

**TO:- Planning Committee**

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

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

Date: Tuesday, 21 July 2020

Time: 18:30

Venue: Virtual meeting



D. Heywood  
Chief Executive

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**AGENDA**

**Part I – Public Session**

- |          |  |                  |
|----------|--|------------------|
| <b>1</b> | <b>Minutes</b><br>To confirm the minutes of the Planning Committee held on the 16 June 2020                          | <b>3 - 6</b>     |
| <b>2</b> | <b>Apologies</b><br>To receive any apologies for non-attendance.   |                  |
| <b>3</b> | <b>Declarations of Interest</b><br>To receive any declarations of interest.  |                  |
| <b>4</b> | <b>Determination of Planning Applications</b><br>Report of Development Manager Team Manager                          | <b>7 - 102</b>   |
| <b>5</b> | <b>Monthly Update Report and Agreement of the Planning Enforcement Policy</b><br>Report of the Lead Planning Officer | <b>103 - 128</b> |

### **RECORDING**

Please note that this meeting will be recorded.

### **PUBLIC SPEAKING**

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

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

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

### **PUBLIC ACCESS TO AGENDA AND REPORTS**

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

A paper copy is available for inspection at the Council Offices, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX.

Minutes of the meeting of the **Planning Committee** South Staffordshire Council held in the Virtual meeting [Venue Address] on Tuesday, 16 June 2020 at 18:30

**Present:-**

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

**ALSO IN ATTENDANCE**

Annette Roberts, Sue Frith, Kelly Harris, Manjit Dhillon, Catherine Gutteridge, Simon Hawes (Staffordshire County HIghways)

**67 MINUTES**

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

**68 APOLOGIES**

There no apologies for non-attendance

**69 DECLARATIONS OF INTEREST**

There were no declarations of interest

**70 DETERMINATION OF PLANNING APPLICATIONS**

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

**19/00636/FUL – 1 ESTRIDGE LANE, GREAT WYRLEY, WALSALL WS6 6EL – APPLICANT – MISS SARA JOYCE – PARISH – GREAT WYRLEY**

This was a retrospective application in respect of a boundary fence.

Councillor Kath Perry spoke against the proposal as the Local Member. Councillor Perry commented that the fence was inappropriate in the street scene and she had concerns over highway safety. The application was contrary to EQ11 and paragraph 130 of the NPPF.

Councillor Lawrence supported Councillor Perry's comments. He considered that there was a loss of amenity for the houses opposite and road safety issues. Councillor Lawrence had sent members of Committee dashcam footage of the junction, together with photographs, which were shown to Committee. He proposed that the application was refused on the

grounds of highway safety and loss of amenity, contrary to EQ9.

Councillor Janet Johnson seconded the proposed refusal.

Simon Hawe, from County Highways, agreed that visibility had been reduced by the fence. He had no speed data, but he noted the presence of speed bumps and estimated traffic would be moving at approximately 20mph, in which case the visibility was still within the parameters of Manual for Streets for forward visibility.

Councillor Ford considered a hedge would have the same effect and would not need permission.

Councillor Allen was concerned that this would set a precedent in open plan settings. Councillor Bond commented there had been similar issues in Wombourne. Councillor Cox asked if we could have an independent highways opinion.

Manjit Dhillon clarified it was each case on its own merits, the report is clear, there are no highways objections and no objections on the grounds of EQ 9.

**RESOLVED:** that the application be refused on the following grounds

1. 'The erection of fencing, by means of enclosing an area of open space within an area characterised by open space and street corners, would have an unacceptable impact upon the street scene and visual character of the area. The proposal is therefore considered not to be in accordance with Core Strategy policy EQ11 and the South Staffordshire Design Guide SPD 2018.'

2.'The proposed development would be prejudicial to highway safety because it reduces adequate visibility, contrary to Core Strategy policy EQ11 of the adopted Core Strategy

**19/00694/FUL – LAND SOUTH WEST OF SOUTH CANNOCK FARM,  
JACOBS HALL LANE, GREAT WYRLEY – APPLICANT – MR RICHARD  
DUNKLEY – PARISH – GREAT WYRLEY**

Councillor Kath Perry spoke as a member of the public, as she was not a Ward Member. She accepted there were no planning reasons for refusal, but requested an additional condition, requiring an existing building elsewhere on the site, the retention of which had recently been refused, to be demolished before the stables were erected.

Manjit Dhillon clarified that each application had to be considered on its own merits and an appeal could be lodged against the refusal of the other building.

Councillor Reade had concerns that there was no storage and no area for manure.

Kelly Harris and Manjit Dhillon both emphasised it was each case on its own merits

**20/00135/VAR – LAND ON THE SOUTH EAST SIDE OF HOBNOCK**

**ROAD, ESSINGTON – APPLICANT - BOVIS HOMES LTD – PARISH – ESSINGTON**

A statement was read out by the Corporate Director Planning and Infrastructure on behalf of the applicant supplied as part of the variation of condition application.

Councillor Fisher spoke as a local member and raised his concern that the original drainage condition had not been discharged, putting residents at risk. He requested the application was deferred to consider the breach of condition

Kelly Harris advised that if the drainage can't be resolved we will have to consider enforcement action. If work on site continues, it is at the developers own risk.

Councillor Steel suggested an amended wording to condition 5, to take account of the fact the applicant is in breach. He didn't support deferral.

Manjit Dhillon confirmed that as a Section 73 application, it would be a stand-alone permission. Any condition must meet the tests in the NPPF.

Councillor Steel proposed the amended wording which was seconded by Councillor Allen

**RESOLVED:** that approval be delegated to the Team Manager to issue a decision on completion of a satisfactory Section 106

If this has not been achieved by 15<sup>th</sup> September 2020 this application will be referred back to the Planning Committee, with condition 5 amended as follows:

5. Before the 30<sup>th</sup> June 2020 a scheme for the provision and implementation of foul drainage works shall be submitted for the approval of the Local Planning Authority and concurrently with any relevant discharge of condition application for approved application 18/00450/REM. No further occupation of any property shall be permissible from the date of the decision notice until the approved scheme has been completed.

**20/00284/FUL – HILL FARM, BOGNOP ROAD, ESSINGTON, WOLVERHAMPTON WV4 4XF – APPLICANT – MR ROWE – PARISH – HILTON**

Councillor Cope as local member had no objection to an extension to the temporary permission.

**RESOLVED:** that the application be approved as recommended subject to conditions.

**20/00341/FUL – PUMPING STATION, DIMMINGSDALE ROAD, LOWER PENN, WOLVERHAMPTON WV4 4XF – APPLICANT – SEVERN TRENT WATER LTD –**

**PARISH – LOWER PENN.**

Councillors Reade and Bond supported the application.

**RESOLVED:** that the application be approved subject to conditions as recommended.

**71 MONTHLY UPDATE REPORT**

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

The Meeting ended at: 19:55

**CHAIRMAN**

**SOUTH STAFFORDSHIRE COUNCIL**

**PLANNING COMMITTEE – 21 JULY 2020**

**DETERMINATION OF PLANNING APPLICATIONS**

**REPORT OF DEVELOPMENT MANAGEMENT TEAM MANAGER**

**PART A – SUMMARY REPORT**

**1. SUMMARY OF PROPOSALS**

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

**2. RECOMMENDATIONS**

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

**3. SUMMARY IMPACT ASSESSMENT**

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

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

**PART B – ADDITIONAL INFORMATION**

4. INFORMATION

All relevant information is contained within the Appendix.

