the existing and proposed landscaping means that this would be the case here. Additionally, whilst the proposed development would be located at the site for a number of years, it is reversible and capable of being removed from the site. The remediation of the site in the event of the use ceasing should be included as a condition.

5.4.10 Therefore, I consider that the significance of such projects in supporting the government's national strategy of decarbonising the country's energy system, and the fact that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist and the scheme would not conflict with the Framework.

5.4.11 Concurrent with this application is planning application 22/00044/FUL which is a similar proposal to here and lying adjacent. The two proposals would be brought forward together and therefore it is necessary to consider the combined impacts of both applications as well as individually. The impacts of planning application 22/00044/FUL on Green Belt openness would be similar to here as described in the officer report for that application. When combined, I am of the view that the level of harm would increase but still be relatively limited in the medium to longer term due to the existing context of the site including the existing substation/pylon backdrop and also the proposed planting largely screening both

sites from external views in the medium to longer term. The benefits would also increase with 2 X 50MW of electricity storage supporting the governments national strategy of decarbonising the country's energy system. For this reason, I consider that implementing both proposals would not conflict with the Framework.

5.5 Design/layout and impact upon landscape character and heritage assets

5.5.1 Policy EQ4 and EQ12 state that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced.

5.5.2 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

5.5.3 Chapter 16 of the NPPF 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.

5.5.4 The character of the landscape reflects its location within the countryside and also its proximity to the urban areas to the west and the industrial history of the wider area. Adjacent to the site is agricultural land and Penn Substation with electricity pylons and overhead cables on its eastern side. Staffordshire and Worcestershire Canal is located 120m to the west of the site and Staffordshire Railway walk to the east.

5.5.5 The site has a degree of enclosure from tree/vegetation cover located along field boundaries and the existing substation to the north. There are no prolonged views into the site, with views from the canal bridge and Union Lane and also views through vegetation from Staffordshire Railway Walk. By reason of separation distance, design and existing vegetation the proposed development would not have an adverse effect on the visual amenity and would in time be screened by planting to replicate field boundary hedgerows. The remaining visible infrastructure would, in my view, be limited and unassuming in the context of the existing substation infrastructure visible to the rear and surrounding electricity pylons and overhead powerlines.

5.5.6 There would be some harm to landscape character in the short term during the construction phase and prior to the proposed screening becoming established. However, this would be a temporary occurrence and in the medium to longer term the impact on landscape character would, in my view, not amount to a harmful impact.

5.5.7 The proposals are within the setting of the Staffordshire and Worcestershire Canal Conservation Area including the bridge and lock which are Grade II Listed. An Historic Environment Desk-Based Assessment has been submitted which concludes that the Site provides a neutral contribution to the setting of the Conservation Area and would not result in harm to any designated heritage assets.

5.5.8 The council's conservation officer has commented that, 'It is my opinion that whilst there are additional structures proposed within the setting of the conservation area, these will be viewed in the context of the other electrical equipment. Therefore, whilst the proposals will alter the setting, they are not considered to cause additional harm'. I am therefore satisfied that the proposals would not harm to the significance of the designated

heritage assets in the vicinity of the Site, and are also in accordance with Core Strategy policy EQ3 - Conservation, Preservation and Protection of Heritage Assets.

5.5.8 As a result, I consider that the proposal would not harm the rural character and local distinctiveness of the area in accordance with Core Strategy Policies EQ3, EQ4 and EQ12, subject to conditions such as securing appropriate landscaping, boundary treatment and materials.

5.6 Impact on the Highway and Access

5.6.1 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. Local Plan policy CP11 and EV11 echo these themes.

5.6.2 Vehicular access to the site would be from Penstone Lane to the north creating a new access and 4.5m wide track of crushed stone to the site. The submitted Transport Statement assesses the cumulative traffic impact of this proposal and 22/00044/FUL as they would be constructed concurrently and utilise the same access. Therefore, during construction of both proposals there would be approximately 346 HGV vehicles (692 two-way movements) accessing the site over a three-to-five-month period. Overall trip generation would equate to an average of circa 8-12 two-way vehicle trips per day over a 5-day week. It is proposed to route construction traffic to and from the northwest, i.e., past the substation access. Beyond the substation access, site traffic would need to turn west onto Dimmingsdale Road and right at the junction of Dimmingsdale Road and Langley Road. A Construction Traffic Management Plan (CTMP) would be prepared and agreed with the local highway authority prior to any works commencing on site.

5.6.3 I acknowledge the objections to the proposal which include concerns that the proposals will cause traffic congestion, highway safety issues and disturbance during construction works. However, Staffordshire County Highways have considered the proposal and do not object, subject to a range of conditions ensuring highway safety and minimising disturbance during construction.

5.6.4 In conclusion, I consider that the proposals (and in combination with 22/00044/FUL) would be acceptable with regard to highways and access impacts subject to the Highways Authority conditions being attached to any permission.

5.7 Ecology, trees, and landscaping

5.7.1 South Staffordshire Council Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

5.7.2 Policy EQ4 Protecting and Enhancing the Character and Appearance of the Landscape of the adopted Core Strategy states (in part): 'The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows

should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved'.

5.7.3 Policy EQ11 states that 'design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1'.

5.7.4 The area of the site proposed for development comprises working arable land which is of low ecological value. To create access to the site, a short section of hedgerow would be removed to access Penstone Lane. Public representations raise concerns that the proposals would harm the environment. However, the scheme proposes an area of tree planting, native hedge planting, a wildflower sward and low scrub/shrub planting. The submitted biodiversity metric spreadsheet demonstrates that this would result in substantial net gain in biodiversity. The Council's ecology officer has no objections to the proposals subject conditions requiring a lighting strategy, a Construction Environmental Management Plan (CEMP) to ensure that flora and fauna are protected during construction, tree/hedgerow protection measures, pre commencement badger survey, and installation of bird and bat boxes on nearby trees.

5.7.5 Public representations raise concerns that ecological damage is caused elsewhere due to mining for materials. This is a matter for the government's overall strategy for reducing use of fossil fuels. The resulting national policy position is clear that battery storage of electricity is a key part of the overall objective moving to a low carbon economy. The impact of the scheme on ecology is therefore assessed on a site impact basis as above.

5.7.6 In conclusion, the necessary protection methods, mitigation, and enhancement can be secured via conditions to ensure that the proposals are in accordance with Core Strategy Policies EQ1, EQ4, and EQ11.

5.8 Drainage and flooding

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

5.8.2 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

5.8.3 The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of users to safely access and exit during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

5.8.4 The main site is within Flood Zone 1 which has a low risk of flooding. A small part of the access track is within Flood Zones 2 and 3 of the Warstones Brook. The submitted Flood Risk Assessment suggests that a flood warning management strategy should be prepared so that all users of the site are aware of the potential flood risks and can act appropriately in the event of flooding impacting the site. Additionally, I consider that a similar strategy is prepared in consultation with the Staffordshire Fire and Rescue Service. These can be added as conditions to be agreed prior to the operation of the site.

5.8.5 The Lead Local Flood Authority does not object to the proposed development subject to planning conditions. This includes a fully detailed surface water drainage scheme to reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.

5.8.6 Severn Trent Water were consulted and sought further information around the risk posed to groundwater sites in the area in the event of a fire at the site whereby the fire suppression system failed, and the Fire Authority were required, and contaminated firefighting water could infiltrate the ground. I consider that such a scenario is unlikely, and I note that it would be unusual for an application to deal with the potential impacts from fire fighting activities. The proposals include a fire detection and suppression system. In addition, the scheme proposes oversized interception swales/filter drains at the most downgradient contours from the battery storage and transformer compounds which would capture any contaminated runoff from the site. The interception swales can attenuate approximately 200m³ across each site (totalling circa 400m³ of attenuation across the two sites). These interception features would capture contaminated water and include pollution capture membranes underneath. These would also be placed underneath the filter drains and battery storage/transformer compounds. Filtered water would then either infiltrate into the ground or be removed and appropriately disposed of by a management company with a quick response time. Following a fire/contamination event, the impacted areas of the site would be removed and replaced (i.e., dig out contaminated swales, gravel and membranes). Severn Trent support this approach.

5.8.7 Public representations raise concerns that water may drain into nearby watercourses to the west. However, the topography of the site slightly slopes north away from the river and canal and interceptor swales are proposed in-between as described above. Therefore, I consider that the likelihood of water draining from the development area into a watercourse is very low.

5.8.8 It is noted that The Sustainable Drainage Systems (SuDS) incorporated within the proposed drainage strategy have been selected with the CIRIA SuDS Manual Simple Index Approach.

5.8.9 As a result, I am satisfied that the application deals with flooding and drainage in accordance with Core Strategy Policy EQ7, subject to the conditions set out within the consultee responses.

5.9 Impact on Neighbouring amenity/Noise and Health

5.9.1 Core Strategy Policy EQ10 states that public, land uses and the natural environment will be protected from the actual or potential effects of hazardous or other activities likely to be detrimental to public health or amenity.

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

5.9.3 A number of objections have been received from the public raising concerns regarding the safety of the proposals and impacts on health and these have been given serious consideration whilst forming my recommendation. These include battery safety e.g., fire/explosion risk, contaminated materials and disposal of batteries being bad for the environment.

5.9.4 A Noise Impact Assessment has been submitted which shows that there would be a low impact on all receptors within the study area. The cumulative impact was also low with the exception of receptor 8 (residential property 'Arawak') which had a high impact. As a result, a 3.0m high acoustic grade fence has been proposed around the battery element of the Proposed Development to reduce the cumulative impact to low for all receptors. The levels at each receptor are below the Night Noise Guideline value of 40dB set out in the WHO Night-time Guidelines. This is the level recommended for the primary prevention of subclinical adverse health effects related to night noise in the population.

5.9.5 The Council's Environmental Health Officer has reviewed the application and has confirmed no objection subject to conditions relating to the control of noise, dust and working hours during construction and operation to safeguard the amenity of residents.

5.9.6 The concerns regarding fire/explosion risk are noted. The applicant has submitted a Battery Safety Management Plan setting out how the development would be managed from a fire safety risk mitigation perspective. The Council's Environmental Health Officer and Staffordshire Fire and Rescue Service have not raised any concerns in this regard. I am therefore satisfied with the approach to managing risk including the suggested conditions within the Battery Safety Management Plan which should be attached to any permission.

5.9.7 In conclusion, I consider that, subject to the above conditions, the proposal would protect public health/amenity in accordance with Core Strategy Policy EQ10.

6. CONCLUSIONS

6.1 The proposal is inappropriate development and the impact on openness would be moderate until proposed planting is established, reducing to a limited impact in the medium/longer term. This harm by reason of inappropriateness and harm to openness is given substantial weight.

6.2 National policy advises that developments should be located where impacts are, or can be made, acceptable. I consider that the location of the proposed development, adjacent to an existing substation, together with the existing and proposed landscaping means that this would be the case here. Additionally, whilst the proposed development would be located at the site for a number of years, it is reversible and capable of being removed from the site.

6.3 Therefore, I consider that the significance of such projects in supporting the government's national strategy of decarbonising the country's energy system, and the fact that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do exist and the scheme would not conflict with Core Strategy Policy GB1 or the Framework.

6.4 Subject to various conditions, the proposal is in accordance with the relevant policies in the South Staffordshire Core Strategy 2012, and the relevant provisions of the NPPF 2021.

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 and documents:

P1900-01G REV G LOCATION PLAN
16 Feb 2022

211111.103 REV F LANDSCAPE MITIGATION STRATEGY
EPC-339-C-LA-PENN02 SITE LAYOUT PLAN
EPC-339-C-LA-PENN1+2 SITE LAYOUT INCLUDING 22/00044/FUL
V6 LANDSCAPE AND VISUAL APPRAISAL
P1900-02D PROXIMITY OF PROPOSAL TO GAS PIPELINE
26 July 2022

EPC-0339-C-E-LA-AR ACCESS ROAD ELEVATION
EPC-0339-C-E-LA-BATT BATTERY UNIT PLAN AND ELEVATIONS
EPC-0339-C-E-LA-CCR CUSTOMER CONTROL ROOM ELEVATIONS
EPC-0339-C-E-LA-CCTV CCTV ELEVATION
EPC-0339-C-E-LA-DNO DNO CONTROL ROOM ELEVATIONS
EPC-0339-C-E-LA-ELV SUBSTATION 1 SITE LAYOUT OUTLINE ELEVATIONS
EPC-0339-C-E-LA-FG FENCE AND GATES ELEVATIONS
EPC-0339-C-E-LA-PCS PCS UNIT PLAN AND ELEVATIONS
19 January 2022

Fire System Safety Design (received 19.01.2022)
Battery Safety Management Plan (dated 01.04.2022)
Design and Access Statement (dated 06.09.2021)
Preliminary Ecology Appraisal (dated 06.2021)
Biodiversity Metric (dated 03.08.2021)
Landscape and Visual Appraisal V6 (dated 03.09.2021)
Transport Statement (dated 21.07.2021)
Flood Risk Assessment (dated 09.2021)
Noise Impact Assessment & Appendices A-D (dated 28.07.2021)

3. Before works above slab level, full details of facing materials to be used shall be 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. Before the commencement of any construction related activity on site, an Arboricultural Method Statement, providing comprehensive details of all underground service/utility runs, ground protection measures, 'No-Dig' construction types, construction methods within the Root Protection Areas of retained trees and

a finalised Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority. Subsequently, all measures within the approved method statement and Tree Protection Plan shall be adhered to until all construction related activity has been completed.

