

### **TO:- Planning Committee**

Councillor Mark Evans , Councillor Bob Cope , Councillor Helen Adams , Councillor Jeff Ashley , Councillor Barry Bond M.B.E. , Councillor Gary Burnett , Councillor Val Chapman , Councillor Philip Davis , Councillor Robert Duncan , Councillor Sam Harper-Wallis , Councillor Rita Heseltine , Councillor Diane Holmes , Councillor Victor Kelly , Councillor Kath Perry M.B.E. , Councillor Robert Reade , Councillor Gregory Spruce , Councillor Christopher Steel , Councillor Wendy Sutton

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, 21 November 2023

Time: 18:30

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



D. Heywood  
Chief Executive

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## **A G E N D A**

### **Part I – Public Session**

- |          |  |                 |
|----------|--|-----------------|
| <b>1</b> | Minutes<br>To approve the minutes of the Planning Committee Meeting of Tuesday, October 17 2023. | <b>1 - 2</b>    |
| <b>2</b> | Apologies<br><br>To receive any apologies for non-attendance.                                    |                 |
| <b>3</b> | Declarations of Interest<br><br>To receive any declarations of interest.                         |                 |
| <b>4</b> | Determination of Planning Applications<br>Report of Development Management Team Manager          | <b>3 - 96</b>   |
| <b>5</b> | Monthly Update Report<br>Report of the Lead Planning Manager                                     | <b>97 - 132</b> |

### **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](mailto: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](http://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, 17 October 2023 at 18:30

**Present:-**

Councillor Helen Adams, Councillor Gary Burnett, Councillor Val Chapman, Councillor Philip Davis, Councillor Robert Duncan, Councillor Mark Evans, Councillor Sam Harper-Wallis, Councillor Rita Heseltine, Councillor Victor Kelly, Councillor Robert Reade, Councillor Gregory Spruce, Councillor Christopher Steel, Councillor Wendy Sutton

16      **MINUTES OF MEETING 19 SEPTEMBER 2023**

**RESOLVED:** that the minutes of the Planning Committee held on 19 September 2023 be approved and signed by the Chairman.

17      **APOLOGIES**

Apologies were received from Councillors B Bond, D Holmes, K Perry.

18      **DECLARATIONS OF INTEREST**

Councillor M Evans declared an interest in application 22/00717/FUL and relinquished the chair for determination of this application.

19      **DETERMINATION OF PLANNING APPLICATION**

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

22/00849/OUT – HUNTERCOMBE STAFFORD HOSPITAL, WATLING STREET, IVETSEY BANK, ST19 9QT - APPLICANT – MR JULIAN WILSON - PARISH – LAPLEY, STRETTON AND WHEATON ASTON

**RESOLVED:** That the application be **APPROVED** subject to the conditions set out in the Planning Officers report and an amendment to Condition 12 to read:

Prior to the commencement of the development (excluding exploratory site works, demolition or ground works) full details shall be submitted and approved in writing by the Local Planning authority of a species enhancement scheme including the details of integrated bat and bird boxes. The scheme must include a minimum of two bat boxes and three swift bricks and must detail locations, models, number and aspects of the boxes including any ongoing maintenance requirements. The agreed special enhancement scheme will be installed in full prior to the first occupant of the buildings and shall thereafter be retained for the life of the development.

23/00419/FUL – CRUMP HILLOCKS FARM, BRADBURY LANE, ENVILLE, DY7 6NB – APPLICANT – MR STEPHEN THOMPSON -

PARISH – ENVILLE

**RESOLVED:** That the application be **APPROVED** subject to conditions set out in the Planning Officers report.

23/00080/FUL - FORMER BILBROOK HOUSE CARTER AVENUE, BILBROOK, WV8 1HH – APPLICANT – MACC CARE LTD – PARISH - BILBROOK

**RESOLVED:** That the application be **APPROVED** subject to conditions set out in the Planning Officers report and to the inclusion of a further condition to ensure local people are given a first opportunity to apply for jobs created.

23/00700/COU – THE OLD CHAPEL, CHAPEL LANE, SMESTOW, DUDLEY, DY3 4PL – APPLICANT – MISS J COWLES – PARISH – SWINDON

**RESOLVED:** That the application be **APPROVED** subject to conditions set out in the Planning Officers report.

23/00717/FULHH - 2 STONEYBROOK LEYS, WOMBOURNE, WV5 8JE – APPLICANT – MR AND MRS M EVANS – PARISH – WOMBOURNE

**RESOLVED:** That the application be **APPROVED** subject to conditions set out in the Planning Officers report.

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**MONTHLY UPDATE REPORT**

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

The Meeting ended at: 20:20

**CHAIRMAN**

**SOUTH STAFFORDSHIRE COUNCIL****PLANNING COMMITTEE – 21 November 2023****DETERMINATION OF PLANNING APPLICATIONS****REPORT OF DEVELOPMENT MANAGEMENT TEAM MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

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

**2. RECOMMENDATIONS**

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

**3. SUMMARY IMPACT ASSESSMENT**

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

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

## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

All relevant information is contained within the Appendix.

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

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

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

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

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

#### **Equality Act Duty**

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

#### **Human Rights Implications**

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

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

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

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

### **Consultations Undertaken**

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

### **CONSULTEES**

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

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

N/A

### **6. PREVIOUS MINUTES**

Details if issue has been previously considered

### **7. BACKGROUND PAPERS**

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

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

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

Report prepared by: Helen Benbow - Development Management Team Manager



App no	Applicant/Address	Parish and Ward Councillors	Recommendation	Page
23/00093/OUT MAJOR	Mr Rob Loades – Loades Ltd  Loades Business Park Gorse Lane Great Wyrley Staffordshire WS6 6BD	GREAT WYRLEY  Councillor R Perry Councillor K Williams	Approve – Subject to conditions	<b>9-44</b>
23/00145/FUL MAJOR	Mr James Stone – Anglo Renewables Ltd  Land On South West Side Of Levedale Road Levedale	PENKRIDGE NORTH & ACTON TRUSSELL  Councillor A Adams Councillor S Harper- Wallis	Approve – Subject to conditions	<b>45-83</b>
23/00833/FULHH NON MAJOR	Imre Tolgyesi – South Staffordshire Council  68 Wolverhampton Road Codsall WOLVERHAMPTON WV8 1PE	CODSALL  Councillor M Barrow Councillor VChapman Councillor J Mitchell	Approve – Subject to conditions	<b>85-90</b>
23/00834/FULHH NON MAJOR	Imre Tolgyesi – South Staffordshire Council  70 Wolverhampton Road Codsall WOLVERHAMPTON WV8 1PE	CODSALL  Councillor M Barrow Councillor VChapman Councillor J Mitchell	Approve – Subject to conditions	<b>91-96</b>



**23/00093/OUT  
MAJOR**

**LOADES LIMITED**

**GREAT WYRLEY  
Councillor Ray Perry  
Councillor Kath Williams**

**Loades Business Park, Gorsey Lane, Great Wyrley, Staffordshire, WS6 6BD**

**Demolition of the existing industrial / commercial buildings and outline application with all matters except access reserved, for the redevelopment of the site through the erection of up to 30 dwellings**

## **1.1 SITE DESCRIPTION AND PLANNING HISTORY**

- 1.1.1 The application site, which extends to 1.05ha, is located off Gorsey Lane, which is found towards the southern edge of the village of Great Wyrley. The rectangular shaped site forms part of the existing Loades Business Park and contains single and two storey, pitched roof buildings, constructed in the 1960s, which join together to form one building mass. The buildings, whilst vacant since 2019, were last used as a warehouse/factory unit, with adjoining ancillary office block, have a total floorspace of some 4,980 sq.m. and are sub-divided into ten bays of differing sizes. The property is of steel portal frame construction, clad externally with brick to the elevations under a corrugated apex roof with translucent light panels. There is also a large open yard comprising some 2,000 sq.m. located within the northern part of the site.
- 1.1.2 The existing buildings within the site vary in mass and form, but at their tallest they achieve a height of approximately 8m. The land levels within the site rise by approximately 4m from north to south.
- 1.1.3 The Spindles, a modern residential estate, is located adjacent to the site's northern boundary, with industrial development, which forms Landywood Business Park, located to the western boundary. To the east of the site, along Gorsey Lane, are 1960s style semi-detached dwellings, whilst to the south east, approximately 150m distant, is Landywood Primary School. To the south, across Holly Lane, are open agricultural fields.
- 1.1.4 Mature landscaping runs to the perimeter of the entire site, along with a 2.0m high paladin fence. The site is served by 3 existing vehicular access points, all located off Gorsey Lane.

## **1.2 SITE HISTORY**

None relevant.

## **1.3 PRE-APPLICATION ADVICE**

- 1.3.1 Pre-application discussions have taken place.

## **2. APPLICATION DETAILS**

- 2.1.1 The application proposes the demolition of the existing buildings within the site and subsequently seeks outline consent, with all matters, except access, reserved for subsequent approval for the erection of up to 30 dwellings.
- 2.1.2 To support the application, an illustrative layout has been provided with the application, which shows a mix of 2, 3 and 4 bedroom properties in the following proportions:
- 10 x 2 bedroom units (33%)

- 11 x 3 bedroom units (37%)
- 9 x 4 bedroom units (30%)

2.1.3 The majority of the units shown on the illustrative layout are proposed to be two storey, with the exception of 4 bungalows and a pair of two and a half storey town houses, proposed to be located at the head of the main access road.

2.1.4 As noted above, the site currently has three vehicular access points from Gorsey Lane. It is proposed to utilise two of these to provide access to the new development. The existing central access point is proposed to be closed.

## 2.2 **Agent's Submission**

2.2.1 The following documents have been submitted as part of the planning application:

- Design and Access Statement
- Planning Statement
- Preliminary Ecological Assessment
- Bat Emergence Survey
- Marketing Report
- Phase 1 Geo-Environmental Study and Coal Mining Risk Assessment
- Transport Statement
- Noise Impact Assessment
- Arboricultural Survey
- Topographical Survey
- Flood Risk Assessment
- Drainage Strategy
- Biodiversity Metric

## 3. **POLICY**

### 3.1 **National Planning Policy**

- National Planning Policy Framework
- National Planning Practice Guidance
- National Model Design Code
- National Policy for Waste
- National Design Guide
- Manual for Streets

### 3.2 **Core Strategy Development Plan Document**

- National Policy 1 - The Presumption in Favour of Sustainable Development
- Core Policy 1 - The Spatial Strategy for South Staffordshire
- Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
- Core Policy 3 - Sustainable Development and Climate Change
- Core Policy 5 - Infrastructure Delivery
- Core Policy 11 - Sustainable Transport
- Core Policy 14 - Open Space, Sport and Recreation
- Core Policy 15 - Children and Young People
- 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
- EQ5 - Sustainable Resources and Energy Efficiency
- EQ6 – Renewable Energy
- EQ7 - Water Quality
- EQ8 - Waste
- EQ9 - Protecting Residential Amenity
- EQ11 - Wider Design Considerations
- EQ12 - Landscaping
- EQ13 - Development Contributions
- EV11 - Sustainable Travel
- EV12 - Parking Provision
- H1 - Achieving a Balanced Housing Market
- H2 - Provision of Affordable Housing
- H4 - Delivering Affordable Housing
- CS1 – Designing Out Crime
- Appendix 5: Car Parking Standards
- Appendix 6: Space About Dwellings Standards

### 3.3 **Site Allocations Document**

- Chapter 9 – Employment Land
- SAD7 – Open Space Standards

### 3.4 **Local Plan (2018-2038) (Preferred Options) (Emerging)**

- DS3 – The Spatial Strategy to 2038
- SA5 – Housing Allocations
- SA7 - Employment Allocation – West Midlands Interchange
- HC1 – Housing Mix
- HC2 - Housing Density
- HC4 - Homes for Older People
- HC9 - Design requirements
- HC10 - Protecting residential amenity
- HC11 - Space about dwellings and internal space standards
- HC12 – Parking Standards
- HC13 - Health and Wellbeing
- HC14 - Health Infrastructure
- HC19 - Wider green infrastructure design principles
- EC1 - Sustainable economic growth
- EC2 - Retention of employment sites
- EC3 - Inclusive Growth
- EC7 - Protecting community services and facilities
- EC10 - Developer Contributions
- EC11 - Sustainable Transport
- NB1 - Protecting, enhancing and expanding natural assets
- NB2 - Biodiversity
- NB3 - Cannock Chase SAC
- NB4 - Landscape Character
- NB5 - Renewable and low carbon energy generation
- NB6 - Energy and water efficiency, energy and heat hierarchies and renewable energy in new development
- NB7 - Managing flood risk, sustainable drainage systems & water quality
- NB9 - Conservation, preservation and protection of historic assets

### **3.5 Supplementary Planning Documents**

- Affordable Housing and Housing Mix
- Cannock Chase SAC
- Design Guide
- Historic Environment and Character Assessment
- Sustainable Design
- Village Design Guide

### **3.6 Other**

- The Town and Country Planning (Pre-commencement Conditions) Regulations 2018
- Environment (Principles and Governance) Act 2018
- Natural Environment and Rural Communities Act (2006)
- The Conservation (Natural Habitats, &c.) Regulations (1994)
- The Conservation of Habitats and Species Regulations (2017)
- Defra Net Gain Consultation Proposals (2018)
- The Wildlife and Countryside Act (as amended) 1981
- The Countryside and Rights of Way (CROW) Act 2000
- The Protection of Badgers Act 1992
- Staffordshire and Stoke on Trent Joint Waste Local Plan
- Providing for Journeys on Foot (2000)
- Water Framework Directive
- Active Design – Planning for Health and Wellbeing through Sport and Activity
- Natural England's approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations (2018)
- Recreation to Cannock Chase SAC Report (2012)
- Cannock Chase SAC – Planning Evidence Base Review (2017)
- European Site Conservation Objectives for Cannock Chase SAC (2014)
- Planning for Landscape Change – Staffordshire County Council (2000)
- 'A Hard Rain' – Staffordshire County Council's Corporate Climate Change Strategy (2005)
- Staffordshire County-wide Renewable/Low Carbon Energy Study (2010)
- Climate Change Act (2008)
- Air Quality Management Guidance (2014)
- Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard (England) (2018)
- Cannock Chase Area of Outstanding Natural Beauty (AONB) Partnership Planning - - - Protocol between Constituent Local Planning Authorities and the Cannock Chase - AONB Joint Committee (2019)
- Black Country and South Staffordshire Strategic Housing Market Assessment (2017)
- Five Year Housing Land Supply Paper (2022)
- Building for a Healthy Life (Homes England)
- South Staffordshire Housing Market Assessment (2021)
- Health Building Note 11-01: Facilities for Primary and Community Care Services
- Longer-Term Balancing Housing Market (2017)

## **4. CONSULTATION RESPONSES**

**Councillor Ray Perry** - No Response Received.

**Councillor Kath Williams** - No Response Received.

**Great Wyrley Parish Council** (received 09/06/2023) – No objection.

**Natural England** (received 29/05/2023) – No objection, subject to securing appropriate mitigation to address the scheme's recreational impact upon the Cannock Chase SAC.

**Historic Environment Officer Archaeology** (received 17/05/2022) – No objection.

**Staffordshire County Council Highways** (received 04/07/2022) (previous comments 30/05/2023) – No objection, subject to conditions, requiring the submission and approval, prior to the commencement of development, of the layout of the site, including disposition of buildings, Internal access roads, boundary treatments and provision of parking, turning and servicing within the site curtilage. In addition, request details of a Construction Environmental Management Plan (CEMP) and that no dwellings be occupied until the existing vehicular and pedestrian access arrangements are amended and fully constructed in accordance with the approved plans. Finally, request that prior to first occupation of the development, the off-site highway works, including the widening of the existing footway on Gorsey Lane, the permanent closure of the central access point and the relocation of the bus shelter, be fully implemented, in accordance with the approved plan.

An informative, detailing how to progress an application for the off-site Highway works, with the Highway Authority, is also detailed.

**Coal Authority** (received 02/06/2023) – No objection, subject to conditions requiring the submission and approval, prior to the submission of any reserved matters application, of a scheme of intrusive investigations to locate and record mine entries and shallow mine workings within the site. The Scheme of Intrusive Investigation Report shall thereafter accompany the reserved matters application, demonstrating how the proposed layout has avoided any founds features. Prior to the commencement of development any remediation or mitigation works to address coal working within the site to be undertaken and finally, prior to first occupation, a signed statement or declaration confirming that the site has been made safe and stable, to be submitted to and approved in writing by the Local Planning Authority

**NatureSpace Partnership Newt Officer (Staffordshire)** (received 17/05/2023) – No objection. The development falls within the green impact risk zone for great crested newts, where there is moderate habitat and a low likelihood of great crested newt presence. As such, recommend solely an informative be attached to any positive decision, reminding the applicant of their protected species duties.

**Senior Ecologist** (received 30/05/2023) – No objection. The traffic report demonstrates that the proposal would result in a net reduction in tragic movements and therefore would not result in significant air pollution, such that an adverse effect on site integrity of nearby Special Areas of Conservation (SACs), Ramsar sites, Sites of Special Scientific Interest (SSSI) or Local Nature Reserves (LNRs), could be reasonably anticipated.

An Appropriate Assessment should be undertaken and a recreational mitigation fee for impact upon the Cannock Chase SAC of £329.83 (index linked) secured via a Unilateral Undertaking.

The Preliminary Ecological Assessment and Bat Survey adequacy demonstrate that the development will not adversely impact upon protected species or their habitat. Recommends however that the development be delivered in accordance with the working practices and mitigation methods identified within the PEA.

The submitted Biodiversity Metric shows that the development can deliver a minimum biodiversity improvement of 35.42% for habitats and 6994.50% for hedgerows. It is recommended that this uplift be secured via the use of appropriate conditions.

**Severn Trent Water** (received 14/07/2023) – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development, of suitable foul and surface water drainage plans.

**Staffordshire County Council Flood Risk Management Team** (received 11/10/2023) (previous comments 11/09/2023 & 09/08/2023 & 01/06/2023) – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development, of a sustainable surface water drainage scheme.

**Staffordshire Fire and Rescue Service** (received 17/05/2023) – No objection. Provides guidance on suitable design measures to limit fire risk.

**Police Architectural Liaison Officer** (received 24/05/2023) – No objection. Provides advice on measures to aid in designing to limit the potential for crime.

**Environmental Health Protection** (received 08/08/2023) – No objection. Requests a condition to secure as part of the reserved matters application, an acoustic design statement and details regarding an acoustic barrier, each of these should include expected noise levels in amenity areas and rooms within the properties to ensure the levels specified in BS8233:2014 are met.

**Conservation Officer** (received 02/06/2023) – No objection. The closest designated heritage asset, Landywood Farmhouse (Grade II), is located 400m from the site. There is no visual interplay between the site and the heritage asset and the change in land use would not be detrimental to the setting if there were.

The buildings that are proposed for demolition are mid-later C20 structures and are of low architectural merit.

**Staffordshire County Council Planning** (received 12/05/2023) – No Comment.

**Staffordshire County Council Education** (received 07/06/2023) – No objection. There are projected to be sufficient school places available to mitigate the impact of this development at both primary and secondary phases of education (Landywood Primary School and Great Wyrley Academy).

**Strategic Planning** (received 19/06/2023) – The site is in a sustainable location, within the Main Service Village of Great Wyrley. Being an employment site, the decision taker will need to consider whether Policy EV1 is satisfied and the site can be considered acceptable for housing.

Recommends a condition to secure a Market housing mix as follows:

35% 2 bedroom properties  
30% 3 bedroom properties  
35% 4+ bedroom properties

The Council's latest 5-year housing land supply position (31st March 2022) shows the Council to have a 5.94-year supply. The most recent housing delivery test results were published (14 January 2022)



indicates that South Staffordshire delivered 136% of the relevant housing requirement over the measurement period. The titled balance is therefore not engaged.

**Cannock Chase Chief Commissioning Group (NHS)** (received 11/07/2023) – No objection, subject to a contribution of £19,500, towards local health infrastructure.

**Housing Strategy** (received 17/07/2023) – Recommend reducing the number of 3 bed properties slightly so the following housing mix is secured, which will address this concern.

2 bed - 10

3 bed - 9

4 bed - 11

This may reduce the number of bungalows, but as long as 10% is secured, then this is acceptable. Recommends that the bungalow provision be amended to two 2 bed and one 3 bed. This is to ensure the bungalow units are designed towards the elderly population.

Agrees that Vacant Building Credit given the marketing report is deemed as satisfactory, and there is no apparent evidence that the property has been made vacant solely for the purposes of redevelopment.

**Environment Agency** (17/05/2023) – No comment.

**Arboricultural Officer** (received 19/09/2023) (previous comments 05/09/2023 & 26/05/2023) – No objection. Satisfied that arboricultural matters can be adequately dealt with through the reserved matters stage of the process.

**Development And Waste Management Unit** – No Response Received.

**Western Power Distribution** – No Response Received.

### **Contributors**

A site notice was posted on 17/05/2023. 1 neighbour comment has been received, which is summarised below:

- This site has been vacant and derelict for a number of years. It is an eye-sore and ought to be demolished.
- New homes would improve the look and feel of the area and would be better for the community as a whole.

## **5. APPRAISAL**

### **5.1 Key Issues**

- Policy & Principle of Development
- Housing Mix and Space Standards
- Affordable Housing and Vacant Building Credit
- Layout, Design & Appearance
- Residential Amenity

- Access, Parking & Highway Safety
- Sustainable Built Form
- Water Environment, Flood Risk & Drainage
- Ecology, Biodiversity and Habitat Regulations Assessment
- Arboriculture
- Health Care and Education
- Other matters
- Financial Considerations
- Human Rights

## 5.2 Policy & Principle of Development

5.2.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made, in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028). The Council's emerging Local Plan (2018-2038) is working towards a Regulation 19 Publication Plan consultation in Spring 2024 and therefore, within its revised guise, is yet to be the subject of public consultation or examination. Thus, the policies contained therein, have minimal material planning weight, albeit they are referenced, where relevant, within this report.

5.2.2 Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.

5.2.3 Paragraph 8 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

This report will consider how the proposed development fares in terms of these three strands of sustainable development.

5.2.4 Paragraph 74 of the NPPF requires that Councils identify and update annually, a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of

5% (moved forward from later in the plan period) should also be supplied, to ensure choice and competition in the market for land, or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement, to account for fluctuations in the market during the year. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

- 5.2.5 The latest five year housing land supply position for South Staffordshire District is contained within the Five Year Housing Land Supply Paper dated April 2022, which states that a supply of 5.94 years can be demonstrated within the District.
- 5.2.6 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, are as stated above.
- 5.2.7 Core Policy 1 identifies Great Wryley as a Main Service Village, a location where it is noted employment and residential development shall be focused. The Policy continues to advise that *"Development proposals will be expected to make efficient use of land and prioritise the use of Previously Developed Land (brownfield land) in sustainable locations, provided it is not of high environmental value, whilst safeguarding the character of existing residential areas"*.
- 5.2.8 The explanatory text for Core Policy 1 states that *"The Council, working in partnership with businesses and local communities, will support measures to sustain and develop the local economy of South Staffordshire and encourage opportunities for inward investment and further economic development of the District"*.
- 5.2.9 Core Policy 7 seeks to protect existing employment uses stating *"The Council will seek to ensure that a supply of employment land is readily available in South Staffordshire to meet justified development needs for general employment development throughout the plan period, whilst recognising the constraints that impact upon the District. Unless it can be demonstrated that there is no reasonable prospect of a site being delivered, existing employment areas will be protected and retained for employment uses in accordance with Policy EV1 and the redevelopment and modernisation of existing sites for employment will be supported"*.
- 5.2.10 Inset Plan 44 of the Core Strategy 'Cheslyn Hay and Great Wyrley' confirms that Core Strategy Policy EV1: Retention of Existing Employment Sites refers to the application site. Policy EV1 states *"Sites and premises used and/or allocated for industrial or commercial purposes (B1 – B8) purposes will be safeguarded for that use"*.
- 5.2.11 A caveat is placed on Policy EV1 however, which states that *"Proposals for development which would lead to the loss of land and premises for employment will not be permitted, unless it can be clearly demonstrated that:*  
*a) the supply and variety of available alternative employment land is sufficient to meet the District and local requirements; or*  
*b) following appropriate marketing of the site no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future; or*  
*c) there would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours; or*  
*d) economic benefits to the area would result by allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises"*.

- 5.2.12 It is noted, notwithstanding the above, that the application site is sought to be allocated through the Emerging Local Plan; via Policy SA5, site reference 638; for residential development, to deliver a minimum of 29 dwellings. The key requirements identified for delivering the site being the retention and enhancement of the tree and hedgerow boundaries and compliance with any *“relevant policy requirements including affordable housing, open space, education, health, sports and recreation, energy efficiency, climate change mitigation, flood risk mitigation, highways, sustainable transport, housing mix and green infrastructure, delivered in line with the relevant development plan policy standards”*.
- 5.2.13 As stated within paragraph 5.2.1, the emerging Local Plan currently carries minimal weight and as such, those Policies detailed from the Core Strategy are those relevant to the consideration of this application. As a consequence, the development seeks to remove an allocated employment site from commercial use and for such to be considered acceptable, compliance with a minimum of one of the caveats offered within Policy EV1 (as detailed above) is necessary.
- 5.2.14 The Marketing Report submitted with the application demonstrates that the site was advertised for rent between November 2020 and January 2023. The report concludes that criterion ‘b’ has been satisfied with *“no suitable and viable alternative employment use found, or is likely to be found in the foreseeable future”*. This conclusion is reached, given that, during the marketing period only 15 expressions of interest were received, with 6 viewings. The potential occupants noted a number of concerns with the buildings, which resulted in no formal offer being made. The concerns included that, the bays are too small, the layout of the building doesn’t suit modern practices regarding HGV movements and the buildings require significant expenditure to ensure they are useable. The last point is also used by the applicant to further demonstrate why the building would not be suitable for use for employment purposes in the foreseeable future, given that Unit 1 has an EPC rating of E, whilst units 2&3 have an EPC rating of F. Under the Minimum Energy Efficiency Standard (MEES) Regulations, it is now unlawful for landlords to let commercial property with an Energy Performance Certificate (EPC) rating of ‘F’ or ‘G’, whilst there is a proposal that commercial properties must have an EPC rating of C or higher by 1 April 2027, rising to a B or higher by 2030. Given the condition and structure of the buildings, significant investment would be required to achieve this.
- 5.2.15 Given the above assessment, it is considered that the principle of redeveloping this site, which requires the loss of the employment is acceptable (a viewpoint shared by the Strategic Policy Team), subject to adherence with wider considerations and therefore, the development in this regard is compliant with the requirements of the Development Plan and NPPF.