**Advice to Applicants and the Public**

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

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

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

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

**Equality Act Duty**

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

**Human Rights Implications**

If an objection has been received to the application then the proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application aims to secure the proper planning of the area in the public interest. The potential interference with rights under Article 8 and Article 1 of the First Protocol has been considered and the recommendation is considered to strike an appropriate balance between the interests of the applicant and those of the occupants of neighbouring property and is therefore proportionate. The issues arising have been considered in detail

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

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

### **Consultations Undertaken**

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

### **CONSULTEES**

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

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

N/A

### **6. PREVIOUS MINUTES**

Details if issue has been previously considered

### **7. BACKGROUND PAPERS**

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

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

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

Report prepared by: Sue Frith, Development Management Team Manager

<b>App no</b>	<b>Applicant/Address</b>	<b>Parish and Ward Councillors</b>	<b>Recommendation</b>	<b>Page</b>
<b>19/00910/FUL Non Major</b>	<b>Mr And Mrs K Hampton Primrose Cottage Gospel Ash Road Bobbington STOURBRIDGE DY7 5EE</b>	<b>BOBBINGTON</b>  <b>Councillor Victoria Wilson</b>	<b>Approve</b>	<b>13 - 20</b>
<b>19/00993/FUL Non Major</b>	<b>SSHA The Housing Plus Group Land Off Common Lane Bednall</b>	<b>ACTON TRUSSELL, BEDNALL &amp; TEDDESLEY HAY</b>  <b>Councillor Len Bates</b>  <b>Councillor Isabel Ford</b>	<b>Approve</b>	<b>21 - 48</b>
<b>20/00008/FUL Non Major</b>	<b>Mr And Mrs Lyons Weatheroaks Lawnswood Drive Lawnswood STOURBRIDGE DY7 5QW</b>	<b>KINVER</b>  <b>Councillor Brian Robert Edwards</b>  <b>Councillor Lin N Hingley</b>  <b>Councillor Henry Williams</b>	<b>Approve</b>	<b>49 - 64</b>
<b>20/00303/FUL Non Major</b>	<b>Mr Rodger Griffiths West Beech Bell Hurst Lane Wheaton Aston STAFFORD ST19 9QS</b>	<b>LAPLEY, STRETTON &amp; WHEATON ASTON</b>  <b>Councillor Brian J W Cox</b>  <b>Councillor Venetia C Jackson</b>	<b>Approve</b>	<b>65 - 70</b>
<b>20/00312/FUL Major</b>	<b>South Staffordshire Council Wombourne Enterprise Park Bridgnorth Road Wombourne WV5 0AL</b>	<b>WOMBOURNE</b>  <b>Councillor Vince Merrick</b>  <b>Councillor Mike Davies</b>	<b>Approve</b>	<b>71 - 90</b>

<p><b>20/00339/FUL</b> <b>Non Major</b></p>	<p><b>Mr K Potts</b> <b>The Cottage</b> <b>Paradise Lane</b> <b>Slade Heath</b> <b>WOLVERHAMPTON</b> <b>WV10 7NZ</b></p>	<p><b>BREWOD &amp;</b> <b>COVEN</b></p> <p><b>Councillor</b> <b>Wendy J Sutton</b></p> <p><b>Councillor Joyce</b> <b>M Bolton</b></p> <p><b>Councillor</b> <b>Diane M</b> <b>Holmes</b></p>	<p><b>Approve</b></p>	<p><b>91 - 96</b></p>
<p><b>20/00401/FUL</b> <b>Non Major</b></p>	<p><b>Robert Spencer</b> <b>43 Princes Gardens</b> <b>Codsall</b> <b>WOLVERHAMPTON</b> <b>WV8 2DH</b></p>	<p><b>CODSALL</b></p> <p><b>Councillor John</b> <b>K Michell</b></p> <p><b>Councillor</b> <b>Robert J</b> <b>Spencer</b></p>	<p><b>Approve</b></p>	<p><b>97- 102</b></p>

**19/00910/FUL  
NON-MAJOR**

**Mr And Mrs K Hampton**

**BOBBINGTON  
Councillor Victoria Wilson**

**Primrose Cottage Gospel Ash Road Bobbington STOURBRIDGE DY7 5EE**

**Proposed detached garage**

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

### **1.1 Site Description**

1.1.1 The site relates to a rendered bungalow set back from the main Gospel Ash Road, east of the small service village Bobbington in a rural setting. The property has been extended previously.

### **1.2 Planning History**

01/00338/FUL - Extensions to include dining area, bedroom 4 and ensuite, change of use of part garage to playroom - Refused 2.05.2001 Reasons for refusal:

1. The site is within the Green Belt and the proposed development is considered to be inappropriate development as set out in policy GB1 of the adopted Core Strategy. The development is therefore harmful to the Green Belt, contrary to policy GB1 of the adopted Core Strategy.
2. The proposed development is contrary to planning policies in policy GB1 in the adopted Local Plan, in that it would result in disproportionate additions to the original dwelling and is therefore inappropriate development in the Green Belt, contrary to policies GB1 of the adopted Core Strategy.
3. No considerations have been advanced that amount to the very special circumstances needed to clearly outweigh the harm the development would cause to the Green Belt by reason of inappropriateness, as well as any other harm resulting from the development, contrary to Policy GB1 and paragraph 143 and 144 of the NPPF.

04/00306/FUL - Extensions to include additional bedroom and en-suite - Approved Subject to Conditions 26.05.2004

17/00171/FUL - First floor extension forming bedroom and en-suite - Approved Subject to conditions 21.02.2017

## **2. APPLICATION DETAILS**

### **2.1 The Proposal**

2.1.1 Planning permission is sought for a two-bay detached garage to the front of the main dwelling along the boundary with the main road.

2.1.2 The garage would be open fronted and constructed out of treated cladding and tiles to match the existing property.

## 2.2 Amendments

2.2.1 The proposal was amended on advice from the case officer. The height of the proposal was reduced by 0.5m, and a reduction of depth and width by 1.0m.

2.2.2 The proposed garage would measure 1.9m to eaves, 3.7m to maximum roof height, 5.5m in width and 5.4m in depth.

## 3. POLICY CONTEXT

The site lies within the West Midlands Green Belt.

South Staffordshire Core Strategy, adopted 2012

- o Core Policy 1: The Spatial Strategy for South Staffordshire
- o Policy GB1: Development in the Green Belt
- o Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape
- o Core Policy 3: Sustainable Development and Climate Change
- o Policy EQ9: Protecting Residential Amenity
- o Core Policy 4: Promoting High Quality Design
- o Policy EQ11: Wider Design Considerations
- o Policy EQ12: Landscaping
- o Policy EV12: Parking Provision
- o Appendix 5: Car parking standards
- o Appendix 6: Space about Dwellings

Adopted Local Guidance

- o Green Belt and Open Countryside SPD 2014
- o South Staffordshire Design Guide Supplementary Planning Document 2018
- o Sustainable Development Supplementary Planning Document 2018

National Planning Policy Framework 2019 (the 'NPPF').

- o Section 12 - Achieving well-designed places
- o Section 13 - Protecting Green Belt land

National Planning Policy Guidance, updated 2019 (the 'NPPG').

## 4. CONSULTATION RESPONSES

**Councillor Victoria Wilson:**(Expired 2.01.2020)- No comments received.

**Bobbington PC:** (Expired 2.01.2020)- No Objections received 13.01.2020

**Neighbours:** Expired 2.03.2020

**Site Notice:** Expiration 11.01.2020

No third-party responses have been received.

## **5. APPRAISAL**

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

### **5.2 Key Issues**

- Principle of development and Green Belt
- Very special circumstances
- Design and Scale & Impact on the Character of the Area
- Impact on Neighbouring Amenity
- Highways and Parking implications
- Other matters

### **5.3 Principle of development and Green Belt**

5.3.1 The site is located within the Green Belt where the construction of new buildings is considered inappropriate and thus carry a presumption of refusal. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, there are exceptions to this position as set out within Paragraphs 145 & 146 of the NPPF.

5.3.2 This is reiterated within Policy GB1 of the Core Strategy, 2012 which outlines exceptions to inappropriate development within the Green Belt which are largely consistent with the NPPF.

5.3.3 It is accepted that the proposal is situated within the curtilage of the dwelling, however it cannot be considered as an extension or alteration due to its detached nature. The detached garage would not replace any existing building nor would it fall into any of the other exceptions outlined within the Policy. Outbuildings do not fall into any defined exception within the Policy. As such the proposal is deemed inappropriate development within the Green Belt and the proposal is therefore contrary to Policy GB1 of the Core Strategy, the guidance contained within the Green Belt and Open Countryside SPD, 2014 together with the objectives of the NPPF. In order for inappropriate development to be acceptable, material considerations amounting to very special circumstances must be advanced to justify a grant of planning permission.

### **5.4 Very Special Circumstances**

5.4.1 The NPPF states that inappropriate development should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt by reason of inappropriateness together with any other identified harm, is clearly outweighed by other considerations.

5.4.2 Given the view taken with regard to the proposal being inappropriate development, 'Very Special Circumstances' would need to be put forward in support of the application to justify approval. The Council's adopted Green Belt and Open Countryside allows for the introduction of new buildings that form a tight cluster. I am comfortable that in this instance, the surrounding layout of dwellings, combined with existing outbuildings would be considered as a tight cluster. I consider therefore that this amounts to the very special circumstances needed to clearly outweigh any potential harm in line with GB1 and paragraphs 145 and 146 of the NPPF.