5. The development hereby permitted shall not commence until the access to the site within the limits of the public highway has been completed.
6. The development hereby permitted shall not be commenced until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 20.0m back from the site boundary.
7. The development hereby permitted shall not be brought into use until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.
8. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of;
 - Means of safe passage of all construction traffic to the site.
 - adequate signage.
 - Means of preventing deleterious material from being deposited upon the highway.has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.
9. Before any construction works hereby permitted are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure net gain of the site's Biodiversity Value, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided: Construction phase lighting, Reasonable Avoidance Measures, Method Statements for Reptiles and amphibians, nesting birds, badgers and hedgehogs, descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation; Details of both species composition and abundance where planting is to occur; Proposed management prescriptions for all habitats for a period of no less than 25 years; Assurances of achievability; Timetable of delivery for all habitats; and A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and thereafter maintained in accordance with the approved CEMP and HMP.
10. Prior to commencement of any site works, submission of a pre-commencement badger survey.
11. Prior to operation of the development the applicant shall install acoustic mitigation, designed specifically to mitigate the frequencies emitted by the plant and

equipment. The proposed solution is to be approved by the Local Planning Authority prior to installation and once installed, shall thereafter be maintained for the life of the development.

12. No development shall take place until a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), (DEFRA, March 2015).
- Sustainable Drainage Systems designed and implemented in full concordance with the Staffordshire County Council (SCC), SuDS Handbook.
- Provision of evidence of compliance with the principles of the drainage hierarchy, as described in Part H of the Building Regulations. Satisfactory evidence of fully compliant infiltration testing in full accordance with BRE 365 best practice guidance, in order to confirm or not as to the viability of infiltration as a means of surface water discharge.
- SuDs designed to provide satisfactory water quality treatment, in accordance with the CIRA C753 SuDS Manual Simple Index Approach and SuDs treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff.
- Limiting any off-site conveyance of surface water discharge from the site to the rate generated by all equivalent rainfall events up to 100 year plus (40%) climate change in accordance with the guidance in the SCC SuDs Handbook. Provision of appropriate surface water runoff attenuation storage to manage all surface water discharge on site.
- Detailed design (plans, network details and full hydraulic modelling calculations), in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements. Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include, as a minimum, the 1:1 year, 1:2 year, 1:30 year, 1:100 year and the 1:100-year plus (40%) climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained for the lifetime of the development. To include the name and contact details of the party(/ies) or body(/ies) responsible.

The development shall thereafter proceed in accordance with the approved details.

13. The applicant and developer are to ensure that adequate and satisfactory provision for the management and control of surface water are in place as part of any temporary works associate with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

14. Prior to occupation, a lighting design strategy for biodiversity for shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance along routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
15. Prior to operation of the site, details to be submitted of the type and location of 3 number bird boxes and 3 number bat boxes to be installed on retained trees.
16. Prior to operation, a proactive maintenance schedule for all aspects of the operational plant and equipment shall be provided, in accordance with the manufacturer's instructions. This schedule shall be followed throughout the lifetime of the plant and equipment to ensure the efficient operation of the plant, and records of relevant maintenance kept for inspection if requested. The reason for this condition is to ensure efficient operations, so that requirement for cooling fans is minimised and the potential for noise arising from wear and tear of any consumable items is minimised.
17. Prior to operation, a SuDS Operations and Maintenance Plan shall be submitted to and approved by the Local Planning Authority. This shall include installation of pollution capture membranes beneath the infiltration swales, filter drains and battery storage/transformer compounds. Following a fire/contamination event, the impacted areas of the site shall be removed and replaced (i.e., dig out contaminated swales, gravel and membranes).
18. The site shall be operated in accordance with the technical and safety information within the submitted Outline Battery Safety Management Plan. This shall include approaching Staffordshire Fire and Rescue Service to develop a Tactical Information Record for Lower Penn Battery Storage Facility 2; which will facilitate Fire and Rescue responders to the site with technical and tactical information about the site and best approaches in the event of a fire event. This shall be completed prior to the operation of the site.
19. Prior to operation of the development, a landscape scheme, detailing native species planting / seed mixes and how these will be managed via a Landscape Ecological Management Plan or similar, shall be submitted to the Local Planning Authority for approval. All measures within the approved landscaping / tree planting scheme, including aftercare provision, shall be implemented within 6 months of completion of construction related activity and maintained as specified. Any trees that die or become unsuitable for retention within 5 years of the initial planting date will be replaced on a like for like basis.

20. No tree shall be removed without a bat roost assessment, which must be submitted to the Local Planning Authority for approval.
21. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 07:00 and 23:00 shall not exceed 39dB L(A)_{eq} 1-hour as measured 1m from the boundary of nearest residential receptors. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 23:00 and 07:00 shall not exceed 35dB L(A)_{eq} 15-minute as measured 1m from the boundary of nearest residential receptors.
22. Operational hours of any demolition and construction activity, including vehicle movements to and from the site are restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday, and at no time on Sundays or Bank and Public Holidays.
23. Mitigation for dust arising from construction activities shall be provided as necessary to prevent dust being emitted across the site boundary during dry periods.
24. The planning permission hereby granted is for a period of 35 years and 6 months after the date the development is first operational as an energy storage site, notice of which will be supplied in writing to the Local Planning Authority within 14 days. When the use shall cease and the batteries, transformer units, inverters, all associated structures and fencing approved and landscaping initially required to mitigate the landscape and visual impacts of the development shall be removed.

A Decommissioning Method Statement to be submitted and approved by the Local planning Authority at least 12 months prior to the expiry of the planning permission. The scheme shall include a programme of works to remove the batteries, transformer units, inverters, all associated structures and fencing. The developer shall notify the Local Planning Authority in writing no later than twenty working days following cessation of import/export electricity to the grid for energy storage use. The site shall subsequently be restored in accordance with the submitted scheme and timescale, to be within 12 months of cessation of use.

If the development ceases to import/export electricity to the grid and operate as an energy storage facility for a continuous period of 24 months, then a scheme shall be submitted to the Local Planning Authority for its written approval for the removal of the batteries, transformer units, inverters, all associated structures and fencing and the restoration of the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.

If within 12 months of completion of the development, no operational use has commenced the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site in accordance with Decommissioning Method Statement to be submitted and approved by the Local planning Authority.

If a permanent cessation of construction works occurs for a period of 6 months prior to completion and the battery facility coming into operational use, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site in accordance with Decommissioning Method Statement to be submitted and approved 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 amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
5. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
8. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
9. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
10. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
11. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
12. To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development.
13. To reduce the risk of surface water flooding to the development and surrounding properties during construction.
14. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
15. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
16. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
17. To avoid pollution of the water environment in accordance with policy EQ7 of the adopted Core Strategy.

18. To ensure that all safety concerns around the facility are addressed in so far as is reasonably practicable.
19. To safeguard the amenity of the area and build biodiversity into the development scheme in accordance with policy EQ11, EQ1 and EQ4 of the adopted Core Strategy.
20. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
21. To protect the amenity of neighbouring residents so they can use their gardens and homes without undue disturbance from any noise associated with the operations, plant and equipment in accordance with policy EQ9 of the adopted Core Strategy.
22. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
23. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
24. 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, 2021.

INFORMATIVES

Highways Authority

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

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

Great Crested Newts

Please note that the application site is within a Green Impact Risk Zone for Great Crested Newts. Whilst the proposal is considered to be low risk, there is the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or NatureSpace) as to how to proceed.

Western Power Distribution

Western Power Distribution (WPD) has Extra High Voltage (EHV) (132kV) network installed on this site. WPD MUST be contacted in all instances for safety guidance, proximity clearances and clear working methodologies related to locating equipment and safe working practices prior to any physical (or survey) works at this site. Any alteration, building or ground works proposed within 50 meters of any network, apparatus or equipment that may or may not directly affect cables or conductors, must be notified in detail to Western Power Distribution. For further information contact - Western Power Distribution, Tipton Projects Team, Toll End Road, Tipton, West Midlands, DY4 0HH or via telephone on: Emergency contact number (West): 0330 123 5008 General Enquiries: 0845 724 0240. WPD accepts no responsibility for works undertaken by any party on this site without written prior consent from an authorised WPD employee (approval subject to submission of working method statements and compliance with network safety requirements. All attendees on this site are advised and encouraged to familiarise themselves with ENA GS6 (Avoidance of Danger from Overhead Lines) prior to taking site access.

When working in proximity to overhead lines, the minimum statutory clearances required, are shown in the table below for the voltage to which the line is designed. In order to allow for construction tolerances and compliance with HSE Note of Guidance, WPD strongly recommend that clearances are increased to the figures shown in the right hand column.

Description of Clearance	Minimum Clearance from 132kV Lines (Meters)	Recommended Clearances from 132kV Lines (Meters)
Line Conductors to Ground (other than a road)	6.7	7.0
Line Conductors to road surface (not a high load route or motorway)	6.7	7.3
Line Conductor to building or other structure	3.6	6.6
Line conductor to plant during construction	3.2*	-

*Any part of the barrier required by HSE GS6 which may be stood on must be at least 3.6m from the conductors.

The use of any plant that is capable of extending and infringing Clearance to the conductors must be strictly controlled. Any plant working beneath or immediately to the side of the conductors must not be capable of extending above 4m and must have the appropriate restrictors fitted to prevent inadvertent contact with the overhead Conductors.

Please note that the overhead conductors are live at 132,000 volts.

Staffordshire Police

I support the intention to install CCTV in these proposals. I recommend that vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered. Where

privacy requirements allow, this should include vehicle and pedestrian access points for both sites.

I recommend that the Customer Switchroom and Control Building, DNO Control Room and any other vulnerable structures are protected by Monitored Alarm Systems to BS EN 50131-1:1997 Grade 3 and BS 8418 with a unique reference number aimed at achieving Police Response.

1.1 Alarm System and CCTV.

I recommend that the Customer Switchroom and Control Building, DNO Control Room and any other vulnerable structures are protected by Monitored Alarm Systems to the following standards with a unique reference number aimed at achieving Police Response.

Secured By Design Commercial Developments 2015.
Section 64 Intruder alarms systems.

Section 64.1 (Security Systems Policy and Police Response)

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

Section 64.2 (Loss Prevention Certification Board component requirements)

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

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

I support the intention to install CCTV in these proposals. I recommend that vulnerable areas are covered and where possible alarmed. Views from boundary corners and down straight lengths of the boundary should be considered. Where privacy requirements allow, this should include vehicle and pedestrian access points for both sites.

Section 49 Closed circuit television (CCTV).

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

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

Section 49.3

The CCTV system must have a recording capability, using a format that is acceptable to the local police. The recorded images must be of evidential quality if intended for prosecution. Normally this would require a full 'body shot' image of a suspect. It is

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

Section 49.4 (Matters requiring discussion with installer)

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

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

Section 49.5 (Required Minimum Standard for installation)

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

Section 49.6 (Lighting must support the proposed CCTV system)

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

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

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

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

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

Section 49.10 (Installation standard for detector operated systems)

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

1.2 Proposed Security Fence.

I support the intention to install a Palisade fence to a height of 2.4m. This boundary should be manufactured and installed to LPS 1175 Security Rating 1.

Secured By Design. Commercial 2015.

Note 43.16: The above LPS standard (LPS 1175 Security Rating 1) relates to both the height and penetrative resistance of the fence i.e. SR 3 is substantially more resistant to penetration than SR1. Such penetrative resistance may not always be required even though a height of 2.4m is necessary. In such circumstances, SBD will allow the extension in height of a certificated SR 1 fence.

Section 43.17 All fencing systems and gates as described in paragraphs 43 and 44 (Secured By Design. Commercial 2015) must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice. Consideration must be given to the provision of a strip foundation if there is a perceived risk of the fence being bypassed or undermined by the removal of substrate, guidance is also provided in BS 1722.