### 5.3 Housing Mix and Space Standards

- 5.3.1 Policy H1 of the Core Strategy seeks the delivery of a balanced housing market, through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high quality homes, with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
- 5.3.2 This outline application is the appropriate vehicle in which to both consider and secure the mix brought forward under any subsequent reserved matters application.
- 5.3.3 The most up to date assessment of local needs is set out in the Housing Market Assessment Update (HMA) (2022), which requires that approximately 10% of the dwellings be single storey accommodation (to meet the needs of an aging population), along with a housing mix for the North-Eastern area, within which Great Wyrley sits, of; 1 bed 19%, 2 bed 30%, 3 bed 24% and 4+ beds 27%.

Notwithstanding this point, the Council's Strategic Planning Team and Housing Strategy Manager have recommended the following mix be secured (wherein there is a requirement for two 2 bed bungalows and one 3 bed bungalow):

35% 2 bedroom properties	2 bed - 10
30% 3 bedroom properties	3 bed - 9
35% 4+ bedroom properties	4 bed - 11

- 5.3.3 The applicant within their submission have suggested a housing mix of;

2 bed – 10 (4 of which are bungalows)  
3 bed – 11  
4 bed – 9

- 5.3.4 The mix as proposed by the applicant and that as sought by the LPA do not quite align. The applicant has requested that this matter be resolved by condition, which is considered an appropriate route and is therefore recommended to Members. This is especially relevant given the outline nature of the development.

- 5.3.5 Appendix 6 of the Core Strategy details the Council's internal space standard requirements. The 2015 Written Ministerial Statement indicates that existing policies relating to internal space should now be interpreted by reference to the nearest equivalent national standard. Therefore, the Council expects all new developments to meet the nationally described space standards (NDSS). Once more, given the outline nature of this submission, these exact details are not to be considered under this proposal, albeit the applicant has provided evidence within their submission to demonstrate that compliance with these standards can be achieved, with the number of dwellings as proposed.

- 5.3.6 Given the above assessment, subject to the application and suitable discharge of the above identified condition, the proposal can comply with the requirements of the Development Plan and NPPF in this regard.

#### 5.4 Affordable Housing and Vacant Building Credit

- 5.4.1 The dwellings proposed within this scheme are subject to requirements of Policy H2 of the adopted Core Strategy, which requires developments of 10 or more units in Great Wyrley, to make an affordable housing contribution. On previously developed land, this requirement is for 30% affordable housing, provided on site, split 50:50 between social rent and shared ownership.
- 5.4.2 Based on 30 units, the affordable housing requirement is therefore 9 affordable homes, with 4 or 5 for social rent and 4 or 5 for shared ownership. In line with the National Design Guide and Affordable Housing and Housing Mix SPD, different tenures should be well integrated within a scheme, and design should be tenure-neutral to ensure that affordable housing is materially indiscernible from market housing.
- 5.4.3 Notwithstanding the above, paragraph 64 of the NPPF states that *"To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount"*. This matter is expanded upon within paragraph 026 of the Planning Obligations National Planning Practice Guidance (NPPG), which states *"where a vacant building is... demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing*

*contributions may be required for any increase in floorspace”.*

5.4.4 Paragraph 027 of the NPPG continues to advise that *“where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A ‘credit’ should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought”.*

5.4.5 Finally, paragraph 028 states *“The vacant building credit applies where the building has not been abandoned. The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:*

- The condition of the property;*
- The period of non-use;*
- Whether there is an intervening use; and*
- Any evidence regarding the owner’s intention.*

*Each case is a matter for the collecting authority to judge. The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy. In doing so, it may be appropriate for authorities to consider:*

- Whether the building has been made vacant for the sole purposes of re-development; and*
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development”.*

5.4.6 In this case, there are a number of factors to consider, prior to calculating any net increase in floorspace, across the site. Firstly, compliance with paragraph 028. This is a brownfield site, where it has been determined that in the context of the explanatory paragraph detailed above, the buildings therein, have not been abandoned. In addition, the buildings have not been made vacant to facilitate the site’s redevelopment, rather, they have been regularly maintained and the site marketed with the objective of securing another occupier. There are no extant or recent planning permissions for similar development to that now proposed within this site. As such, the application site complies with the requirements, as identified, in order to be eligible for Vacant Building Credit.

5.4.7 The existing vacant buildings on this site have a gross floorspace of 4,980 sq.m. The floorspace of the proposed new dwellings (acknowledging that such information is purely indicatively provided at this juncture) in combination is 2,775 sq.m. There is therefore a net reduction in floorspace of 2,205sq m. Utilising the formula for calculating the impact of VBCs, as detailed within the Council’s draft Affordable Housing & Housing Mix SPD, the overall affordable housing need arising from this development is -7 dwellings. Therefore, no affordable housing provision can reasonably be sought from the proposal.

5.4.8 It should be noted that Vacant Building Credit is a vehicle supplied by the Government in order to encourage development on Brownfield Sites, where usually mitigation costs are high. As such, the applicant is not in any way seeking to reduce inappropriately, the level of affordable housing within

the scheme, rather utilising appropriate allowances within national planning policy. Thus, the above noted figure, although noticeably lower than the affordable housing level identified within the authorities affordable housing policy, remains policy compliant in the wider sense. Thus, the development is considered to comply with the requirements of the Development Plan and NPPF in this regard.

## 5.5 Layout, Design and Appearance

5.5.1 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, which respects and enhances local character and the distinctiveness of the natural and built environment. Policy EQ11 advises that 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 SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.

5.5.2 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”*.

5.5.3 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.

5.5.4 As noted above, this is an outline application with all matters except access reserved. As such, the layout plan, as submitted, is indicative only, with matters of appearance, landscaping, layout and scale, to follow in subsequent reserved matters applications. However, the plan does seek to demonstrate that the number of dwellings proposed can be suitably accommodated within the site, whilst remaining compliant with the requirements of the wider Development Plan.

5.5.5 The Design and Access Statement accompanying this application acknowledges that design matters will be dealt with fully at reserved matters stage, but does set out a potential solution for developing the site. The key points as detailed within this document, are:

- the development will be formed by a range of house types, with a varying form of different sizes and designs, all taking reference from the Great Wryley Village Guide contained in Appendix 1 of the Council's Core Strategy;
- Dual aspect buildings will be provided in order to mark gateways into the development;
- A Landmark building is envisaged to be provided at the south-east corner at the junction of Holly Lane, and Gorsey lane;
- The majority of the units are envisaged to be two storey with the single storey elements made up of the four bungalows and garages associated with their respective houses where appropriate. A pair of two and a half storey town houses are shown to provide a focal point at the head of the

main access road;

- The scale of the development in terms of both massing and density will be consistent with that of the existing area, which although lower than the Government identified preference for 35 dwellings per hectare, has been tailored to ensure the retention of the existing boundary trees and vegetation;
- Building materials will generally be a mix of locally sourced red facing brick along with the occasional use of light coloured rough cast render in key locations. Roof finishes will be either a slate or blue or red/brown tiles. To add interest to the roofscape it is envisaged that some units may incorporate chimneys; and
- A variety of boundary treatments will be used in order to reflect the variety found elsewhere within the village and to create interest within the site. Along key frontages to the public realm feature bricks walls, timber or metal fencing and hedging will be used whilst at the rear traditional close boarded fencing is proposed for the means of enclosure.

- 5.5.6 The details, as outlined above, are considered to be consistent with the prevailing character of the surrounding area, in terms of the form and scale of the proposed buildings, which will ensure that in principle, the dwellings could integrate successfully into the appearance of the area. In addition, it should be noted that as expressed by the Council's Conservation Officer, the existing buildings within the site are of little architectural merit and their removal and replacement with well-designed residential buildings will offer a visual betterment to the area, thereby ensuring compliance with the requirements of the Development Plan and NPPF in this regard.

#### Public Open Space

- 5.5.7 Core Strategy Policy EQ13 requires new major residential led development to deliver *"the provision of new accessible public open space, play facilities and spaces and sport and recreation facilities to serve new residents or the enhancement of the quality and accessibility existing public open space, and sport and recreation facilities"*.
- 5.5.8 The amount of Public Open Space (POS) to be provided within a major housing scheme (over 29 dwellings) is defined within the Strategic Allocation Document Policy SAD7, which details an on-site need to deliver an open space, which functions primarily as greenspace, but includes equipped play areas or MUGA/Skatepark provision. This threshold will ensure a minimum greenspace size of 0.25ha is provided, alongside an equipped play space or skatepark/MUGA of at least 0.04ha.
- 5.5.9 The indicative layout plan submitted with this application shows no POS provision on-site. Rather the Planning Statement seeks to provide a payment for off-site provision. The document advises that Policy HC17 of the Emerging Plan *"requires 0.006 hectares of multi-functional publicly accessible open space per dwelling to be provided. However, for smaller sites, ie. less than 33 dwellings, the policy states that an offsite financial contribution will be sought equivalent to the amount of open space that would otherwise be required on-site. In this regard, it is understood that the required contribution would amount to £993 per dwelling (Apr-21 prices) equating to a total financial contribution of £29,790 for a 30 dwelling scheme. It is anticipated that this would be secured by means of a s106 agreement. for 0.01ha per dwelling, which is to include equipped areas of play and / or MUGAs / skateparks"*.
- 5.5.10 As discussed above, the emerging plan does not have sufficient material planning weight currently to form part of the consideration process for this application and rather, it is against the requirements of Policy SAD7 that the submission must be considered. That Policy solely seeks off-site contributions equivalent to 0.01ha of community open space per dwelling for schemes of between 10-24 dwellings. The contribution equates to £993 per dwelling. Whilst the monetary sums involved are unchanged,



evidently, the proposal is contrary to Policy, in seeking to finance off-site provision, when the number of dwellings to be erected on-site exceeds 24.

- 5.5.11 In this case, there are extenuating circumstances beyond the fact that the Emerging Plan seeks to allocate the site for a minimum of 29 dwellings, to justify the lack of on-site POS. Firstly, the boundary planting, which is sought to be retained by the emerging Plan, limits the buildable area within the site. The impact of this matter is discussed further below, within the arboricultural section of this report. However, in order to allow for suitable stand offs to prevent current and future pressures to fell these high-quality landscaping features, large areas of the site cannot be built upon. In addition, the former coal mining use of the site, once more discussed in greater detail below, again limits where dwellings can be located, due to an inability to build over old mine shafts. Given these circumstances and the fact that any POS provision on-site would be small and therefore arguable whether useable, given the scale of the development and noting that this in no way sets a precedent for any other future development, it is considered in this case, appropriate to allow for an off-site financial contribution, which is to be secured via the use of a s106 agreement, thereby ensuring compliance with the requirements of the Development Plan and NPPF in this regard.

## 5.6 Residential Amenity

### Existing and Future Residents

- 5.6.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. Core Strategy Policy EQ9 requires that all development proposals consider the amenity of nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odors and daylight.
- 5.6.2 Appendix 6 of the Core Strategy sets out minimum separation distances between facing habitable room windows, towards flank walls and to private gardens. In addition, guidance is also provided regarding the prevention of loss of light to neighbouring property resulting from new development. Specific to this proposal, the guidance details a minimum requirement of 28 metres over private space between habitable rooms for 3 storey buildings (which would include the indicatively identified 2 and a half storey dwellings noted within this scheme), which drops to 21 metres for single and two storey dwelling and 22 metres for 3 storey development between habitable rooms over public land, including streets. In addition, there should be a distance of 13 metres between a habitable room window and the blank side wall of a neighbouring two or one storey dwelling.
- 5.6.3 In terms of separation distances between residential units, both internally within the scheme and externally to neighbouring existing property, the illustrative masterplan indicates that the development can be designed in manner to be wholly compliant with the Council's guidance.
- 5.6.4 Space about Dwellings Standards are also laid out in Appendix 6, which states, specific to this development that all private amenity space should be a minimum of 10m in length and the total area of the garden should be a minimum of:
- 45 sq.m. for dwellings with 2 or less bedrooms.
  - 65 sq.m. for dwellings with 3 and 4 bedrooms.
  - 100 sq.m. for dwellings with 5 or more bedrooms
- 5.6.5 Once more the indicative layout plan shows that the scheme could be developed to fully adhere with these standards.
- 5.6.6 Finally, the above noted separation distances and the course of the sun ensures that there will be no

significant loss of natural sunlight arising to existing property, from the erection of the new dwellings within this site. Given this assessment and those detailed above, it is evident that the amount of development proposed can be erected, whilst complying with the requirements of the Policies within the Development Plan and NPPF in this regard.

- 5.6.7 Section 15 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment, by preventing both new and existing development from contributing to or being put at risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. These matters are considered individually below:

Contaminated Land & Land Instability

- 5.6.8 Paragraph 183 of the NPPF advises that *“Planning... decisions should ensure that; a site is suitable for its proposed use taking account of ground conditions any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment) arising from that remediation”*. Paragraph 184 goes on to state *“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”*.
- 5.6.9 The Coal Authority’s information indicates that the application site lies in a ‘Development High Risk Area’, with 8 coal mine entries (7 shafts and an audit ?) present within the southern half of the site and a further off-site coal mine shaft located adjacent to the south eastern boundary, with its associated zone of influence extending into the site. In addition to the mine entries, records indicate that coal mining has taken place beneath the site at shallow depth and that further historic unrecorded shallow coal mining is likely to have occurred. The applicant has submitted a Phase 1 Geo-Environmental Report and Coal Mining Risk Assessment with the application, which has been assessed by The Coal Authority. The Assessment advises that built development should avoid the mine entries and that they are treated and given a stand-off distance to residential structures of 5 m. The need to adhere with this requirement has informed the current indicative layout once more demonstrating that the level of development is appropriate for this site, albeit, this layout is based on recorded, rather than located, entry mine positions.
- 5.6.10 Given the above, The Coal Authority have recommended a total of 4 conditions for the development, requiring the submission and approval, prior to the submission of any reserved matters application, of a scheme of intrusive investigations to locate and record mine entries and shallow mine workings within the site. The Scheme of Intrusive Investigation Report shall thereafter accompany the reserved matters application, demonstrating how the proposed layout has avoided any found features. Prior to the commencement of development, any remediation or mitigation works to address coal working within the site, to be undertaken and finally, prior to first occupation, a signed statement or declaration confirming that the site has been made safe and stable, to be submitted to and approved in writing by the Local Planning Authority.
- 5.6.11 Given the above, the conditions requested by the Coal Authority are considered to be reasonable and necessary and are therefore recommended to be attached to the decision notice, to ensure the stability of the proposed development and amenity of future residents in this regard.
- 5.6.12 The above noted Geo-Environmental Report also notes that given the previous industrial uses of the site, there is potential for areas of ground contamination to be evident. To address this matter, the report recommends that intrusive investigation be undertaken, in order to determine what mitigation measures may be necessary to make the site suitable for residential use. A condition to secure the

submission of such a report is recommended, which will then ensure that the development complies with the requirements of the Development Plan and NPPF in this regard.

#### Lighting

- 5.6.13 No Lighting Assessment document has been submitted with this application. Whilst, given the village location of the site, this area is fairly well lit at night, a condition requiring the submission and approval by the Local Planning Authority of a lighting scheme, is recommended to ensure that the amenity of existing and future residents is protected.

#### Noise and Vibration

- 5.6.14 The site is located within a village location, adjacent to a number of industrial and storage units, with no restriction on their hours of operation. As such, potentially noisy activities are undertaken within the immediate surrounding area.
- 5.6.15 A Noise Assessment Report accompanies the application, which concludes, following a 5 day on-site assessment, that the proposal is at a moderate risk of adverse noise impacts. It should be noted that this assessment did not factor in the recent application, reference 22/00544/FUL, which sought the demolition of existing building and erection of new building for flexible B2/B8 use at Units 50-62, Landywood Enterprise Park, but given this application was refused by members at the planning committee meeting in June 2023, this is acceptable. To mitigate any harm for future occupants arising from the existing noise environment, it is recommended by the above noted report that a 3m high acoustic fence be erected along the western boundary of the site.
- 5.6.16 The acceptability of this report and the recommendations contained therein, has been considered by the Council's Environmental Health Team, who advise that they have no objections to the proposal, subject to a condition to secure, as part of the reserved matters application, an acoustic design statement and details regarding an acoustic barrier, which should include expected noise levels in amenity areas and rooms within the properties to ensure the levels specified in BS8233:2014 are met.
- 5.6.17 Subject to the addition of the condition as recommended, it is considered that the development will not be adversely impacted upon by the existing environment in terms of noise pollution, nor will future occupants unduly seek to limit the existing operations of on-going business and as such, the development complies with the requirements of the Development Plan and NPPF in this regard.

#### Construction Vibration

- 5.6.18 The nearest sensitive properties to the proposed construction work, will be existing dwellings on Gorsey Lane and The Spindles. It is possible that vibration, due to the operation of various construction plant, may be above the threshold of complaint. However, these instances will be transient and for limited periods of a day and therefore are not considered to be significant.

#### Construction Phase Impacts

- 5.6.19 Air quality effects resulting from construction dust are known to be a main source of potential release of Particulate Matter (PM10, PM2.5). Sources include:
- Generation of airborne dusts from exposure and movement of soils and construction materials;
  - Generation of fumes on-site by plant and tools during construction;
  - Increase in vehicle emissions potentially as a result of slow moving vehicles should local

- congestion ensue; and
- Re-suspension of dust through vehicle tyres moving over dusty surfaces.

5.6.20 To assess these matters, in line with the Institute of Air Quality Management Guidance (2014), as there are a large number of human receptors within 350m of the site boundary, a Construction Management Plan is recommended to be secured via condition, in order to control the impact of emissions during the construction phase.

#### Operational Phase Impacts

5.6.21 The potential impacts arising from the development associated with nitrogen dioxide (NO<sub>2</sub>), PM<sub>10</sub> and PM<sub>2.5</sub> upon existing and future receptors, are, given the comparatively low levels of traffic generation produced by the development (discussed further below in the highway section of this report), likely to be imperceptible, too low for all pollutants.

5.6.22 Given the above assessments, it is concluded that the development will not, subject to the identified conditions, have an adverse impact upon the amenity of existing or future residents and is therefore compliant with the requirements of the Development Plan and NPPF in this regard.

#### 5.7 Access, Parking & Highway Safety

5.7.1 Paragraph 110 of the NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 goes on to state 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.

5.7.2 Paragraph 105 of the NPPF seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

5.7.3 The proposed development is shown to be accessed through two of the site's three existing point of access, from Goresy Lane, a classified road, subject to a 30 mph speed limit.

5.7.4 The impact of the development on the local highway network and suitability of the continued use and closure of the existing vehicular accesses, has been considered by the Highways Authority, who advise that the removal of the existing industrial unit from the site, will reduce the number of potential HGV movements on the surrounding network, thereby potentially improving safety. In addition, the retained vehicular accesses, are served by visibility splays that are appropriate and safe, to accommodate the proposed use of the site. The scheme is also to include enhancements to the existing footway on Gorsey Lane, Holly Lane and The Spindles, in order to provide a consistent 2 metre footway width, compliant with current Manual for Streets National Guidance. The scope of footway works will be fully accommodated within the highway boundary and land under the applicant's control. An existing bus shelter on Gorsey Lane will need to be relocated slightly to accommodate the proposed widened footway, with this matter recommended to be addressed via an informative.

5.7.5 Thus, given the above considerations, the proposal is considered unlikely to cause highway danger, whilst offering a betterment to existing pedestrian safety and movement and therefore is consistent with the requirements of the Development Plan and NPPF in this regard.

#### Off Street Car Parking

- 5.7.6 Appendix 5 of the Core Strategy provides guidance on the Council's off street car parking requirements for new development. For traditional residential development a need for 2 spaces for 2 and 3 bedroom dwellings is noted, with 3 spaces for 4 or more bedroom dwellings. This level of provision is indicatively noted on the submitted layout plan and as such, is achievable within the scheme. The exact level and configuration of provision will evidently be confirmed and secured through resultant reserved matters submissions.

#### Electric Vehicle Changing

- 5.7.7 The abovementioned Appendix does not offer standards for EV parking, albeit Core Strategy Policy EV11 does recommend the incorporation, within new development of *"facilities for charging plug-in and other low emission vehicles"*.
- 5.7.8 The Council's emerging Local Plan Policy HC13 (Parking Standards) includes a requirement for residential development of 1 charging point per property to be fitted with 7kw (or better) charge points. Given the progress of the plan, as discussed above, it does not carry sufficient material planning weight to require the applicant to deliver compliant EV charging provision currently. However, Building Regulations Part S, which came into force earlier this year, now requires all new residential development to be supplied with a charging point and as such, this matter is dealt with under separate legislation.

#### Cycle Parking

- 5.7.9 Appendix 5 of the Core Strategy also requires that for dwelling houses, 1 secure weatherproof cycle parking space be provided on site, per 1 bedroom flat and 2 spaces per 2 bedroom flat. No regard is had to non-flatted residential accommodation and as such, it would not be reasonable to secure cycle parking via condition for this development.

#### Sustainable Transport

- 5.7.10 A review of the trip generation anticipated by the proposed development is presented in the Transport Statement, which was based on trip rates extracted from the TRICS database. The trip rates used were considered acceptable and showed that the proposed development will generate 16 vehicle movements in the AM peak hour, 15 movements in the PM peak hour and 132 movements over 12 hours. The permitted use of the site has a likely trip rate of 20 vehicle movements in the AM peak hour, 15 movements in the PM peak hour and 180 movements over 12 hours. Thus, the development will reduce the amount of vehicles on the surrounding highway network.
- 5.7.11 The nearest bus stops in relation to the site are located immediately to the east of the site, on Gorsey Lane. They comprise of a flag and pole and shelter stop and are served in both directions by one service (X51 Platinum), which provides access to Walsall Town Centre, Birmingham City Centre and Cannock Town Centre with a weekday service frequency of 20 minutes. The 71 service provides an additional level of service to Cannock and Wolverhampton with a frequency of service of 60 minutes. The Landywood Railway Station is located 1.3km north of the site and can be accessed via the network of roadside footways. As such, the proposal is served by good quality and frequent sustainable transport options ensuring that future residents are not wholly reliant upon private transportation methods.
- 5.7.12 The development, subject to the abovementioned conditions, will offer suitable vehicular and

pedestrian access, sufficient car parking to meet the likely future demands of the site, whilst also offering appropriate alternative access to sustainable forms of transport and is therefore, compliant with the requirements of the Development Plan and the NPPF in this regard.

## 5.8 Sustainable Built Form

5.8.1 Paragraph 153 of the NPPF requires that new development should comply with local energy targets. NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Core Strategy Policy EQ5 sets out the council's requirements in respect of carbon reduction targets and requires that major commercial and residential schemes should achieve respectively, BREEAM Excellent and Code for Sustainable Homes (CfSH) Level 6 from 2016.

5.8.2 The government's response to the Environmental Audit Commission report: Code for Sustainable Homes and the Housing standard Review (2014) set out proposals for winding down the use of CfSH, due to it being absorbed into Building Regulation standards. The Deregulations Act (2015) required Local Planning Authorities to not set local targets for sustainable house building standards. As such, the Council is now not currently able to apply standards relating to the CfSH and therefore, no such condition is recommended for these units.

## 5.9 Water Environment, Flood Risk and Drainage

### Flood Risk

5.9.1 The Site is shown to be at low risk (Flood Zone 1) and very low risk from fluvial and surface water flooding respectively. The Flood Risk Assessment submitted with this application therefore concludes that the existing Site is at either very low or low risk of flooding from the sources assessed (fluvial, tidal; reservoirs, canals and other artificial sources; surface water, groundwater, and sewers).

5.9.2 The proposed development is for a More Vulnerable use and as such, given the low flood risk classification, is deemed appropriate for all uses, in accordance with NPPF.

### Surface Water Drainage

5.9.3 Paragraph 169 of the NPPF requires that major development incorporate sustainable drainage systems unless there is clear evidence that such would be inappropriate. Given the outline nature of this submission, detailed drainage drawings are not currently available. As such the Lead Local Flood Authority have recommended a condition to require the submission and approval of a suitable sustainable drainage scheme as part of any future reserved matters submissions. Such is conditioned reasonable and necessary and therefore is recommended to be attached to any planning permission.

### Foul Drainage

5.9.4 Severn Trent Water is the main asset operator for both surface and foul water drainage in the vicinity of the Site.

5.9.5 Under the requirements of the Water Industry Act 1991, developers have the right to connect new development to foul water flows within public sewers. Thus, the onus is with Severn Trent to ensure capacity to accommodate this development. The use of SUDs should however be considered prior to connection and therefore it is recommended that full drainage details for the site be submitted as part of future reserved matters applications.

- 5.9.6 Given the above assessment, subject to the application of conditions, as recommended, the development is considered to comply with the requirements of the Development Plan and NPPF, in this regard.