### **5.5 Design and Scale & Impact on the Character of the Area**

5.5.1 Policy EQ4 seeks for development to respect the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced.

5.5.2 Core Strategy Policy EQ11: Wider Design Considerations states that development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles around use, movement, form and space.

5.5.3 Outbuildings that are forward of the principle elevations are dealt with on a case by case basis. In some instances, they are considered to be unacceptable as they sit forward of a strong building line.

5.5.4 The immediate context is characterised by a tight cluster of dwelling houses set back from the main road and there is a detached outbuilding in the front garden of the opposite dwelling. It is not considered that there is a strong character along this stretch of Gospel End Road, as all the properties are of different styles and designs.

5.5.5 It is considered by way of the justification by the Applicant for the siting together with the proposed planting in between the boundary wall and the proposed garage, that the proposed garage would be softened in the landscape.

5.5.6 Overall it is considered that the combination of an informal palette of materials together with the landscaping features will mean that the proposal would not have a detrimental impact on the character of the area. As such, on balance, the proposal would comply with Policies EQ4 and EQ11 of the Core Strategy, 2012.

### **5.6 Impact on Neighbouring Amenity**

5.6.1 Policy EQ9 of the Core Strategy requires that new development should take into account the amenity of any nearby residents.

5.6.2 There would be no conflict in the location of the proposed garage on neighbouring amenity and as such the proposal would accord with Policy EQ9 of the Core Strategy, 2012.

### **5.7 Highways and Parking implications**

5.7.1 Core Strategy policy EV12 parking provision requires that adequate parking be included with schemes for new housing. Appendix 5 Parking Standards provides guidance on the recommended number of vehicle parking spaces to be provided. It is considered that there would be ample room to the front of the dwelling and within the new proposed garage to provide adequate parking for the size of the dwelling.

### **5.8 Other Matters**

5.8.1 The recommendation below includes the use of pre-commencement conditions (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. In this instance, the Applicant has been notified in writing and has responded in agreement.

## **6. CONCLUSION**

6.1 The proposal is inappropriate development, harmful to the openness of the Green Belt by definition. In order to justify such inappropriate development, the applicant must advance material considerations amounting to very special circumstances.

6.2 It is considered that the location of the property, within a tight cluster of dwellings amount to justifying the vsc's required to clearly outweigh any harm to openness of the Green Belt. There are no neighbour or highway implications and any impact on the character of the area would be limited and mitigated by the planting of a hedge and as such I am recommending the approval of planning permission subject to appropriate conditions.

## **7. RECOMMENDATION - APPROVE**

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development hereby approved shall be carried out in accordance with the amended plan reference H/1962/2019a.1 Issue 2 received by the Local Planning Authority dated 5th February 2020.

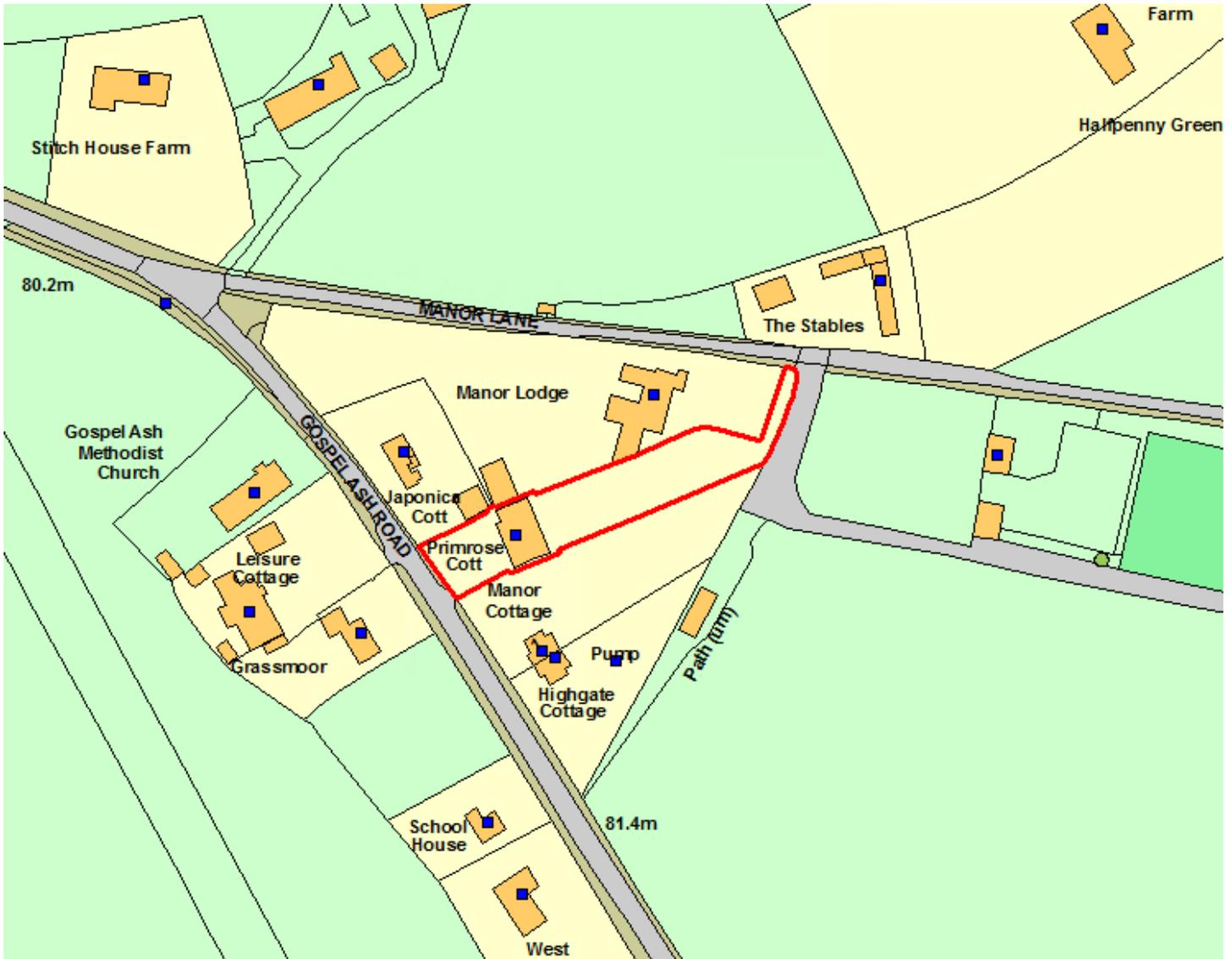
3. The development shall be constructed out of timber on a brick plinth as specified within the application form submitted and feature matching roof tiles to the main dwellinghouse unless otherwise agreed in writing by the Local Planning Authority
4. A scheme for the proposed the landscaping along the boundary wall with the proposed development, including the retention of any existing shrubs, hedgerow and planting of additional shrubs and hedgerow planting, shall be submitted to approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 6 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a shrub of equivalent number and species shall be planted as a replacement and thereafter properly maintained.
5. The landscaping details required by Condition 4 above shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. The proposed species shall include pollinators and native species.
6. The detached garage hereby approved shall be retained for use as such and shall not be adapted or converted for any other purposes.

#### Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. To safeguard the character and landscape of the area in accordance with Policies GB1 and EQ11 of the Core Strategy, 2012
5. To safeguard the character and landscape of the area in accordance with Policies GB1 and EQ11 of the Core Strategy, 2012
6. In order to define the permission and to ensure the proposal is acceptable on the merits as for what has been submitted for accordance with Policy GB1 of the Core Strategy, 2012

7. 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 and amending the proposal in order to overcome objections in accordance with paragraph 38 of the National Planning Policy Framework, 2019



19/00910/FUL - Primrose Cottage Gospel Ash Road Bobbington STOURBRIDGE DY7 5EE

**19/00993/FUL  
NON-MAJOR**

**South Staffordshire Housing  
Association/The Housing Plus  
Group**

**PENKRIDGE NORTH EAST  
& ACTON TRUSSELL  
Councillor L Bates  
Councillor I Ford**

**Land Off Common Lane, Bednall, ST17 0SB**

**Proposed rural exception site involving the construction of 8No. affordable dwellings, along with new car park, drop-off and pick-up area to serve All Saints C of E Primary School**

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

### **1.1 Site description**

1.1.1 The application site consists of an agricultural field located at the western edge, and beyond the Development Boundary, of Bednall and thereby in the Green Belt. The site faces Lower Farmhouse and various agricultural buildings beyond to the north; with open agricultural land to the west and south. To the east, the site shares a boundary with the existing last residential property on the south side of Common Lane.