This fencing must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice.

Gates.

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

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

Note: If gates are installed with locks that are remotely operated, they must form part of the manufacturer's Secured By Design certificated range.

1.3 Lighting (Recommended minimum guidance.)

The proposed lighting layout should be aimed at removing opportunities for criminals to act unobserved during the hours of darkness. The entire site should be illuminated, with higher lighting levels provided for vulnerable areas. This is of greater importance where this lighting is intended to support CCTV. Note: Taking into account the location and the use of CCTV, motion sensor activated lighting is probably the most appropriate lighting for these proposals.

Secured By Design. Commercial (2015 V2).
Security Lighting. Section 39. External Lighting.

Section 39.2 In terms of security, the objective of lighting commercial units after dark is to deter or detect an intruder (See Section 2 paragraphs 48 for standards and values).

Section 39.3 Lighting design should be co-ordinated with a CCTV installation (when specified) and the landscape designed to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system. Light fittings should be protected where vulnerable to vandalism.

39.4 A lighting scheme should provide uniformed lighting levels with good colour rendition and be sufficient to cater for lawful after dark activity around the industrial or warehouse unit and site. It should not cause glare or light pollution and should support both formal and informal surveillance of the site.

Section 39.5 External illumination when the building is unoccupied is recommended for entrance gates and routes to the main entrance and doors, car parks (if occupied by vehicles) and observable building elevations.

Section 39.6 In some circumstances, and especially where security guards are monitoring the building from outside, it may be useful to direct lighting at the building to aid intruder detection.

Section 39.7 The use of bollard lights may be useful for way finding, however bollard lights fail to properly model the facial features of pedestrians and are vulnerable to vandalism and vehicle collision. Therefore, their use for security purposes is discouraged.

Section 48. External lighting standard requirements.

Section 48.1 All street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks must comply with BS 5489-1:2013.

Section 48.2 Landscaping, tree planting and lighting schemes shall not be in conflict with each other.

2. Further Information.

Please note that relevant help and information may be gained from the following web sites:

www.securedbydesign.com (The official Police Security Initiative and Police Preferred Specified security product scheme).

www.gov.uk/data-protection (Online notification of CCTV schemes, Data Protection Principles and relevant Codes Of Practice).

www.bsi-global.com (Standards, Training, Testing, Assessment and Certification).

www.bregroup.com (Offer quality of performance and protection certification for fire, security and environmental products and services).

www.nsi.org.uk (Independent UKAS-accredited certification body in the security and fire sector).

www.ico.gov.uk (Independent authority upholding information rights in the public interest and data privacy for individuals).

Staffordshire Fire and Rescue Service

FIRE MAINS, HYDRANTS AND VEHICLE ACCESS

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

15 and 16. I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance G.V.W. of 17800 Kg.

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers. Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.
- Protect property, heritage, environment and our climate;
- Help promote and sustain business continuity; and
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- Increase fire fighter safety
- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.
- Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop beyond the stage where it cannot be dealt with by employees using first aid fire fighting equipment such as a portable fire extinguisher.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community. Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing financial implications for all stakeholders.

Further information can be found at www.bafsa.org.uk- the website of the British Automatic Fire Sprinklers Association Ltd.

Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to. The original holding objection was triggered due to the presence of a High-Pressure Major Accident Hazard Pipeline (MAHP). The minimum building proximity distance (BPD) for the pipelines and associated installations is as follows:

Specific HP (WM1211) 14.3 metre BPD

The building proximity distance taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission and IGEM/TD/3 Edition 5 Steel and PE pipelines for gas distribution

Your responsibilities and obligations

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence),

misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.



Field At (Penn 2) Penstone Lane Lower Penn

**22/00696/FUL
NON MAJOR**

Mr Imre Tolgyesi

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

Land Adjacent Staffs And Worcs Canal Station Road Four Ashes WV10 7DG

The repair and reinstatement works of the cladding, roofing, guttering and external door elements of the existing factory building

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

1.1.1 The application relates to building 4E at Station Road, Four Ashes. The application site forms part of the wider Four Ashes employment site, which is one of the District's freestanding strategic employment sites. The site is bounded to the north by Station Road, and to the south by Enterprise Drive. It shares a partial boundary with the canal to the north-east. The remaining boundaries are formed with plots containing factory and warehouse units.

1.1.2 The site is adjacent to the Canal Conservation Area, with Staffordshire and Worcestershire Canal close to a site boundary to the north-east of the site. The application site is bound along its boundaries with young and semi mature trees and none of which are protected by a Tree Preservation Order.

1.1.3 The wider industrial estate of Four Ashes primarily comprises of a diverse range of B2 and B8 uses, including various small business parks, warehouse uses, food production facilities and vehicle repair units. The site is less than a mile to the A449 to the west, which gives access to the M54 to the south and the M6 to the north-east.

1.1.4 The existing factory building was damaged by a fire on 20th July 2021. The building is constructed of metal cladding panels walls and roof. The two-storey office block which forms part of the building has been constructed with brick walls and tile roof. The recently completed factory extension is a mix of facing bricks, metal cladding and metal profiled roofing.

1.2 Planning History

19/00775/FUL - Factory extension to Unit 4E, external works, landscaping, new and reconfigured car parking, Approved

11/00272/FUL - to erect new 2m high automated sliding steel gates and steel palisade fencing to Enterprise Drive rear access. Approved

04/00137/COU - change of use to B1, B2 and B8 and restoration of outdoor storage areas.

Approved. 04/01020/VAR - variation of conditions 2,3 and 4 of planning permission

04/00137/COU. Approved.

97/1047 - extension to industrial premises. Approved.

96/00741 - extension to factory and car park. Approved

2. APPLICATION DETAILS

2.1 Proposal

2.1.1 The application proposes the reinstatement of the cladding, roofing, guttering and external door elements of the existing factory building damaged by the fire on 20th July 2021 and associated works is required for the building to return to its operational state and support the production process as an ongoing business concern.

2.1.2 The proposal will replace the fabric of the factory like for like, with no increase in footprint or volume. The car parking provision and the external hard and soft landscaping will be retained as existing.

2.2 Agents Submission

- Design and Access Statement;
- Management Asbestos Survey Report & Register; and
- Management with targeted refurbishment survey.

An Environmental Impact Assessment was not required as part of this application.

3. POLICY CONTEXT

3.1 The site is located within the Four Ashes strategic employment site development boundary and also lies within the Canal Conservation Area.

3.2 South Staffordshire Adopted Core Strategy

Core Policy 1: The Spatial Strategy

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

Core Policy 3: Sustainable Development and Climate Change

Core Policy 4: Promoting High Quality Design

Core Policy 7: Employment and Economic Development

Core Policy 11: Sustainable Transport

Core Policy 13: Community Safety

Policy OC1: Development in the Open Countryside beyond the West Midlands Green Belt

Policy EQ1: Protecting, Enhancing and Expanding Natural Assets

Policy EQ2 - Cannock Chase Special Area of Conservation

Policy EQ3: Conservation, Preservation and Protection of Heritage Assets

Policy EQ4 Protecting and enhancing the character and appearance of the Landscape

Policy EQ5: Sustainable Resources and Energy Efficiency

Policy EQ7: Water Quality

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Policy EV1: Retention of Existing Employment Sites

Policy EV11: Sustainable Travel

Policy EV12: Parking Provision

Policy CS1: Designing Out Crime

Appendix 5: Car parking standards

Supplementary Planning Documents

South Staffordshire Design Guide (2018)

Sustainable Development (2018)

Cannock Chase SAC

3.3 National Planning Policy Framework

National Planning Practice Guidance

National Design Guide

National Model Design Code

3.4 National Planning Policy Guidance

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

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

4. CONSULTATION RESPONSES

No comments from ward members (expired 25/08/2022)

Brewood and Coven Parish Council (received 05/08/2022) *No comments*

County Highways (received 12/08/2022) *The proposed development is just the replacement of items damaged in a fire and this will not impact on the public highway*

Conservation Officer (received 16/08/2022) *The application is for the repair and re-instatement of cladding and roofing etc. to a modern industrial building following a fire. The building is adjacent to the Staffordshire and Worcestershire Canal Conservation Area. There will be no changes to the footprint or scale of the building and the materials are proposed to match the original existing materials. There are no conservation objections to the proposals*

Tree Officer – (received 31/08/2022) *There are no trees of significant merit which are screening the building from the canal. It appears that much of the vegetation, including trees, was removed from this part of the tow path in early spring 2021. What remains are generally poor quality, self seeded trees which are not suitable for long term retention. The statutory protections conferred by the canal Conservation Area status would be overridden by the planning consent if it were granted.*

County Ecologist – (received 31/08/2022) *The building appears to be unsuitable for bats and birds since it is a large metal building lacking suitable features.*

Nature Space Partnership Newt Officer - No comments received (expired 16/08/2022).

Canal And River Trust (received 22/08/2022) *The site is adjacent to the Canal Conservation Area and the Calf Heath Bridge (east of) Biodiversity Alert Site (BAS). There is vegetation close to the building, within the canal corridor, that screen the building to some extent and are likely to have an ecological value, that contributes towards the BAS. At one point the existing building is approx. 2-3m from the site boundary. It is not clear whether trees in the canal corridor would be affected. Therefore, we request details of how vegetation will be*

protected during works. This should aim to establish Root Protection Zones (RPZs) and provide information on physical measures to be put in place to enforce this protection.

No Councillor comments (expired 26/07/2022).

No Neighbour comments (expired 26/07/2022).

5. APPRAISAL

5.1 This application is referred to Planning Committee as it is a proposal put forward by the Council's own Commercial Services Team.

5.2 Key Issues:

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Local Highway Impact
- Residential Amenity
- Biodiversity and Protected Species
- Arboriculture

5.3 Principle of Development

5.3.1 The proposed works are located within the development boundary of the Four Ashes Industrial Estate, which is identified within the adopted Core Strategy as one of four strategic employment sites within South Staffordshire. Core Policy 1 of the Core Strategy confirms that support will be given to the four strategic employment sites, and Policy EV1 further recognises Four Ashes as a strategically important industrial location within the District and states that land at Four Ashes will be used for employment purposes that accord with its strategic planning and economic justifications.

5.3.2 The NPPF requires significant weight to be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development (paragraph 80). Therefore, the proposed refurbishment works within the development boundary of Four Ashes is supported, subject to other relevant development plan policies and NPPF requirements being satisfied.

5.4 Design and Impact on the Character and Appearance of the Area

5.4.1 The building is adjacent to the Staffordshire and Worcestershire Canal Conservation Area. Policy EQ3 requires that due regard is given to the conservation and enhancement of South Staffordshire's historic environment. The Council will consider the significance and setting of all proposed works to heritage assets and will seek to use appropriate materials for development proposals.

5.4.2 Policy EQ11 requires that new development respect local character and distinctiveness, including that of the surrounding development and landscape [...] by enhancing the positive attributes whilst mitigating the negative aspects[.] In terms of scale, [design] and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area. New development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally,

the Council's Design Guide Supplementary Planning Document amplifies the principles set out in Policy EQ11 of the Core Strategy.

5.4.3 Policy EQ4 of the Core Strategy advises that "the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views". Core Policy 4 similarly seeks to promote high quality design and respect and enhance local character and distinctiveness of the natural and built environment.

5.4.4 The NPPF (Section 12) advises that "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". The document continues to state that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design".

5.4.5 Paragraph 130 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:

- function well and add to the overall quality of the area;
- establish a strong sense of place;
- respond to local character and history, and reflect local surroundings and materials;
- create safe and accessible environments; and
- be visually attractive as a result of good architecture and appropriate landscaping.

5.4.6 The proposal would utilise existing floorspace and would not require the enlargement of the building's footprint, or any significant increase in its bulk. The materials to be used in the construction of the works will match those of the existing building, which comprises of a brick plinth wall, and wall and roof cladding. There will be no significant or harmful impact on the character or appearance of the Conservation Area or the surrounding streetscene. Subject therefore to a condition to ensure the use of materials the proposal will comply with the requirements of the Development Plan and NPPF In this regard.

5.5 Local Highway Impact

5.5.1 Paragraph 111 of the NPPF states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

5.5.2 The proposal will not impact upon the site's existing access arrangements or car parking arrangements. Given this assessment, the proposal will have an acceptable impact upon highway safety and as such, complies with the requirements of the Development Plan and NPPF in this regard.

5.6 Residential Amenity

5.6.1 In accordance with Core Strategy 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. Given the scale and siting of the refurbishment works proposed there is no potential for loss of light or overbearing

impact to neighbouring properties from the scheme. Given the above assessment, it is considered that the proposal complies with the requirements of the Development Plan and NPPF in this regard.