5.10 Ecology, Biodiversity and Habitat Regulations Assessment

Protected Species

- 5.10.1 The Wildlife and Countryside Act 1981 (as amended) 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 of Habitats and Species Regulations 2017 (as amended) 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 Natural Environment and Rural Communities Act 2006 (as amended) places a duty on local planning authorities to conserve and enhance 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.
- 5.10.2 A Preliminary Ecological Appraisal (PEA) of the site was carried out in March 2023. The document assessed the potential of the site to support a range of European and nationally protected species and searched for evidence of use by such species. The protected species identified as having the potential to use the site were bats and birds. The site is located within the Green Zone for potential Great Crested Newt use, as defined by the Council's District Newt license, and the risk of use of the site by GCN, was considered to be negligible.
- 5.10.3 The buildings within the site were considered to have roosting potential, due to the presence of features such as large gaps and crevice's and broken windows. In addition, a single tree (T1) (semi-mature Oak) was considered to have high potential to support roosting bats, due to the presence of one lost limb and a rot hole. The building and tree, were subject to targeted emergence and return surveys, undertaken in August 2023.
- 5.10.4 The emergence and return surveys identified that whilst three bat species (common pipistrelle, noctule and myotis sp.) crossed the site during the survey period, none entered or exited the buildings or tree. Further bat activity was limited to foraging along the tree line associated with the eastern and western boundaries of the site.
- 5.10.5 The results of these surveys have informed the baseline starting position regarding protected species and habitats within the site. The Council's Ecologist has considered these reports and considered them to be sound.
- 5.10.6 The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species.
- 5.10.7 Given the proposal will not directly impact upon a roost, a Natural England license will not be required, prior to undertaking any demolition works. However, given there is evidence of use of the site by protected species, mitigation measures are proposed by the applicant through the above-

mentioned reports, including the installation of a bat boxes within the site. It is recommended that a minimum of 5 of these be supplied within the site and such be secured via condition through an Ecological Enhancement Plan (EEP). During the operational phase, uncontrolled artificial lighting could sever commuting routes and off-site foraging areas. In order to avoid and mitigate for this impact, a sensitive lighting strategy will be designed (recommended to be secured via a condition), whilst it is recommended that the landscaping scheme proposed for the development include plants, which attract insects to allow for enhancement of foraging habitat for bats.

- 5.10.8 Whilst no mention of habitat harm avoidance measures is discussed for during the construction phase of development, it is reasonable and necessary for lighting to be controlled by a Construction Environmental Management Plan (CEMP) or similar. The CEMP, which is recommended to be secured via a condition, will include restrictions on working hours and security lighting, which will have to be minimised in extent, and directed downward and away from boundary features.
- 5.10.9 The PEA also noted that the site, specifically the tree lines to the eastern and western boundaries have the potential to be utilised by a number of bird species. To address any harm to the various species arising as a consequence of the development, the Council's Ecologist has recommended that 5 bird boxes be introduced into the site. Such is an appropriate form of mitigation, with exact details recommended to be secured via the use of a condition. Lastly, given the site's usage by birds a recommendation of the PEA is that any vegetation and building works occurs outside of the bird nesting season (March – September) or be checked for nesting birds beforehand by an ecologist. It is recommended that this matter be addressed through a condition requiring the development to be undertaken in accordance with the requirements of this document.
- 5.10.10 Subject to the application, discharge and adherence to the conditions, as noted above, the development can be considered as having an acceptable impact upon protected species and their habitat and therefore is compliant with the requirements of the above noted legislation, Development Plan and NPPF in this regard.

#### Biodiversity

- 5.10.11 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's enhanced biodiversity duty as defined under section 40 of the NERC Act 2006 (as amended), new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 5.10.12 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 the Environment Act); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, Paragraph 180 of the NPPF, requires that *"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"*.
- 5.10.13 In this case, a Biodiversity Metric has been submitted with the application, which details the value of existing habitats within the site and those to be created upon completion of the development. The Metric details that the scheme will deliver, through the landscaping scheme, an increase of 4.45 Biodiversity Units from the newly created habitats and 0.69 for hedgerows following the proposed development plan. This equates to a net gain to biodiversity of 35.42% for habitats and 6994.50% for



hedgerows. Conditions are therefore recommended to secure an Ecological Enhancement Plan (EEP); to detail exactly how this uplift will be achieved and a Landscape and Ecological Management Plan (LEMP), to ensure that the created/enhanced habitats meet the condition requirements as specified within the submitted metric. Subject to compliance with these conditions, the scheme complies with and offers a large betterment above and beyond, the requirements of the NPPF in this regard and due material planning weight to this point, should be given in the planning balance.

#### Impact on Special Areas of Conservation

- 5.10.14 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”*.

#### Recreation

- 5.10.15 The agreed strategy for the Cannock Chase SAC is set out in Policy EQ2 of the Core Strategy, which requires that before development is permitted, it must be demonstrated that in itself, or in combination with other development, it will not have an adverse effect, whether direct or indirect, upon the integrity of the Cannock Chase SAC, having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC, will be deemed to have an adverse impact on the SAC, unless or until satisfactory avoidance and/or mitigation measures have been secured. This site is located approximately 8km south of this site. The agreed upon mitigation measures to enable residential development within the Zone of Influence (Zoi), are detailed within the Strategic Access Management and Monitoring Measures (SAMMMs) document.
- 5.10.16 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. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment (AA), which concludes that a financial contribution towards mitigation of the Cannock Chase SAC (for recreational impact) will be required for the 30 dwellings (30 x £329.83 per dwelling= £9,894.90, plus associated £100 administration fee). A draft Unilateral Undertaking to address this matter is provided with the application.
- 5.10.17 Natural England are a statutory consultee on the AA stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's AA. 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.

#### Nutrient Neutrality

- 5.10.18 The application site is also located approximately 3km from the Cannock Extension Canal SAC. The Government's advice as set out in the 'Habitats regulations assessments: protecting a European site' is that when checking whether a proposal could impact upon a protected site is *“You only need to carry out an HRA if the proposal might affect a European site. The effect of your proposal may depend on its location. It could be:*
- *on the site*
  - *near the site*
  - *some distance away, for example by causing air, water or noise pollution or affecting a feeding area*

*used by one of the site's designated species".*

The advice continues to advise that *"You can check if there's an impact risk zone (IRZ) around a protected site. This will help you assess if a proposal might affect a site"*. IRZ's are detailed on DEFRA's Magic Map dataset. It is acknowledged that IRZs within this dataset are specifically for Sites of Special Scientific Interest (SSSI), albeit they do include occasional data specific SACs etc, so they are a useful guide, but not absolute. However, given Government advice on this matter, as quoted above, they are a useful way to determine an initial Zol, for which to undertake an assessment within, to consider a proposed development's impact upon a protected site. Beyond this broad-brush approach however, there is a more detailed consideration of Source, Pathway and Receptor for which regard must be had.

5.10.19 The Zol for the Cannock Extension Canal SAC, as shown on the Magic Maps dataset, covers this site. The Cannock Extension Canal SAC is protected, as it is an example of anthropogenic, lowland habitat supporting floating water-plantain (*Luronium natans*) at the eastern limit of the plant's natural distribution in England. A very large population of the species occurs in the Canal, which has a diverse aquatic flora and rich dragonfly fauna, indicative of good water quality. The low volume of boat traffic on this terminal branch of the Wyrley and Essington Canal has allowed open-water plants, including floating water-plantain, to flourish, while depressing the growth of emergent flora. The site and the protected flora within it are susceptible to changes in pH levels, which will have an adverse impact upon the site's reason for designation.

5.10.20 The application proposes the redevelopment of a Brownfield site, through the erection of 30 dwellings. Drainage from the scheme will utilise existing facilities, which are routed away from the SAC. The development therefore is not considered to result in a negative impact (either alone or in combination with other plans) to this SAC in nutrient neutrality terms. In addition, as discussed above, the proposed scheme, is forecast to generate a net reduction in vehicular trips in the respective peak hour periods and therefore is well below the levels identified (Natural England's (2018) guidance states that the three HRA Screening thresholds for requiring an Appropriate Assessment are 1,000 Annual Average Daily Traffic movements, 1% increase in critical load/level or 200 HGV movements in 24 hours) for an Appropriate Assessment to be required. Therefore, no mitigation or further action is required in this regard.

## 5.11 Arboriculture

5.11.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that *"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"*.

5.11.2 A tree constraints plan has been submitted with this application, which identifies that there are a total of 57 existing individual trees, located to the eastern and southern edges of the site. In addition, a further 7 tree groups are evident, which form the western boundary of the site. None of the trees are protected by either a formal protection order or by virtue of their siting within a Conservation area.

5.11.3 The Survey identifies that of these trees and groups, 4 are Category A, 28 Category B, 29 Category C and 3 Category U. The Category U tree are scheduled to be felled, or removed due to their poor condition, being dead or structurally dangerous and unsuitable for retention.

- 5.11.4 Under the British Standards, Category A trees are those of high quality with an estimated remaining life expectancy of at least 40 years, Category B trees are defined as ‘Trees of moderate quality with an estimated remaining life expectancy of at least 20 years’ and C, as ‘Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories’.
- 5.11.5 All of the Category A, B and C trees are shown to be retained as part of the redevelopment process and a condition is recommended to ensure therefore that they are protected by appropriate fencing and working practices throughout the course of development, including demolition works.
- 5.11.6 The indicative layout seeks to demonstrate how these trees will be retained and that no undue pressure from future development and residential occupation of the site will result, due to the location and interaction between the trees and gardens and habitable room windows. Insufficient information is currently available to be fully convinced on this matter, but it is considered that the proposed number of dwellings could be erected within the site if sensitively sited and designed relative the trees and that this matter will be given further considerations within the reserved matters applications to follow.
- 5.11.7 The soft landscaping proposals for the scheme are a reserved matter, albeit the biodiversity value arising from such is, as discussed above, recommended to be secured via conditions, albeit exact landscaping plans will evidently follow as part of the reserved matters submission.
- 5.11.8 Subject to the conditions as detailed above, the development will have an acceptable arboriculture impact upon the site and as such, will comply with the relevant requirements of the Development Plan and NPPF, in this regard.
- 5.12 Health Care and Education
- 5.12.1 Section 8 of the NPPF ‘Promoting healthy and safe communities’ makes clear that policies and decisions associated with development should aim to achieve healthy, inclusive and safe places. Paragraph 93 b requires that policies and decisions should *“take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.”*
- 5.12.2 Policy EQ13 of the Core Strategy advises that contributions will be sought, where necessary, to secure *“the provision and improvement of community facilities such as... health facilities”*.
- 5.12.3 The Integrated Care Board (NHS) have reviewed the submission, considering key facets associated with practices that fall within influencing distance of this site. It is evident that the majority of patients located within the same LSOA as the application site are registered across Quinton Practice, High Street Surgery and Southfield Way Surgery and in respect of clinical capacity within these practices, and indeed across the wider PCN, there is already a shortfall in clinical space for the existing patient population and therefore proportionate investment within the PCN to mitigate for development will be required to ensure equality of access to services for patients.
- 5.12.4 To address the impact of the scheme, on local health provision therefore, a sum of £19,500 is requested, which is derived from the Department for Health guidance ‘Health Building Note 11-01: Facilities for Primary and Community Care Services’, which provides best practice guidance on the delivery of new healthcare buildings and adaptation and extension of existing facilities. It is applicable to a range of building types including GP premises, Health centres, Primary care centres and Urgent care centres. The sum, to be directly relatable to this application, will be directed towards the future adaptation/refurbishment/expansion of premises as appropriate and in alignment with strategic estates planning for the PCN, which will enable the ICB to work towards the aim of tackling

inequalities in outcomes, experience, and access for patients.

- 5.12.5 The payment of the identified sum has been discussed with the applicant, who confirms their acceptance of this payment, which is recommended to be secured via the proposed s106 agreement.
- 5.12.6 Policy EQ13 of the Core Strategy also requires major new developments to make provision for social/community facilities as the need for which arises from the development and that are commensurate to the scale and nature of the proposals.
- 5.12.7 The Education Authority advise that the site is located within the Landywood Primary School and Cheslyn Hay & Gt Wyrley 1 Primary Planning area and Great Wyrley Academy and Cheslyn Hay & Gt Wyrley High Planning area. In determining whether there was a need for the developer to mitigate the impact of this development, in education terms, it was calculated that 30 dwellings would require 6 primary school places and that 30 dwellings would require 5 secondary places and 1 Post 16 place. These figures are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. There are projected to be a sufficient number of school places available to mitigate the impact of this development, at both primary and secondary phases of education and as such, no financial contribution towards expanding existing provision is justifiable.

5.13 Other Issues

- 5.13.1 The consultation responses received from the Police Architectural Liaison Officer and Fire Safety Officer are noted and the details contained therein are recommended to be passed to the applicant, through the use of appropriately worded informatives.
- 5.13.2 The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires Local Planning Authorities to agree with the applicant, the text of any pre-commencement conditions, prior to the determination of any application. To that end, the pre-commencement conditions detailed within this report, have been agreed in discussion with the applicants' agent.

**6. FINANCIAL CONSIDERATIONS**

- 6.1 The development would give rise to several economic benefits. For example, the development would ultimately lead to the creation of new indirect jobs, through supply chain benefits and new expenditure introduced to the local economy. In addition, the development will deliver direct construction jobs, including supply chain related benefits and relevant deductions, whilst once occupied, the site would generate appropriate Council Tax.

**7. HUMAN RIGHTS**

- 7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

**8. CONCLUSIONS**

- 8.1 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the application.

The proposed development raises two areas of concern with reference to its principle. Firstly, whilst the site is allocated for residential development within the emerging Local Plan, given this document has not accrued sufficient weight to be material in the consideration of this application, it must be determined against the policies within the Core Strategy and SAD. These documents identify the site as an Employment site, which is sought to be retained. The applicant has however supplied sufficient evidence to demonstrate that employment is no longer a viable use for the site and therefore residential development is appropriate. Secondly, whilst no POS provision is proposed for site, its constraints are such in this case to allow for an off-site payment to address this lack of provision. The proposal would result in no material harm to neighbouring amenity and offer some positive visual benefit to the street scene. The development also raises no material concerns in relation to parking or highway safety, whilst offering positive biodiversity and protected species outcomes. The proposal, subject to the necessary conditions and s106 Schedules, is therefore considered compliant with both national and local planning policy and associated guidance.

## 9. RECOMMENDATION

**(1) Subject to the owners/applicants first entering into a Section 106 agreement / Unilateral Undertaking under the Town and Country Planning Act (as amended), to secure contributions/planning obligations towards:-**

1. Contribution towards Health Care Infrastructure of £19,500.
2. Contribution towards Cannock Chase SAC mitigation measures (SAMMMs) of up to £9,894.90 plus a £100 legal administration fee; and
3. Off-site Public Open Space payment in the sum of. *£29,790 to be uses for the purposes of improving public open space within the locality.*

**(2) If the S106 is not signed/completed by the 21 February 2024 or the expiration of any further agreed extension of time by ? , then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions as outlined in the report.**

**Approve subject to the following conditions:**

1. The development which this permission relates must be begun not later than whichever is the later of the following dates:
  - a. The expiration of three years from the date on which this permission is granted;
  - b. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. This is an outline planning permission and no phase of development shall be commenced (excluding demolition) until details of layout of the site, including the disposition of roads and buildings; existing and proposed ground level and finished floor level; the design of all buildings and structures; the external appearance of all buildings and structures including materials to be used on all external surfaces; boundary treatments; housing mix, notwithstanding the submitted details; surfacing treatments; the means of pedestrian and cycle access and parking layout; and the landscape and

planting of the site have been submitted to and approved by the Local Planning Authority by way of reserved matters application(s).

3. The development shall be carried out in accordance with the approved drawings:

Location Plan	21-027/001
Topographical Survey	21-082-22-01
Tree Constraints Plan	CE-LB1931-ADW01 FIG 1

**CONDITIONS to be complied with PRIOR to the submission of any reserved matters application:**

4. Prior to the submission of any Reserved Matter applications seeking approval of a detailed layout of development, a scheme of intrusive investigations shall be undertaken and approved by the Local planning authority to establish the risks posed to the development by past coal mining activity, including works to locate and establish the condition of recorded mine entries and any shallow mine workings present.

**CONDITIONS to be complied with PRIOR to the commencement of development hereby approved:**

5. Prior to the commencement of development, excluding demolition and groundworks, full details, shall be submitted to and approved in writing by the Local Planning authority of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy. The remediation works or mitigation measures as approved shall thereafter be implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
6. Prior to the commencement of development an acoustic design statement, to include details of a suitable acoustic barrier, shall be submitted to and approved in writing by the Local Planning Authority. The design statement shall demonstrate that expected noise levels in amenity areas and rooms within the dwellings meet the levels specified in BS8233:2014. The development shall be undertaken and thereafter retained for its life in accordance with the agreed details and any approved mitigation measures.
7. Prior to the commencement of development, including demolition, a Construction Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Management Plan shall:
- i) Specify details of the site compound, including arrangements for the parking of site operatives and visitors;
  - ii) Specify details of the construction access;
  - iii) Specify the delivery and construction working times;
  - iv) Specify the types of vehicles to be used;
  - v) Specify the location, type and hours of use of any artificial lighting;
  - vi) Specify noise, air quality and dust control;
  - vii) Details the management and routing of construction traffic;
  - viii) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities;
  - ix) Provide for the loading and unloading of plant and materials;
  - x) Provide for the storage of plant and materials used in constructing the development; and
  - xi) Provide satisfactory arrangements for the control of surface water during the construction period, prior to the formation of the approved SUDs.

The development shall thereafter be carried out in accordance with the approved details, which shall be adhered to throughout the demolition and construction period.

8. Prior to the commencement of development, excluding demolition and groundworks, full details of an Ecological Enhancement Plan (EEP) shall be submitted to and approved in writing by the Local Planning Authority. The EEP shall include details of habitat enhancements appropriate to the scale and nature of the development, including the number, model and siting of any enhancement measures (which shall include as a minimum 5 bat and 5 bird boxes, along with hedgehog fencing) and any necessary future maintenance requirements. The enhancements detailed within the approved EEP will be installed prior to the first occupation of the dwellings and shall thereafter be retained for the life of the development.
9. Prior to the commencement of development, excluding demolition and groundworks, full details of a scheme of foul water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first use of the development.
10. Prior to the commencement of development, excluding demolition and groundworks, a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall subsequently be implemented in accordance with the approved details before the development is occupation. 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).
  - Surface water drainage system(s) designed in full accordance with all standards and other criteria within the Staffordshire County Council Flood Risk Management Team (LLFA), SuDs Handbook.
  - Limiting any surface water discharge from the site generated by all equivalent return period critical duration storm events, up to and including the 1 in 100 plus 40% (for climate change), return period, so that this does not exceed 5 l/s, leaving the site- in full accordance with the Non-Statutory Technical Standards for SuDS and the SCC SuDs Handbook).
  - Provision of adequate surface water attenuation storage in accordance with the requirements of 'Science Report SC030219 Rainfall Runoff Management for Developments'.
  - Ground investigation and soak-away (infiltration), testing in full accordance with BRE DG 365 best practice to corroborate or reject the viability of utilising infiltration as a means of surface water discharge.
  - The incorporation of adequate surface water treatment in accordance with CIRIA C753 – particularly, the Simple Index Approach, to mitigate surface water pollution and maintain water quality.
  - Detailed design (plans, network details and calculations), in support of any surface water drainage scheme, including details of any attenuation system and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations, inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year, and 1 in 100 year plus 40% (a climate change allowance), return periods, critical duration storms only.
  - Formal (Section 106), agreement with Severn Trent Water (Plc), that confirms surface water discharge is to be accepted into the proposed downstream network that falls under Severn Trent Water (STW), ownership.
  - Plans illustrating flooded areas and flow paths in the event of any exceedance of the drainage system.
  - Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development.
  - Provision of an adequate and satisfactory Construction Environment Management Plan or

Construction Surface Water Management Plan.

11. Prior to the commencement of development, including demolition, details of protective fencing and other protective measures (to British Standard 5837), to safeguard existing trees and/or hedgerows on the site, as shown to be retained within the Tree Constraints Plan, reference CE-LB1931-ADW01 FIG 1, shall be submitted to and approved in writing by the Local Planning Authority. The fencing and measures so approved shall be erected prior to the commencement of development, including demolition, and thereafter retained for the duration of construction (including any site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed. Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced in the following planting season. The species, size, nursery stock type and location of such replacements, shall be first submitted to and approved in writing by the Local Planning Authority.
12. Prior to the commencement of development, excluding demolition, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy will include the following components:
  - i. A site investigation scheme in areas of the site where new structures are proposed to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - ii. The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

**CONDITIONS to be complied with PRIOR to the first occupation of the development hereby approved:**

13. Prior to the first occupation of the development hereby approved, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development, shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
14. Prior to the first occupation of the development hereby approved, the existing vehicular and pedestrian access arrangement to the site shall be amended and fully constructed in accordance with the approved plan, drawing reference 21-027/502-1. The visibility splays to serve the access, shall be kept free of all obstructions to visibility, with nothing placed or allowed to remain forward of the visibility splays, over a height of 0.6m above the adjacent carriageway level. The access and visibility splays are thereafter to be retained for the life of the development.



15. Prior to first occupation of the development hereby approved, the following off-site highway works shall be fully implemented in accordance with the approved plan, drawing reference 21-027/502-1:
  - i. The widening of the existing footway on Gorsey Lane, Holly Lane and The Spindles to a width of 2 metres and associated engineering works,
  - ii. Permanent closure of the existing central site access and associated footway/ highway verge reinstatement works,
  - iii. Relocation of existing Bus Shelter to the rear of widened section of footway on Gorsey Lane.
16. Prior to first occupation of the development hereby approved, the development shall be inspected by a qualified ecologist and a statement of conformity submitted to and approved in writing by the Local Planning Authority, to confirm that all of the measures for ecological enhancement, as approved under the requirements of condition 8, have been fully implemented.
17. Prior to first occupation of the development hereby approved, a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP must include details of how created habitats will deliver the specified minimum improvement of 35.42% for habitats and 6994.50% for hedgerows and meet the target condition, as detailed within the submitted biodiversity metric, including ground preparation, seed mixes and seeding, planting (incl. planting densities and specifications), and subsequent management and monitoring requirements.

The LEMP must cover an initial 5-year period for all habitats, with a 5-yearly monitoring report submitted to the Local Planning Authority up to a 30-year period to ensure that enhanced and created habitats reach and maintain their target condition.

The approved plan shall be implemented concurrently with the development and completed within 12 months of the completion of the development.
18. Prior to the first occupation of the development hereby approved, full details of the erection and operation of any proposed external lighting, including full details of the means of illumination and design of the lighting systems, shall be submitted to and approved in writing by the Local Planning Authority. The means of external lighting shall thereafter be implemented and installed, prior to the first occupation of the dwellings, in accordance with the approved details and shall not thereafter be amended or altered without the prior written approval on application to the Local Planning Authority.

**All other Conditions:**

19. Any application seeking approval of a detailed layout of development shall be accompanied by: the findings of the intrusive site investigations (required by condition 4 above); a proposed layout plan which identifies the positions of the recorded mine shafts, the extent of their potential zones of influence, and suitable no-build zones around these features.
20. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in the Preliminary Ecological Appraisal produced by Crestwood Environmental Ltd report reference CE-LB-2284-RP01 - FINAL dated 21<sup>st</sup> April 2023.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, unless specifically agreed pursuant to other conditions of this permission, no

external lighting shall be provided within the application site, without the prior permission on application by the Local Planning Authority.

### **Reasons**

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. To ensure the high quality form and appearance of the development, protect the amenity of neighbouring residents and to protect the natural habitat, in accordance with the requirements of Core Policies 2 and 3 and Policies EQ1, EQ9, EQ11 and EQ12 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design Code and the National Planning Policy Framework.
3. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy EQ11 and Core Policy 4 of the Local Plan Strategy and the National Planning Practice Guidance.
4. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future residential amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
5. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future residential amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
6. To safeguard the character and appearance of the development and surrounding area, protect the reasonable amenity of future residents and in the interests of the facilitating the on-going operation of the neighbouring industrial units, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
7. In the interests of highway safety, to ensure the free flow of traffic on the local highway network, to reduce the risk of surface water flooding, to safeguard protected species and their habitat and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework
8. In order to deliver biodiversity and habitat enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
9. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems, to minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policies 3 and 4 of the Core Strategy and the National Planning Policy Framework.

10. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems, to minimise the risk of pollution, to protect the safe operation of the railway network and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policies 3 and 4 of the Core Strategy and the National Planning Policy Framework.
11. To ensure the high quality form and appearance of the development, protect the amenity of neighbouring residents and to protect the natural habitat, in accordance with the requirements of Core Policies 2 and 3 and Policies EQ1, EQ9, EQ11 and EQ12 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design Code and the National Planning Policy Framework.
12. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future residential amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
13. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future residential amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
14. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
15. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
16. In order to prevent harm to and provide enhanced habitats for protected species in accordance with Policy EQ1 of the adopted Core Strategy and the National Planning Policy Framework.
17. In order to deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
18. To ensure the satisfactory appearance of the development, to safeguard protected species and their habitat and to safeguard the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
19. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future residential amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.

20. In order to prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy and the National Planning Policy Framework.
21. To safeguard the character and appearance of the development, surrounding area and protected habitats and species, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ3 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design AND Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.

### **Informatives**

1. The applicant's attention is drawn to The Town and County Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
2. 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.
3. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 24/05/2023. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
4. The applicants' attention is drawn to the comments from the Coal Authority dated 02/06/2023.
5. The applicant is advised that bat emergence surveys are only valid for one year, so if demolition is not complete by late summer 2024, then the submitted surveys must be redone.
6. The off-site highway and Vehicle Access works required via conditions 14 and 15, require a Highway Works Agreement with Staffordshire County Council. The applicant is advised to contact Staffordshire County Council in order to secure the Agreement.
7. Any vegetation suitable for nesting birds must either be removed outside of the nesting bird season (generally this is considered to be March-August inclusive) or be checked by an ecologist no more than 24 hours prior to their removal for evidence of nesting birds. Where active bird nests are found the advice of a professional ecologist must be sought.
8. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.

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

9. The lighting scheme to be submitted to discharge the requirements of condition 18 should be designed in accordance with guidance contained within the document, Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK.
10. The applicant is advised that under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property).