1.1.2 A demised portion of the field is currently laid out for sport and recreational use in association with the nearby All Saints CE Primary School. The front of the site consists of a hedge, which varies in quality, along the highway edge. A number of significant but unprotected trees are also located the boundary with the highway. Further trees are located within the site.

1.1.3 Bednall itself is a relatively small village and appears to be essentially linear in character and layout. Bednall falls within the Council's Small Service Village category. It is served by the arterial highway that is Common Lane, which runs through the heart of the Village, which is a narrow road with sections devoid of any pavement.

1.1.4 I noted from my visit that there appears to be a predominance of larger detached dwellings within the Village. I noted also that, with the exception of All Saints Church and the adjoining Primary School, there appears to be little in the way of local services and/or facilities. No bus services run through the Village.

### **1.2 Planning History**

1.2.1 There is no previous planning history in relation to this land/site.

## 2. APPLICATION DETAILS

### 2.1 The Proposal.

2.1.1 The application consists of several strands, principal of which is the proposed erection of 8no. new build affordable houses (i.e. 100% affordable) accessed via a centrally located new vehicular access.

2.1.2 The new properties would take the form of 4 pairs of semi-detached houses positioned in a courtyard arrangement around a new turning head, with properties either facing or side-on to Common Lane. Each property would have a tandem driveway with space for 2no. cars per dwelling; and private rear gardens.

2.1.3 The proposed housing mix and tenure can be summarised as follows:

- 3 x two-bedroom houses for shared ownership (plots 3, 4 and 8)
- 1 x three-bedroom house for shared ownership (plot 7)
- 4 x three-bedroom houses for affordable or social rent (plots 1, 2, 5 and 6)

2.1.4 The proposed housing layout would encroach slightly into the existing school playing field, and an additional area of land is to be provided in lieu of the area lost. The resulting area of playing field is slightly larger than the current provision. This particular issue has been subject to consultation with, and the agreement of, Sport England who had expressed initial concerns over potential loss/reduction of the playing field.

2.1.5 A further strand to the application is the provision of a new car park located at the east end of the site which would be accessed via the existing, albeit enhanced, vehicular access from Common Lane. The car park is principally to serve the Primary School and to assist with child drop-off and pick-up, to ease the existing on-street parking at such times. The surfacing of the car park is proposed to be of a gravel and reinforced grass finish.

2.1.6 Notwithstanding its intended primary function, I am advised that it is the intention that the car park will be made available for use by the All Saints' Church in respect of weekend services, and its future management and maintenance should, in my opinion, be the subject of a suitable Management Plan. I am advised that the intention would be for the Parish Council to manage the car park going forward. However, I have no formal details or Management Plan before me which confirms this and as such, in the event that the application were to be supported, I consider that to ensure that the delivery, management and long term future retention of the car park that this should be the subject of a legal obligation between the relevant parties, embedded within the S106 Agreement which would accompany any favourable decision.

2.1.7 A new footpath linking the new houses to the village, passing to the side of the proposed car park, is also proposed, as is a new footpath from the car park entrance to the school playing field.

2.1.8 I note that the proposed site layout plans indicate a new field access at the north-west extreme of the agricultural field. However, this lies beyond the application red-line boundary and is not referenced within the application description. It forms no part of the current planning application and I therefore make no further reference to this proposed feature.

## **2.2 Agent's submission**

2.2.1 The application has been accompanied by a full suite of plans and documents, supplemented by subsequent amendments where necessary, and consists of the following specific documents in addition to the usual application forms and plans:

- Design and Access Statement
- Housing Needs Survey and Local Needs Update Report
- Strategic Drainage Layout/Preliminary Calculations
- Conceptual Levels Proposals
- Phase 1 Preliminary Ecological Assessment
- Pre-development Tree Survey
- Geo-environmental Report
- Draft S106 Agreement.

## **2.3 Pre-Application Submission**

2.3.1 The proposed development was the subject of a request for pre-application advice in September 2018 (ref: 18/00170/PREAPP), with the response from the then Case Officer being supportive subject to the submission of necessary detailed information and favourable responses from the relevant statutory consultees.

2.3.2 I understand that the proposals were also the subject of a public consultation event, which I note is referenced in a number of the third party representations I have seen, as well as the response from the consultation Parish Council. I have no further details before me relating to this consultation event/exercise.

## **3. POLICY CONTEXT**

Located within the Green Belt

National Planning Policy Framework (NPPF) taken as whole, in particular Sections 2, 5, 12, 13 and 15.

Adopted Core Strategy

Core Policy 1: The Spatial Strategy for South Staffordshire  
GB1: Development in the Green Belt

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

EQ1: Protecting, Enhancing and Expanding Natural Assets

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

Core Policy 3: Sustainable development and Climate Change

EQ5: Sustainable Resources and Energy Efficiency

EQ7: Water Quality

EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

EQ12: Landscaping

Core Policy 5: Infrastructure Delivery

EQ13: Development Contributions

Core Policy 6: Housing Delivery

H1: Achieving a Balanced Housing Market

H2: Provision of Affordable Housing

H3: Affordable Housing – Rural Exception Sites

H4: Delivering Affordable Housing

EV9: Provision and Retention of Local Community Facilities and Services

Core Policy 11: Sustainable Transport

EV12: Parking Provision

Core Policy 13: Community Safety

CS1: Designing Out Crime

Core Policy 14: Open Space, Sport and Recreation

HWB1: Protection of Open Space, Sport and Recreation Facilities

HWB2: Green Infrastructure

Core Policy 15: Children and Young People

Appendix 5: Parking Standards

Appendix 6: Space About Dwellings Standards

Supplementary Planning Documents (SPDs) and other relevant guidance

- Green Belt and Open Countryside SPD (2014)
- Design Guide SPD (2018)
- Sustainable Development SPD (2018)
- Cannock Chase SAC – Financial Contributions (2016)
- Affordable Housing and Housing Mix SPD (2014)
- Draft Affordable Housing and Housing Mix SPD (2019)

#### **4. CONSULTATION RESPONSES**

**Councillor Bates** (Ward Councillor) has advised: *“I have been very involved in this project from the pre-application stage to various meetings with both the Parish Council and the Housing Association. The results of a questionnaire to residents showed that there was a need for this type of housing. I believe that it is an excellent scheme and that it has my support.”*

**Acton Trussell Bednall with Teddesley Hay Parish Council** – Make the following comments (which I have reproduced verbatim for clarity and completeness). *The*

*Parish Council supported the initial proposals of the housing association for affordable housing in Bednall on land off Common Lane. However, the actual proposals included in this Planning Application differ significantly from that presented. The Parish Council supports the creation of affordable housing within the Parish where there is a demonstrated need. Its location is never going to be satisfactory for every resident and the Parish Council has been heavily lobbied by some of the established residents in Bednall. Our concerns about this development are:*

- 1. Drainage. The drains in Bednall generally lead down through Bednall and along Common Lane. There are continuing problems with blocked drains and these cumulate in flooding beyond BarnCroft. We are concerned that with the land being often saturated in this field, the surface water drainage from these properties will further exacerbate flooding problems. We think a detailed appraisal of this site with regard to drainage should be completed before planning approval.*
- 2. Common Lane is narrow and twisty. Highways should comment on the safety of vehicles entering and emerging from the suggested car park.*
- 3. The suggested street lighting around the car park is inappropriate for this rural location. Most usage of the car park will be during daylight hours with very little usage except on special occasions after 4pm.*
- 4. The car parking proposed during the initial discussion was to have been an area leased to the Parish Council and controlled by them with the intention of its use not only for the School but also the Church and any other permitted users of the playing field. It was intended that a high level barrier be erected to prevent unauthorised access to large vehicles and itinerant groups. There was no suggestion that it would only be used for the School. The Parish Council will like the comments included on the Plans to be amended to reflect this usage.*
- 5. There is no effective footpath from the car park along Common Lane for users who might park with the intention of attending the Church. Provision should be made for a footway to meet this need other than the pathway to the School.*