5.7 Biodiversity and Protected Species

Protected Species

5.7.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation (Natural Habitats, &c.) Regulations 1994 implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. The Countryside and Rights of Way (CROW) Act 2000 compels all government departments to have regard for biodiversity when carrying out their functions. Finally, The Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts.

5.7.2 Core Strategy Policy EQ1 advises that permission will be granted for development that would not cause significant harm to sites and or habitats of nature conservation, including woodlands and hedgerows.

Great Crested Newts

5.7.3 The development falls within the green impact risk zone for Great Crested Newts (GCN). Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the green impact zone, there is moderate habitat suitability meaning GCN may be present.

5.7.4 It is advised that the application proposal will not impact GCN as the proposal is for an alteration to an existing industrial building.

Biodiversity

5.7.5 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of a site.

5.7.6 Due to the Local Planning Authorities obligation to "reflect and where appropriate promote relevant internal obligations and statutory requirements" (Paragraph 2 of NPPF) and the requirement, under paragraph 174 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (along with emerging advice within the Environment (Principles and Governance) Act 2018); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Such also accords with the requirements of Paragraph 180 of the NPPF, which states "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity". The requirements of the NPPF, as set out

above, accord with the broad objectives of Core Strategy Core Policy 2 and Policies EQ1 and EQ12.

5.7.7 In this case, given the proposal will have no impact upon the site's existing biodiversity value, there is no need to secure an uplift and rather the scheme will secure no net loss in biodiversity value.

5.8 Impact on Special Areas of Conservation (SAC)

5.8.1 Paragraph 182 of the NPPF advises that "The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site".

5.8.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to its siting within the acknowledged 15km Zone of Influence (Zoi) of the Cannock Chase SAC. The LPA have completed screening assessments under the Habitats Regulations for the SAC, which conclude that given the nature, location and scale of the proposal, the development alone, or in combination, is not considered have an adverse effect upon the integrity of the either SAC. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

5.9 Arboriculture

5.9.1 Vegetation marks the boundary shared with the canal corridor. This vegetation screens the building to some extent and is likely to have some ecological value that contributes to the Calf Heath Bridge (east of) Biodiversity Alert Site (BAS). At one point the existing building is approximately 2-3m from the site boundary. However, the Arboriculture Officer advises that there are no trees of significant merit, and that much of the vegetation, including trees, was removed from this part of the tow path in early spring 2021.

5.9.2 Given the different in ground levels between the trees and the building, damage to the root plates is unlikely and therefore does not require a construction exclusion zone enforced by protective fencing.

5.9.3 Given the above assessment, it is considered that the proposal complies with the requirements of the Development Plan and NPPF in this regard.

6. CONCLUSION

6.1 The application will have an acceptable impact upon the character and appearance of the existing building and will not have a detrimental impact on the surrounding street scene. The impact of the proposal upon the reasonable amenity of existing residents, has been determined to be acceptable, whilst there are no highway, arboriculture or ecology issues arising. As such, it is recommended that this application be approved.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings (received 14/07/2022):
FAFD-KBS-XX-XX-DR-A-1121 - Block plan;
FAFD-KBS-XX-GF-DR-A-2020 - Existing ground floor plan;
FAFD-KBS-XX-XX-DR-A-3010 - Existing elevations;
FAFD-KBS-XX-GF-DR-A-2022- Existing high level plan;
FAFD-KBS-XX-GF-DR-A-2021 - Proposed ground floor plan;
FAFD-KBS-XX-XX-DR-A-3011 - Proposed elevation; and
FAFD-KBS-XX-XX-DR-A-1120 - Location plan.
3. The materials to be used for the external walls and roof shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the visual amenity of the area and the existing building in particular in accordance with Policies EQ3 and EQ11 of the adopted Core Strategy and the National Planning Policy Framework.

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 2021.

INFORMATIVES

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

All nesting birds are afforded protection under Part 1 section 1 of the Wildlife and Countryside Act 1981 (as amended 2016), making it an offence to: disturb, injure or kill a nesting bird; disturb, take or destroy their nest; or damage, take or destroy their eggs. As such any removal of cladding and roof materials should occur outside of bird nesting season (March-September inclusive). If, site clearance outside of bird nesting season cannot be achieved then the site must be checked to be free of

nesting birds, by a suitably experienced ecologist, immediately prior to commencement of any site clearance works.

A developer should be aware that even if the approved development's impact upon protected species was not raised as an issue by the South Staffordshire Council when determining the application, there remains the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or the South Staffordshire Council Ecology Team) as to how to proceed.

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SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 27 SEPTEMBER 2022****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 Department for Levelling Up, Housing and Communities

2. RECOMMENDATION

2.1 That Committee notes 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	20 September 2022	
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.

PART B – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 **Future Training** – Further training dates are being arranged to cover Permitted Development Rights and Planning Enforcement as requested in the Member questionnaire responses. Please let us know if there are other topics on which you would like training. In addition, regular training/refresher sessions on using Public Access will be organised.
- 4.2 **Changes in National Policy** – No change since previous report.
- 4.3 **Planning Appeal Decisions** – every Planning Appeal decision will now be brought to committee for the committee to consider. There have been 7 appeal decisions since my last report, copies of the decisions are attached as Appendix 1-7. These relate to:
- 1) An appeal against a refusal to allow the renovation and extension of existing barn to provide a single, two bedroom, single storey dwelling at Bull Barn, Orton Hall Farm, Lower Penn WV4 4XA. The appeal was allowed because the inspector disagreed with the Council on whether the existing building is of 'substantial construction'. The Council's view was that the building was not of substantial construction and therefore its re-use would not accord with the NPPF which states that the re-use of buildings is not inappropriate provided that, among other things, the buildings are of permanent and substantial construction. The inspector recognised that the barn is not substantial in that most of the doors are missing and there is no roof at all. However, as the walls are largely extant with a concrete floor, together with a structural report, the inspector concluded that it is reasonable to consider the former barn is a building that could be altered and extended. The inspector concluded therefore that it was not inappropriate development and in accordance with Green Belt policy.
 - 2) An appeal against a refusal to build a single detached dwelling at Oak Tree View, Paradise Lane, Slade Heath WV10 7NZ. The appeal was dismissed because the inspector concluded that it was inappropriate development in the Green Belt and concurred with the Council that the proposal would introduce substantial built form to this undeveloped site which would reduce the spatial openness of this part of the Green Belt. Consequently, the inspector concluded that the very special circumstances necessary to justify the proposal do not exist and dismissed the appeal.
 - 3) An appeal against a refusal for the construction of a second storey side extension to create a home gym, study and sewing room at The Farmhouse, Smestow Road, Smestow DY3 4PJ. The appeal was dismissed because the inspector concluded that the proposal, alongside the existing additions, would result in disproportionate additions over and above the size of the original building. Accordingly, the proposal would be inappropriate development in the Green Belt and have a greater impact on openness. The inspector also concluded that the other considerations cited in support of the proposal, including an existing Certificate of Lawfulness, do not either individually or cumulatively, outweigh the harm to the Green Belt. Consequently, the

inspector concluded that the very special circumstances necessary to justify inappropriate development in the Green Belt did not exist and dismissed the appeal.

- 4) An appeal against an Enforcement Notice in relation to an alleged breach of planning control. The notice states: Without planning permission, the making of a material change of use of Land, to land used as a storage facility including the storage of construction material, plant equipment and other materials and paraphernalia used in association with a civil engineering business at to build a single detached dwelling at Landywood Farm, Landywood Farm Lane, Cheslyn Hay, WS6 7AS.

The grounds for appealing an Enforcement Notice are set out in section 174(2)(of the Town and Country Planning (TCPA) Act 1990 as amended. It states that an appeal may be brought on any of the following grounds:

- a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;*
- b) that those matters have not occurred;*
- c) that those matters (if they occurred) do not constitute a breach of planning control;*
- d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;*
- e) that copies of the enforcement notice were not served as required by section 172;*
- f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;*
- g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.*

This appeal was on the grounds (e), (f) and (g) only. The appeal was dismissed, and the notice upheld, subject to some variations.

In relation to matter (e) the inspector concluded that in the absence of any evidence to show that Datom Electrical has been substantially prejudiced by a failure to serve, the ground (e) appeal fails.

In relation to matter (f) the inspector concluded that the TCPA Act specifically refers to a purpose of a notice being to restore the land to its condition before the breach took place, and that requirement is not excessive. The requirements of the Notice are therefore not excessive, and the ground (f) appeal fails.

In relation to matter (g) the inspector concluded that the reasons for the notice included amenity issues for nearby residents including noise and disturbance. The unauthorised use should not be allowed to continue for longer than is necessary, given the impacts of the development upon amenity which is a legitimate concern in

the public interest. The inspector concluded that a 4-month compliance period does appear to be an appropriate balance between the appellant's relocation plans and the public interest in securing compliance. The ground (g) appeal therefore fails. As such the notice is upheld and the appeal dismissed.

- 5) An appeal against a refusal to construct, manage and operate a battery based electrical storage scheme with associated infrastructure at Land West of Wolverhampton West Primary Substation, South Staffordshire Railway Walk, Wolverhampton, WV4 4XX. The appeal was allowed; however, the costs claim against the Council was dismissed. The appeal was allowed because the inspector concluded that the environmental benefits of the proposal and the fact that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. As such, the inspector concluded that very special circumstances necessary to justify the proposal do exist and the scheme would not conflict with LP Policy GB1 or the Framework.
 - 6) An appeal against a refusal to allow a telecommunications monopole and equipment cabinets on the grass verge at Warstones Road/Stourbridge Road junction, Springhill, South Staffordshire WV4 5NB. The appeal was allowed because the inspector concluded that the siting and appearance of the proposed development would not adversely affect the character and appearance of the area.
 - 7) An appeal against a refusal to build a detached dwelling and garage on Land Adjacent to The Heathlands, Whittamoor Lane, Dunston ST18 9AQ. The appeal was dismissed because the inspector concluded that the site is not a suitable location for the development proposed in respect of accessibility to services and reliance on private motor vehicles. The inspector also concluded that the proposal would unacceptably harm the character and appearance of the area contrary to Policy EQ4 of the CS which seeks to ensure that development maintains or enhances the intrinsic rural character or local distinctiveness. As such the appeal was dismissed.
- 4.4 In May 2020 the Secretary of State for Transport 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.
- 4.5 In April 2022, PINS confirmed that the M54/M6 link road Development Consent Order (DCO) has been granted by the Secretary of State. Further information can be found here <http://infrastructure.planninginspectorate.gov.uk/document/TR010054-001195> . Latest communication suggests that site investigation works will soon start to take place on site.
- 4.6 **Relevant Planning Enforcement cases on a quarterly basis** – 79% of Planning Enforcement cases are currently being investigated within 12 weeks of the case being logged. This is slightly below the target of 80%. This is to be expected due to the level of high priority cases and appeals underway. The internal Service Review to look at areas for streamlining, efficiencies and service improvements is underway.

- 4.7 **The latest data produced by the Department of Levelling Up, Housing and Communities** – As members will recall, DLUHC 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, DLUHC 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
- 4.8 We will ensure that the Committee is kept informed of performance against the relevant targets including through the DLUHCs own data.
- 4.9 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 DLUHCs 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>

- 4.10 The latest position is on the DLUHC website and the key figures are below:

Speed

151a – majors – target 60% (or above) – result = 90.6% (data up to March 2022)

153 – others – target 70% (or above) – result = 86.1% (data up to March 2022)

Quality

152a – majors – target 10% (or below) – result = 1.8% (date up to March 2021)

154 – others – target 10% (or below) – result = 0.6% (date up to March 2021)

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

N/A

7. BACKGROUND PAPERS

Appendix 1 – Appeal Decision – Bull Barn, Orton Hall Farm, Lower Penn WV4 4XA

Appendix 2 – Appeal Decision – Oak Tree View, Paradise Lane, Slade Heath WV10 7NZ

Appendix 3 – Appeal Decision – The Farmhouse, Smestow Road, Smestow DY3 4PJ

Appendix 4 – Appeal Decision – Landywood Farm, Landywood Farm Lane, Cheslyn Hay, WS6 7AS

Appendix 5a and b – Appeal and Costs Decision – Land West of Wolverhampton West Primary Substation, South Staffordshire Railway Walk, Wolverhampton, WV4 4XX

Appendix 6 – Appeal Decision – grass verge at Warstones Road/Stourbridge Road junction, Springhill, South Staffordshire WV4 5NB

Appendix 7 – Appeal Decision – Land Adjacent to The Heathlands, Whittamoor Lane, Dunston ST18 9AQ

Report prepared by:

Kelly Harris
Lead Planning Manager

Appeal Decision

Site visit made on 21 June 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2022

Appeal Ref: APP/C3430/W/22/3293404

Bull Barn, Orton Hall Farm, Lower Penn WV4 4XA

- 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 Ms Avril Watton against the decision of South Staffordshire District Council.
 - The application Ref 21/00885/FUL, dated 16 August 2021, was refused by notice dated 21 December 2021.
 - The development proposed is renovation and extension of existing barn to provide a single, two bedroom, single storey dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for renovation and extension of existing barn to provide a single, two bedroom, single storey dwelling at Bull Barn, Orton Hall Farm, Lower Penn, WV4 4XA in accordance with the terms of the application, Ref 21/00885/FUL, dated 16 August 2021, subject to the conditions in the attached Schedule.