Loades Business Park, Gorsey Lane, Great Wyrley, Staffordshire WS6 6BD

**23/00145/FUL**  
**MAJOR**

**Mr James Stone**

**Penkridge North & Acton Trussell**

Councillor Andrew Adams

Councillor Sam Harper-Wallis

**Land On South West Side Of Levedale Road Levedale**

**Proposed battery energy storage facility and substation with new access and associated fencing and landscaping**

<b>Pre-commencement conditions required:</b>	<b>Pre-commencement conditions Agreed</b>	<b>Agreed Extension of Time until</b>
Yes	Requested 03.11.2023	24th November 2023

**1.0 SITE DESCRIPTION AND APPLICATION DETAILS**

**1.1 Site Description**

1.1.1 The application site is a 3.7-hectare area of agricultural land located within the open countryside. There is no existing formal vehicular access to the site. The site area includes land from Levedale Road running southwest alongside the field boundary, past an agricultural building and through a field boundary to the main area of site which measures 2.7ha in area, approximately half the area of the agricultural field. Much of the site boundary comprises hedgerow interspersed with trees. An existing track runs from Levedale Road adjacent to the site and serves the agricultural buildings and continues south to serve the farmland to the south of the site. A pond is located beyond the field boundary and southwest site boundary. The site is relatively level near to Levedale Road before sloping gently downwards to the southern boundary.

1.1.2 The wider area is rural in character, containing mainly farmland and clusters of dwellings and farm buildings along Levedale Road between Coppenhall village 3.5km to the north and Penkridge village 2.3km southeast of the site.

Date of site visit – 6th April and 11th May 2023

**1.2 Site History**

Planning Applications

There are no records of previous planning applications within the red line boundary for this application.

**1.3 Application Details**

1.3.1 Planning permission is sought for the erection of a battery energy storage facility and substation with new access and associated fencing and landscaping. The purpose of the proposal 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. The proposed storage would allow for up to 50MW of energy and would connect via existing powerlines.

1.3.2 Amended plans have been received during the course of the application. The internal vehicle access route to through the field boundary has been moved to avoid impacting a veteran tree, and the substation is now shown on the plans with elevation drawings.

1.3.3 As shown on the submitted plans the proposals consist of a new access from Levedale Road with a track measuring 5.5m width running south from Levedale Road to the main part of the site where the infrastructure is proposed. This area measures 1.4ha and would be surfaced in a permeable material. Within this area would sit the batteries housed within containers alongside inverter and transformer modules. The inverter and transformers would measure 2.85m in height including the base on which they sit. The battery containers would measure 3m in height including the base.

1.3.4 The proposed access track would run into the centre of the site with the proposed substation and other supporting buildings/infrastructure comprising a control room, aux transformer, DNO and storage rooms. The buildings would measure approximately 3.7m in height from ground level. The substation compound would contain transformers and other infrastructure enclosed by a palisade fence. Adjacent to the northern edge of the palisade fence would be the switchroom. The infrastructure within the compound to support the transferring of power between the batteries and grid would vary in height between 3.9m and 6.5m. CCTV poles are proposed within each corner of the compound. Whilst not part of the application, it is noted that an underground cable would run from the substation transformer 390m east to an electricity pylon. Landscaping including tree planting, wildflower planting, and tussock grass planting, are proposed alongside the access road and around the hardstanding area in which the batteries/infrastructure are located.

1.3.5 Both of the construction and operational phases of the development would take access from Levedale Road. The construction period would be approximately 9 months in duration and consist of heavy goods vehicles (HGVs), vans and other small vehicles. The total HGV movements equate to around 3-4 HGV movements per day during the busiest days of construction period. Construction vehicles would access the site from the east via Levedale Road and Penkridge (A449) with HGVs travelling southbound on the A449. A Construction Traffic Management Plan (CTMP) has been submitted with the application and details the construction access strategy, construction programme, construction traffic, construction worker numbers, construction hours and environmental measures to be implemented during the construction of the battery storage development. Once the site is operational traffic to the site would consist of small maintenance 4x4/pickup vehicles only, at a frequency of around one visit per month.

#### **Agent submission**

1.3.6 The following documents have been submitted to support the application:

- Planning, Design and Access Statement (dated December 2022)
- Outline Battery Safety Management Plan (dated June 2023)
- Transport Statement (dated November 2023)
- Construction Traffic Management Plan (dated November 2023)
- Landscape and Visual Impact Appraisal (dated August 2023)
- LVIA Supporting graphics (ref 05-1095)
- Historic Environment Desk Based Assessment (dated July 2022)
- Arboricultural Appraisal Report (dated 19<sup>th</sup> July 2023)
- Tree Survey Schedule (ref DEV220425-937)
- Tree Protection Plan South (dated 19<sup>th</sup> July 2023)
- Tree Protection Plan North (dated 19<sup>th</sup> July 2023)
- Noise Impact Assessment (dated 7<sup>th</sup> February 2023)
- Preliminary Ecological Appraisal (dated August 2022)



- Ecological Impact Assessment (dated March 2023)
- Dormouse Nut Search Report (dated 27th March 2023)
- Biodiversity Net Gain Design Stage Report (dated June 2023)
- Biodiversity Metric Calculations (dated 3<sup>rd</sup> January 2023)
- Great Crested Newt District License Report (dated 26<sup>th</sup> October 2023)
- Impact Plan for Great Crested Newt Licensing V2 (dated 27<sup>th</sup> June 2023)
- Flood Risk Assessment / Drainage Strategy (dated November 2023)
- Agricultural Land Classification and Appendix 1-6 (dated 13th July 2022)

## **1.4 POLICY**

### **1.4.1 Constraints**

Newt - Impact Risk Zone Amber/Red  
Newt - Strategic Opportunity Area  
Open Countryside  
SAC Zone- 8km Buffer

### **1.4.2 Policies**

#### **South Staffordshire Core Strategy (2012)**

Policy OC1 - Development in the Open Countryside Beyond the West Midlands Green Belt  
Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment  
Policy EQ1: Protecting, Enhancing and Expanding Natural Assets  
Policy EQ3 - Conservation, Preservation and Protection of Heritage Assets  
Policy EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape  
Core Policy 3: Sustainable Development and Climate Change  
Policy EQ5 - Sustainable Resources and Energy Efficiency  
Policy EQ6 - Renewables Energy  
Policy EQ8: Waste  
Policy EQ9 - Protecting Residential Amenity  
Policy EQ10 - Hazardous and Environmentally Sensitive Development  
Policy EQ11 - Wider Design Considerations  
Policy EQ12 - Landscaping  
Policy EV8 - Agriculture  
Core Policy 11 - Sustainable Transport  
Policy EV11: Sustainable Travel  
Policy EV12 - Parking Provision  
Policy CS1: Designing Out Crime

#### **Supplementary Planning Documents**

Green Belt and Open Countryside SPD, 2014  
South Staffordshire Design Guide SPD 2018  
Sustainable Development SPD 2018

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development.  
Section 4 Decision-making  
Section 12. Achieving well-designed places.  
Section 14. Meeting the challenge of climate change, flooding and coastal change

Section 15. Conserving and Enhancing the Natural Environment

Section 16 Conserving and enhancing the historic environment.

**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

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

Para 3.3.24 - 3.3.29 - The role of storage

Updated Guidance on Renewable and low carbon ( August 2023)

**1.5 CONSULTATION RESPONSES**

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
27 April 2023	3 May 2023

**Penkridge Parish Council**

14th April 2023

Objection - Industrialisation of agricultural land in the Penkridge Area

**Councillor Josephine Chapman - Penkridge West Ward**

No Response Received

**Environmental Health Protection**

6th April 2023

I have reviewed the documents submitted with this application, in order to protect the amenity of the neighbouring residential properties it is requested that it is conditioned that mitigation measures suggested in the noise assessment submitted with the application are implemented i.e.

1. The inverters should be fitted with a noise reduction kit comprising external acoustic baffles to the air inlets and outlets capable of reducing the total sound power level to those presented in Table 6 of the report.
2. A 3.5 m high noise barrier at the site boundary facing the closest residential properties as shown in Figure 4 of the report. The noise barrier should be solid, continuous, sealed at all interfaces and have a surface density in the order of 15 kg/m<sup>2</sup>, or provide a minimum sound reduction performance of 15-20dB.

**Arboricultural Officer Consultation**

22<sup>nd</sup> September 2023

No objection subject to layout amendments avoiding root protection area incursion.

**Senior Ecologist - South Staffordshire**

01<sup>st</sup> November 2023

Thank you for reconsulting me on this application. In addition to the documents, I viewed as part of my initial response I have now also reviewed the amended layout and amended arboricultural reports for this application, as well as the Naturespace reports.

I have visited the site and have also viewed aerial photographs, biological records from Staffordshire Ecological Record, and information on DEFRA's MAGIC map to inform my response.

#### Assessment of Submitted Documents and Plans

##### Designated Wildlife Sites

I consider it likely that the proposed development will not result in significant effects to designated wildlife sites. I am satisfied that the potential risk to designated wildlife sites because of the proposed development is negligible.

##### Habitats

My previous consultation response noted a concern regarding impacts to the veteran trees on site from the proposed access. I recommended as part of this response that the access be amended to progress further east through a hedgerow, thus avoiding impacts to the veteran trees. I welcome the amended proposed layout, which diverts the access as suggested above, and avoids the impact.

Based on the information submitted I am satisfied that the proposed development will result in a net gain for biodiversity of c.13.10% in habitat units and 36.11% for hedgerows. I note that the biodiversity metric has not been amended since the removal of a small section of hedgerow but based on the significant quantity of proposed new hedgerow planting, I do not consider this minor additional loss to be material to the assessment of biodiversity impacts.

I therefore have no significant concerns regarding the impact of the proposed development to habitats and welcome the biodiversity net gains associated with the proposed development for which I have recommended a Habitat Management and Monitoring Plan to secure the long-term management of.

##### Protected Species

My previous response indicated concerns regarding the significant pruning of T6 (as per the arboricultural report), which is a veteran tree and the associated potential impacts to roosting bats. The amended layout has alleviated these concerns by avoiding impacts to T6. I therefore have no significant concerns in relation to roosting bats.

My previous response also noted that the applicant had not submitted reports to confirm that they were participating with Naturespace's District-Level Licensing Scheme. I have now received and reviewed the impact plan and district licence report from Naturespace and am satisfied that any constraints regarding great crested newts are now addressed. I recommend that the conditions detailed within the Naturespace report are included on any decision notice to secure this approach.

I consider that the habitats proposed on site will likely increase not only the botanical diversity on site but also the diversity of fauna in the local area in comparison to the baseline arable habitat, particularly birds, amphibians, invertebrates, small mammals (including bats) and reptiles. I welcome these enhancements. I have no significant concerns regarding the proposed development and impacts to protected species. Pre-commencement checks for badger and Schedule 1 birds (specifically hobby) must be progressed and I have recommended a condition to ensure this is progressed. I consider it likely that the site will be enhanced for biodiversity overall from the baseline on completion of the proposed development.

## Recommendations

Should you be minded to approve the application, I recommend the following conditions and informative notes are added to any decision notice:

### Condition 1 - Compliance with existing documents

All ecological measures including pre-commencement checks for badger and Schedule 1 birds shall be carried out in accordance with the details contained in the ecological impact assessment report by The Environment Partnership (reference 9562.007) dated March 2023 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To prevent harm to habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.

### Condition 2 – Construction and Environmental Management Plan (CEMP)

No development shall take place, including groundworks or any necessary vegetation clearance until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- a) A risk assessment of potentially damaging activities and the phases associated with them.
- b) Identification of biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts to ecological features during site clearance and construction.
- d) The location and timing of sensitive works to avoid harm to ecological features.
- e) The times during construction when an ecological clerk of works (ECOW) needs to be present (as appropriate).
- f) Role and responsibilities of the ECoW if appropriate.
- g) Responsible persons and lines of communication.

The approved CEMP scheme shall thereafter be fully implemented throughout all construction work and any physical protective measures kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.

Reason: To prevent harm to habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.

### Condition 3 - Landscape and Ecological Management Plan (LEMP)

Prior to first use of the development, a combined Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on the site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options to achieve aims and objectives for no less than a 30-year period.
- e) Detailed management prescriptions and a work schedule with annual plan
- f) Responsibilities of bodies/organisations for implementation against actions
- g) Monitoring and remedial measures

The plan shall also set out (where monitoring shows that aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall be implemented in accordance with the approved details.

Reason: To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

### **County Highways**

25th May 2023

Recommendation Summary: Conditional

Site Visit Conducted on: 23-May-2023

1. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been constructed and completed.
2. The development hereby permitted shall not be brought into use until the access road rear of the public highway has been constructed to a minimum width of 5.0m, surfaced and thereafter maintained in a bound and porous material in accordance with the approved plans.
3. The development hereby permitted shall not be commenced until the visibility splays shown on drawing No. ST5050-2PD-002A have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
4. The development hereby permitted shall not be brought into use until the parking, servicing and turning areas have been provided in accordance with the approved plans.

Reasons.

1. In the interest of highway safety and to comply with Staffordshire County Council requirements for a vehicular access crossing.

2 - 4. In the interest of highway safety.

To comply with the principles set out in the National Planning Policy Framework.

Informative for Decision Notice.

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

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

Note to Planning Officer.

The proposed development is located in a rural area. The vehicular access is from a classified road subject to a speed limit of 40 mph. There are no recorded vehicular accidents within the required visibility splay of the access in the last 5 years. The conditional recommendation is based upon the information submitted. This application has been dealt with as a separate site although it is noted that an application has been submitted close by. The predicted daily HGV movements are relatively low.

### **County Planning**

11th May 2023

Further to our letter dated 18 April 2023, I write to respond to additional information submitted by the applicant to address concerns raised by Staffordshire County Council, acting as the Mineral and Waste Planning Authority.

Background

Staffordshire County Council previously responded to your Authority's consultation in relation to the proposed battery energy storage facility with a holding objection (refer to our letter dated 18 April 2023 ref: SCC/23/0046/CON). Since, we have received additional information from the applicant's agent in a letter dated 2 May 2023.

#### Observations

To reiterate, our records confirm that the site falls within the Mineral Safeguarding Area (MSA) for Superficial Sand and Gravel, as defined in the Minerals Local Plan for Staffordshire (2015-2030).

Paragraph 212 of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015-2030) aim to protect mineral resources from sterilisation by other forms of development.

The additional information confirms that:

- The battery modules as set out in the Design and Access Statement will involve limited disturbance of the ground with battery storage units being positioned on top of a permeable gravel surface.
- The construction of a BESS site is reversible, thereby meaning that there would be no permanent mineral sterilisation.

#### Conclusions

Having regard to the policies, guidance and observations referred to above, it is now reasonable to conclude that the proposed development would not lead to the permanent sterilisation of significant mineral resources.

Therefore, in accordance with the powers contained in the 'Scheme of Delegation to Officers', this letter confirms that Staffordshire County Council, acting as the Mineral and Waste Planning Authority, has no objection, to the planning application for a proposed battery energy storage facility and substation with new access and associated fencing and landscaping on Land on the Southwest side of Levedale Road for the reasons described above.

I trust that Staffordshire County Council's observations will be taken into account in reaching a decision on the application.

#### **Staffordshire County Council Flood Risk Management Team**

17th May 2023

Thank you for consulting us on this planning application, our response is as follows:

#### Advice to LPA

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

#### Staffordshire County Council Flood Risk Management position

The proposed development will only be acceptable if the following planning condition is imposed:

#### 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- i.e. to Greenfield equivalent rates.
- 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 associated 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.

#### **Historic Environment Officer Archaeology**

12th April 2023

Thank you for your consultation request regarding the proposed battery energy storage facility and substation with new access and associated fencing and landscaping at the above site. This letter outlines the response of Staffordshire County Council's Historic Environment Team regarding the historic environment implications of the proposals.

## Archaeological/Historic Environment Interest

This application has been reviewed against the information held by the Staffordshire Historic Environment Record (HER), historic mapping and the Historic Environment Desk-based Assessment (HEDBA) submitted in support of the application. The information detailed in the HEDBA will not be repeated in detail here, although it demonstrated that the proposed development site is located within an area which has been subject to little archaeological investigation, hence the archaeological potential of the site is largely unknown; the HEDBA concluded that on the basis of available information, the potential for buried archaeology at the site is generally low, but highlighted that the proposed development has the capacity to disturb archaeological deposits where present. Within the wider landscape of the site, evidence of ridge and furrow and find spots ranging from prehistoric to post-medieval in date indicate past activity in the area.

## Recommendations

Taking the above into account with regards to the uncertain archaeological potential of the site, and considering the potential impact of the scheme, it is advised that, should permission be granted, a staged archaeological evaluation be conducted in order to determine the significance of any surviving archaeological remains and to assess the need for and scope of further archaeological mitigation (such as excavation, watching brief etc.). The archaeological evaluation must be undertaken sufficiently in advance of construction so that, should further archaeological mitigation be required, it can be designed and fully implemented. This staged archaeological evaluation should comprise a geophysical survey followed by targeted trial trenching, the scale and location of which should be informed by the geophysical survey and any ground investigation works carried out associated with the proposed development or previously carried out and available.

This approach, i.e. archaeological evaluation, is supported by NPPF (2021) para 194, while any works which stem from the evaluation are supported by para 205. The works should be undertaken by an appropriately experienced archaeologist working to the requirements of a brief prepared by this office (or approved Written Scheme of Investigation (WSI), the Chartered Institute for Archaeologists (CIfA) Code of Conduct and to a level commensurate with the relevant CIfA Standards and Guidance.

## Suggested Condition

The above work\* would most appropriately be secured via a condition being attached to any permission issued. This condition should state:

A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.

B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and postfieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured."

## Staffordshire Fire and Rescue Service



24th April 2023

I refer to the planning application dated 17 February 2023 depicting the proposed development at the above address.

#### **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/](http://www.bafsa.org.uk/) - the website of the British Automatic Fire Sprinklers Association Ltd.

#### **Environment Agency**

18th April 2023

Thank you for referring the above application for review in respect of COMAH Regulations, which was received by us on 29th March 2023. According to our records there are no COMAH sites or high hazard assets within the vicinity of the proposed development. We therefore have no comment to make.

#### **Severn Trent Water Ltd**

20th April 2023

With Reference to the above planning application the company's observations regarding sewerage are as follows. As the proposal has minimal impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

**NatureSpace Partnership (Great Crested Newts)**

27<sup>th</sup> October 2023

If/when planning permission is to be granted under 23/00145/FUL: Attach the mandatory planning conditions and informatives:

1. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan Land On South West Side Of Levedale Road: Impact Plan for great crested newt District Licensing (Version 2)", dated 27th June 2023

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

2. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

3. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

**Informatives:**

It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

**Ramblers Association**

11th April 2023

The proposal will have no adverse effect on The Staffordshire Way Long Distance Path which goes along Preston Vale Lane. Therefore, The Ramblers' Association has no objections to the proposal.

**Kully Tanda - Designing Out Crime Officer**

18th April 2023

It is important that I take this opportunity to provide the following guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated in this development.

In light of the current energy costs increasing at a rapid rate, there is a potential risk for the at the site for attempts theft, criminal damage and even harm to offenders. With that borne in mind, security at the site is paramount.

Over the past few years, the national trend relating to an increase of crime connected to solar farms has also been observed in Staffordshire, with a solar farm in South Staffordshire being a repeat target. The trend was first observed in 2019, where the solar panels were being stolen, in 2020 the offenders started stealing the copper cables, with approximately 50m of cable being stolen on each occasion. The solar farms were often targeted on more than one occasion in quick succession, as they are already aware of the solar farm, the security levels and if the site has monitored CCTV. The thefts are arranged by organised groups, who often target many solar farms, so they are experienced and know how avoid being captured by the CCTV and/or the police.

The price of scrap metal is on the rise, which also means the reward for the thieves will also rise. The thieves will also know of which scrap metal yards will purchase the copper with no questions asked.

As solar farms are usually found in rural areas, nationally the trend is for solar farm developments are only permitted to install a deer fence as a security perimeter, these do not deter thieves and do not prevent access to the solar farm itself.

Whilst this is not a Solar Farm, the potential for a similar attack must be considered.

#### Design Concerns

As I mentioned in my preapplication response, I have concerns regarding security of the site. The plans only indicate the perimeter fence will be around the substation. I recommend the perimeter fence enclosed the whole site, including the battery containers and the inverters and transformers.

I recommend the site access is restricted to authorised personnel only. The format this takes, depends on the accessibility of the site.

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

The site is in a very remote location. I recommend an alarm system should be considered for the site. It may be beneficial to install a Perimeter Intruder Detection System (PIDS) within the site, with infrared beams running adjacent to the perimeter fence line, the presence of intruders will activate the alarm as soon as they enter the site, therefore allowing the police to respond whilst the intruders are still onsite.

The only way to prevent this method of criminal attack is to provide Monitored CCTV and a Robust Boundary.

#### Perimeter Fencing

I recommend that the perimeter fence be constructed of colour coded, expanded metal or welded mesh, to LPS 1175: Issue 7 SR1 to a minimum height of 2.3m. The top horizontal bar can be left off in order to leave the fence topping spiked. The base of the fence should preferably be surrounded with well-compacted gravel. The rivets should have rounded fixings and joints should be welded. Gate locks should not aid climbing. The perimeter fence will allow for access of small animals to enter the site, a low growing thorny hedge planted adjacent to the fence will increase security whilst retaining natural surveillance and should not interfere with formal surveillance. Plants can be grown against the fence line, to help the fence to cause the lowest visual impact, but the planting should hinder the CCTV capability.

#### Alarm System

A passive infra-red intruder alarm system should be installed compliant with

- BS EN 50131-1:2006+A3:2020 Grade 3, and
- BS 8418 is the code of practice for the installation and remote monitoring of detector-activated CCTV systems.
- ISO 9001:2000 for the management of the system.

A unique reference number for the installation will be required for a Police response.

#### CCTV Systems

A remotely monitored CCTV system provides a complete security package. Instead of having a CCTV system that just records, a monitored system allows an alarm receiving centre (ARC) to be aware of the status of the site at all times. This means that a prompt response can be initiated when an intrusion or activation is visible, resulting in potential problems being dealt with before they occur.

Reference should be made to Graded Requirements under:

- BS EN 62676 Standards for CCTV: Technical Guide for Installers and Specifiers (BSIA Form 218) and
- BS EN 62676 Series: Guidance for Customers About Grading and Other Important Matters (BSIA Form 217).

Both guides relate to the BS EN 62676 standards, themselves developed using Best Practice guidelines from a number of organisations including the BSIA, as well as the Government's Centre for Applied Science and Technology (CAST), while also incorporating ideas from British Standards.

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

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.

An Operational Requirement (OR) should be completed for any CCTV system to be installed at the site. An OR is defined as: A statement of needs based on a thorough and systematic assessment of the problems to be solved and the hoped-for solutions. This should address what is required of the CCTV system to be installed rather than the technical specification of this system. The supplier and installer should then specify a system that produces the required results. The installed system can be assessed against the OR and any deficiencies rectified.

The following criteria must be met to ensure best use of it is made:

- The system must be registered with the Information Commissioner's Office.
- The time and date displayed must be correct.
- Check the cameras are covering vulnerable areas.
- Ensure that the lighting supplies a constant level of light to enable the camera to "see".
- A bench mark recording without recording people must be made to check subsequent images in the future.
- Ensure the picture is clear enough to identify people.
- Ensure that printed images are the same quality as those shown on the screen

#### Alarm Receiving Centres

If using a remote alarm receiving centre (ARC) to monitor the alarm system, they must be certified to the following:

i) Cyber Essentials

ii) BS 8418 Remotely Monitored detector Activated CCTV Systems

iii) BS7958 Closed Circuit Television (CCTV) Management and Operation Code of Practice

iv) BS5979 Alarm Receiving Centres Category II (withdrawn but still included for the benefit of legacy systems that remain in service)

or

BS-EN50518:2013 Monitoring and Alarm Receiving Centres + BS8591 Alarm Receiving Centres Category II (not intruder and Hold Up Alarms)

or

BS-EN50518:2019 Monitoring and Alarm Receiving Centre

Further information on securing solar farms can be found within the BRE Oct 2013 document "Planning Guidance for the development of large scale ground mounted solar PV systems", further information on accredited security products can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

**Construction Security**

It is paramount onsite security is used during the construction phase. Perimeter Intruder Devices Systems (PIDS) are recommended.

**Open Spaces Society**

No Response Received

**Badger Conservation Group**

No Response Received

**Campaign To Protect Rural England Staffordshire**

No Response Received

**Health and Safety Executive**

No Response Received

**Public representations**

A total of 8 public representations have been received which object to the application. A summary of these responses is set out below.

- Increase in HGV traffic during construction phase.
- No consultation with the local community.
- Risk of fire or explosion and resulting in harmful impacts on the health and safety people and wildlife.
- Harmful impact on the rural character of the landscape.
- Cumulative impact on traffic with nearby solar applications.
- HGVs cannot access Levedale Road without overrunning the pavements.
- Too close to properties and a school.
- Noise from the inverters affecting residents' peace and tranquillity.
- concerns about increased traffic during the construction and maintenance phases. This could pose significant safety risks to schoolchildren and other pedestrians.
- Potential contamination risks to the groundwater and local waterways, disruption to local fauna, and the potential for soil erosion.
- would create an unsightly blot on the landscape, detracting from the visual appeal of the area and potentially impacting property values.
- Cumulative Impact of solar farm and BESS could be overwhelming for the local community, both visually and in terms of infrastructure strain.
- The application significantly overlooks historic assets such as Longridge House, indicative of a superficial comprehension of the site's history.
- The development stands to obliterate valuable arable land, historically indispensable for crop production and emblematic of the community's agrarian heritage.
- Any proposal of this magnitude and inherent risk must be accompanied by comprehensive safety protocols. This includes state-of-the-art fire suppression systems, rigorous routine inspections, and well-rehearsed emergency response plans. Given the potential fallout, every imaginable safety measure should be non-negotiable.
- while the intention to support renewable energy is laudable, the palpable risks associated with large-scale battery storage cannot be relegated to the background.
- The aggregate effect of this proposal and the other solar farms could severely strain local infrastructure, particularly roads unprepared for surging traffic.