**Regeneration and Housing Strategy – No objection.** *Having raised some initial concerns regarding the mix and tenure of the proposed properties and following a series of incremental amendments, the Council's Senior Housing Strategy Officer has subsequently commented that: The relevant changes have been made to the layout as per my previous comments, in order to provide an appropriate mix of property sizes and tenures to reflect the latest housing needs information.*

*In terms of the rent levels, given the nature of the scheme, i.e. a small 100% affordable housing site, it is acknowledged that financing the development will be challenging. The applicant has provided further information on a small number of site specific additional costs, and also confirmed that a range of funding streams are having to be accessed to finance the development. This includes Homes England funding, which is currently based on charging affordable rent to tenants. Housing Plus are in discussions with Homes England to ascertain whether funding could be secured for social rent levels instead, however this would require a much higher grant level per property therefore there is currently some uncertainty over whether this will be approved. Letting properties at affordable rent levels may therefore be fundamental to securing Homes England funding and making the scheme viable for*

*the applicant. Based on all of this, affordable rent levels will be supported for the scheme, capped at Local Housing Allowance levels to safeguard affordability for residents; although the Council would encourage Housing Plus to continue engaging with Homes England to ascertain whether funding for social rent could be secured instead.*

**Severn Trent Water** – No comments received.

**Environmental Health Manager** – No comments received.

**Flood Risk Management Team** – No comments received.

**County Ecologist** – *No objection, subject to conditions. The current proposal would achieve a net gain, given the retention of trees and hedges and replacement planting with ornamental planting designed for wildlife.*

**Natural England** – *No objection.*

**Sport England** – *After initial concerns have since confirmed that there would be no objection, subject to a suitable condition relating to phasing and provision of the playing field alterations.*

**County Highways** – *No objection, subject to conditions.*

**Tree Officer** – *No objection, subject to conditions.*

**County Council School Organisation Team** – *No objection and no requirement for financial contribution.*

**Coal Authority** – *No objection.*

#### **Neighbour and Site Notice Responses –**

*A single objection letter submitted on behalf of 25 addresses within the village has been submitted, along with a further 13 letters of objection (with some duplication in terms of addresses). Taking the letter on behalf of multiple local residents first, the objections raised are summarised as follows:*

- *Need for a detailed site appraisal with regard to drainage due to concerns regarding waterlogging and flooding of the site;*
- *Development would increase the number of existing dwellings in the Village by approximately 10% and the size and scale of the development would not be compatible with Policy H3, criterion c);*
- *Lack of services, shops, facilities and public transport would not be in line with Policy H3, criterion c);*
- *Change of Use of land to proposed car park would not comply with Paragraph 146 of the NPPF;*

- *Unclear as to how the proposed car park would operate and who would be responsible for its management and maintenance;*
- *Adverse impact of proposed street lighting;*
- *Concerns regarding vehicular; pedestrian: and, cycle safety along Common Lane;*
- *Development if approved would pave the way for further development and would change the character of the Village;*

*In summarising, the letter claims that the application: “does not meet the criteria for a Rural Exception Site for either the Affordable Houses or the Car Park and must be rejected. The parish consists of three villages and the larger one should not be inflicting a major development on its smaller neighbour when it involves a major incursion on the Green belt. This should be a matter to be resolved by the residents of Bednall alone”.*

*The **further 13 objection letters** raise the following further matters in addition to what is listed above:*

- *Further express concerns regarding storm water runoff along Common Lane and the flooding of the development site;*
- *General concerns regarding increased vehicular/pedestrian conflict along Common Lane and associated adverse impact on highway safety;*
- *Light pollution and impact upon local bat population;*
- *Proposal for drainage appear hypothetical; lack detail; and, rely upon third party land;*
- *There is no need for additional housing;*
- *Unclear as to intended user(s) of the car park;*
- *Concern about what might happen to the car park and the land between the car park and the proposed development if the primary school closes;*
- *Lack of sustainable energy proposals.*

*4.4 A single **letter of support** has been received on the grounds that the development would allow those who wanted to become independent and acquire their own home to stay in the village if they so choose; along with what I consider to be a **neutral letter** which makes observations as to the merits and demerits of the proposals rather than what might be viewed as being clear objections.*

## **5. APPRAISAL**

**5.1** The application has been called to Committee by Councillor Bates, to enable objectors to speak at the meeting.

### **5.2 Key Issues**

- Principle of Development
- Impact upon the Character of the Area

- Scale, Location and Design of Development
- Mix and Tenure of Houses
- Impact upon neighbouring properties
- Highways/Access
- Other Issues
- Draft S106 Agreement

### 5.3 Principle of Development

5.3.1 As described above, the application site is located within the Green Belt. Paragraph 143 of the NPPF states that inappropriate development is, by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 145 (NPPF) goes on to list exceptions to this rule, which includes, at sub-paragraph 145 f):

*“limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)”.*

5.3.2 The Council’s adopted Core Strategy, which forms part of the Development Plan for the District, echoes the exception listed at Paragraph 145 f) of the NPPF and provides support under Policy GB1- Part A c), for:

*“affordable housing where there is a proven local need in accordance with Policy H2”.*

5.3.3 Policy H2 (Provision of Affordable Housing), amongst other things, sets out the Council’s affordable housing thresholds, depending on site location and also states that:

*“The Council will support the delivery of schemes for the provision of 100% affordable housing rural exception sites at the service and other villages and hamlets where a need has been demonstrated in accordance with Policy H3 Affordable Housing – Rural Exception Sites” (my emphasis).*

5.3.4 Policy H3 restates the Council’s support for affordable housing rural exception sites and sets out the criteria against which any such proposal will be assessed, these being:

*a) the site lies immediately adjacent to the existing village development boundary;*

*b) a housing need has been identified in the parish, or in one or more of the adjacent parishes for the type and scale of development proposed;*

*c) the proposed development is considered suitable by virtue of its size, scale in relation to an existing village and its services, and its proximity to public transport links and key infrastructure and services;*

*d) the initial and subsequent occupancy is controlled through planning conditions and legal agreements as appropriate to ensure that the accommodation remains available in perpetuity to local people in need of affordable housing;*

*e) the development is in accordance with design principles set out in the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions) or other local design documents, and respects the scale, character and local distinctiveness of its surroundings.*

Policy H3 concludes by confirming that any development proposals will be expected to be consistent with other local planning policies.

5.3.5 The application site lies immediately adjacent to the existing Bednall Development Boundary, albeit that the proposed houses will be separated from existing properties by the proposed car park and the northern corner of the playing field. The development, as amended in terms of housing mix and tenure following the comments of the Council's Senior Housing Strategy Officer, is in accordance with an up-to-date Parish Housing Needs Survey. That being the case, the requirements of criteria a) and b) of Policy H3 are met.

5.3.6 Bednall is a small village consisting of approximately 50 houses by my estimation. The provision of the proposed additional 8 no. dwellings would therefore amount to an approximate 16% increase in the size of the Village, which I do not consider to be excessive or disproportionate.

5.3.7 Whilst the Village is served by a primary school and features a church, there appear to be no other services or facilities. There is no shop and no public transport directly serving the Village. The nearest shops, services and facilities appear to be located in Penkrige, which lies some 3 miles (4.8km) to the south-west. Given the distance and lack of pavement and lighting along significant sections of the highway between Bednall and Penkrige, I accept that pedestrian access to Penkrige is highly unlikely save for the hardy. There is a bus stop at Bednall Head, approximately 1 mile (1.6km) away which, I understand, provides a bus service to Stafford and Cannock.

5.3.8 In light of the above, it seems abundantly clear to me that any future occupiers of the development would be likely to be dependent on a private car to meet most of their day-to-day needs, which allied to the absence of other services would appear to call into question compliance with criterion c) of Policy H3.

5.3.9 However, all that said, I am mindful of the observations of the Planning Inspector on the very same subject in determining the recent Appeal within the District at Shop Lane, Oaken (PINs Ref: APP/C3430/W/19/3237890) who stated:

*"... rural exception sites are by their very nature, found in places that would not normally be considered suitable as a location for housing, and where reliance on a car is likely to be necessary. Whilst some of the other settlements in the (Council's*

*“other villages and hamlet” category may at least have some services, by virtue of being in this category these would clearly not be sufficient to meet most day to day needs and so residents would still be heavily reliant on the private car.”* (my emphasis).

5.3.10 The Inspector went on to comment that:

*“whilst living in a small rural settlement (with a lack of services) may not suit everybody, the evidence of the housing need survey is that there are people who would like to ....”*.