Main Issue

2. The main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies; and
 - ii) the effect on the character and appearance of the area.

Reasons

Inappropriate development?

3. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. One of which (part c) is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Part A. d) of policy GB1 of the South Staffordshire Core Strategy (2012) is consistent with this.
 4. The Council state that the extensions would not be disproportionate. The extensions would therefore accord with policy GB1 and paragraph 149 of the Framework and would not be inappropriate development.
 5. However, the Council consider that the existing building is not of substantial construction and therefore its re-use would not accord with part d) of paragraph 150 of the Framework which states that the re-use of buildings is
-

not inappropriate provided that, among other things, the buildings are of permanent and substantial construction.

6. There is no need to consider the proposal under paragraph 150 if it is not inappropriate under paragraph 149. Nonetheless, clearly, the existing development must be sufficient to be able to be considered a building for it to be able to be extended.
7. It is recognised that the barn is not substantial in that most of the doors are missing and there is no roof at all. Nonetheless, the walls are largely extant, there is a concrete floor, and double wooden doors face Flash Lane. Furthermore, the appellant's Structural Inspection report states that the building, with some repair, is able to be converted. It is reasonable to consider the former barn is a building that is able to be altered and extended, as allowed for in policy GB1 and the Framework, as opposed to being demolished and replaced or rebuilt.
8. As such the development as a whole would accord with policy GB1, paragraph 149 of the Framework and Core Policy 1, which also guards against inappropriate development in the Green Belt. It is therefore not inappropriate development.

Character and appearance

9. The site is at the rear of a complex of buildings which formerly comprised Orton Hall Farm. With the exception of the building subject of this appeal, these have all been renovated and converted to dwellings, but still form a distinct cluster of development due to their consistent use of red brick and tiled roofs, and their arrangement around a courtyard. In addition, the converted agricultural buildings, due to their modest scale and design, retain an agricultural character appropriate to this rural setting.
10. The proposal would retain the existing brickwork with a render finish being applied to the sections which would fill in the gaps where the doors would have been. The use of render as a contrasting material would illustrate the position of the former openings, distinguishing it from, and highlighting, the retained brickwork of the original building. This approach is supported by the advice relating to barn conversions in the South Staffordshire Design Guide (2018). In addition render is used on the side elevation of Orton Manor, which appears prominently at the junction of Flash Lane and Orton Lane, so it would not be an alien material in this area.
11. Roof lights are proposed in the north-west and south-west elevations, but these are not an unusual feature locally and there are many rooflights in the original farmhouse and the converted Old Stone Barn. Likewise the use of casement windows in the elevations would match the windows in the elevations of the converted farmhouse, hence strengthening the consistency amongst the former farm buildings.
12. Overall, the use of these features would result in the development reflecting the appearance of the other buildings nearby and, with the limited scale of the extensions and the simple form of the building being retained, along with the courtyard area in front, the nature of the cluster of former agricultural buildings and the rural character of the area would be preserved.

13. As such the development would not harm the character and appearance of the area and so would accord with Core Strategy policies EQ11, which requires development to respect the character and local distinctiveness of the area, and EV6, which seeks to ensure the re-use of redundant farm buildings conserves its character and appearance. It would also accord with the guidance in the Design Guide as set out above.

Conditions

14. I have considered the Council's suggested conditions. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the Framework and the Planning Practice Guidance.
15. The standard conditions relating to the commencement of the development and the approved plans are attached in the interests of certainty. Conditions relating to the finishing materials, landscaping and protection of existing trees or shrubs are necessary to protect the character and appearance of the area.
16. A condition is imposed combining two suggested conditions, requiring the installation of measures to provide a net gain in biodiversity. I have also imposed a condition, relating to the provision of the parking and turning area, in the interests of highway safety.
17. I have not imposed the suggested condition relating to the drainage of the driveway as it would slope towards the proposed dwelling and so any surface water would necessarily be captured by the dwelling's own drainage system.
18. A number of conditions are proposed by a neighbour in order to mitigate for the impact on the amenity of neighbouring residents. However I consider these issues can largely be dealt with by other legislation. Also, that relating to the construction access is not necessary to make the development acceptable.

Conclusion

19. The proposal accords with the development plan taken as a whole. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is allowed.

Andrew Owen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1025.01.001, 1025.01.0101, 1025.01.0201, 1025.02.1001 Revision B, 1025.02.1101 Revision B, 1025.02.1501 Revision B and 1025.02.1502 Revision B.
- 3) No works above damp proof course shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) hard surfacing materials for the access, parking and hardstanding areas;
 - ii) boundary treatments;
 - iii) native hedges; and
 - iv) new trees as mitigation for any trees removed

The landscaping works shall be carried out in accordance with the approved details before the development is first occupied.
- 5) No development shall commence until any trees and hedges on the site have been protected by strong fencing, the location and type of which to have been previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
- 6) No development shall commence until details of biodiversity enhancement measures including two integrated bat tubes or bat boxes located on a south-facing aspect of the building, and one barn owl box on the northwest-facing aspect of the building, have 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.
- 7) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 1025.02.1101 Revision B, for car parking and turning, and that space shall thereafter be kept available at all times for those purposes.

Appeal Decision

Site visit made on 16 May 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/C3430/W/22/3290217

Oak Tree View, Paradise Lane, Slade Heath WV10 7NZ

- 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 Barry Sutton against the decision of South Staffordshire District Council.
 - The application Ref 21/00535/FUL, dated 13 May 2021, was refused by notice dated 13 July 2021.
 - The development proposed is the erection of a single detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness and purposes of the Green Belt; and
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. Policy GB1 of the Council's Core Strategy Development Plan Document (December 2012) (the CS) sets out the types of new build development which will normally be permitted within the Green Belt. These include limited infilling and limited extensions, alterations or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building, the building is not materially larger than the building it replaces.
4. This policy goes on to define 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 proportion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within it. Further guidance is provided within the Council's Green Belt and Open Countryside Supplementary Planning Document (April 2014) (SPD).

5. The aims of CS Policy GB1 broadly reflect that of Green Belt policy in the National Planning Policy Framework (the Framework). However, the policy is not entirely consistent with the approach or terminology at paragraph 149 e) of the Framework as it omits the requirement for limited infilling to occur in villages, thus it is less restrictive. This consequently limits the weight I attach to CS Policy GB1 in this regard.
6. The appeal site is a parcel of land on the eastern side of Paradise Lane between an existing caravan park and a detached dwelling. The appeal proposal is for a single dwelling of similar proportions and arrangement within the site to the adjacent dwelling and other development along this built-up frontage of Paradise Lane. The site is also of a restricted width, circumstances which appear to have changed since the 2018 appeal¹.
7. Notwithstanding this however, the appeal site is not within a village or settlement as defined by the CS. I observed that the built form surrounding the appeal site, which follows a linear pattern along the highway, predominantly consists of residential properties. There is a distinct lack of shops and services within the immediate locality and there are no other community facilities which would typically be associated with a village. There are no obvious signs or characteristics that would define the immediate area as a village. It is more akin to a group of properties in the countryside. The surrounding development/businesses and the presence of the adjacent caravan park do not persuade me that they define the area as a village.
8. Accordingly, whilst the appeal site is a gap and the proposal may be considered as infill for the purposes of CS Policy GB1, the site is not within a village and thus would not fall within exception 149 e) of the Framework which is the most up to date expression of national Green Belt policy and to which I afford greater weight. The proposal therefore constitutes inappropriate development in the Green Belt.

Openness and purposes of the Green Belt

9. Paragraph 137 of the Framework advises that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. The appeal site is read as part of a largely built-up frontage along Paradise Lane thus the proposal would not result in conflict with any of the five purposes of the Green Belt in paragraph 138 of the Framework. The site is also well screened from public vantage points due to mature trees and hedging. The proposal would not therefore have a significant visual impact upon the openness of the Green Belt.
11. Nevertheless, the appeal site is currently free from significant built development and has a spacious feel. It is largely laid to lawn with an area of hardstanding and there is limited domestic paraphernalia present. The proposal would introduce substantial built form to this undeveloped site which would therefore reduce the spatial openness of this part of the Green Belt. For these reasons, the proposal would cause moderate harm to the openness of the Green Belt, contrary to Policy GB1 of the CS and the Framework.

¹ Appeal Ref: APP/C3430/W/18/3193285

Other considerations

12. The appellant suggests that the proposal would provide an affordable dwelling however there is nothing before me to secure this. I therefore afford this matter limited weight.
13. It is suggested that other residential development has occurred along Paradise Lane however, as I do not have any substantive details before me, I cannot be certain that the circumstances of those examples are directly comparable to the appeal proposal. Indeed, I note that 'The Maples' appears to have been approved on a site of a former domestic garage. I therefore afford these other examples limited weight.
14. The proposal would make a small contribution towards local housing supply, would create temporary employment opportunities during construction and there would be associated spending in the local area on occupation of the dwelling. However, due to the small scale of the proposal, the nature of these social and economic benefits would be limited.

Whether very special circumstances exist

15. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and 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.
16. The proposal would constitute inappropriate development in the Green Belt and would cause moderate harm to its openness. I afford this Green Belt harm substantial weight. There would be some limited social and economic benefits resulting from the proposal. Therefore, the advanced considerations in support of the appeal do not clearly outweigh the harm I have identified.
17. Consequently, the very special circumstances necessary to justify the proposal do not exist. As such, the proposal would fail to accord with the Framework.

Other Matter

18. I note that the appeal site is within the zone of influence of the Cannock Chase Special Area of Conservation (the SAC). As I am dismissing the appeal for other reasons there is no need for me to consider this matter further. Whilst I acknowledge that the appellant has indicated a willingness to make a payment towards mitigating the effects of the proposal on the SAC, this would not overcome my concerns in relation to the main issue as detailed above.

Conclusion

19. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR

Appeal Decision

Site visit made on 3 May 2022 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/C3430/D/21/3289764

The Farmhouse, Smestow Road, Smestow DY3 4PJ

- 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 Blake Hughes against the decision of South Staffordshire District Council.
 - The application Ref 21/01086/FUL, dated 7 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is described as 'Construction of a second storey side extension to create a home gym, study and sewing room. The extension would match the eaves and ridge height of the main dwelling with a rear gable matching the height of the existing rear gables. Materials would be matched to the existing dwelling. The extension would be set back 0.9m from the existing front elevation and measure 7.5m in length and 4.6m in width.'
-

Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies
 - the effect of the proposal on the openness of the Green Belt
 - the effect of the proposal upon the character and appearance of the dwelling and the street scene
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether inappropriate development

4. The Framework establishes that new buildings within the Green Belt are inappropriate development subject to a number of exceptions. This includes the exception in paragraph 149 c) for the extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building.
5. Policy GB1 of the Core Strategy Development Plan Document (CS) (adopted 2012) has a similar exception to that set out at paragraph 149 c) and is supported by the Green Belt and Open Countryside Supplementary Planning Document (SPD) (adopted 2014) which provides further guidance. The SPD sets out, in relation to extensions to dwellings, that a range of 20% to 40% increase in floor area over the original floor area may not be disproportionate, but that each development is to be considered on its individual merits.
6. Based on the planning history for the site, the existing two-storey rear outrigger and single storey side extension were recent additions. Several outbuildings have also been erected around the dwelling. Consequently, the dwelling is already much deeper than the original building was. The Council has identified that the proposed extension alongside the existing additions would increase the floor area associated with the original building by around 91%, which would be significantly greater than the 20% to 40% guidance set out in the SPD. The appellant does not dispute this figure.
7. The Framework refers to size in terms of whether an extension would be disproportionate. Size takes into consideration matters like volume and external dimensions as well as the consideration of floorspace.
8. The proposal, along with the existing side extension would increase the width of the original building by around a third over two storeys. This would significantly increase the visual bulk of the building, creating a larger and more imposing dwelling when viewed from the roadside. Moreover, the existing additions have already significantly increased the depth of the building over two storeys. As a result, the proposal, alongside the existing additions, would result in disproportionate additions over and above the size of the original building.
9. Accordingly, the proposal would be inappropriate development in the Green Belt having regard to CS Policy GB1 and the SPD.