- The facility would lead to a net GHG emission increase of CO<sub>2</sub> per kW hour when delivering electricity to the grid.
- This is a dangerous road already, members of the public love to come through cycling and walking and enjoying the countryside. The Current use of HGV's is an accident waiting to happen.
- Not in keeping with the area. Such a development must have a significant environmental impact.
- Loss of prime arable land.
- MP Maria Miller's Private Members Bill is calling for England's Fire & Rescue Services, to be made statutory consultants in the planning applications for proposed industry Lithium-ion Battery Storage Facilities. BESS are highly complex, with the potential to create dangerous events & hazardous substances. The second reading of the bill is scheduled for November 24th, and aims to ensure that Industrial Lithium-ion Battery Storage Facilities are correctly categorised as hazardous so that the Environment Agency, the Health and Safety Executive and Fire and Rescue Services are consultees when planning applications are considered.
- Comments that neighbours letters weren't received, placing of site notices were unintentionally misleading and express and star press notices are not engaged with by the public.
- Can land suffocated by such substantial concrete layers feasibly be reverted to its original agricultural state in future decades?
- Potential harm to Longridge House, a Grade I listed asset. The presence of a school for special needs children at Longridge further accentuates the potential adverse impacts.
- Increased flood risk from concrete surfaces.
- Water Contamination: The proximity of the proposed site to the River Penk and drains directly feed into the local pools, ditches, and streams.

## **1.6 APPRAISAL**

The application is referred to planning committee for determination as the recommendation to approve is contrary to the Development Plan (Council Constitution, Appendix A, page 74, paragraph 3.2).

## **1.7 Key Issues**

- Policy & principle of development
- Impact upon landscape character
- Contribution to climate change targets
- Site selection/sustainability of location
- Loss of agricultural land
- Impact on heritage assets/archaeology
- Highway Safety
- Impact on neighbouring amenity/noise and health
- Ecology & trees
- Drainage and flooding
- Human Rights

## **1.8 Policy & principle of development**

1.8.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made, in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028).

1.8.2 The site is situated within the Open Countryside where Core Strategy Policy OC1 applies. Policy OC1 states that Open Countryside will be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value. Policy OC1 therefore places a presumption against development except for the development types listed within the policy. One of these is C(f) *‘the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the appearance and character of the Open Countryside beyond the Green Belt’*.

1.8.3 The area in which the battery energy storage facility would sit measures 150m x 100m. This area would comprise the batteries and inverters along with the sub-station, CCTV cameras and perimeter fencing. Given that this area is currently agricultural land with no buildings or structures present, the proposal would clearly have a material effect on the appearance and character of the Open Countryside. The proposal is therefore contrary to Core Strategy Policy OC1.

1.8.4 As a result of the clear conflict with Core Strategy policy OC1, which is the relevant strategic policy, the proposal is a departure from the development plan and should be refused, unless material considerations indicate otherwise (TCPA 2004 38(6)). The relevant material considerations here include the National Planning Policy Framework 2023 (NPPF), emerging South Staffordshire Local Plan and the National Policy Statement for Energy (EN - 1) (July 2011) and Draft National Policy Statement for Energy (EN - 1) (September 2021). These are set out below.

1.8.5 The remainder of this report will set out the impacts of the proposal within the context of the detailed policies of the development plan and relevant material considerations.

## **1.9 Impact upon landscape character**

1.9.1 With regard to national planning policy, Policy OC1 and the requirement to protect the open countryside ‘for its own sake’ was reflected in government policy (PPS7) at the time of adoption of the Core Strategy in 2012. Since then, national planning policy in the form of the National Planning Policy Framework (NPPF) has shifted from the idea of blanket protection to protecting ‘valued landscapes’ and for the rest of the countryside, recognising its intrinsic character and beauty (NPPF paragraph 174). The concept of ‘valued landscapes’ is undefined, but it is generally agreed that whilst they need not be designated, they should have ‘sufficient landscape qualities to elevate it above other more everyday landscapes’ (Landscape Institute Technical Guidance Note 02/21) also noting that ‘everyday landscapes’ are also valuable to people, but a distinction must be made for the concept of ‘valued landscapes’ to have any meaning.

1.9.2 Non-strategic Core Strategy Policies EQ4 and EQ12 state that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Policy EQ4 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’.

1.9.3 It is noted that the council’s draft Local Plan (Pre- Submission Plan 2022) includes battery storage within the relevant renewable/sustainable energy policy (NB5) and states that they will be supported throughout the district, subject to conformity with other local plan policies and cumulative impacts of other planned, committed or completed development.

1.9.4 The application site reflects the landscape character of the wider area, a landscape of mixed arable and pastoral farmland, the character of which is strongly influenced by existing land use and farming practices.



The site itself comprises of half a field with the field as a whole being bounded by hedges between 2.5m-6m in height interspersed with 12m-15m tall oak trees. There are no public rights of way within the site and the closest public right way is located 850m south of the site (Penkridge 41).

1.9.5 A Landscape and Visual Impact Assessment (LVIA) has been submitted which identifies visual receptors (people who are likely to experience changes in views or visual amenity as a result of the proposed development). Public views from the nearest streets within the vicinity of the development were considered from No. 1 Holding Levedale, Oak Barns and Poppywell Farm. Recreational receptors and road user receptors within the surrounding landscape were also identified. The assessment is undertaken in accordance with 'Guidelines for Landscape and Visual Impact Assessment' 3rd Edition, published by The Landscape Institute and Institute for Environmental Management & Assessment (April 2013).

1.9.6 The report identified that, absent landscape mitigation, glimpses of the development would be possible from Levedale Road and residential receptors with existing hedge along Levedale Road partially obscuring views. The magnitude of change would be 'slight' with a Moderate/ Minor Effect at Year 1, leading to a Negligible magnitude of change with a Minor Effect at Year 15. This reduction in visual impact would be due to the landscape mitigation proposed which includes hedgerows and tree planting on the south eastern side of the access track and south eastern boundary of the site which would screen the battery storage units over time.

1.9.7 The planning officer's site visit included a walkover of the site, surrounding fields and along Levedale Road. The site is considered to be well contained within its local setting as described above, and as a result there are unlikely to be short, medium or long-distance views adversely affected by the proposals. The Ramblers Association have reviewed the proposals and comment that, 'the proposal will have no adverse effect on The Staffordshire Way Long Distance Path which goes along Preston Vale Lane. Therefore, The Ramblers' Association has no objections to the proposal'.

1.9.8 Along with the mitigation strategy, the details of which can be secured by condition, there is unlikely to be a harmful impact on landscape character as the battery units and infrastructure would be barely visible by year 15 as shown within Appendix E of the LVIA. The proposed planting would strengthen the existing character of the area as well as screening the site from views. Whilst there would be a visual impact during construction and a minor impact within the first years following completion, this would be temporary, and on a medium to longer timeframe the intrinsic rural character and local distinctiveness of the South Staffordshire landscape would be maintained in accordance with Core Strategy policies EQ4 and EQ12 as well as NPPF paragraph 174. Any permission should include conditions to agree a soft and hard landscaping scheme, boundary treatments and external materials/colours.

1.9.9 It is noted that whilst the landscape here is valuable to people, it is not considered to have sufficient landscape qualities (historical, cultural, recreational, ecology etc) to elevate it above other landscapes. As a result, the stricter policy test within NPPF paragraph 174 regarding 'valued landscapes' is not applied here.

1.9.10 With regard to cumulative impacts, it is noted that there is a proposal for a solar farm at Land Around Preston Hill Farm (planning application 23/00009/FUL). That application is pending consideration and is likely to be determined at a later date than this application. As there is no certainty that application 23/00009/FUL will be permitted and then implemented, the cumulative impact of both applications together in determining this application can only be given limited weight. Nevertheless, it is recognised that the two sites are approximately 400m apart at their closest but with the bulk of the proposed solar farm extending further south away from this site. There is one middle distance view (as in within 2km) of the site from the Public Right of Way ref no 13 (Viewpoint 5 of the submitted LVIA) where both the proposed site and the proposed solar farm may be seen near each other as a cumulative impact. However, the proposed battery storage site is

screened by natural mitigation comprising of the existing intervening vegetation and rolling topography. As a result, there would be a negligible cumulative impact with regard to views or how the landscape is experienced around these two application sites. In the event that both proposals were implemented concurrently, there would also be an impact from HGV movements during construction. However, these would be temporary and once both sites were operational there would be no material increase in traffic.

### **1.10 Contribution to climate change targets**

1.10.1 This proposal is for the storage of electricity which the government has stated is necessary to support an increased reliance on renewable energy such as wind and solar power to meet the government's climate change targets. In that respect, whilst battery energy storage does not come under Core Strategy policy EQ6 'Renewable Energy' the thrust of policy EQ6 to support a low carbon future is relevant here as proposals for battery energy storage are integral to this aim and also reflected in national energy policy.

1.10.2 The purpose of the proposal 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. The proposed scheme is designed to store electricity within the batteries and would be able to release or absorb energy from the power network.

1.10.3 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).

1.10.4 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'.

1.10.5 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 National Electricity Transmission System Operator (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'

1.10.6 The provision of low carbon energy is also 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.

### **1.11 Site selection/sustainability of location**

1.11.1 Public representations have been received supporting the purpose of the proposal but objecting to the location within the open countryside and on agricultural land. Excluding open countryside/agricultural land would leave the districts villages or urban areas of Wolverhampton for example. However, urban areas are usually prioritised for other forms of development, notably residential and employment development. A site would need to be found 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.

1.11.2 With regards to Core Policy 1 (Spatial Strategy) it is accepted that this area is outside of a service village and is not, therefore, intended for growth. However, given the nature of the proposal and the extent of land needed, it is not likely that a proposal of this scale could be accommodated within or close to a village boundary due to existing built form and physical constraints, coupled with the need to be situated next to an existing pylon/connection point. In any case, the aim of the Spatial Strategy is to direct growth in a sustainable way to ensure that development has access to services and facilities. In this case, once operational the battery storage facility would be subject only to very minimal visits for the purpose of maintenance and would not therefore create unsustainable vehicle trips.

1.11.3 The submitted Planning Statement states that the location chosen is driven by a number of factors which include the ability to connect to the national grid. The 132kV lines to the east of the site do have capacity to both deliver and receive power inputs and this is the main determining factor of location. The line into which the development would connect is the principal connection between the northern parts of the West Midlands conurbation and Stafford. It is one of the key distributors of energy for communities to the north west of Birmingham. The other considerations which have determined the exact location are landscape character (see LVIA), being outside Green Belt and the absence of other designations or rights of way close by.

1.11.4 With regard to site selection it is considered that the applicant has taken a reasonable and proportionate approach. It is also noted that there is no requirement for this type of proposal to undertake a sequential test. As a result, the proposal must be assessed on its own merits and whether it is acceptable here, not whether there may be a more preferable location elsewhere.

## **1.12 Loss of agricultural land**

1.12.1 NPPF paragraph 174, it states that valued landscapes should be protected and that the economic and other benefits of the best and most versatile agricultural land should be recognised. The footnote further advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Best and Most Versatile (or BMV) land is defined within the NPPF as Land in grades 1, 2 and 3a of the Agricultural Land Classification.

1.12.2 Public representations have been received objecting to the proposal due to the loss of agricultural land.

1.12.3 An Agricultural Land Classification Assessment has been submitted and includes data from a survey of the land comprising 1 trial pit and 1 soil sample per hectare to depth of 120cm and a number of smaller trial pits at some of these locations. The report confirms that the land is in arable rotation and the total site area is 7.5ha in area.

1.12.4 Agricultural land is classified into one of 5 grades: grade 1 being of excellent quality and grade 5 being land of very poor quality. Grade 3 land, which constitutes approximately half of all agricultural land in the United Kingdom is divided into 2 subgrades – 3a and 3b. The application site is made up of Grade 3 agricultural

land and whilst parts of the site are considered to be Grade 2 and 3a, the majority of the site is considered to be 3b as the smaller areas of higher grade could not be farmed separately to the surrounding lower grade land.

1.12.5 A historic review of Google Streetview (dated 2009) does show that the field adjacent to Levedale Road contained oilseed rape which is listed within the Subgrade 3a but not Subgrade 3b. This area is also where the submitted survey identified an area of ALC Grade 2 surrounded by Grade 3b. Whilst the evidence within submitted report is not doubted, it is considered that the relatively recent use of the field adjacent to Levedale Road entirely for oilseed rape is more convincing as evidence that that field is Grade 3a rather than 3b. Nevertheless, it is apparent that only the proposed access track would run along the side of that field, the remainder of the field could still be used to grow oilseed rape or other Grade 3a crops. The area for battery storage, substation and other infrastructure would be located in the southern field which is entirely classed as Grade 3b. The total loss of Grade 3a agricultural land would total approximately 0.5ha and loss of 3b agricultural land would amount to approximately 2.6ha.

1.12.6 Reference to DEFRA's Agricultural Land Classification Maps confirms that the District benefits from extensive good quality agricultural land in the areas surrounding the site. On that basis, although it is accepted that the development would prevent any food production taking place on this site for the lifetime of the development, it is not anticipated that the temporary loss of this land from arable farming would compromise the District's overall farming ability.

1.12.7 In accordance with Paragraph 174 of the NPPF and associated footnote, it is considered that this proposal does not comprise the significant development of agricultural land. In that regard, the preference of areas of poorer quality land over those of a higher quality is not a requirement here. The best and most versatile agricultural land has been recognised in accordance with Paragraph 174 of the NPPF through the ALC report and it is noted that the majority of the developed part of the site is located on poorer quality land (Grade 3b) in the context of nearby Grade 2 and 3a agricultural land as well as the extensive good quality agricultural land in the areas surrounding the site as shown on DEFRA's Agricultural Land Classification Maps.

### **1.13 Impact on heritage assets/archaeology**

1.13.1 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.

1.13.2 Paragraph 205 of the NPPF states that, 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

1.13.3 An Historic Environment Desk Based Assessment is submitted which assessed potential survival of archaeological deposits at the site, previous impacts at the site and scoping and assessment of the potential for impacts on the setting and significance of designated heritage assets within 1km and 2km study areas. The potential for significant buried archaeology at the site was assessed as low and no intervisibility of note between the site and Listed buildings were identified. The planning officer site visit undertaken on 06.04.2023 and 11.05.2023 confirmed that there is low intervisibility between the Listed Buildings and the site due to the distance, topography and intervening trees and buildings. As a result, it is considered that the proposal is not within the setting of the Listed Buildings (the surroundings in which an asset is experienced) and does not

therefore impact their significance or cause harm to their character or appearance in accordance with Core Strategy Policy EQ3 and Chapter 16 of the NPPF.

1.13.4 Staffordshire County Council's Historic Environment Team (HE) were consulted on this application and comment that the proposed development site is located within an area which has been subject to little archaeological investigation. Taking the uncertain archaeological potential of the site, and considering the potential impact of the scheme, HE advises that, should permission be granted, a staged archaeological evaluation be conducted in order to determine the significance of any surviving archaeological remains and to assess the need for and scope of further archaeological mitigation (such as excavation, watching brief etc.). As a result, it is considered that the suggested HE condition be attached to any approval to ensure compliance with Core Strategy Policy EQ3 and NPPF paragraph 205.

#### **1.14 Impact on the Highway**

1.14.1 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.

1.14.2 The construction and operational phases of the development would from a new access from Levedale Road. A Transport Statement (TS) has been submitted to support the proposals. The construction period would be approximately 9 months in duration and consist of heavy goods vehicles (HGVs), vans and other small vehicles accessing the site. The total HGV movements equate to around 3-4 HGV movements per day during the busiest days of construction period. Construction vehicles would access the site from the east via Levedale Road and Penkridge (A449) with HGVs travelling southbound on the A449. A Construction Traffic Management Plan (CTMP) has been submitted with the application and details the construction access strategy, construction programme, construction traffic, construction worker numbers, construction hours and environmental measures to be implemented during the construction of the battery storage development. Once operational traffic to the site would consist of small maintenance 4x4/pickup vehicles only, at a frequency of around one visit per month.

1.14.3 Objections to the proposal 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 conditions ensuring highway safety. As a result, it is considered that the proposals would be acceptable with regard to highways and access impacts subject to the Highways Authority conditions being attached to any permission and the proposals being implemented in accordance with the Construction Traffic Management Plan (CTMP).

#### **1.15 Impact on Neighbouring amenity/Noise and Health**

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

1.15.2 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.

1.15.3 A Noise Impact Assessment has been submitted which uses the assessment methodology contained in British Standard 4142: 2014+A1:2019 *Method for rating and assessing industrial and commercial sound* in conjunction with supplementary acoustic guidance to assess noise impacts. The report states that the

proposed development will give rise to rating sound levels that do not exceed the measured background sound level in the area during the day and night, thus giving rise to a 'Low Impact'. This conclusion takes into account the proposed mitigation measures which would be a 3.5m high acoustic fence immediately to the north and east of the batteries/converters and also inverters should be fitted with a noise reduction kit comprising external acoustic baffles to the air inlets and outlets capable of reducing the total sound power level. The report concludes that these measures would ensure that the noise impact would be within the 'No Observed Adverse Effect Level' in PPG Noise. This is defined as *'Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.'*

1.15.4 The Council's Environmental Health Officer has reviewed the application and has confirmed no objection subject to incorporating the mitigation measures contained within the Noise Assessment. It is also considered that conditions to control dust and working hours during construction and operation to safeguard the amenity of residents should be attached to any approval.

1.15.5 A number of objections have been received from the public raising concerns regarding the safety of the proposals and impacts on health in the event of a fire or explosion within the site.

1.15.6 The governments Planning Practice Guidance on Renewable and low carbon energy has recently added with advice on planning for lithium-ion battery energy storage systems (Paragraphs 32-36). The guidance says electricity storage is a key element of the future decarbonised energy system, helping balance the grid and maximise usable output from intermittent renewable power sources such as solar and wind.

1.15.7 The advice encourages local planning authorities to consider guidance produced by the National Fire Chiefs Council when determining the application and encourages consultation with the local fire and rescue service. This is to ensure that the fire and rescue service can 'provide their views on the application' and 'identify potential mitigations which could be put in place in the event of an incident,' which can be taken into account when determining the application.

1.15.8 The applicant has submitted a Battery Safety Management Plan which sets out the fire detection and suppression system and how the development would be managed from a fire safety risk mitigation perspective. This includes approaching Staffordshire Fire and Rescue Service to develop a Tactical Information Record for the site 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. The guidance produced by the National Fire Chiefs Council was published during the course of this application and the advice to prepare an Emergency Response Plan should also be required prior to operation of the site. The Council's Environmental Health Officer and Staffordshire Fire and Rescue Service have been consulted and have not raised any concerns in this regard.

1.15.9 The Health and Safety Executive (HSE) and Environment Agency (HE) were also consulted but neither provided comments regarding health and safety. This is likely to be because they are not currently statutory consultees for this type of application.

1.15.10 In conclusion, I consider that, subject to the above conditions, the proposal would not be harmful to the health/amenity of neighbours in accordance with Core Strategy Policy EQ10.

## **1.16 Ecology and Trees**

1.16.1 South Staffordshire Council adopted Local Plan 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.

1.16.2 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'.

1.16.3 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'.

1.16.4 Initial comments from the council's ecology officer raised concerns regarding the proximity of the access track to a veteran tree. It was also raised by the case officer that the access track encroached within a number of root protection areas of trees and that it should be possible to avoid these. The applicant submitted amended plans rerouting the access track to avoid the veteran tree and root protection areas of nearby trees. As a result, any unnecessary removal or negative impact on trees is avoided. Any permission should include a condition to agree a tree protection plan and method statement prior to commencement.

1.16.5 The scheme proposes tree planting and native hedgerow planting resulting in a biodiversity net gain of 13% for habitats and 36% for hedgerows. It is confirmed that the applicant is participating in the Naturespace's District-Level Licensing Scheme and subject to the conditions detailed within the Naturespace report being attached to any approval, constraints regarding great crested newts are now addressed.

1.16.6 The council's ecology officer has no objections and recommends a Habitat Management and Monitoring Plan to secure the long term management of the site along with other conditions to ensure the protection of important species. Whilst a number of public representations have objected to the proposals based on environmental impact, the proposals do incorporate a net gain in biodiversity and protect important species and habitats. Public representations also 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.

1.16.7 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.

## **1.17 Drainage/Flooding**

1.17.1 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.

1.17.1 Core Policy 3 of the Core Strategy states that 'the Council will require development to be designed to cater for the effects of climate change, making prudent use of natural resources, enabling opportunities for renewable energy and energy efficiency and helping to minimise any environmental impacts by...

j) guiding development away from known areas of flood risk as identified in the Strategic Flood risk assessment, surface water management plan and consistent with the NPPF,

k) ensuring the use of sustainable drainage (SUDS) in all new development and promoting the retrofitting of SUDS where possible,

l) ensuring that all development includes pollution prevention

1.17.2 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.

1.17.3 The main site is within Flood Zone 1 which has a low risk of flooding. However, a Flood Risk Assessment is required as the site is over 1ha in area. The submitted Flood Risk Assessment summarises that the use of sustainable drainage features and permeable materials would allow the site to drain naturally through limited infiltration and evapotranspiration. A discharge from the site would also be possible, with a controlled drainage connection to the southern pond, which has an existing connection to the watercourse adjacent to the land ownership extent. A conceptual drainage strategy is shown in figure 5.2 of the report and includes gravelled surfaces, gravel trench, swales detention basin and controlled discharge to the southern pond which has an existing connection to the watercourse adjacent to the land ownership extent. In the normal operation of the site, the proposed drainage strategy would help deliver environmental benefits and would not have an adverse impact on the Whiston Brook.

1.17.4 The Lead Local Flood Authority (LLFA) have been consulted and do not object to the application subject to a condition that a fully detailed surface water drainage scheme for the site is submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority prior to development taking place.

1.17.5 Severn Trent consider that the proposal has minimal impact on the public sewerage system and therefore have no objections to the proposals and do not require a drainage condition to be applied.

1.17.6 The Environment Agency have been consulted and have responded stating that there are no COMAH sites or high hazard assets within the vicinity of the proposed development and therefore have no comments to make.

1.17.7 A number of public representations have raised concerns with regard to pollution in the event of a fire at the site. Such a scenario is very 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 interception swales/filter drains at the most downgradient contours from the battery storage and transformer compounds which would capture contaminated runoff from the site. As with previous applications for battery storage facilities, pollution capture membranes should be installed underneath the battery containers, filter drains and swales. Filtered water would then either infiltrate into the ground or be removed and appropriately disposed of by a management company. 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). Any approval should include a condition requiring these measures.

1.17.8 As a result, it is considered that the application deals with flooding and drainage in accordance with Core Strategy Policy EQ7, subject to the conditions requested by the LLFA and requiring pollution capture and disposal as described above.

## **1.18 Human Rights**

1.18.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998.



The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

### **1.19 CONCLUSION**

National policy advises that developments should be located where impacts are, or can be made, acceptable. It is considered that the location of the proposed development together with the existing and proposed landscaping and other mitigation in relation to ecology, trees, drainage, noise, and health and safety and highways mean 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.

The additional energy storage capacity provided here and the significance of such projects in supporting the governments national strategy of decarbonising the country's energy system, and that the impacts can be made acceptable, are sufficient to outweigh the conflict with Core Strategy Policy OC1 and other harm such as the small loss of Grade 3a agricultural land. Consequently, the other materials considerations set out in this report do justify a departure from the development plan and a recommendation to approve, subject to the various conditions set out below.

### **1.20 RECOMMENDATION - APPROVE Subject to Conditions**

#### **DELEGATE APPROVAL TO THE DEVELOPMENT TEAM MANAGER TO ISSUE DECISION ON COMPLETION OF A NATURESPACE DISTRICT LICENSE.**

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 authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Before works above slab level, full details of facing materials and colours 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 be commenced until the visibility splays shown on drawing No. ST5050-2PD-002A have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

6. No development shall take place, including groundworks or any necessary vegetation clearance until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
- a) A risk assessment of potentially damaging activities and the phases associated with them.
  - b) Identification of biodiversity protection zones.
  - c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts to ecological features during site clearance and construction.
  - d) The location and timing of sensitive works to avoid harm to ecological features.
  - e) The times during construction when an ecological clerk of works (ECow) needs to be present (as appropriate).
  - f) Role and responsibilities of the ECow if appropriate.
  - g) Responsible persons and lines of communication.
- The approved CEMP scheme shall thereafter be fully implemented throughout all construction work and any physical protective measures kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.
7. 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- i.e. to Greenfield equivalent rates.
  - 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.

8. A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.
- B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured."

9. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan Land On South West Side Of Levedale Road: Impact Plan for great crested newt District Licensing (Version 2)", dated 27th June 2023

10. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

11. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following:
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
  - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
12. All ecological measures including pre-commencement checks for badger and Schedule 1 birds shall be carried out in accordance with the details contained in the ecological impact assessment report by The Environment Partnership (reference 9562.007) dated March 2023 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
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 associated 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, 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). The development shall thereafter be implemented and operated in full in accordance with the approved SUDSs Operation and Maintenance Plan throughout the life of the Development.
16. 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 and Emergency Response Plan for the site 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. The agreed Plan shall include the avoidance of firefighting products (e.g. Aqueous Film Forming Foam) containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) where possible. This shall be completed prior to the operation of the site. The development shall thereafter be implemented and operated in full in accordance with the approved Outline Battery Safety Management Plan throughout the life of the Development.
17. Prior to first use of the development, a combined Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on the site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options to achieve aims and objectives for no less than a 30-year period.
  - e) Detailed management prescriptions and a work schedule with annual plan
  - f) Responsibilities of bodies/organisations for implementation against actions
  - g) Monitoring and remedial measures
- The plan shall also set out (where monitoring shows that aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall be implemented in accordance with the approved details.