5.3.11 The number of dwellings proposed can to my mind be satisfactorily accommodated adjacent to the existing defined settlement. Thus, and with the aforementioned Inspector’s comments on the matter very much in mind, the size and scale of the proposed development and its relationship to existing services and facilities would in my opinion be acceptable. As such, and consistent with the Appeal decision at Oaken, notwithstanding the above summarised third party objections raised, I find that the requirement of criterion c) of Policy H3 is met.

5.3.12 A draft S106 agreement was submitted to accompany the application before me and will form the basis of the final legal agreement between the parties, and I am satisfied that this is so worded as to ensure the long-term affordability of the scheme for local people, and as such criterion d) of Policy H3 is satisfied.

5.3.13 Bednall comprises a varied mix of house types and during my visit I saw little consistency or evidence of an over-riding predominance of any particular house design. The proposed development comprises of 4 pairs of traditional two storey semi-detached houses and whilst these will be smaller than the majority of other properties within the Village these do accord with the findings of the Housing Needs Survey which highlighted a need for smaller (2 and 3 bedroom) dwellings.

5.3.14 Whilst located beyond the existing Development Boundary for Bednall, the proposal would, to my mind appear, as a logical extension of the existing built form, opposite existing established development, and would not result in a significant incursion into the surrounding countryside.

5.3.15 The Council’s adopted South Staffordshire Design Guide SPD includes, at Appendix 1, a summary of Design Context on a village by village basis. I address this in greater detail elsewhere in this report when considering the design and layout of the development, but at this juncture and for the purposes of criterion e) of Policy H3, I am satisfied that the development respects the scale, character and characteristics of its surroundings.

5.3.16 In light of the above, I take the view, notwithstanding the objections received on this very matter, that the proposed development does accord with Policy H3 of the Core Strategy and as such would legitimately be a rural exception site.

5.3.17 That being the case, the development of new houses would not therefore amount to inappropriate development in the Green Belt and meets the requirements of Paragraph 145 f) of the NPPF, along with Policy GB1 of the adopted Core Strategy. Any devil, therefore, lies in the detail in terms of the scale, location and design of the development proposed.

5.3.18 Furthermore, having come to this conclusion on the principle and appropriateness of the development, as was stated by the Inspector in the above-mentioned appeal decision (PINs Ref: APP/C3430/W/19/3237890):

*“... as the effect of development on openness is not expressly stated as a determinative factor in gauging inappropriateness for proposals that fall under paragraph 145 (f) of the Framework (NPPF), there is no requirement for me to separately assess the impact of the development on the openness of the Green Belt”.*  
(my emphasis)

5.3.19 I concur with the Inspector’s comments in this regard, and no consideration and/or examination of any potential impact upon openness is therefore deemed necessary in this case.

5.3.20 That said, I am, however, still required to consider separately the issue of the proposed car park in this Green Belt location. Paragraph 146 of the NPPF identifies forms of development which are not considered to be inappropriate forms of development in the Green Belt. This includes material changes of use provided that they preserve the openness and do not conflict with the purposes of including land within the Green Belt.

5.3.21 The proposed surfacing of the car park is indicated as being in the form of reinforced grass (grasscrete or similar) and gravel rather than a conventional tarmac “black-top” finish. This allied with the enhancement of existing boundary hedges and supplemental landscape planting will assist in assimilating the car park into its surroundings, without detriment to the openness. I accept that when fully occupied by parked vehicles, the impact will be somewhat different and arguably less open, but as the vehicles would not be permanent fixtures or structures, I find that the impact would be acceptable and the car park would satisfy the requirements of both the NPPF and Policy GB1 (sub-section C) in this regard.

5.3.22 All that said, I do have a concern regarding the potential impact of lighting proposals for the car park and proposed footpaths. I noted from my visit to the site and the characteristics of the wider Village that there is little in the way of conventional street lighting, although I did note streetlights within Kenderdine Close (off School Lane). To all intents and purposes, Bednall appears to me to be a “Dark Sky” Village. The plans before me suggest new street lighting but provide no detail as to what form this might take.

5.3.23 In my opinion, the use of conventional lampposts in this location would appear rather alien and should be resisted, with my preference being for lower level bollard style lights which would be more in keeping and less stark at this gateway to

the Village. However, I am acutely aware that others, including County Highways, may have a role to play and/or intervene on such matters. I suggest, therefore, that a suitably worded planning condition be imposed in the event that the application were to be Approved requiring submission of all lighting details.

#### **5.4 Impact upon the Character of the Area**

5.4.1 I appreciate that for some the introduction of new buildings, be they houses or otherwise, in this location will be of some concern in terms of visual impact. However, I have already concluded that the development of this site is acceptable in principle and is on all fours with national and local Green Belt policy, as well as Policy H3 of the Core Strategy.

5.4.2 That being the case, I must consider whether the nature, form and appearance of the development is out of character with the area. In this regard, Policy EQ11 of the Core Strategy requires, amongst other things, development proposals to:

*“respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects”, and that: “in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.”*

5.4.3 Further guidance can be found within the adopted Design Guide SPD which includes within the Appendices, a summary of each Village, including Bednall, to assist in understanding matters of design context and to inform future development proposals. Whilst the application site lies beyond the existing settlement boundary the guidance is no less applicable given the proximity of the site to the Village.

5.4.4 It is stated that for Bednall the following matters are of particular relevance when considering design proposals, under Paragraph 2.8:

- a. *Maintain the narrow, linear character of the village* - which includes avoiding any development in depth.
- b. *Maintain the village entrances* - which calls for entry to the village to remain low key and for new development on the village edge to enhance this modest statement and ensure that properties and structures remain set back from the road frontage.
- c. *Ensure a modest scale and mass of the built stock* - which includes the use of common, high quality, materials and maintaining the vernacular domestic scale of the village.
- d. *Focus on boundary treatment and green edges* – requiring the retention and creation of soft edges and the avoidance of suburban style fencing.

- e. *Ensure visual connections with the countryside are maintained* – encouraging physical connections remain apparent and that buildings do not become divorced from their agricultural setting.
- f. *Enhance the green edges* – seeks for additional planting to supplement and strengthen the green edges of the Village.
- g. *Enhance green space networks* – by incorporating existing and new planting.
- h. *Adopt appropriate colours and textures* – by using darker earthy colours.

5.4.5 In my opinion, the proposed housing scheme fairs well when assessed against the above listed criteria, and the scheme's ability to rely upon existing mature landscape features to help integrate the development into its rural surroundings is clearly of great assistance.

5.4.6 Furthermore, in terms of the layout, the Applicants have avoided the trap of seeking to have all properties facing onto the highway which whilst it would have been of a linear form it would have resulted in the decimation of the mature front hedgerow and trees to the detriment of the development, and would have been at odds with b, d, e and f above.

5.4.7 I am satisfied that the development respects the local character and distinctiveness of the area and the surrounding landscape and takes every opportunity to enhance the positive attributes of the proposed scheme. The development, to my mind, utilises suitable materials and is of a mass and volume which is appropriate in this location. In this regard, I find that the development meets the requirements of Policies EQ11 and EQ4 of the Core Strategy.

## **5.5 Scale, Location and Design of Development**

5.5.1 As I have already identified, the layout is of a courtyard style and the relationship to the adjacent highway is understated and not at all imposing or overly dominant.

5.5.2 For those approaching Bednall from the north-west along Common Road, these new properties would be their first sight of houses on the approach to the Village. Whilst they would be somewhat off-set from the existing built development on the south side of Common Lane, due to the proposed intervening car park, I do not see this as being to such an extent as to not make the development feel part of the existing settlement. I am content, therefore, that the location and layout of the development is of a form that satisfies the requirements of Policy EQ11.

5.5.3 In general terms I find that the scale of these modest two storey dwellings, taken both individually, and as a whole, to be acceptable in this location. They are of a simple, traditional, brick and tile finish, with well-proportioned and appropriate fenestration details. Whilst not being of exceptional design, they are by no means

unattractive or displeasing. Rather, they are of a form and appearance which is familiar and comfortable. Tried and tested if you will.

5.5.4 The internal layouts ensure a good level of accommodation, with appropriate and genuinely useable rooms sizes. The position of habitable rooms and their associated windows has been carefully thought out to ensure that the relationships within and beyond the development are acceptable in terms of preserving the privacy and amenity of future and existing residents. I find that in this regard the proposed development meets and exceeds the requirements of Internal Space, as set out in the Space About Dwellings Standards (Appendix 6 of the Core Strategy). In addition, the room sizes and standard of accommodation has been subject to detailed scrutiny by the Senior Housing Strategy Officer who, following some subsequent amendments, has confirmed that they are content with the proposed development.