The effect of the proposal on openness

10. The proposal would introduce a first floor over the existing side extension which would increase the visual scale of the dwelling when viewed from the road. Because the side extension is single storey there are currently views above it to the open countryside to the rear. The proposed second storey addition would block these views from the roadside, which would harmfully erode the visual openness of the Green Belt around the dwelling.
11. The first-floor extension would introduce new built form into the Green Belt where there currently is none at this level. Accordingly, the proposal would harmfully erode the spatial openness of the Green Belt.

12. Given the scale of the proposal it would have a limited harmful effect upon both the visual and spatial openness of the Green Belt, but nevertheless would have a greater impact on openness than the existing situation.

Character and appearance

13. The first-floor side extension would be set back from the front elevation and would be less than half the width of the existing dwelling. Even with the continuous ridgeline proposed, this would create a visual separation between it and the host dwelling. The dwelling has been extensively added to but most of these extensions are to the rear of the dwelling and given the scale of the proposal, visually it would be a limited addition to the dwelling when viewed as a whole. Due to its design, siting, scale and use of matching materials, it would appear subservient to the host dwelling and would not harm its character or appearance.
14. The dwelling is located within the open countryside and is well screened from other dwellings. It is located close to the roadside and the first-floor extension would be seen from wider public viewpoints. However, the proposal would be sensitively designed and would not introduce irregular built form into the street scene. Consequently, the proposal would not harm the character and appearance of the street scene.
15. Accordingly, the proposal would not conflict with CS Policy EQ11 which states that the design of all developments must be of the highest quality. Moreover, the proposal would accord with the South Staffordshire Design Guide Supplementary Planning Document (SPD2) (adopted 2018). This identifies that and that in terms of scale, volume massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.

Other considerations

16. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
17. A Certificate of Lawfulness was issued by the Council for a single storey outbuilding to the south of the dwelling (Ref: 21/00747/LUP). The appellant states that the erection of this building would require a row of trees to be removed. The floor space of the outbuilding would be larger than the proposed extension and it would be built on undeveloped land within the Green Belt. The smaller extension now proposed would therefore have a less harmful effect upon the spatial openness of the Green Belt than the outbuilding. Nevertheless, even with trees removed, the single storey outbuilding would not appear as prominent within the Green Belt as the first-floor addition now proposed, which would be visible from a greater distance. Consequently, it would have a less harmful effect upon the visual openness of the Green Belt than the appeal proposal.
18. However, very significantly, the proposed extension and the outbuilding would not be located in the same area and as such both schemes could be built

without physically affecting the ability to construct the other. Furthermore, no planning obligation has been submitted with the appeal that would prevent the appellant from completing both schemes and it would not be possible to prevent the outbuilding from being constructed via a condition.

19. Therefore, given the proposed outbuilding could be built regardless of the outcome of this appeal, the outbuilding cannot be considered an alternative or fallback option to the appeal proposal. While I appreciate it is not the appellant's intention to do so, there is no mechanism before me to prevent that. A condition to remove permitted development rights would only take effect if the permission were implemented, so would not prevent the outbuilding being built beforehand. Accordingly, it is a neutral factor in this appeal.
20. As far as I have been made aware the dwellings permitted development rights (PD) have not been removed and thus an extension on the opposite side of the dwelling could be erected as well as converting the loft space. I have no details of what these may look like and therefore cannot be certain that they would be less harmful than the appeal proposal. In any case, again there is nothing before me to prevent such development being undertaken in addition to the appeal proposal, so use of PD is not an alternative to the appeal scheme. It is therefore a neutral factor in this appeal.
21. Whilst existing additions may have extended the original building beyond the 20% to 40% guidance set out in the SPD, I am unaware of the circumstances that led to those additions being permitted. Consequently, this is a neutral matter.
22. A family member has a physical health condition and having a gym located within the house would support their ongoing treatment for that condition. Nevertheless, the outbuilding could also be constructed, which could provide the desired facilities. Accessing the outbuilding might be less convenient than an internal gym, however there is no substantive evidence before me that this would have adverse health implications for the family member. Therefore, I give limited weight to this matter.
23. The proposal would not harm the character and appearance of the dwelling, but this would be expected of any development and is therefore a neutral factor. The lack of objection from interested parties is noted however this does not alter my assessment of the main issues in this appeal.
24. The proposal would enhance and increase the functionality and floor space of the dwelling but because this would be a private benefit, I attribute very limited weight to this consideration.
25. The appellant advises that another planning application for a similar extension has been submitted. As far as I have been made aware this application has not been determined and therefore, the fact that a separate application has been submitted does not affect the proposal before me.

Whether very special circumstances exist

26. The proposed development would cause harm to the Green Belt by reason of inappropriateness and the reduction in the openness of the Green Belt and I attach substantial weight to those harms.

27. The other considerations cited in support of the proposal do not either individually or cumulatively, clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
28. Therefore, the proposal would conflict with CS Policy GB1 and the SPD and Green Belt policy set out in paragraphs 147-151 of the Framework.

Conclusion and Recommendation

29. The proposal would therefore conflict with the development plan and there are no material considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

30. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR

Appeal Decision

Site visit made on 6 July 2022

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 15th July 2022

Appeal Ref: APP/C3430/C/22/3291561

Landywood Farm, Landywood Farm Lane, Cheslyn Hay, WS6 7AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Tom Park against an enforcement notice issued by South Staffordshire District Council.
- The notice was issued on 22 December 2021.
- The breach of planning control as alleged in the notice is: Without planning permission, the making of a material change of use of Land, to land used as a storage facility including the storage of construction material, plant equipment and other materials and paraphernalia used in association with a civil engineering business under Use class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- The requirements of the notice are to:
 - i) Permanently cease the use of the land outlined in red as a storage facility under use Class B8
 - ii) Permanently remove from the Land (indicated in the approximate area shaded green on the Plan), all equipment construction materials, plant equipment and materials used in association with the civil engineering business and all other materials and equipment currently stored on the Land.
 - iii) Permanently remove from the Land indicating the approximate area shaded green on the plan all heavy plant equipment whether free standing or fixed
 - iv) Dismantle and permanently remove from the Land indicated in the approximate area shaded green on the plan all precast concrete storage enclosures, stone block storage enclosures, concrete hardstanding and boundary treatments including all metal palisade fencing to the east, south and western boundaries of the development including the metal palisade gates and brick pillars at the site entrance.
 - v) Restore the Land (indicated in the approximate area shaded green on the Plan) back to its original condition prior to the unauthorised development.
- The period for compliance with the requirement is 4 months
- The appeal is proceeding on the grounds set out in section 174(2)(e), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision : Subject to variations the appeal is dismissed and the notice is upheld

Decision

1. It is directed that the enforcement notice is varied by:

i)Deleting the allegation in full and replacing it with

"Without planning permission, the making of a material change of use of the part of the Land (indicated in the approximate area shaded green on the plan) to land used as a storage facility including the storage of construction material, plant equipment and other materials and paraphernalia used in association with a civil engineering business under Use class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

ii)Deleting the first requirement in full and replacing it with

"Cease the use of the land (indicated in the approximate area shaded green on the Plan) as a storage facility used in association with a civil engineering business under Class B8 of the Town and Country Planning (Use Classes Order 1987 (as amended)

iii)Deleting the word "Permanently" from requirements i) to iv)

iv)Deleting the second requirement in full and replacing it with

"Remove from the land (indicated in the approximate area shaded green on the Plan), all construction material, plant equipment and other materials and paraphernalia stored on the land in association with a civil engineering business Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)

v)Adding the words "taking place" to the end of requirement v).

vi)Deleting all references in the requirements to" the Land" and replace them with "the land"

2. Subject to the variations, the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

3. The appellant has appealed on grounds (e)(f) and (g) only. There is no ground (a) appeal before me which would have included an application for planning permission and therefore planning policies or the merits of the development are not matters that I can take into account in determining this appeal.

The Notice

4. It is the duty of the Inspector to put the notice in order. The allegation and the requirements should match and the notice needs to make clear that the allegation and requirements relate only to the smaller area shaded green which is part of the Land (edged red). The allegation needs to be amended to specifically refer to the area shaded green and the wording of the first requirement needs to match the allegation in terms of the green and not red area being the extent of the unauthorised use. For the same reason, all references in the requirement should refer to "land" not "Land." The use of the word "Permanently" in the requirements is superfluous.
5. The parties were asked for any comments on the suggested wording and had no objection. I am satisfied that the amendments do not cause injustice to any party. The appellant has been able to present evidence in support of his grounds of appeal and has understood that the allegation relates only to the material change of use part of the land. I will therefore amend the notice accordingly.

The appeal under ground (e)

6. An appeal under ground (e) is that a copy of the enforcement notice has not been served upon all persons required to be served by Section 172 of the Act. Section 172(2) of the Act states that a copy of the enforcement notice shall be served on the owner and on the occupier of the land to which it relates and on

- any other person having an interest in the land, being an interest which, in the opinion of the authority is materially affected by the notice.
7. Section 176(5) of the 1990 Act then provides that, where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve.
 8. The notice was served by the Council upon James Wallace, Wallace Land Investment & Management Limited, the Company Secretary of Datom Civil Engineering, James Park and the appellant Tom Park. The Council had asked the planning agent at the time about persons interested in the land by email. The appellant considers that Datom Electrical Services Limited (Datom Electrical) should have been served with a copy of the notice. The nature of the company's interest is that it has occupied the Land since July 2014 as its registered address is Landywood Farm. Datom Electrical is therefore an occupier of the Land as set out in Paragraph 2 of the notice, but I have to then consider the test of substantial prejudice set out in Section 176(5) of the Act.
 9. There is no information before me to indicate how Datom Electrical has any interest in the unauthorised use at the appeal yard which relates to a civil engineering business with a concrete mixing plant. Although the appellant refers to occupation since 2014, the unauthorised use of the appeal yard began in 2019. The extent of the interest of Datom Electrical appears to relate to Landywood Farm itself not the appeal yard. In the absence of any evidence to show that Datom Electrical has been substantially prejudiced by a failure to serve, the ground (e) appeal fails.

The appeal under ground (f)

10. An appeal on ground (f) is that the requirements of the notice exceed what is necessary to achieve its purpose. The purposes of a notice are set out in Section 173 of the Act and are to remedy the breach of planning control or to remedy any injury to amenity. As the requirements include ceasing the use of the appeal site and restoring it back to its condition prior to the breach occurring, the purpose of the notice is to remedy the breach of planning control.
11. The notice has five separate requirements and the appellant considers that requirements (iv) and (v) are excessive to remedy the breach of planning control particularly the removal of boundary treatments, concrete hardstanding and metal gates.
12. The amended requirement (iv) states '*Dismantle and remove from the land indicated in the approximate area shaded green on the plan all precast concrete storage enclosures, stone block storage enclosures, concrete hardstanding and boundary treatments including the metal palisade fencing to the east, south and western boundaries of the development including the metal palisade gates and brick pillars at the site entrance*'.
13. Case law¹ has established that where a material change of use has occurred and works were carried out to facilitate that change of use, a notice may

¹ Murfitt v SSE& East Cambridgeshire DC [1980] JPL 598

require that those works are removed in order that the site is restored to its previous condition and the breach is therefore remedied. The extent of works can include works that would otherwise have been immune from enforcement or that was permitted development but was also part and parcel of the unauthorised use.

14. The appellant states that the palisade fencing and gates and hardstanding were used in connection with the agricultural use taking place prior to the breach. No documentary evidence has been produced by the appellant to show that those elements pre-date the breach. The Council has produced "before" and "after" photographs. The earlier photograph shows the entrance to a field with a traditional farm style metal bar gate with hedging to either side forming the site boundary and no hardstanding.
15. The later photographs show the palisade fencing with brick pillars and the hardstanding both at the entrance and within the appeal site. Whilst the earlier photograph dates back to 2011, the appellant has not provided any documentary evidence to support his argument. In addition, the lease terms require the appellant as tenant of the appeal yard to erect a fence and to lay hardstanding. On the evidence before me, the fencing, gates and hardstanding have facilitated the unauthorised change of use.
16. Comparisons are then made by the appellant between the boundary treatments for the appeal site and similar approved boundary treatments for Landywood Farmhouse. However, in the absence of a ground (a) appeal, the planning merits of any part of the development or comparisons with other boundary treatments in the vicinity are not matters for consideration as part of this appeal.
17. Whether or not the existing boundary treatment and hardstanding would be considered to be suitable in connection with agriculture use in the future is a matter of speculation. However even if that had been shown to be the case, case law indicates that the Council can still require the removal of such works where they were installed to facilitate the unauthorised lawful use.² The appellant has referred to permitted development rights of 2 metres applying to parts of the fencing. However, limited detail is provided to assess whether permitted development rights apply particularly when the works have in any event facilitated the unauthorised use and the Murfitt principles apply.
18. Requirement (v) as amended states "restore the land indicated in the approximate area shaded green on the Plan) back to its original condition prior to the unauthorised envelopment taking place." Section 173(4) (a) of the Act specifically refers to a purpose of the notice being to restore the land to its condition before the breach took place and that requirement is also not excessive. The requirements iv) and v) are therefore not excessive and the appeal under ground (f) fails.