18. The mitigation measures recommended in the noise assessment submitted with the application shall be implemented in full prior to operation of the site. For the avoidance of doubt, these measures are:
  1. The inverters should be fitted with a noise reduction kit comprising external acoustic baffles to the air inlets and outlets capable of reducing the total sound power level to those presented in Table 6 of the report.
  2. A 3.5 m high noise barrier at the site boundary facing the closest residential properties as shown in Figure 4 of the report. The noise barrier should be solid, continuous, sealed at all interfaces and have a surface density in the order of 15 kg/m<sup>2</sup>, or provide a minimum sound reduction performance of 15-20dB.
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.
20. Mitigation for dust arising from construction activities shall be provided on site to prevent dust being emitted across the site boundary during dry periods.
21. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been constructed and completed in accordance with approved plan 05-1095-301 revision P12
22. The development hereby permitted shall not be brought into use until the access road rear of the public highway has been constructed to a minimum width of 5.0m, surfaced and thereafter maintained in a bound and porous material in accordance with the approved plans.
23. The development hereby permitted shall not be brought into use until the parking, servicing and turning areas have been provided in accordance with the approved plans.
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 from the date of completion, 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 from the date of commencement 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 interest of highway safety.
6. To prevent harm to habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.
7. To reduce the risk of surface water flooding to the development and properties downstream of the development for the lifetime of the development
8. To determine the significance of any surviving archaeological remains and to assess the need for and scope of further archaeological mitigation in accordance with Core Strategy Policy EQ3 and NPPF paragraph 205.
9. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
10. In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
11. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

12. To prevent harm to habitats and species of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.
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. To avoid pollution of the water environment in accordance with policy EQ7 of the adopted Core Strategy.
16. To ensure that all safety concerns around the facility are addressed in so far as is reasonably practicable.
17. To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
18. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
19. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
20. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
21. In the interest of highway safety and to comply with Staffordshire County Council requirements for a vehicular access crossing.
22. In the interest of highway safety.
23. In the interest of highway safety.
24. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2021.

## **INFORMATIVES**

### **Ecology**

It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. The nesting bird season is considered to be between 1 March and 31 August inclusive, however some species can nest outside of this period. Suitable habitat for nesting birds are present on the application site and should be assumed to contain nesting birds between the above dates unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

Please note that planning permission does not override or preclude the requirement to comply with protected species legislation. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.

### **Highways**

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

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

### **Staffordshire Fire and Rescue**

#### **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/](http://www.bafsa.org.uk/) - the website of the British Automatic Fire Sprinklers Association Ltd.

#### **Designing Out Crime Officer**

I recommend the perimeter fence enclosed the whole site, including the battery containers and the inverters and transformers.

I recommend the site access is restricted to authorised personnel only. The format this takes, depends on the accessibility of the site.

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

The site is in a very remote location. I recommend an alarm system should be considered for the site. It may be beneficial to install a Perimeter Intruder Detection System (PIDS) within the site, with infrared beams running adjacent to the perimeter fence line, the presence of intruders will activate

the alarm as soon as they enter the site, therefore allowing the police to respond whilst the intruders are still onsite.

The only way to prevent this method of criminal attack is to provide Monitored CCTV and a Robust Boundary.

#### Perimeter Fencing

I recommend that the perimeter fence be constructed of colour coded, expanded metal or welded mesh, to LPS 1175: Issue 7 SR1 to a minimum height of 2.3m. The top horizontal bar can be left off in order to leave the fence topping spiked. The base of the fence should preferably be surrounded with well-compacted gravel.

The rivets should have rounded fixings and joints should be welded. Gate locks should not aid climbing.

The perimeter fence will allow for access of small animals to enter the site, a low growing thorny hedge planted adjacent to the fence will increase security whilst retaining natural surveillance and should not interfere with formal surveillance. Plants can be grown against the fence line, to help the fence to cause the lowest visual impact, but the planting should hinder the CCTV capability.

#### Alarm System

A passive infra-red intruder alarm system should be installed compliant with

- BS EN 50131-1:2006+A3:2020 Grade 3, and
- BS 8418 is the code of practice for the installation and remote monitoring of detector-activated CCTV systems.
- ISO 9001:2000 for the management of the system.

A unique reference number for the installation will be required for a Police response.

#### CCTV Systems

A remotely monitored CCTV system provides a complete security package. Instead of having a CCTV system that just records, a monitored system allows an alarm receiving centre (ARC) to be aware of the status of the site at all times. This means that a prompt response can be initiated when an intrusion or activation is visible, resulting in potential problems being dealt with before they occur.

Reference should be made to Graded Requirements under:

BS EN 62676 Standards for CCTV: Technical Guide for Installers and Specifiers (BSIA Form 218) and BS EN 62676 Series: Guidance for Customers About Grading and Other Important Matters (BSIA Form 217). Both guides relate to the BS EN 62676 standards, themselves developed using Best Practice guidelines from a number of organisations including the BSIA, as well as the Government's Centre for Applied Science and Technology (CAST), while also incorporating ideas from British Standards.

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

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.

An Operational Requirement (OR) should be completed for any CCTV system to be installed at the site. An OR is defined as: A statement of needs based on a thorough and systematic assessment of the problems to be solved and the hoped-for solutions. This should address what is required of the CCTV system to be installed rather than the technical specification of this system. The supplier and installer

should then specify a system that produces the required results. The installed system can be assessed against the OR and any deficiencies rectified.

The following criteria must be met to ensure best use of it is made:

- The system must be registered with the Information Commissioner's Office.
- The time and date displayed must be correct.
- Check the cameras are covering vulnerable areas.
- Ensure that the lighting supplies a constant level of light to enable the camera to "see".
- A bench mark recording without recording people must be made to check subsequent images in the future.
- Ensure the picture is clear enough to identify people.
- Ensure that printed images are the same quality as those shown on the screen

#### Alarm Receiving Centres

If using a remote alarm receiving centre (ARC) to monitor the alarm system, they must be certified to the following:

i) Cyber Essentials

ii) BS 8418 Remotely Monitored detector Activated CCTV Systems

iii) BS7958 Closed Circuit Television (CCTV) Management and Operation Code of Practice

iv) BS5979 Alarm Receiving Centres Category II (withdrawn but still included for the benefit of legacy systems that remain in service)

or

BS-EN50518:2013 Monitoring and Alarm Receiving Centres + BS8591 Alarm Receiving Centres Category II (not intruder and Hold Up Alarms)

or

BS-EN50518:2019 Monitoring and Alarm Receiving Centre

Further information on securing solar farms can be found within the BRE Oct 2013 document "Planning Guidance for the development of large scale ground mounted solar PV systems", further information on accredited security products can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

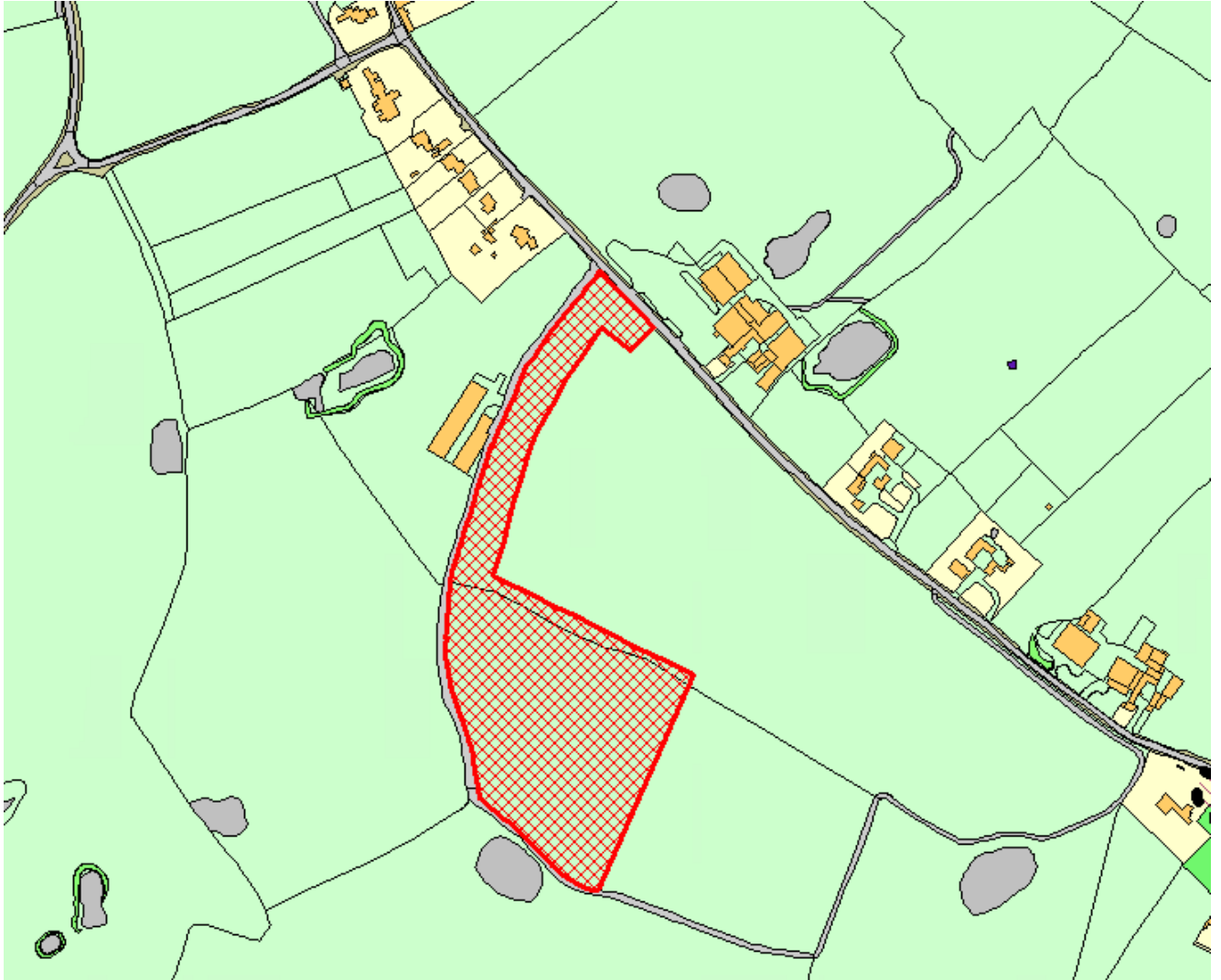
#### Construction Security

It is paramount onsite security is used during the construction phase. Perimeter Intruder Devices Systems (PIDS) are recommended.

#### Plans on which this Assessment is based:

Plan Type	Reference	Version	Received
Location Plan	PLO1	A	20 February 2023
Site Plan	SK01		30 October 2023
Fence and Gate Detail	D01		20 February 2023
Proposed Plans and Elevations	D02		20 February 2023
Proposed Plans and Elevations	D03		20 February 2023
Proposed Plans and Elevations	D04		20 February 2023

Proposed Plans and Elevations	D05		20 February 2023
Proposed Plans and Elevations	D06		20 February 2023
Proposed Plans and Elevations	D07		20 February 2023
Noise Impact Assessment	Document		20 February 2023
Biodiversity Metric	Document		20 February 2023
Design and Access Statement	Document		20 February 2023
Ecology Survey	PEA		20 February 2023
Tree Protection Plan	MWA TPP 02 NORTH		28 August 2023
Proposed Plans and Elevations	SK01 SUBSTATION		12 October 2023
General Arrangement	05-1095-301 S3		12 October 2023
Arboricultural Survey	Document		28 August 2023
Tree Protection Plan	MWA TPP 02 SOUTH		28 August 2023
Other Plans	05-1095-301_P09		30 June 2023
Flood Risk Assessment	Document		16 November 2023
Construction Traffic Management Plan	CTMP		16 November 2023
Transport Statement	Document		16 November 2023
Battery Safety Management Plan			2 June 2023
Ecology Survey	DORMOUSE		14 April 2023
Ecology Survey	ECIA		13 February 2023
ALC report and appendices			3 February 2023
LVIA			22 August 2023
Ecology Survey	GCN Naturespace report		30 October 2023
Ecology Survey	GCN Impact Plan		30 October 2023



Land On South West Side Of Levedale Road, Levedale



**23/00833/FULHH**  
**NON MAJOR**

**Imre Tolgyesi**

**CODSALL**  
Councillor Megan L Barrow  
Councillor Valerie M Chapman  
Councillor John K Mitchell

**68 Wolverhampton Road Codsall WOLVERHAMPTON WV8 1PE**

**Single storey rear kitchen extension and side bathroom extension.**

<b>Pre-commencement conditions required: n/a</b>	<b>Pre-commencement conditions Agreed: n/a</b>	<b>Agreed Extension of Time until: n/a</b>
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## **SITE DESCRIPTION AND APPLICATION DETAILS**

### **1.1 Site Description**

1.1.1 The application relates to one of the pair of caretaker houses for the Council Offices in Wolverhampton Road, Codsall.

1.1.2 The properties adjoin the staff car park to the West with a 1.8m high fence and shrubs enclosing the rear garden. There is a large, grassed area at the front of the properties, given the set back of 8.7m from the road, enclosed by a hedge which abuts the pavement. Beyond the rear of the site is the railway line and to the East lies Birches Bridge

### **1.2 The Proposal**

1.2.1 The application proposes a 4m deep single storey extension to the rear of the property to create a new kitchen/dining area and a small extension to the side/front elevation to enlarge the downstairs w.c., which will project around 500mm beyond the existing porch. The extensions will be constructed from matching brickwork with a flat roof.

1.2.2 Identical extensions have been submitted for the adjoining dwelling (application 23/00834/FULHH).

### **1.3 Agents Submission**

1.3.1 Not applicable

Date of site visit - 19 October 2023

## **SITE HISTORY**

### Planning Applications

75/00399 A Pair Of Houses Including Caretakers House For Council Offices **Approve Subject to Conditions** 5th June 1975

76/01028 Double Garage To Rear Of Caretakers Dwellings **Approve Subject to Conditions** 27th October 1976

74/00249 The Erection Of A Caretakers House **Approve Subject to Conditions** 30th October 1974

23/00770/LHSHLD Single storey rear kitchen extension **Withdrawn** 2nd October 2023

23/00773/LUP Single storey side extension and associated amendments to the porch. Please see (1460 - P - 005 - FD CLD) for more details. **Withdrawn** 29th September 2023

## **POLICY**

### **Constraints**

Within Development Boundary  
Great Crested Newt Green Impact Zone  
C Class Road C0006

### **Policies**

National Planning Policy Framework  
National Planning Practice Guidance

### **Core Strategy**

CP1: The Spatial Strategy  
NP1: The Presumption in Favour of Sustainable Development  
CP4: Promoting High Quality Design  
Core Policy 4: Promoting High Quality Design  
Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape  
Policy EQ9: Protecting Residential Amenity  
Policy EQ11: Wider Design Considerations  
Policy EV12: Parking Provision  
Appendix 5: Parking Standards  
Appendix 6: Space about Dwellings

### **Supplementary Planning Documents**

Design Guide

## **CONSULTATION RESPONSES**

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
N/A	N/A

### **Councillor Megan Barrow - Codsall Ward**

No Response Received

### **Councillor Val Chapman - Codsall Ward**

No Response Received

### **Councillor John Mitchell - Codsall Ward**

No Response Received

### **Codsall Parish Council**

27th October 2023

Recommend approval



## **Contributors**

No Response Received

## **APPRAISAL**

The application is to be heard at Planning Committee as the Council are the landowner and applicant.

1. **Policy & principle of development**
2. **Layout, design & appearance**
3. **Access, parking & highway safety**
4. **Residential Amenity**
5. **Ecology & biodiversity**
6. **Arboriculture**
7. **Human Rights**

### 1. Policy & principle of development

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

### 2. Layout, Design and Appearance

2.1 Policy EQ11 of the Core Strategy states that proposals should respect local character and distinctiveness including that of the surrounding development and landscape. The South Staffordshire Design Guide provides that extensions should be subservient to the main building, respecting the scale and form and relationship to adjacent buildings.

2.2 The proposed extensions are subservient in nature and matching materials will be used. Whilst the flat roof for the W.C extension is not aesthetically pleasing; no demonstrable harm will be caused to the character of the area given its scale and distance from Wolverhampton Road. Matching materials will also be used. The proposal is compliant with policy EQ11.

### 3. Access, Parking & Highway Safety

3.1 Policy EV12 and Appendix 5 sets out the parking requirements for new and existing developments.

3.2 The proposal does not affect the existing car parking arrangements. There is allocated parking for the dwellings on the staff car park.

### 4. Residential Amenity

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

4.2 The proposed extensions raise no amenity concerns given their single storey nature and low height, not also withstanding the fact that identical extensions are also proposed for the adjoining dwelling (application 23/00834/FULHH).

4.3 The property would retain a rear amenity area of around 88sqm.

## 5. Ecology & Biodiversity

5.1 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). 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 the site.

5.2 There are no ecological constraints. It is noted that the site is in a Green Impact Risk Zone for Great Crested Newts, however given the nature of the proposal and there being no nearby ponds, an informative is reasonable.

## 6. Arboriculture

6.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that "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".

6.2 There are no arboricultural considerations.

## 7. Human Rights

7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

## 8. **CONCLUSIONS**

8.1 The proposed extensions are an acceptable form of development within the Development Boundary. There would be no material harm to neighbouring amenity and there would be no adverse effect on the street scene. The development also raises no material concerns in relation to parking or highway safety. The proposal is therefore considered compliant with both national and local planning policy and associated guidance. Approval is recommended.

## 9. **RECOMMENDATION - APPROVE Subject to 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 authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The facing brickwork to be used on the walls of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

#### Reasons

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

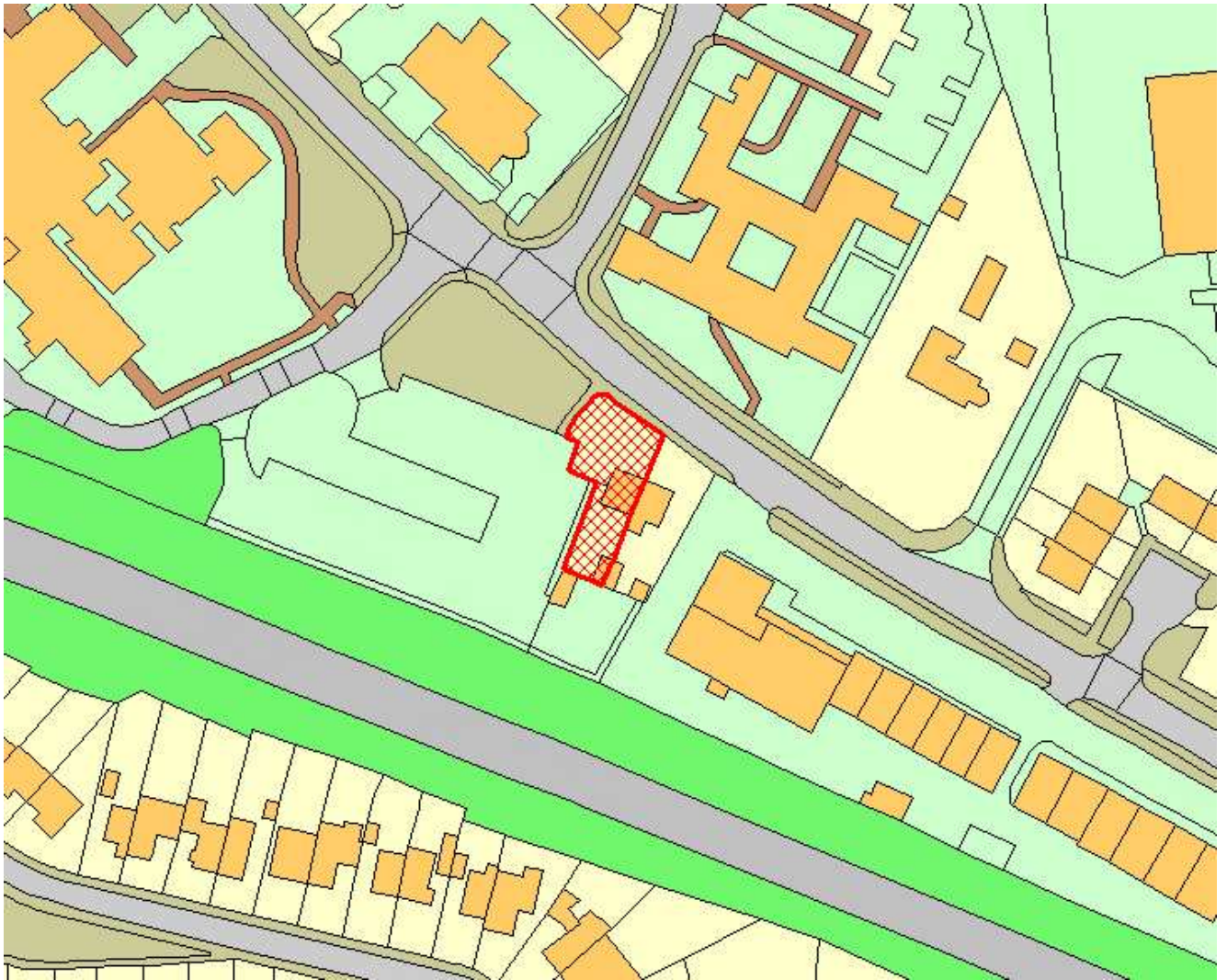
#### Informative

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.

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.

#### Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Proposed Plans and Elevations	1460 - P - 001 - FD PROPOSED		2 October 2023



68 Wolverhampton Road, Codsall, WOLVERHAMPTON WV8 1PE

**23/00834/FULHH**  
**NON MAJOR**

**Imre Tolgyesi**

**CODSALL**  
Councillor Megan L Barrow  
Councillor Valerie M Chapman  
Councillor John K Mitchell

**70 Wolverhampton Road Codsall WOLVERHAMPTON WV8 1PE**

**Single storey rear kitchen extension and side bathroom extension.**

<b>Pre-commencement conditions required: n/a</b>	<b>Pre-commencement conditions Agreed: n/a</b>	<b>Agreed Extension of Time until: n/a</b>
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### **1.1 Site Description**

1.1.1 The application relates to one of the pair of caretaker houses for the Council Offices in Wolverhampton Road, Codsall.

1.1.2 The properties adjoin the staff car park to the West with a 1.8m high fence and shrubs enclosing the rear garden. There is a large, grassed area at the front of the properties, given the set back of 8.7m from the road, enclosed by a hedge which abuts the pavement. Beyond the rear of the site is the railway line and to the East lies Birches Bridge

### **1.2 The Proposal**

1.2.1 The application proposes a 4m deep single storey extension to the rear of the property to create a new kitchen/dining area and a small extension to the side/front elevation to enlarge the downstairs w.c., which will project around 500mm beyond the existing porch. The extensions will be constructed from matching brickwork with a flat roof.

1.2.2 Identical extensions have been submitted for the adjoining dwelling (application 23/00833/FULHH).

### **1.3 Agents Submission**

1.3.1 Not applicable

Date of site visit - 19 October 2023

## **SITE HISTORY**

### Planning Applications

75/00399 A Pair Of Houses Including Caretakers House For Council Offices **Approve Subject to Conditions** 5th June 1975

76/01028 Double Garage To Rear Of Caretakers Dwellings **Approve Subject to Conditions** 27th October 1976

74/00249 The Erection Of A Caretakers House **Approve Subject to Conditions** 30th October 1974

23/00771/LHSHLD Single storey rear Kitchen extension build to match the existing material and style of the dwelling. See (1460 - P - 004 - OD PN) for more information.

23/00772/LUP Single storey side extension and associated amendments to the porch. Please see 1(460 - P - 003 - OD CLD) for more details. **Withdrawn** 29th September 2023

## **POLICY**

### **Constraints**

Within Development Boundary

Great Crested Newt Green Impact Zone

C Class Road C0006

### **Policies**

National Planning Policy Framework

National Planning Practice Guidance

### **Core Strategy**

CP1: The Spatial Strategy

NP1: The Presumption in Favour of Sustainable Development

CP4: Promoting High Quality Design

Core Policy 4: Promoting High Quality Design

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

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space about Dwellings

### **Supplementary Planning Documents**

Design Guide

## **CONSULTATION RESPONSES**

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
N/A	N/A

### **Councillor Megan Barrow - Codsall Ward**

No Response Received

### **Councillor Val Chapman - Codsall Ward**

No Response Received

### **Councillor John Mitchell - Codsall Ward**

No Response Received

### **Codsall Parish Council**

27th October 2023

Recommend approval.

### **Contributors**

No Response Received

### **APPRAISAL**

The application is to be heard at Planning Committee as the Council are the landowner and applicant.

1. Policy & principle of development
2. Layout, design & appearance
3. Access, parking & highway safety
4. Residential Amenity
5. Ecology & biodiversity
6. Arboriculture
7. Human Rights

#### 1. Policy & principle of development

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

#### 2. Layout, Design and Appearance

2.1 Policy EQ11 of the Core Strategy states that proposals should respect local character and distinctiveness including that of the surrounding development and landscape. The South Staffordshire Design Guide provides that extensions should be subservient to the main building, respecting the scale and form and relationship to adjacent buildings.

2.2 The proposed extensions are subservient in nature and matching materials will be used. Whilst the flat roof for the W.C extension is not aesthetically pleasing; no demonstrable harm will be caused to the character of the area given its scale and distance from Wolverhampton Road. Matching materials will also be used. The proposal is compliant with policy EQ11.

#### 3. Access, Parking & Highway Safety

3.1 Policy EV12 and Appendix 5 sets out the parking requirements for new and existing developments.

3.2 The proposal does not affect the existing car parking arrangements. There is allocated parking for the dwellings on the staff car park.

#### 4. Residential Amenity

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

4.2 The proposed extensions raise no amenity concerns given their single storey nature and low height, not also withstanding the fact that identical extensions are also proposed for the adjoining dwelling (application 23/00833/FULHH).

4.3 The property would retain a rear amenity area of around 115sqm.

## 5. Ecology & Biodiversity

5.1 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). 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 the site.

5.2 There are no ecological constraints. It is noted that the site is in a Green Impact Risk Zone for Great Crested Newts, however given the nature of the proposal and there being no nearby ponds, an informative is reasonable.