5.5.5 Each property features its own private rear garden, which in terms of layout are in accordance with the Council's Garden space requirements, as set out within the Space About Dwellings Standards (Appendix 6 of the Core Strategy) and ensure a suitable and useable area of private amenity space. Each property also features suitable cycle and bin storage facilities. Landscaped fore gardens and associated communal landscaping are proposed also.

5.5.6 I have considered the layout and design of development as whole in terms of Policies EQ4, EQ11 and EQ12 in particular, along with the Council's Design Guide and Section 12 of the NPPF.

5.5.7 There is no doubt in my mind that the ability of the proposed development to take advantage and maximise the retention of existing mature hedgerows, trees, and other landscape features greatly assists in the assimilation of the development into its surroundings. The proposed additional supplemental landscape planting is also to be welcomed.

5.5.8 Whilst I find the use of traditional post and rail fencing within the development to be suitable, I do have a degree of disquiet regarding other indicative boundary treatments particularly the close-boarded fences to the domestic gardens. As such, notwithstanding what is shown on the accompanying plans, I propose that a planning condition be imposed with regard to all boundary treatments within the development, as in my experience it can be that such seemingly trivial matters can make all the difference to the final appearance of a development and require further detail and scrutiny.

## **5.6 Mix and Tenure of Houses**

5.6.1 I have summarised the mix and tenure of houses earlier in this report, but I repeat them here for clarity. The development consists of:

- 3 x two bedroom houses for shared ownership

- 1 x three bedroom house for shared ownership
- 4 x three bedroom houses for affordable or social rent

5.6.2 The Council's preference, as is the Applicant's, would be for the rented properties to be provided as social rent as this would be the most affordable for residents. However, it is the case that the Applicants are seeking to secure necessary funding for social rent from Homes England, which is time consuming and has no guarantee of support.

5.6.3 That being the case, despite the aforementioned preference the current position is that those proposed rental properties will be provided as affordable rent, and in this regard the Council's Housing Strategy Officer has confirmed that they are happy that sufficient justification has been provided.

5.6.4 However, I am advised that the Applicants will continue their discussions with Homes England to try to secure funding for social rent if at all possible, but it does seem unlikely that in the current climate in particular that discussions will be concluded in the very near future.

5.6.5 Working on that assumption, it is suggested that some flexibility may be necessary within S106 Agreement to allow for the rented homes to be provided as either affordable or social rent, which would allow social rent to be provided should funding assistance from Homes England be secured.

5.6.6 The application accords fully with the requirements of both the Affordable Housing and Housing Mix SPD (2014) and the emerging replacement Draft Affordable Housing and Housing Mix SPD (2019) in terms of Rural Exception Sites. The development also accurately reflects the District wide, as well as local, need for smaller two- and three-bedroom homes, and I therefore find that the development is in accordance with Core Strategy Policies H2, H3 and H4.

## **5.7 Impact upon neighbouring properties**

5.7.1 The layout of houses is such that they essentially face inwards with the end pairs of properties (Plots 1 and 2; and 7 and 8) presenting their side elevations to the public highway, albeit at a distance of 12m and partly screened by the existing tree and hedgerow. Plots 3 to 6 face out towards Common Lane, via the new access road opening, at a distance of some 26m.

5.7.2 Directly opposite the housing element of the development, on the north side of Common Lane lies Lower Farm, made up of the farmhouse itself and an assortment of sizeable agricultural buildings beyond. In terms of the separation distances between the proposed new dwellings and Lower Farm, I find that these accord with the Council's Standards.

5.7.3 The next nearest residential properties are the pairs of semi-detached houses nos. 1 to 6 Common Lane, which face towards the car park and associated access. I can understand some of the concerns being expressed by some local residents with regard to the proximity of the access, but the fact remains that this is, an admittedly seldom used but, established vehicular access. Whilst I accept that the proposed enhancement of the access and the associated car park will see increased levels of vehicular movements, particularly at school drop-off and collection times given its primary intended function, I find no direct conflict with the users of the highway and the ability of those residents opposite to access and egress to and from their properties.

5.7.4 In any event, it appears to me that the proposed arrangement is more preferable in many ways to what I imagine currently occurs at drop-off/pick-up times, where I expect that, like many primary school locations up and down the UK, indiscriminate parking along the highway and blocking of the footway occurs, which brings with it concerns regarding highway and pedestrian safety, and no doubt some frustration for local residents

5.7.5 Having considered the matters of relevance in terms of relationships to existing development, principally houses, I find no conflict with Policy EQ9.

## **5.8 Highways/Access**

5.8.1 Concerns regarding highway safety and visibility along Common Lane, as well as the absence of a pedestrian footway, have all been cited by third party objectors to the development. At the time of my site visit, I noted the narrowness of the Lane in part and the associated need for vehicles to pull-in to allow others to pass in the opposite direction.

5.8.2 There is no current public footway or refuge alongside the highway between eastern extreme of the site (at the proposed car park entrance) and the proposed houses themselves. However, the development as proposed indicates an extension of the existing footway to sweep around the new car park entrance and allow pedestrian access via new footpath to the redefined School playing field. This to my mind is a positive contribution in terms of pedestrian, and in particular child, safety.

5.8.3 Provision is also made for a new footpath within the site, thereby retaining the boundary hedge and tress and keeping pedestrian users divorced from the public highway. This footpath would link the houses themselves to the car park and beyond into the heart of the Village, including the Primary School.

5.8.4 I view these proposals as a creative response to the need to protect pedestrians along Common Lane, and a positive means of ensuring the protection, retention and enhancement of the existing tree and hedgerow along the back of the existing public highway.

5.8.5 On the matter of vehicular access to both the proposed car park and the housing development itself, the plans as submitted indicate the provision of the

required visibility splays in both directions, which can be secured and protected by suitably worded planning conditions.

5.8.6 Parking provision to serve the proposed houses is at a ratio of 2 no. off-street parking spaces per dwelling, which accords with the Council's adopted Parking Standards.

5.8.7 The use of grasscrete or similar along with gravel in terms of the surfacing of the car park is a welcome feature of the development and avoids the use of the more traditional, but often stark, black-top tarmac finish.

5.8.8 As confirmed elsewhere in this report, County Highways have raised no objection to the application, subject to the imposition of suitable planning conditions relating to the accesses and visibility splays, as well as requirements during the construction phase of the development.

5.8.9 I find, therefore, that the application accords with Policy EV12 and the relevant paragraphs within Section 12 of the NPPF.

## **5.9 Other Issues**

5.9.1 I note that a number of third-party objections make reference to concerns regarding existing on-site drainage and suggest that the land in question has a history of holding water. I have no detailed evidence before me regarding such matters and no comments or objections have been forthcoming from the relevant consultees on such matters.

5.9.2 Concerns have also been expressed about existing and future hard surface water run-off from Common Lane, especially during heavy rainfall. I have not been provided with any evidence in this regard, but I can confirm that at the time of my site visit I did notice that the land was holding some standing water on the site and at the highway edges. My visit was undertaken following a period of prolonged heavy rainfall earlier this year (2020) so perhaps the presence of standing water, given those circumstances, was not a real surprise as many fields on my approach to the site appeared to be partially waterlogged also.

5.9.3 It is the case, however, that despite this and the concerns expressed by third parties the site falls within Flood Zone 1 as defined by the Environment Agency. It is considered to be at low risk of fluvial and pluvial flooding.

5.9.4 It is worth noting that it is not at all uncommon when considering planning applications for planning conditions to be imposed requiring the submission of detailed drainage provision. In this case an initial drainage strategy has been submitted but this does not form the final and definitive drainage proposal to serve the site, as further site survey investigation and porosity testing will be necessary, which will help inform the final drainage design (both foul and surface/rain water) to serve the application site. Such an approach is by no means unusual in planning terms.

5.9.5 Furthermore, it is the case that the submitted drainage strategy plan (dwg no. B18357-210 P1) clearly states that it is a: *“Preliminary scheme only for comment and review. Scheme will be subject to full review and amendment as further information becomes available ..... the scheme may require a re-design.”* (my emphasis).

5.9.6 I am satisfied that the imposition of suitable conditions is appropriate and will allow the Council, in further consultation with the key consultees, to ensure that an appropriate and fully functioning drainage scheme (for both foul and surface water) is provided, which whilst serving the site will also protect the wider public interests.