The appeal under ground (g)

19. An appeal under ground (g) is that the period for compliance is too short. The current period for compliance is 4 months and the appellant considers that 12 months would be more appropriate. Whilst the appellant has referred to Covid restrictions impacting upon the search for a new business location in the past,

² Kestrel Hydro VSSLG & Spelthorne BC [2015] 1654 (Admin) [2016] EWCA Civ 784

all restrictions have now been removed. The length of time that it took the Council to refuse the planning application is not a reason to grant a longer compliance period.

20. Although the appellant has indicated that he has been looking for suitable premises to re-locate the business, no details are provided of the extent of the business or number of employees or the distance that the appellant is prepared to consider. The appellant's request for 12 months to find a new location is excessive and the equivalent of a temporary planning permission.
21. The reasons for the notice do include amenity issues for nearby residents including noise and disturbance. The unauthorised use should not be allowed to continue for longer than is necessary, given the impacts of the development upon amenity which is a legitimate concern in the public interest. On the limited evidence before me, a 4 month compliance period does appear to be an appropriate balance between the appellant's relocation plans and the public interest in securing compliance. The appeal under ground (g) therefore fails.

Conclusion

22. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice prior to varying it.

E Griffin

INSPECTOR

Appeal Decision

Site visit made on 22 June 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2022

Appeal Ref: APP/C3430/W/22/3292837

Land West of Wolverhampton West Primary Substation, South Staffordshire Railway Walk, Wolverhampton, WV4 4XX

- 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 Balance Power Projects Ltd against the decision of South Staffordshire District Council.
 - The application Ref 21/00440/FUL, dated 23 April 2021, was refused by notice dated 23 December 2021.
 - The development proposed is the construction, management and operations of a battery based electrical storage scheme with associated infrastructure, together with access improvements, internal access tracks, vehicular parking, herringbone filtered drains, security measures and landscaping works.
-

Decision

1. The appeal is allowed and planning permission is granted for construction, management and operations of a battery based electrical storage scheme with associated infrastructure, together with access improvements, internal access tracks, vehicular parking, herringbone filtered drains, security measures and landscaping works at Land West of Wolverhampton West Primary Substation, South Staffordshire Railway Walk, Wolverhampton, WV4 4XX in accordance with the terms of the application, Ref 21/00440/FUL, dated 23 April 2021, and subject to conditions detailed in the attached schedule.

Applications for Costs

2. An application for costs was made by Balance Power Projects Ltd against South Staffordshire Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development on the openness of the Green Belt, and;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149.
5. Paragraph 147 sets out that, by definition, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to this harm, and 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.
6. Policy GB1 of the South Staffordshire Local Plan (LP) broadly conforms to the general thrust of national Green Belt policy, supporting limited infilling and changes of use of land. This policy approach also conforms with the provisions of the Framework, in this regard.
7. The appeal proposal would see the introduction of a number of structures, including 28 containerised battery units, 14 inverters, 14 transformers, 2.4-metre paladin fence, welfare units and compounds, to a site that is currently an open field. Consequently, the proposed development would not fall into any of the exceptions listed in paragraph 149 of the Framework. I therefore conclude that it would be inappropriate development in the Green Belt contrary to LP Policy GB1 which covers similar matters.

Openness

8. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. It can be considered to be the absence of buildings and development. The appeal site forms part of an equestrian paddock associated with buildings to the north of the site. It is currently devoid of any buildings or structures. As such, the introduction of the facility, and all that it would entail, would unavoidably reduce the openness of the Green Belt in both spatial and visual terms.
9. In addition to the introduction of the battery storage facility and all its associated structures into what is currently an open field, the proposal would represent encroachment of development into the countryside. This would be contrary to one of the purposes of including land within the Green Belt, as set out in paragraph 138 of the Framework.
10. Therefore, in addition to the harm arising from the fact that the development would be inappropriate, there is a degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt.

Other Considerations

11. The proposed scheme is designed to store 50MW within the batteries and would be able to release or absorb energy from the power network.
12. The provision of low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the Framework. There is strong national policy support, from the Government's Energy White Paper¹ (EWP) and National Policy Statement EN-1² (NPS), for the development of battery storage, which would aid in the storage of energy generated from renewable sources which by their nature, intermittently generate energy. Additionally, the NPS advises that storage is needed to reduce the costs of electricity and increase its reliability.
13. National Grid's Future Energy Scenarios (2021) advises that currently the energy storage capacity in the UK is 4GW and by 2050 it is anticipated that 40GW of capacity would be required in order to meet the UK's target of net zero carbon by 2050. Although the scheme is modest in size, paragraph 158 of the Framework confirms that even 'small-scale projects provide a valuable contribution to cutting greenhouse gas emissions'.
14. The policy support for renewable energy and associated development given in the Framework is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, the energy storage benefit of the proposal must be accorded substantial weight.

Green Belt Balance

15. The proposal would be inappropriate development in the Green Belt, which, by definition, is harmful. To this must be added further moderate harm arising from the loss of openness, and from being contrary to the purposes of including land within the Green Belt. Paragraph 148 of the Framework indicates that any harm to the Green Belt should be given substantial weight.
16. Paragraph 151 of the Framework accepts that very special circumstances will need to be demonstrated if developments are to proceed in the Green Belt. It states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Although modest in scale, the appeal scheme would make a valuable contribution to cutting greenhouse gas emissions, by increasing the opportunity to store energy, and this also attracts substantial weight.
17. National policy advises that developments should be located where impacts are, or can be made, acceptable. I consider that the location of the proposed development, adjacent to an existing substation and agricultural buildings, together with the existing and proposed landscaping means that this would be the case here. Additionally, whilst the proposed development would be located at the site for a number of years, it is reversible and capable of being removed from the site.
18. Therefore, and in my judgement, the environmental benefits of the proposal and the fact that the impacts can be made acceptable, are sufficient to outweigh the harm to the Green Belt. Consequently, the very special

¹ Energy White Paper Powering out Net Zero Future (2020)

² Draft Overarching National Policy Statement for Energy (EN-1) (2021)

circumstances necessary to justify the proposal do exist and the scheme would not conflict with LP Policy GB1 or the Framework.

Other Matters

19. I have had regard to the representations made by local residents regarding the proposed development. The concerns relating to the Green Belt have been addressed above. However, they have raised a number of concerns relating to biodiversity, noise, disturbance, safety and archaeology.
20. With regards to ecology and noise, evidence in the form of an Ecological Impact Assessment and Noise Assessment were submitted with the appeal. These detail how the development would be acceptable in terms of its impact on biodiversity and nearby residents. The Council's Ecologist and Environmental Health team do not object to the proposed development. As such, I consider that, subject to the addition of conditions relating to biodiversity and noise levels and mitigation, that the proposed development would not have a harmful impact in relation to these matters.
21. With regards to disturbance during construction works, a Construction Traffic Management Plan has been submitted with the appeal. Additionally, a condition has been requested limiting the hours of operation. As such, whilst there may be some disturbance to nearby residents during the construction of the proposed development, this would be limited to daytime hours. Whilst a temporary access would be provided to facilitate the construction works, this would be removed once the development is complete, and the Council's Highways Department are content with this. I see no reason to disagree with this conclusion.
22. In terms of battery safety, the appellant has provided information relating to the various standards that are required to be met for a battery storage facility. I have not been provided with evidence that would lead me to believe that such facilities would be unsafe.
23. Representations make reference to the use of the site as a WW2 Gun site. I have no evidence before me that the site is of great archaeological value. I have had regards to the comments made by the Council's Archaeologist that the site has a degree of historic environment interest, however they do not object to the proposed development. The scale of the scheme is modest, and therefore its associated impact on archaeology would be limited. As such, I have no reason to disagree with the Council's Archaeologist on this matter.

Conditions

24. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). The appellant has provided comments on the conditions proposed by the Council.
25. The condition regarding surface water drainage is necessary to ensure adequate drainage is provided for the proper functioning of the proposed development. Conditions relating to construction environmental management plan, noise mitigation, monitoring, hours of operation and construction traffic plan are necessary in order to ensure that the living conditions of nearby residents are safeguarded. Conditions regarding the cessation of the temporary access track is necessary in the interest of highway safety. Landscaping, lighting, tree and biodiversity conditions are necessary in order to ensure the

proposed landscaping and biodiversity mitigation is completed and maintained. I have altered the wording of some conditions in order to ensure they comply with the PPG. I have also amended the timeframes in some of the conditions in order to make them more reasonable.

26. With regards to the Council's request for a condition requiring further details of external materials, I note that no schedule is included. As such, I consider that this condition should be included. With regards to the condition relating to the temporary nature of the development and its decommissioning, I consider this to be necessary in order to return the land to its current use should the development no longer be required.
27. I do not consider it necessary to include the condition relating to the provision of a proactive maintenance schedule as this will likely vary between the different equipment at the site. Such a condition would therefore be imprecise and unreasonable.

Conclusion

28. I have concluded above that, for this appeal, very special circumstances exist to justify inappropriate development in the Green Belt that would reduce openness. My findings on other matters do not lead me to reach a different conclusion. Consequently, the proposal would comply with the relevant provisions of the Framework and the development plan when considered as a whole. The appeal should therefore be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 050-PL-WV44XX-001 (Rev B), 050-PL-WV44XX-101 (Rev B), 050-PL-WV44XX-201 Proposed Elevation - AA (Rev A), 050-PL-WV44XX-202 Proposed Elevation - BB (Rev A), 050-PL-WV44XX-201 Proposed Elevation - CC (Rev A), 050-PL-WV44XX-202 Proposed Elevation - DD (Rev A), Planning Design and Access Statement, Flood Risk and Drainage Assessment, Noise Assessment, Landscape and Visual Impact Assessment, Construction Traffic Management Plan (October 2021), Ecological Impact Assessment (October 2021), Arboricultural Implications Assessment (October 2021).
3. Within 35 years and six months following completion of construction of the development hereby permitted, within 12 months of the cessation of operational use, or within six months following a permanent cessation of construction works prior to the battery facility coming into operational use, whichever is the sooner, the batteries, transformer units, inverters, all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five twenty-eight working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than six months following the cessation of power production. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site).
4. Before the development hereby permitted is commenced, full details of facing materials to be used shall be 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.
5. Before the commencement of any construction related activity on site, an Arboricultural Method Statement, providing comprehensive details of all underground service/utility runs, ground protection measures, 'No-Dig' construction types, construction methods within the Root Protection Areas of retained trees and a finalised Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority. Subsequently, all measures within the approved method statement and Tree Protection Plan shall be adhered to until all construction related activity has been completed
6. Before the development hereby permitted is commenced, a detailed landscape and planting scheme, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within the first available planting season following the development being brought into use.