## 6. Arboriculture

6.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that "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".

6.2 There are no arboricultural considerations.

## 7. Human Rights

7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

## 8. **CONCLUSIONS**

8.1 The proposed extensions are an acceptable form of development within the Development Boundary. There would be no material harm to neighbouring amenity and there would be no adverse effect on the street scene. The development also raises no material concerns in relation to parking or highway safety. The proposal is therefore considered compliant with both national and local planning policy and associated guidance. Approval is recommended.

## 9. **RECOMMENDATION - APPROVE Subject to 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 authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The facing brickwork to be used on the walls of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

#### Reasons

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

#### Informative

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.

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.

#### Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Proposed Plans and Elevations	1460 - P - 001 - OD PROPOSED		2 October 2023



70 Wolverhampton Road, Codsall, WOLVERHAMPTON WV8 1PE

**SOUTH STAFFORDSHIRE COUNCIL**

**PLANNING COMMITTEE – 21<sup>st</sup> November 2023**

**Planning Performance report**

**REPORT OF THE DEVELOPMENT MANAGEMENT TEAM MANAGER**

**PART A – SUMMARY REPORT**

**1. SUMMARY OF PROPOSALS**

1.1 This report has been updated to be reflective of the current and most relevant issues.

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

1.3 Monthly Updates on:

- Procedural updates/changes
- Proposed member training
- Monthly application update
- Update on matters relating to Department for Levelling Up, Housing and Communities (DLUHC)
- Any recent Planning Appeal Decisions

1.4 Quarterly Updates on:

- The latest data produced by the Department for Levelling Up, Housing and Communities (DLUHC)

**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	6 <sup>th</sup> November 2023	
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**

### **Monthly Updates**

#### 4. Procedure updates/changes

4.1 Nothing to report.

#### 5. Training Update

5.1 The schedule of both mandatory and optional training has now been completed. It is the intention to undertake training for members on bespoke topics going forward before alternate planning committees (5-6pm) in the Council chamber.

5.2 The following training sessions have now been scheduled:

- January 19<sup>th</sup> 2023 Conservation and Heritage – Delivered by Ed Higgins (Senior Conservation Officer)
- March 19<sup>th</sup> 2024 Trees and Arboriculture – Delivered by Gavin Pearce

5.3 Training with regards to the 5 year housing land supply is being delivered on the 27<sup>th</sup> November via Microsoft Teams, all members are encouraged to attend.

5.4 Any area of planning and/or topics members would like guidance on then do let the author of this report know.

#### 6. Monthly Planning Statistics

<b>October 2023</b>	
Applications received	108
Application determined	84
Pre-application enquiries received	11
Pre-application enquiries determined	10

#### 7. Update on matters relating to Department for Levelling Up, Housing and Communities (DLUHC)

7.1 No update from DLHUC at the date of writing this report on the NPPF changes or application for Skills Gap funding.

## 8. Appeals

8.1 This section provides a summary of appeals decision received since the last report. Appeal decision letters are contained within the relevant appendix.

8.2 **Planning Reference:** 22/01187/FUL

**Site Address:** 15 Hilton Lane, Shareshill, Hilton, Staffordshire WV10 7HU

**Date of Inspectors Decision:** 23rd October 2023

**Decision:** Dismissed (Appendix 1)

The development relates to the retention of existing dwelling and outbuilding.

The main issue were:

- Whether the development is inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- Whether the appeal site is a suitable location for the development is suitable for the development proposed, having regard to accessibility to job opportunities, facilities and services;
- The effect of the development on the character and appearance of the area; 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 development.

The inspector dismissed the appeal noting that given the sites characteristics the retention of the dwelling would not constitute “limited infilling” and as such is not a form of development that constitutes an exception under paragraph 149(e) of the framework. The retention of the development is therefore inappropriate development in the Green Belt. Further to this, this inspector drew reference to Core Policy 1 (CP1) with regards to Hilton not being considered a village and not being located within a sustainable location. The inspector noted “consequently, the private motor vehicle would most likely be the predominant means of transport for residents of the retained dwelling to access employment, facilities and services. For this reason, I do not consider that the proposal represents accessible development in a rural area”. Finally, it was determined that due to the increase in the scale and bulk of the buildings on site, due to the retention of the building which should have been demolished, the development harms the openness of the Green Belt in both spatial and visual terms.

8.3 **Planning Reference:** 22/00275/FUL

**Site Address:** The Croft, School Road, Trysull, Staffordshire WV5 7HR

**Date of Inspectors Decision:** 25 October 2023

**Decision:** Dismissed (Appendix 2)

The development relates to the erection of detached dwelling

The main issue were:

- Whether the proposed development is inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect of the proposed development on the openness of the Green Belt;
- The effect of the proposed development on the character and appearance of the Trysull and Seisdon Conservation Area and the setting of The Croft, a locally listed building; 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 development.

The inspector dismissed the appeal noting that given the sites location to the rear of properties within School Road it would not constitute “limited infilling” and as such is not a form of development that constitutes an exception under paragraph 149(e) of the framework. The proposed dwelling was also deemed unacceptable due to the impact on openness as well as the impact on the Trysull and Seisdon Conservation Area.

**8.4 Planning Reference:** 19/00048/FUL condition 5

**Site Address:** Springhill House, Springhill Lane, Lower Penn, Staffordshire WV4 4TJ

**Date of Inspectors Decision:** 26.10.2023

**Decision:** Dismissed (Appendix 3)

The application looked to vary condition 5 to allow for increased the maximum capacity of the nursery from 105 to 150.

The main issue were:

- The effect of the proposed increase in the number of children on the living conditions of the neighbouring residents, with particular regard to noise and disturbance;
- whether the proposal would incorporate appropriate foul drainage provision to meet the needs of the proposed development; and
- highway safety, having regard to parking provision and access.

The inspector raised concerns with potential noise issues from the capacity. The inspector noted “in the absence of a noise assessment, I cannot be satisfied that the degree of separation (from residential properties) is adequate to mitigate any harm that might arise as a consequence of noise generated by the proposed increase in capacity at the nursery”. The inspector did not find any potential highways impacts as a result of the increase in capacity. Finally the inspector raised concerns with the foul drainage. However, for clarity, this matter has been satisfactorily addressed though the submission of a separate application (19/00048/COND2).

**8.5 Planning Reference: 22/00948/COU**

**Site Address:** 64 Croydon Drive, Penkridge, Staffordshire ST19 5DW

**Date of Inspectors Decision:** 09 October 2023

**Decision:** Dismissed (Appendix 4)

The development proposed is to change the use of council owned land from open land to domestic garden on purchase of the land. To grow a hedge for the boundary of the land, with a sheep net fence with 2 strands of wire hidden within the hedge for security to such as keeping dogs off the garden.

The main issue was:

- The main issue is the effect of the proposal on the character and appearance of the surrounding area.

The inspector deemed the proposed change of use of this area of public open space to be inappropriate due to the impact on the character and appearance of the area. The area forms part of a green corridor which was considered functional and well used. The loss of this space as it is currently laid out and its use as garden area is considered to be detrimental to the visual amenity of the wider area.

**8.6 Planning Reference: 23/00121/FUL**

**Site Address:** 11 Kelso Gardens, Perton, Staffordshire WV6 7XS

**Date of Inspectors Decision:** 20 October 2023

**Decision:** Dismissed (Appendix 5)

The development proposed is Erection of a Fully Accessible Bungalow in the Grounds of 11 Kelso Gardens with Associated Parking and Landscaping

The main issue was:

The main issues were:

- the effect of the proposed development on the character and appearance of the area; and
- whether the proposed development would provide adequate living conditions for the occupants of the host property and future occupants of the new dwelling, in respect of privacy and outlook.

The inspector in this case determined that due to the location of the proposed bungalow, to the rear of the existing garden area, would be out of character where "the general conformity of the dwellings give a harmonious pattern of development". Further, the inspector noted issues with privacy between the future occupiers and current occupiers of number 11 Kelso Gardens.

## 8.7 Planning Reference: 23/00121/FUL

**Site Address:** 5 Sandy Lane, Brewood, Staffordshire ST19 9ET

**Date of Inspectors Decision:** 10 October 2023

**Decision:** Dismissed (Appendix 6)

The development proposed is first floor front/side extension above existing ground floor bedroom along with rendering and cladding of the exterior and excavation of earth at front of property to create extra vehicular parking with new retaining wall, external staircase and associated landscaping.

The main issues was:

- Whether the proposal would preserve or enhance the character or appearance of the Brewood Conservation Area.

This application was refused by members following a recommendation to approve by officers (Planning Committee 28<sup>th</sup> March 2023). The inspector raised concerns with the extensive excavation of earth to the front and the loss of the sandstone wall. This resultant development was noted by the inspector as jarring and worsened by the hardstanding. The proposed materials and planting were not considered to mitigate this harm.

## 9. Quarterly Updates

### 9.1 Planning Statistics from DLUHC

Description	Target	Q1	Q2	Q3	Q4	Cumulative
23 Major	60%	100%	100%			100%
22 Major		75%	100%	100%	89%	91%
21 Major		100%	100%	100%	85%	93%
23 Minor	70%	92%	89%			91%
22 Minor		89%	90%	86%	100%	91%
21 Minor		82%	84%	81%	89%	84%
23 Other	70%	93%	93%			93%
22 Other		93%	96%	96%	96%	95%
21 Other		88%	87%	83%	87%	86%



Stats for the rolling 24 month to June 2023

Total (overall) -	91%
Major -	91%
Minor -	89%
Other -	92%

This category includes Adverts/Change of Use/Householder/Listed Buildings.

Position in National Performance Tables (24 months to June 2023)

Majors	134 <sup>th</sup> from 329 authorities
Non-Major	105 <sup>th</sup> from 329 authorities

Report prepared by:

Helen Benbow

Development Management Team Manager



# Appeal Decision

Site visit made on 3 October 2023

**by Elaine Moulton BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> October 2023**

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**Appeal Ref: APP/C3430/W/23/3321036**

**15 Hilton Lane, Shareshill, Hilton, Staffordshire WV10 7HU**

- 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 Martyn Johnson against the decision of South Staffordshire District Council.
  - The application Ref 22/01187/FUL, dated 22 December 2022, was refused by notice dated 16 March 2023.
  - The development proposed is described as 'retention of existing dwelling and outbuilding (Outbuilding 3) at 15 Hilton Lane'.
- 

## Decision

1. The appeal is dismissed.

## Background and Preliminary Matter

2. Planning decision, reference 20/00035/FUL, granted planning permission for the construction of a new 4 bed family home and demolition of an existing house and outbuildings. The Council indicate that the decision was subject to a condition requiring the existing dwelling to be demolished within 1 month of occupation of the new dwelling. At the time of my site the new dwelling, 15 Hilton Lane (No 15), had been constructed and was being occupied.
3. The appeal seeks approval for the retention of the existing dwelling and an outbuilding. However, given that the buildings should otherwise be removed to satisfy the requirements of the identified planning decision, the proposal is tantamount to involving new buildings. I will therefore determine the appeal on that basis.

## Main Issues

4. The main issues are:
  - Whether the development is inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - Whether the appeal site is a suitable location for the development is suitable for the development proposed, having regard to accessibility to job opportunities, facilities and services;
  - The effect of the development on the character and appearance of the area; 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 development.

## Reasons

### *Inappropriate development*

5. The appeal site is located within the Green Belt. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 149. One such exception, 149(e), is limited infilling in villages.
6. Policy GB1 of the South Staffordshire Core Strategy (2012) (CS) broadly conforms to the general thrust of the Framework. It states that planning permission will normally be permitted within the Green Belt where the proposal is for certain purposes, including limited infilling.
7. The term 'limited infilling' is not defined in the Framework, it is therefore a matter of judgement for the decision maker in the context of any relevant development plan policy or guidance. In that regard, CS Policy GB1 clarifies it 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. The Green Belt and Open Countryside Supplementary Planning Document (2014) (SPD) provides further guidance on what constitutes acceptable limited infilling.
8. The appeal dwelling directly adjoins No 15 on one side. On the other side are three dwellings fronting onto Hilton Lane. To either side of this group of buildings are large undeveloped gaps.
9. Such a loose and sporadic form of development, interspersed by undeveloped spaces, leads me to conclude that the appeal site is not a small gap within a built-up frontage forming a strong ribbon of development. Furthermore, the retention of the dwelling in addition to the introduction of No 15 leads to a major increase in the developed proportion of the site. Consequently, the development doesn't meet the definition of limited infilling set out in the Development Plan and the supporting SPD. For that reason, it does not fall within the scope of the exception set out at paragraph 149(e) of the Framework.
10. In addition, whilst Hilton is listed as one of the 'other villages and hamlets' for the purposes of CS Core Policy 1 (CP1), on the ground, it does not form a settlement containing services or facilities. There is nothing before me that would lead me to conclude that Hilton is a village. Therefore, even if I were to consider that the appeal development comprises limited infilling, as it is not within a village, the appeal development would still not fall within the scope of the exception set out at paragraph 149(e) of the Framework.
11. A further exception is set out at paragraph 149 (g)(i) of the Framework, which allows for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.

12. The main parties agree that the site is previously developed land and based on the information before me I have reached the same finding. Therefore, my conclusions as to the effect on openness will determine whether the proposal is inappropriate development. As confirmed in the *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466 judgement, openness has both spatial and visual aspects.
13. The existing dwelling is a long-standing feature on the site. However, the addition of No 15 represents a substantial increase in the scale and bulk of buildings on the site when compared to its appearance prior to its construction. It also represents a substantial increase in the scale and bulk of buildings on the site when compared to that permitted under decision reference 20/00035/FUL, which required the removal of the appeal building. Furthermore, the appeal dwelling is highly visible from the highway.
14. The appeal development, therefore, harms the openness of the Green Belt both spatially and visually and, accordingly, it therefore does not meet the exception under paragraph 149(g)(i) of the Framework.
15. The appeal development would also conflict with the Framework as it would fail to assist in safeguarding the countryside from encroachment and would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.
16. For these reasons, the development is inappropriate in the Green Belt which is, by definition, harmful. It therefore conflicts with CS Policy GB1, the Green Belt and Open Countryside Supplementary Planning Document (SPD) as well as the Framework.

#### *Suitable location*

17. CS Policy CP1 sets out a Spatial Strategy to deliver the rural regeneration of South Staffordshire. The overall strategy of the CS, therefore, is to direct new development to the larger settlements, referred to as service villages, which have access to a wider range of facilities. Outside of service villages, CS Policy CP1 indicates that new development will be restricted to particular types to meet affordable housing needs, support tourism, provide for sport and recreation and support the local rural economy and rural diversification.
18. I have found that the appeal site lies outside of any identified service villages and, therefore, outside of the areas identified for rural housing as set out in CS Policy CP1. The route from the appeal site to the amenities and services within the nearest service villages, Featherstone and Shareshill, would require journeys that are, in part, along unlit rural roads without footways. This would be a deterrent to pedestrians and cyclists, in particular during times of darkness and inclement weather. Additionally, on my visit I saw that the nearest bus stop is some distance from the site, on the A460. For similar reasons it is unlikely that such bus stops will be used.
19. Consequently, the private motor vehicle would most likely be the predominant means of transport for residents of the retained dwelling to access employment, facilities and services. For this reason, I do not consider that the proposal represents accessible development in a rural area. Moreover, there is nothing before me that suggests that the appeal development is a type of identified in CS Policy CP1 as being acceptable outside of service villages.

20. The appellant has referred to appeal decision APP/C3430/W/18/3212095. Whilst I do not have the full details of that case, it is apparent from the decision letter that the Inspector did not address whether that proposal was in a suitable location for residential development. Furthermore, the Inspector concluded that the development before him was appropriate in the Green Belt. That case, therefore, differs from the appeal development before me and, accordingly, it is not possible to draw comparisons between the two cases or find that the identified appeal decision supports the proposal before me.
21. I therefore find that the appeal site is not suitable for the development proposed, having regard to accessibility to job opportunities, facilities and services. It is therefore contrary to CS Policy CP1.

#### *Character and appearance*

22. The buildings, in the vicinity of the appeal site, primarily comprise two storey dwellings of varied design and scale. Whilst some of the nearby dwellings are set within generous plots with significant gaps between, there are examples of dwellings sited very close to each other and with narrow frontages to the highway. There is no consistent building line to the nearby properties.
23. In such a context, the proximity of the appeal property to No 15, and the significant setback behind its front elevation and distance from the front boundary does not result in an incongruous form of development. There would be additional parking and domestic paraphernalia associated with the occupation of a second dwelling on the site. Nonetheless, this is not to the extent that, when combined with the relatively small plot size, that the site would appear unusually, or unacceptably cramped. Furthermore, given that the site was already in residential use the appeal development would not be adding domestic paraphernalia or car parking where none previously existed. Consequently, whilst the openness of the Green Belt would be harmed, it would not have an unacceptable effect on the local landscape character or on the appearance of the area.
24. I therefore find that the development does not harm the character and appearance of the area. It therefore accords with the design aims of CS Policies EQ4 and EQ11.

#### *Other Considerations*

25. The appeal development would contribute towards the Government's aims of boosting the supply of housing, as set out in the Framework. However, there is nothing before me to suggest that the Council does not have a five-year housing land supply and that current policy is not providing enough housing to meet the requirements for the area. The provision of one additional dwelling therefore attracts limited weight.
26. The appeal development, once occupied, would provide support to the local economy and local community facilities. These benefits attract moderate weight due to the very modest quantum of development under consideration.
27. Reference has been made to a possible fall-back position, namely the potential construction under permitted development (PD) rights of an outbuilding of the dimensions proposed. The consideration of a fall-back position, including what could be erected under PD rights, is a well-established principle. However, for a

fall-back position to weigh heavily in favour of a proposal there shall normally be real prospect of a closely comparable form of development occurring.

28. I acknowledge that there are PD rights to construct outbuildings within the curtilage of a dwellinghouse for purposes incidental to its enjoyment. There are also PD rights for the enlargement of a dwellinghouse by construction of additional storeys. Therefore, a new outbuilding could potentially be constructed of similar dimensions to the one which is proposed to be retained.
29. However, there are no PD rights for the construction of a building of similar dimensions to the appeal dwelling, and any buildings that could be constructed could not be occupied as a dwellinghouse. As such, if I was minded to dismiss this appeal, I am satisfied that there is not a reasonable likelihood a comparable development would be implemented. Thus, I attach limited weight to any potential fallback position.
30. I acknowledge that circumstances have changed since the granting of permission reference 20/00035/FUL and that it is no longer necessary to demolish the appeal dwelling due to subsidence issues. However, this does not weigh in favour of inappropriate development in the Green Belt.

### **Green belt balance**

31. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
32. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also found harm to the openness of the Green Belt. The proposed development would also cause harm in terms of its unsuitable location. The lack of harm to the character and appearance of the area is a neutral factor.
33. The other considerations I have identified are of limited or moderate weight in favour of the proposal. Consequently, these considerations, along with all other matters identified in the evidence, do not clearly outweigh the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.

### **Other Matter**

34. The appeal site lies within the zone of influence for the Cannock Chase Special Area of Conservation (SAC). However, there is no need for me to consider the implications of the proposal upon the SAC because the scheme is unacceptable for other reasons.

### **Conclusion**

35. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

36. I therefore conclude that the appeal should be dismissed.

*Elaine Moulton*

INSPECTOR



# Appeal Decision

Site visit made on 3 October 2023

**by Elaine Moulton BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 October 2023**

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**Appeal Ref: APP/C3430/W/23/3316395**

**The Croft, School Road, Trysull, Staffordshire WV5 7HR**

- 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 R Sanders on behalf of Mr H Sanders against the decision of South Staffordshire District Council.
  - The application Ref 22/00275/FUL, dated 16 March 2022, was refused by notice dated 24 August 2022.
  - The development proposed is described as 'caretaker's cottage within the grounds of the Croft, Trysull, application made by Mr Richard Sanders on behalf of his son Mr Howard Sanders who resides at Croft Cottage, Trysull'.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - Whether the proposed development is inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - The effect of the proposed development on the openness of the Green Belt;
  - The effect of the proposed development on the character and appearance of the Trysull and Seisdon Conservation Area and the setting of The Croft, a locally listed building; 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 development.

## Reasons

### *Inappropriate development*

3. The appeal site is located within the Green Belt. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 149. One such exception, 149(e), is limited infilling in villages.
  4. Policy GB1 of the South Staffordshire Core Strategy (2012) (CS) broadly conforms to the general thrust of the Framework. Although it predates the Framework, I do not consider it to be out of date. It states that planning permission will normally be permitted within the Green Belt where the proposal is for certain purposes, including limited infilling.
-

5. The term 'limited infilling' is not defined in the Framework, it is therefore a matter of judgement for the decision maker in the context of any relevant development plan policy or guidance. In that regard, CS Policy GB1 clarifies it 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. The Green Belt and Open Countryside Supplementary Planning Document (2014) (SPD) provides further guidance on what constitutes acceptable limited infilling.
6. The site is to the rear of properties fronting onto School Road and is therefore not within a ribbon of development. Furthermore, whilst there are buildings on two sides of the appeal site, that front onto School Road and Seisdon Road, the land is open on the other two sides. Consequently, the proposed dwelling would also not be within a tight cluster of buildings. Accordingly, whilst limited in scale, the proposal is at odds with the definition of limited infilling as set out in CS Policy GB1 and the SPD. It would not, therefore, constitute 'limited infilling'.
7. For these reasons, the proposed development would be inappropriate in the Green Belt which is, by definition, harmful. It would therefore conflict with CS Policy GB1, the SPD, as well as the Framework.

#### *Openness*

8. The Framework, at paragraph 137, sets out 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. Openness has both spatial and visual aspects.
9. The proposed development would introduce a building to an area of land which is currently free from structures. It would be screened from views from School Road and Seisdon Road and limited, if any, glimpses of it would be possible from the nearby public footpath. The proposed dwelling has been reduced in scale during the application process and would be low in profile. Nonetheless, it would be viewed from the properties adjoining the site. Therefore, whilst localised in respect of the resultant harm identified, in spatial and visual terms the proposal would result in a greater impact on the openness of the Green Belt than the existing situation on site.
10. I have had regard to the *Euro Garages Ltd v SSCLG & Anor* [2018] EWHC 1753 (Admin) case that the appellant has drawn to my attention. Whilst I acknowledge that where development alters the openness of the Green Belt it does not always follow that the effects will be harmful. Nevertheless, the circumstance of the case before me is that the proposal would harmfully erode the openness of the Green Belt.
11. Furthermore, the proposed development would conflict with the Framework as it would fail to assist in safeguarding the countryside from encroachment and would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.
12. I therefore conclude that the proposed development would result in a loss of openness of the Green Belt in this locality and would conflict with CS Policy

GB1, the SPD as well as the Framework which require development to not impact on openness.

*Character and appearance*

13. As the appeal site lies within the Trysull and Seisdon Conservation Area (CA) I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area as set out at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). It is also within the grounds of the Croft, a Locally Listed Building (LLB).
14. The CA partly derives its significance from its buildings which have a diversity of architectural styles, from the minor impact that new housing has had on the historic core of the village, and from the location of the village around the Smestow Brook and within an enclosed landscaped setting.
15. The LLB is a substantial, three storey building constructed in red brick that lies within a section of School Road which is described in the Trysull and Seisdon Conservation Area Management Plan (CAMP) as an immensely important element within the Conservation Area. The significance of the LLB is derived from its architectural and historic character and the substantial contribution it makes to the overall composition of School Road. The appeal site, by forming part of the grounds, contributes to the significance of the LLB.
16. The historic ordnance survey map provided within the submitted Heritage Impact Assessment shows the LLB, and the building that is sited directly to its rear, had extensive grounds. A dwelling, at an advanced stage of construction, has been introduced into the grounds thereby affecting the context of the LLB. The proposed development, albeit of modest scale, would comprise a further intrusion into the LLB's setting, that would, together with the dwelling under construction, diminish the appreciation of the former grounds. Therefore, whilst the grounds to the LLB would still be large, the additional impact of the proposed building on the setting of the LLB would lead to a loss of significance to this non-designated heritage asset, amounting to less than substantial harm.
17. Furthermore, even though there would be limited, if any, views of the proposed dwelling from public vantage points, the backland position of the proposed dwelling would not reflect that historically buildings in Trysull and Seisdon have been sited towards the front of plots on through routes. The proposal therefore would not conform to traditional building lines and street patterns and, thus, would not accord with an identified action of the CAMP. For this reason, the proposed development would also fail to preserve or enhance the character or appearance of the CA as a whole and would lead to less than substantial harm to the significance of a designated heritage asset.
18. Paragraph 202 of the Framework states that where a development would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal. In addition, paragraph 203 says that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

19. The proposed dwelling is for occupation by a person who would care for the appellant, Mr H Sanders, who will live in Croft Cottage when work has been completed to make that property more suitable for a wheelchair user. The provision of such care would give the appellant a degree of independence. However, whilst the providing of care in the home environment is in the interests of a civilised society, the benefit would be more private, than public, in nature. As such any public benefits arising from the appeal proposal would be minimal and insufficient to outweigh the great weight given to the conservation of the heritage asset. In addition, I find that there are no clear benefits that would outweigh the harm that I have identified to the significance of the LLB.
20. For the above reasons, the proposal would harm the character and appearance of the Trysull and Seisdon Conservation Area and the setting of The Croft, a locally listed building. It would therefore be contrary to CS Policy EQ3 and EQ4 which seek to conserve, preserve and protect heritage assets and protect and enhance the character and appearance of the landscape. In addition, it would not satisfy the requirements of Section 72(1) of the Act and Section 16 of the Framework which are also concerned with heritage assets.