7. Before the development hereby permitted is commenced, the applicant shall install acoustic mitigation, designed specifically to mitigate the frequencies emitted by the plant and equipment. The proposed solution is to be approved by the Local Planning Authority prior to installation and once installed, shall thereafter be maintained for the life of the development.
8. Before any construction works hereby permitted are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure net gain of the site's Biodiversity Value, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided: Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation; Details of both species composition and abundance where planting is to occur; Proposed management prescriptions for all habitats for a period of no less than 25 years; Assurances of achievability; Timetable of delivery for all habitats; and A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and thereafter maintained in accordance with the approved CEMP and HMP
9. Before the commencement of any construction related activity on site, a lighting plan for the construction phase of development. shall be submitted to and approved in writing by the Local Planning Authority. All lighting should be designed in accordance with Bat Conservation Trust/ Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK. Submitted lighting plans should be accompanied by contour diagrams that demonstrate minimal levels of lighting on receptor habitats, including trees and hedges. The construction works shall thereafter be carried out in accordance with the approved details, with lighting removed as necessary, upon the completion of these works.
10. No building hereby permitted shall be first occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a

management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

11. Before the commencement of any construction related activity on site, a scheme to monitor dust, noise and water quality, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be complied with for the duration of the construction works
12. Prior to first operation of the development hereby permitted, a lighting plan for the operation phase of development, shall be submitted to and approved in writing by the Local Planning Authority. All lighting should be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK. Submitted lighting plans should be accompanied by contour diagrams that demonstrates minimal levels of lighting on receptor habitats, including trees and hedges. Development shall be carried out in accordance with the approved details and retained thereafter.
13. The proposed development must be undertaken in adherence to all recommendations and methods of working detailed within the Arboricultural Impact Assessment (Barton Hyett project ref. 4255).
14. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site, which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.
15. The development hereby permitted shall be carried out in accordance with the submitted Construction Traffic Management Plan dated October 2021 (reference P21- 0192/TR02).
16. The development hereby permitted shall be carried out in accordance with the requirements of the approved 'Ecological Impact Assessment', produced by Clarkson & Woods Ecological Consultants, dated October 2021.
17. The temporary access and route from Langley Road to the battery compound hereby permitted shall be closed and the area reinstated to its existing condition within 6 months of completion of construction related activity.
18. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 07:00 and 23:00 shall not exceed 39dB L(A)eq 1- hour as measured 1m from the boundary of nearest residential receptors. The noise level from the operation of the battery storage plant and associated plant and machinery between the hours 23:00 and 07:00 shall not exceed 35dB L(A)eq 15- minute as measured 1m from the boundary of nearest residential receptors.
19. Operational hours of any demolition and construction activity, including vehicle movements to and from the site are restricted to 0800 to 1800

Monday to Friday and 0800 to 1300 Saturday, and at no time on Sundays or Bank and Public Holidays.

Costs Decision

Site Visit made on 22 June 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2022

**Costs application in relation to Appeal Ref: APP/C3430/W/22/3292837
Land West of Wolverhampton West Primary Substation, South
Staffordshire Railway Walk, Wolverhampton, WV4 4XX**

- The appeal is made under section 78 of 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 Balance Power Projects Ltd against the decision of South Staffordshire District Council.
 - The appeal was against the refusal of the Council to grant planning permission for the construction, management and operations of a battery based electrical storage scheme with associated infrastructure, together with access improvements, internal access tracks, vehicular parking, herringbone filtered drains, security measures and landscaping works.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The application for costs asserts that the Council behaved unreasonably by preventing or delaying development which should clearly be permitted, failing to produce evidence to substantiate its reasons for refusal, making vague, generalised or inaccurate assertions and not determining similar cases in a consistent manner.
3. Whilst I appreciate the outcome of the application will have been a disappointment to the applicants, the Council were not unreasonable in coming to that decision from the information they had available to them. The proposed development would not meet the exceptions for development within a Green Belt, as such, their first reasons for refusal is correct. Additionally, the Planning Committee gave a different amount of weight to considerations when looking at very special circumstances. Whilst it is evident from the main decision that I have disagreed with the Council's reasons for refusal, the Committee Minutes set out an assessment of the indicated harm and how this would conflict with relevant adopted planning policies. Weight is a matter for the decision maker in each case.
4. Accordingly, I do not find that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision.

Conclusion

5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Tamsin Law

INSPECTOR

Appeal Decision

Site visit made on 9 August 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/C3430/W/22/3291191

Grass verge at Warstones Road/Stourbridge Road junction, Springhill, South Staffordshire WV4 5NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cornerstone and Telefonica UK Ltd against the decision of South Staffordshire District Council.
 - The application Ref 21/00610/TEL, dated 21 May 2021, was refused by notice dated 22 July 2021.
 - The development proposed is telecommunications monopole and equipment cabinets.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of telecommunications monopole and equipment cabinets at grass verge at Warstones Road/Stourbridge Road junction, Springhill, South Staffordshire WV4 5NB in accordance with the terms of the application Ref 21/00610/TEL, dated 21 May 2021, and the plans submitted with it including Site Location Maps Drawing Number 100 Rev B; Existing Site Plan Drawing Number 200 Rev B; Proposed Site Plan Drawing Number 201 Rev B; Existing Site Elevation Drawing Number 300 Rev B and Proposed Site Elevation Drawing Number 301 Rev B.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The appeal site is a grass verge on Stourbridge Road close to a roundabout junction. This section of Stourbridge Road is a busy dual carriageway with a grass central reservation resulting in a spacious environment. The verge is located within a suburban location on the approach to the City of Wolverhampton. Vertical structures such as lighting columns and road signs are notable features along the road. Foxlands Drive sits at the top of an embankment, behind the site, but is largely screened from Stourbridge Road by planting and mature trees.
6. Due to its position and height, the proposed mast would be visible in views when travelling along Stourbridge Road and Warstones Road and the upper part of it would protrude above trees and streetlighting. Whilst the proposal would result in visual change, it would be viewed in the context of a busy thoroughfare in a suburban area and other street furniture. Telecommunication installations, such as the one proposed, are common features in such environments given the requirement for high quality communications and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. In the context of the surrounding area, I find that the proposed development would integrate into the area and would be compatible with its surroundings.
7. The proposed development would be partially screened by trees. Even though the trees are deciduous, they are of a sufficient scale and spread, even when not in leaf, providing a degree of visual mitigation.
8. The mast would be confined to a small area of the grass verge and relatively slender. The proposed development would be set away from properties in Foxlands Drive and whilst it would be visible only the upper part would be noticeable from Foxlands Drive. There would be sufficient separation between dwellings and the mast and tree cover would serve to reduce its visual impact. As such, the proposed mast would not be visually intrusive or unduly overbearing for pedestrians and nearby occupiers.
9. I conclude that the siting and appearance of the proposed development would not adversely affect the character and appearance of the area.

Conditions

10. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

11. For the reasons set out above the appeal succeeds and prior approval is granted.

B Thandi

INSPECTOR

Appeal Decision

Site visit made on 26 July 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Appeal Ref: APP/C3430/W/22/3296160

Land Adjacent to The Heathlands, Whittamoor Lane, Dunston ST18 9AQ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Aaron Pountney against the decision of South Staffordshire Council.
 - The application Ref 21/00971/OUT, dated 6 September 2021, was refused by notice dated 7 December 2021.
 - The development proposed is a detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved. I have therefore taken any details pertaining to the reserved matters, as shown on the submitted drawings, to be for indicative purposes only.

Main Issues

3. The main issues are:
 - Whether the appeal site is suitable for the development proposed, having regard to local and national policy and accessibility to services and reliance on private motor vehicles; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Suitable location

4. Core Policy 1 (CP1) of the South Staffordshire Local Plan Core Strategy Development Plan Document 2012 (CS) sets out a Spatial Strategy (SS) to deliver the rural regeneration of South Staffordshire. Its principal aim is to meet local needs with growth located at the most accessible and sustainable locations in accordance with an identified Settlement Hierarchy. The objective of the SS, where development falls outside of Service Villages, is to protect the attractive rural character of the countryside by restricting new development to particular types.
5. Policy OC1 of the CS states that development in the Open Countryside will normally be permitted where it falls within the listed categories, including defined limited infilling of small gaps. The Green Belt and Open Countryside

Supplementary Planning Document (SPD) provides further guidance on what constitutes acceptable limited infilling.

6. The overall strategy of Policy OC1 and CP1 of the CS is to direct new development to the larger settlements, which have access to a wider range of facilities. This reflects the aims of the National Planning Policy Framework (the Framework) to actively manage patterns of growth to locations which allow a choice of sustainable transport modes, whilst recognising that such options vary between urban and rural areas. As such these policies can be attributed significant weight due to their consistency with the Framework, notwithstanding their age.
7. The appeal site lies outside of the service villages and, therefore, the areas identified for rural housing as set out in Policy CP1. The site is located at the end of a short ribbon of development on Whittamoor Lane and beyond a separate ribbon on School Lane. The proposal would not form part of a tight cluster of buildings due to the extent of the gap, which is not 'small' and would not be filled by the scheme. Consequently, the development doesn't meet the definition of limited infilling set out in the Development Plan and the supporting SPD. Furthermore, the proposal does not fall within any of the other categories of development that the policy identifies as appropriate in the open countryside.
8. Whilst the distances to nearby settlements, key amenities and services are not excessive, access to them would require journeys along unlit rural roads without footways. This would be a deterrent to pedestrians, in particular during times of darkness and inclement weather. The nearest bus stop is some distance from the site and for the same reasons it is unlikely that they will be used. In the absence of a bus timetable there is no evidence as to the adequacy of the local bus service. In addition, the narrowness, and the bends of the roads are likely to be off-putting for many less confident cyclists.
9. Consequently, the private motor vehicle would be the predominant means of transport for residents of the appeal site for most journeys. For this reason, I do not consider that the proposal represents accessible development in a rural area.
10. The site is not isolated in the context of paragraph 80 of the Framework as there are other houses near to it. However, the site would be physically separate from any settlement containing facilities and services required to meet the needs of the occupants.
11. Furthermore, given the accessibility concerns set out above, I consider that the benefits of the proposal, due to the support that it gives to services in a village nearby, would be minimal and as such will not enhance or maintain the vitality of rural communities.
12. The proposal is contrary to Policy CP1 and OC1 of the development plan, and to the Framework, therefore. As such, I find that the site is not a suitable location for the development proposed in respect of accessibility to services and reliance on private motor vehicles.

Character and appearance

13. The appeal site is an open field edged with hedges and trees, in a predominantly open agricultural landscape of undeveloped fields interrupted by

small pockets of development. The character of the site is rural, blending into the wider agricultural landscape.

14. The site does not fall within an area designated for its landscape value and the proposal would not, necessarily, result in the loss of any landscape feature. Landscaping is a reserved matter and therefore boundary features could potentially be retained. In addition, details of position, size and design of the proposal are not to be assessed at this stage. Nonetheless, the development of this site for residential purposes will involve buildings, parking and domestic paraphernalia which would be visible over and between the retained landscape features from the road and nearby properties. As such the proposal will inevitably and unacceptably harm the open nature of the site and the wider countryside, diminishing the intrinsic rural character of the landscape.
15. There is no evidence that a refusal of planning permission would lead to the development of any, more sensitive sites and as such this does not weigh in favour of the development.
16. Therefore, the proposal would unacceptably harm the character and appearance of the area contrary to Policy EQ4 of the CS which seeks to ensure that development maintains or enhances the intrinsic rural character or local distinctiveness.

Other Matters

17. In the Old Vicarage Lane appeal¹ the Inspector considered bus and cycling options to be possible and likely given the short distances involved. This is materially different to this appeal.
18. An appeal decision², at Finchampstead, has also been referred to by the appellant. I note that the Inspector describes that site as being located between development and physically separated from the open countryside. It is therefore not directly comparable to the proposal before me.
19. The appellant has suggested that an increase in the ownership of electric or hybrid cars makes car journeys more sustainable. Indeed, national policy recognises and supports such a shift. Nonetheless, the Framework still seeks that a reduction in the reliance on the private motor vehicle are central to planning policy at all stages. As such, I do not consider that this adds weight in favour of the development even in the knowledge that a condition could be imposed to secure electric vehicle charging points. This would not provide any control that the occupiers would use such vehicles.
20. I have given the appellant's personal circumstances, and the desire to continue to work and live in the local area, careful consideration. I am, however, mindful of the advice contained in Planning Practice Guidance³ that in general planning is concerned with land use in the public interest. It is also probable that the proposed development will remain long after the current personal circumstances cease to be relevant. Limited evidence has been provided on the appellant's current accommodation or the availability of properties in the area. Moreover, no mechanism has been presented to me to secure occupation of the

¹ Appeal Ref: APP/C3430/W/18/3216637

² Appeal Ref: APP/X0360/W/20/3251601

³ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

dwelling. For these reasons, I therefore find this should be given only modest weight in this decision.

21. The provision of a dwelling would make a very modest contribution towards meeting housing needs. Benefits to the local economy and towards energy efficiency would also be small given the scale of the scheme. Even if there were no unacceptable effects on the living conditions of neighbouring occupiers, drainage, flooding or highway safety, these would be a neutral factor and would not weigh in favour of the scheme.
22. When taken together, the benefits of the proposal would not outweigh the harm that I have identified. Moreover, even if paragraph 11 d) ii) of the Framework were engaged, the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.
23. The appeal site lies within the 8km zone of influence for the Cannock Chase Special Area of Conservation. However, there is no need for me to consider the implications of the proposal upon it because the scheme is unacceptable for other reasons.

Conclusion

24. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
25. I hereby dismiss this appeal.

Elaine Moulton

INSPECTOR