#### *Other Considerations*

21. The appellant has referred to the ability to extend the Croft, by an equivalent floor area to that of the proposed dwelling, without the need for planning permission. However, even if I were to consider that such an extension would be less harmful to the character and appearance of the CA and the LLB than the appeal proposal, there is nothing before me that suggests that there is a reasonable likelihood that such an extension would be constructed were I to dismiss the appeal. Consequently, this is a matter to which I attribute limited weight.
22. I consider that the design and appearance of the proposed dwelling to be appropriate in this location and that it would not have an unacceptable impact on the living conditions of neighbouring occupiers. However, the absence of harm is a neutral factor that does not weigh in favour of the proposal.
23. I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
24. I have not been provided with any medical evidence as part of the appeal. However, I have no reason to doubt that the proposal would assist the appellant to live independently. I recognise that the proposed accommodation would be on available land within easy access to the appellant's home and that the provision of care by someone living within the area is less practicable. However, there is no substantive evidence before me to demonstrate that the proposed dwelling would be the only means of meeting the appellant's care needs.
25. As such, there is little specific evidence that refusal of planning permission would result in a failure to advance equality of opportunity or otherwise conflict with the aims of PSED. Therefore, whilst I have had regard to this matter as a benefit in favour of the proposal, the weight I attach to it is limited.

### **Other Matter**

26. I have noted the concern raised by interested parties about the effect of the proposal upon trees. However, as I have found the proposal to be unacceptable for other reasons, set out above and below, it is unnecessary for me to explore this matter further.

### **Green belt balance**

27. I have concluded that the appeal scheme would be inappropriate development and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also found harm to the openness of the Green Belt, to the character and appearance of the CA and to the setting of the LLB. The Framework, at paragraph 148, states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
28. The other considerations I have identified are of limited to moderate weight in favour of the proposal. Consequently, these considerations, along with all other matters identified in the evidence, do not clearly outweigh the substantial weight to be given to the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.

### **Conclusion**

29. The development conflicts with the development plan when considered as a whole. There are no other considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
30. I hereby dismiss this appeal.

*Elaine Moulton*

INSPECTOR



# Appeal Decision

Site visit made on 18 September 2023

**by E Worley BA (Hons) Dip EP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26.10.2023**

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## **Appeal Ref: APP/C3430/W/23/3316243**

### **Springhill House, Springhill Lane, Lower Penn, Staffordshire WV4 4TJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by The Old Station Nursery against the decision of South Staffordshire District Council.
- The application Ref 22/01049/VAR, dated 10 November 2022, was refused by notice dated 30 January 2023.
- The application sought planning permission for the construction of a new building for use as a D1 nursery (part retrospective) drainage works to the rear of the nursery (retrospective) and associated works without complying with a condition attached to planning permission Ref. 19/00048/FUL, dated 21 April 2021.
- The condition in dispute is No 5 which states that: *The nursery building hereby approved shall maintain a maximum operating capacity for 105 children, unless otherwise agreed in writing by the local planning authority.*
- The reason for the condition is: *In the interests of highway safety and management of the road network.*

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## **Decision**

1. The appeal is dismissed.

## **Background and main issues**

2. Planning permission for the nursery (Ref. 19/00048/FUL) was granted on appeal (Ref. APP/C3430/W/20/3253111) and included condition 5, which restricts the number of children at the nursery to a maximum of 105. The reason for the condition in the banner heading is taken from the Inspector's decision. The appellant wishes to vary the condition to increase the maximum operating capacity of the nursery by an additional 45 children to a maximum of 150.
3. The Council consider that, given the scale of the increase, the proposed proposal does not constitute a minor material amendment, and therefore falls outside the scope of Section 73 of the Town and Country Planning Act 1990 (the Act). Although the Act does not include a statutory definition of a 'minor material amendment', the Planning Practice Guidance sets out that there is no statutory limit on the degree of change permissible to conditions under Section 73, but the change must only relate to conditions and not to the operative part of the permission.
4. The variation of the condition sought, to increase the number of children attending the nursery, would not result in a change to the description of



development, nor would it change the description of the development placed on it by a condition. Consequently, as it would not result in a substantially different development, I therefore conclude that the change proposed would constitute a minor material amendment to the approved scheme and, as such, falls within the scope of Section 73 of the Act.

5. Therefore, the main issues are:

- the effect of the proposed increase in the number of children on the living conditions of the neighbouring residents, with particular regard to noise and disturbance;
- whether the proposal would incorporate appropriate foul drainage provision to meet the needs of the proposed development; and
- highway safety, having regard to parking provision and access.

## **Reasons**

### *Noise*

6. The appeal site includes a detached children's day nursery building, enclosed play area, ancillary outbuildings, storage compound, and car park. It is located on the edge of an existing residential area, adjoining the open countryside, which contributes to its semi-rural and relatively tranquil setting. It sits immediately to the rear of the residential properties fronting Springhill Lane and is separated from the dwellings to the side in Springhill Grove and Foxhills Road by a parcel of agricultural land.
7. In granting the planning permission for the nursery the Council considered noise levels associated with the use to be acceptable. In allowing the appeal the Inspector considered a condition was necessary to restrict the operational hours of the nursery to protect neighbouring residential amenity. Whilst the condition to which the appeal relates was imposed in the interests of highway safety, the outcome of the appeal would allow the operation of the nursery with a significant increase in the number of children. Representations made by interested parties report current significant levels of noise when the children play outside and both local residents and the Council's Environmental Health Protection Officer have expressed concern regarding the effect of the proposed variation of the condition upon noise generated at the site.
8. The site lies on the edge of the settlement, where there are moderately low levels of background noise. I note the appellant's comment that the nursery is 50m from the nearest residential property, however, the increase in capacity would nevertheless result in a large nursery close to residential properties. Despite the fact the nursery's main outdoor play area separated from the surrounding dwellings by the intervening nursery building, car park and agricultural land, given the site context and its proximity to neighbouring dwellings, I find that the proposal would give rise to an increased level of noise that would be discernible to local residents. This would likely be particularly noticeable during outdoor activities. In the absence of a noise assessment, I cannot be satisfied that the degree of separation is adequate to mitigate any harm that might arise as a consequence of noise generated by the proposed increase in capacity at the nursery.



9. Whilst I note the appellant's concerns regarding the additional expense of a noise assessment, I have not been presented with any evidence that the cost of such would be prohibitive or economically unviable.
10. For the foregoing reasons, there is no clear evidence that the increase in the number of children at the nursery would not give rise to unacceptable harmful effects to the living conditions of the occupants of neighbouring residential properties from noise generated. The proposal would therefore fail to accord with Policy EQ9 of the South Staffordshire Council Core Strategy adopted December 2012 (CS) which requires development proposals to take into account the amenity of any nearby residents, with regards to factors such as noise.

#### *Foul drainage*

11. The appeal submissions indicate that foul water from the development is currently disposed of via a biomass waste-water treatment system. However, details of a foul drainage system to serve the development are yet to be formally agreed, in accordance with condition 9 of the earlier appeal decision.
12. Nevertheless, the Environment Agency has expressed concern regarding the use of a private non-mains foul drainage system due to the associated increased risk of failures which may lead to pollution of the water environment. Such arrangements are only acceptable where it is not reasonable to connect to a public sewer, in accordance with advice in the Planning Practice Guidance. Moreover, the appeal submissions suggest that there is a public sewer near the site.
13. I note the appellant's willingness to ensure there is a long-term plan for the management and maintenance of foul drainage for the nursery. However, there is no indication that connection to the nearby public sewer has been explored or that in the event this cannot be achieved, an environmental permit would be granted. Consequently, there is nothing before me to demonstrate that a suitable foul drainage system, taking account of the proposed increase in capacity at the nursery and local constraints, could be agreed through a suitable planning condition.
14. As such, the proposal would fail to incorporate appropriate foul drainage provision to meet the needs of the proposed development and to safeguard against any adverse effects on controlled waters. In that regard the proposal would fail to accord with Policy EQ7 of the CS which supports proposals where they would not have a negative impact on water quality, either directly through pollution of surface or groundwater or indirectly through overloading of Wastewater Treatment Works. It would also fail to reflect the aims of paragraph 183 of the National Planning Policy Framework with regards to safeguarding the natural environment from risk of contamination.

#### *Highway safety*

15. Vehicular and pedestrian access to the site is via a private driveway from Springhill Lane, the driveway has a dedicated footpath which connects to the existing footway along Springhill Lane. The nursery car park has 51 formal off road parking spaces, which exceeds the 49 spaces on the approved plans. Due to the proximity of the site to the surrounding residential development, it benefits from a degree of accessibility by means other than the private car,

including by foot and bicycle, as well as public transport links. At the time of my site visit, which took place during the middle of the day, there were only a small number of vehicles parked in the car park.

16. The appellant suggests there is capacity for up to 60 dedicated parking spaces at the site, however these include tandem parking spaces, which are not always practical and therefore may not consistently be available for use. Appendix 5: Parking Standards of the CS sets out the current recommended car parking standards for new developments within the district. For nursery schools the requirement is 1 space per member of teaching staff and 1 drop-off space per 10 children. Whilst there is some uncertainty regarding the precise number of staff employed at the nursery, the maximum number of staff indicated by the appellant is 43. However, there is no distinction as to whether these are full time equivalent posts, or if this includes part time staff and whether they are specifically teaching staff.
17. Nevertheless, using the figure of 43 members of staff being present at any one time as a worst-case scenario, the proposed increase in the number of children at the nursery would trigger a requirement for a total of 58 spaces, in accordance with the car parking standards in Appendix 5 of the CS. Consequently, the existing parking provision would represent an overall shortfall of 7 spaces.
18. The practical consequence of this during busy periods would be a queue of parents' cars within the car park or parents parked indiscriminately within the car park or access road for short periods. However, given the separation distance between the car park and the public highway and the width of the private driveway, if this did occur, parked cars would be unlikely to be displaced onto Springhill Lane.
19. I note the Highway Authority's concern regarding the methodology used in the appellant's car parking accumulation assessment and that this should be based on actual vehicles in the car park over the day not comings and goings to the site. However, in the absence of any evidence to the contrary, for the reasons set out above, the proposed parking provision would be unlikely to give rise to any demonstrable harm to highway safety, in particular the traffic flow on Springhill Lane.
20. There is nothing before me to demonstrate that the existing operation of the nursery causes particular problems with regards to highway safety. The appellant contends that relevant data indicates that there are no existing road safety issues identified within the immediate vicinity of the site and this is not disputed by the Highway Authority.
21. I note concerns expressed by the Highway Authority regarding the effect of additional traffic movements at the junction of the site with Springhill Lane and that this should be assessed having regard to existing traffic flows. However, the appellant's Transport Note by Evoke dated 7 November 2022 indicates a modest increase of an additional 2-3 vehicular movements every five minutes during peak times. As such, in the absence of any evidence to the contrary, I find that the proposal would not have a significant effect on the operation of the surrounding highway network. Moreover, any impact would be likely to be limited to additional traffic queuing within the site while vehicles wait to re-join Springhill Lane.

22. I acknowledge concern expressed by interested parties regarding the perceived effects of the proposal on the highway network. Nevertheless, there is no compelling evidence to demonstrate the proposed increase in capacity at the nursery and associated traffic movements would cause unacceptable harm to highway safety, having regard to parking provision and access.
23. In light of the shortfall in parking spaces, the proposal would fail to accord with Policy EV12 of the CS in so far as it requires appropriate provision to be made for off street parking in development proposals in accordance with adopted parking standards. Nonetheless, for the foregoing reasons, I have found that the proposal would not give rise to any tangible harm to highway safety.

### **Other Matters**

24. I note that the nursery is currently operating at full capacity, with families waiting for spaces, which indicates that it is a much-needed facility in the area. There is no compelling evidence to suggest otherwise. As well as providing childcare so parents and carers can work, it also offers economic benefits in terms of local employment opportunities for staff. These benefits carry significant weight. I appreciate that increasing the operating capacity would ensure the business is financially secure. However, there is no substantive evidence that the business is not viable without the additional revenue generated by the increase in capacity. As such, this carries limited weight.
25. Concerns have also been expressed by interested parties regarding light pollution, however the Council did not object to the proposal on these grounds. I have not been presented with any evidence that leads me to disagree with this view.
26. Whether or not the development has been carried out in accordance with the approved plans is a matter to be resolved between the parties outside of the appeal process.

### **Conclusion**

27. The proposal would offer social and economic benefits in terms of nursery provision and employment opportunities, it would also offer benefits in terms of the ongoing financial stability of the business. In addition, there would be no tangible harm to highway safety, which is a neutral matter in the planning balance.
28. Set against this, in the absence of any evidence to the contrary, the proposal would have an adverse effect upon the living conditions of the neighbouring residential properties through an increase in noise. It would also fail to demonstrate that adequate measures could be secured to ensure that there would be no adverse impacts arising from the arrangements for wastewater disposal. The proposal would therefore conflict with the development plan as a whole and material considerations, including the provisions of the Framework, have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it.
29. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

*E Worley* INSPECTOR



# Appeal Decision

Site visit made on 11 September 2023

**by L Hughes BA (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 October 2023**

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**Appeal Ref: APP/C3430/W/23/3316572**

**64 Croydon Drive, Penkridge, Staffordshire ST19 5DW**

- 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 Mrs Claudia Allerton against the decision of South Staffordshire District Council.
  - The application Ref 22/00948/COU, dated 7 October 2022, was refused by notice dated 20 December 2022.
  - The development proposed is to change the use of council owned land from open land to domestic garden on purchase of the land. To grow a hedge for the boundary of the land, with a sheep net fence with 2 strands of wire hidden within the hedge for security to such as keeping dogs off the garden.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The extent of the proposed change of use of land was originally approximately 170m<sup>2</sup>. Amended plans were submitted reducing this to approximately 120m<sup>2</sup> to correspond correctly with the application site red boundary. I have determined the appeal on the amended plans.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

## Reasons

4. The appeal site is a small parcel of land that lies adjacent to 64 Croydon Drive. The site is part of a far larger area of public open space, which forms a green corridor through Penkridge and which in the immediate vicinity includes a watercourse, seating and public footpaths. From my site visit I noted that the wider open space is attractive, functional and well used.
5. The appeal site is currently overgrown and is not used as recreational space. However, the supporting text of Policy HWB2 of the South Staffordshire Core Strategy 2012 makes it clear that green spaces can perform many different roles, including having an aesthetic value. The appeal site is well vegetated, and its foliage and greenery contributes aesthetically to the open, natural green character of the area.
6. The site is in a fairly prominent corner position, and is visible from Croydon Drive and to users of the footpaths that pass through the open space. Although only a small section of the larger open space, the appeal site's prominent

location and its proximity to footpaths ensures that it makes a positive contribution to the open space as a whole.

7. The proposal would see a new hedge being planted which would provide wildlife habitat and retain an element of greenery. My attention has been drawn to a hedge that has been planted at the nearby residential home, and the fact that the proposed hedge would be in keeping with the surrounding area and could enhance the green corridor. However, the hedge at the residential home is slightly at variance with the less formal open space that characterises the surrounding area. I consider that planting a hedge at the appeal site would unacceptably enclose the green space, which would be at odds with the open and natural character of the surrounding landscape.
8. The appellant has further drawn my attention to another property which enclosed open space in the vicinity. However, I am not aware of the exact circumstances or the policy background that led to this change of use being permitted nor the fence being erected, nor of the details of the surrounding landscape characteristics of the property. I have determined this appeal on its individual planning merits and under the current policy context, and the example of other developments in the locality does not lead me to find that this proposal would be acceptable.
9. On the issue of character and appearance, I therefore conclude that the proposed change of use would be contrary to Policy HWB2 of the South Staffordshire Core Strategy 2012 which states that the Council will support the protection, maintenance and enhancement of a network of open space, natural and semi natural greenspace; Policy EQ4 which states that new development should take account of the characteristics and sensitivity of the landscape and its surroundings; Policy EQ11 which highlights that development proposals should respect local character including that of the surrounding landscape; and the National Planning Policy Framework which states that development must be sympathetic to local character including the landscape setting.

### **Other Matters**

10. Whilst I sympathise with the appellant that the open space is not currently well maintained which can lead to problems with litter and overhanging branches, this is something that can be addressed outside of the planning system, and it is not a sufficient reason to outweigh my decision on the main issue.

### **Conclusion**

11. I find that the proposal would conflict with the development plan taken as a whole and there are no reasons to indicate a decision other than in accordance with the development plan.
12. For the reasons given above I conclude that the appeal should be dismissed.

*L Hughes*

INSPECTOR

# Appeal Decision

Site visit made on 11 September 2023

**by L Hughes BA (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 October 2023**

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**Appeal Ref: APP/C3430/W/23/3320370**

**11 Kelso Gardens, Perton, Staffordshire WV6 7XS**

- 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 Trevor Sayce against the decision of South Staffordshire District Council.
  - The application Ref 23/00121/FUL, dated 14 February 2023, was refused by notice dated 5 April 2023.
  - The development proposed is Erection of a Fully Accessible Bungalow in the Grounds of 11 Kelso Gardens with Associated Parking and Landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Council have confirmed that in light of comments received from Staffordshire County Council's Highways Department withdrawing their objections to the proposed development, they no longer wish to defend the third reason for refusal in the decision notice in respect of access from the public highway to the parking and turning facilities. I therefore do not address this matter in the reasoning below.
3. The main issues are:
  - a) the effect of the proposed development on the character and appearance of the area; and
  - b) whether the proposed development would provide adequate living conditions for the occupants of the host property and future occupants of the new dwelling, in respect of privacy and outlook.

## Reasons

### *Character and appearance*

4. The proposed development would be located in the garden of an existing bungalow in a cul-de-sac within the village of Perton. The cul-de-sac comprises semi-detached bungalows which are similar in size and design. The bungalows are set back from the road with open front gardens, which give an impression of greenery and openness. The general uniformity of the dwellings gives a harmonious pattern of development, and a cohesiveness which adds positively to the character and appearance of the area.
5. I noted from my site visit that the bungalows in Kelso Gardens have ample off-street parking and driveways, which provides a degree of space and separation



- between the properties. This prevailing pattern of separation between the pairs of semi-detached properties adds to the balanced form and regular rhythm of development and contributes positively to the street scene.
6. In contrast, the proposed dwelling would have less space between itself and the adjacent bungalows than is typical for the locality. This lack of space would introduce a cramped and incongruous form of development that would be out of keeping with the layout and rhythm of built form in the immediate area. The appellant has suggested that the proposed development would form a stop end to the street and contain the space rather than let it ebb away. However, the space makes an important contribution to the open feel of the cul-de-sac and the character and appearance of the area.
  7. Although the proposal would not differ from the existing properties in terms of materials used, the proposal is for a detached bungalow, which would be at odds with the existing pattern of semi-detached properties in the cul-de-sac. The existing properties are hipped to the front whereas the proposal is positioned so that the gable end is front facing. The existing bungalows follow a consistent pattern around the cul-de-sac and are similarly orientated with none having their principal elevation at the gable end. The uncharacteristic orientation of the proposed bungalow would therefore interrupt and unbalance the pattern of development of the cul-de-sac and fail to integrate well with the neighbouring bungalows. Although views of the proposed bungalow would be localised, it would be in a relatively prominent position towards the head of the cul-de-sac when viewed from the entrance to Kelso Gardens, and its orientation would be out of character with the street scene.
  8. The rear elevation of the proposal would be located close to the fence boundary with The Parkway and would be visible over the existing fence line. I saw from my site visit that this would be at odds with the prevailing pattern of development in this locality, where properties are generally set further back from the boundary, which gives an overall impression of spaciousness and greenery. Due to its positioning, the proposed development would be an incongruous feature when viewed from The Parkway and would have an adverse effect on this street scene.
  9. I acknowledge that the plot size of 11 Kelso Gardens is larger than other plots in the cul-de-sac. However, I disagree with the appellant that this results in the application site being out of character with the surrounding properties which the proposed development would address. The host dwelling and the space around it is characteristic of the locality, whilst the proposal would lead to a harmful loss of openness within the street scene.
  10. On the issue of character and appearance, I therefore conclude that the proposal would be contrary to Policy EQ11 of the South Staffordshire Core Strategy 2012 which states that proposals should respect local character including that of surrounding development, and contribute positively to the street scene; principles set out within the South Staffordshire Design Guide 2018 which highlights that development should fit in with the existing street scene; and the National Planning Policy Framework (the Framework) which seeks to ensure that development is well designed.



### *Living conditions*

11. Due to the proposal's positioning and close proximity to the host dwelling, there would be issues with privacy for both the occupants of the host dwelling and the future occupants of the proposed bungalow. Although at an angle, the proposed bungalow's front door would be close to one of the front windows of the host dwelling. Upon entering and leaving the proposed bungalow, visitors and residents of the proposal would be able to see into the host property's front window, and likewise visitors to and the residents of the host property would be able to see directly into the proposed bungalow's bedroom two which would face onto the shared driveway. Adequate living conditions would not therefore be provided in terms of privacy for both occupiers of the host property and future occupants of the new dwelling.
12. I consider that bedroom one and the lounge and kitchen area of the proposed bungalow would have a satisfactory outlook over the garden area. I also consider that the outlook from bedroom two over the shared driveway, although not so attractive, would also be acceptable. I therefore consider that the proposal would provide adequate living conditions in relation to outlook to both occupants of the host dwelling and future occupants of the proposed dwelling.
13. On the issue of whether the proposed development would provide adequate living conditions for the occupants of the host property and future occupants of the new dwelling, I find that adequate living conditions would not be provided in terms of privacy, but would be in terms of outlook. This would be contrary to Policy EQ9 of the South Staffordshire Core Strategy which seeks to protect residential amenity.

### **Other Matters**

14. The proposal would deliver a new dwelling in a sustainable location which has good access to services and facilities, and would support the Government's objective of significantly boosting the supply of homes. However, this does not outweigh or alter my conclusion on the main issues.

### **Conclusion**

15. The proposal would therefore conflict with the development plan when taken as a whole, and there are no material considerations which would indicate a decision other than in accordance with the development plan.
16. For the reasons given above the appeal should be dismissed.

*L Hughes*

INSPECTOR



# Appeal Decision

Site visit made on 19 September 2023

**by Hannah Ellison BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 October 2023**

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**Appeal Ref: APP/C3430/D/23/3321319**

**5 Sandy Lane, Brewood, Staffordshire ST19 9ET**

- 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 Warren Haynes against the decision of South Staffordshire District Council.
  - The application Ref 22/00494/FUL, dated 17 May 2022, was refused by notice dated 5 April 2023.
  - The development proposed is first floor front/side extension above existing ground floor bedroom along with rendering and cladding of the exterior and excavation of earth at front of property to create extra vehicular parking with new retaining wall, external staircase and associated landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of development above is taken from the decision notice and appeal form as this is the most accurate and succinct version provided.
3. The appeal development proposes various amendments to the host dwelling and appeal site. Of relevance to this appeal, however, are the proposed alterations to the front, lower section of the site adjacent to the existing garage.
4. At the time of my site visit, alterations had already been made to the front, lower part of the appeal site. For the avoidance of doubt, I have made my decision based on the plans submitted with this appeal.

## Main Issue

5. Whether the proposal would preserve or enhance the character or appearance of the Brewood Conservation Area.

## Reasons

6. The appeal site falls within the Brewood Conservation Area (the BCA) whose significance is partly derived from the narrow, village lanes winding away from the historic core of Brewood. The prevalent boundary type of sandstone walls and mature landscaping along with the raised, set back positioning of built form create a narrow, enclosed route along this part of Sandy Lane which contributes towards a strong rural character in this part of the BCA.
7. The proposal involves extensive excavation of earth to the front of the appeal site along with the loss of the sandstone wall which previously bound part of

the site from the highway. This, along with the already large gap in this part of the street scene due to the driveway of the appeal dwelling being connected to that of 3 Sandy Lane, results in a vast gap in the highway boundary. This jars markedly with the enclosed characteristics of the street scene and relatively continuous stretches of boundaries. The additional area of hardstanding close to the carriageway is also highly uncharacteristic in the street scene and adds further to this harmful void and expanse of openness.

8. I appreciate that the existing garage at the appeal site is already somewhat of an anomaly in the street scene given its prominent position forward of the main arrangement of built form. Nevertheless, based on the evidence before me, it seems that the former sandstone wall and the landbank sweeping up to the front of the appeal dwelling, now removed, assisted in assimilating this structure into the landscape.
9. The proposed retaining wall and the wall to the side boundary would be of a substantial height and would be visually dominant in the street scene. Along with the now more exposed garage due to the harmful erosion of the land, the overall extent of this built form would be incongruous and intrusive thus failing to preserve the characteristics of the BCA.
10. The proposed areas of planting and new green roof to the garage would be insufficient to successfully integrate this uncharacteristic void and built form and, moreover, there would be no guarantees that any planting would remain in perpetuity. Further, the introduction of stone to the side wall and the use of an earthy toned render to the garage and rear wall would not overcome these concerns.
11. It is alluded that more stone wall is proposed than was removed. Be that as it may, the proposal fails to retain the enclosed characteristics of the locality due to the siting of the proposed wall.
12. Given the scale of the proposed development, the level of harm it would cause to the BCA would be less than substantial. Nevertheless, paragraph 199 of the National Planning Policy Framework (the Framework) is clear that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
13. Paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal. I am not convinced that the proposal would result in a net gain to wildlife or landscaping. No other benefits have been put to me. Therefore, the harm I have identified would not be outweighed.
14. Taking all the above into consideration, and notwithstanding the lack of objection from the Council's Conservation Officer, the proposed development would fail to preserve the character or appearance of the BCA. It therefore conflicts with Policy EQ3 and EQ4 of the South Staffordshire Council Core Strategy (December 2012) which together seek to ensure that developments do not harm designated heritage assets and the local distinctiveness of the area.

### **Other Matters**

15. The adjacent dwelling, 7 Sandy Lane, is a grade II listed building whose significance lies in its architectural interest and former industrial use. As the

proposed side wall would follow the height of the adjacent boundary of No 7, thus revealing more of its front elevation and therefore its significance, I consider that it would not harm its setting. This, however, is a neutral matter.

16. I note that the proposal includes steps from the parking bay at the front to the dwelling above, which it is suggested would provide safer access to the dwelling in poor weather conditions than the steeply inclined driveway. However, I am not convinced that this is the only way in which stepped access could be obtained to the dwelling, given the extent of the existing driveway.

### **Conclusion**

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

*H Ellison*

INSPECTOR