5.9.7 In terms of landscaping, as I have previously highlighted, the proposed development relies upon and utilises the established mature landscape features, particularly the existing hedge and trees species which are evident along the highway frontage of the site.

5.9.8 Whilst some sections of the hedgerow will be lost, to facilitate the vehicular access to the houses and the associated visibility splays in particular, the layout has been carefully designed so as to keep such losses to an absolute minimum.

5.9.9 To compensate for this loss, additional supplemental planting is proposed throughout the development and the full specification of both soft and hard landscaping will be subject to further consideration via a suitably worded planning condition. The submitted Landscape Mitigation Strategy provides the basis for a fully detailed and specified hard and soft landscape scheme, which will be secured and controlled via suitable planning conditions.

5.9.10 From an ecological perspective, the County Ecologist has commented that the proposed development would achieve a net gain in terms of biodiversity thanks in no small part to the retention of the hedgerow and mature trees.

5.9.11 Concerns have been expressed regarding the potential impact of inappropriate lighting. I have previously commented upon the nature of any future lighting, which again can be controlled by condition. In terms of ecological impact in terms of protected bats, the proposed development has been assessed by the County Ecologist who has confirmed that there are no objections, subject to a suitably worded planning condition relating to the nature of lighting to reduce impact upon these protected species.

5.9.12 On the matter of sustainability and energy efficiency, the Design and Access Statement stresses a “fabric first” approach to thermal efficiency. The Statement also highlights energy efficiency measures to reduce energy use and associated utility bills for future occupiers.

5.9.13 Typically, this would include low energy lighting; efficient condensing boilers; and the maximising of natural light and solar heat. That being the case, Policy EQ5 of the Core Strategy has been recognised, with suitable levels of compliance subject to Part L of the Building Regulations.

5.9.14 Having considered those matters I have referred to as “Other Issues”, I find that the development would accord with Policies EQ1, EQ4, EQ5, EQ7 and EQ12 of the Core Strategy.

### **5.10 Draft S106 Agreement**

5.10.1 The application has been accompanied by a draft S106 Agreement which serves two purposes:

- It confirms and fixes the mix and tenure of the proposed Affordable Housing and includes a mechanism for ensuring that the initial and subsequent occupancy of the new homes is controlled to ensure that the accommodation remains available in perpetuity to local people in need of affordable housing;
- A delivery, management, maintenance and future retention agreement for the proposed car park, which will include not only the District Council and Applicants as signatories, but also the Landowner and the Parish Council.

5.10.2 A further separate Unilateral Undertaking will be necessary to secure a financial contribution in line with the Cannock Chase SAC at a tariff of £232 per house (i.e. £1,856, plus an administration fee), as the site falls within the 8km radius of Cannock Chase.

5.10.3 In light of the above, the draft S106 Agreement fully accords with the relevant Policy requirements, and in particular Policies H2, H3 and H4 of the adopted Core Policy, and the Cannock Chase SAC Financial Contributions guidance document.

## **6. CONCLUSIONS**

6.1 The development as proposed, in this Green Belt location, has been found to be acceptable in principle and is not inappropriate when assessed against the relevant national and local Green Belt policies. Furthermore, for the reasons set out above, I find no adverse visual impact on the openness of the Green Belt. I conclude that the application is in accordance with Policy GB1 of the Core Strategy and Paragraphs 143 to 146 of the NPPF.

6.2 The development of 8 no. affordable houses in this location, in close proximity to the existing Bednall Village settlement boundary, has been assessed against the relevant housing policies of the Council. The need, mix and tenure are accepted as being appropriate and supportable in this location. I therefore find the application to be in accordance with Policies H1, H2, H3 and H4 of the Core Strategy.

6.3 The design, siting and layout of the development is considered to be acceptable in this location and I am satisfied that the application meets the requirements of Policies EQ4, EQ11 and EQ12 of the adopted Core Strategy and the Design Guide SPD.

6.4 I have considered the objections raised by third parties in respect of the development. Having established that the principle to be acceptable for the reasons

set out within the main body of the report, I have considered also the various matters of technical detail all of which I consider to have been satisfactorily addressed within the submission and/or capable of being subject to suitable planning conditions.

6.5 Having fully considered the development against national and local planning policy and all other material planning considerations I have concluded that the application should be supported for the reasons I have set out above, subject to planning conditions and the necessary S106 Agreement.

**7. RECOMMENDATION - Delegate APPROVAL** to the Team Manager to issue the decision on completion of a satisfactory Section 106 agreement and Unilateral Undertaking. If this has not been achieved by 20<sup>th</sup> September 2020 this application will be referred back to the Planning Committee;

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in complete accordance with the approved plans and details contained in the application:
  - Proposed Site Layout 1:250 Overall Scheme  
(dwg. 1822-102 P5)
  - Proposed Site Layout 1:200 Residential Development  
(dwg. 1822-103 P4)
  - Proposed Site Layout 1:200 School Parking  
(dwg. 1822-104 P3)
  - Planning Application Red Line Plan  
(dwg. 1822-105 P1)
  - Street Scene  
(dwg. 1822-106 P3)
  - 2B4P House Type A Floor Plans Plots 3 & 4  
(dwg. 1822-110 C)
  - 2B4P House Type A Elevations Plots 3 & 4  
(dwg. 1822-111 C)
  - 2B4P House Type A 3D View Plots 3 & 4  
(dwg. 1822-112 C)
  - 3B5P House Type B Floor Plans Plots 1 & 2, 5 & 6  
(dwg. 1822-114 B)

- 3B5P House Type B Elevations Plots 1 & 2, 5 & 6  
(dwg. 1822-115 B)
  - 3B5P House Type B 3D View Plots 1 & 2, 5 & 6  
(dwg. 1822-116 B)
  - 2B4P House Type A & 3B5P House Type C Floor Plans Plots 7 & 8 (dwg. 1822-117 B)
  - 2B4P House Type A & 3B5P House Type C Elevations Plots 7 & 8 (dwg. 1822-118 B)
  - 2B4P House Type A & 3B5P House Type C 3D View Plots 7 & 8 (dwg. 1822-119 B)
  - 2B4P House Type A & 3B5P House Type C 3D View 2 Plots 7 & 8 (dwg. 1822-120 B)
  - Landscape Mitigation Strategy  
(dwg. 19-146-01 A)
  - Drainage Strategy  
(dwg. B18357-210P1)
3. Notwithstanding the details shown on the Drainage Strategy Plan (dwg no. B18357-210P1), before any development takes place a scheme for the provision and implementation of foul drainage works shall be submitted for the approval of the Local Planning Authority. The development shall not be occupied/brought into use until the approved scheme has been completed.
  4. Notwithstanding the details shown on the Drainage Strategy Plan (dwg no. B18357-210P1), before any development takes place, a detailed surface water drainage works design shall be submitted and approved in writing by Local Planning Authority. The design shall be in accordance with the overall strategy and key design parameters set out in the Preliminary Drainage Strategy (Patrick Parsons dwg no: B18357-210P1), albeit that some redesign may be necessary. The development shall not be occupied/brought into use until the approved scheme has been completed in accordance with detailed design and thereafter it shall be maintained in accordance with the timing arrangements embodied within the scheme.
  5. Before development commences details of the finished floor levels of the buildings shall be submitted to the Local Planning Authority for approval. The finished floor levels will be informed by the requirements of the detailed foul and surface water drainage systems, in line with conditions 3 and 4, above. The development shall be carried out to the approved levels.

6. No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
7. Prior to the first use of the car park hereby approved, a future management and maintenance plan for the car park shall be submitted to and approved in writing by the local planning authority. The plan shall include, as a minimum, details as to who will be responsible for managing and maintaining the car park; keyholder responsibilities; and, contact details. Thereafter the plan shall be viewed and updated, as necessary, annually for the life of the development.
8. No works above damp-proof level shall take place until full details and specifications of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority, in accordance with the Landscape Mitigation Strategy (dwg no. 19-146-01A) and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; proposed and existing functional services above and below ground (e.g. drainage and sewers, power and communication cables, pipelines etc. indicating lines, manholes supports etc.); retained historic landscaping features and proposals for restoration, where relevant.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation program]. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

9. In this condition 'retained tree' means an existing tree, which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.
  - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work.
  - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and

species, and shall be planted at such time, as may be specified in writing by the local planning authority.

- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
10. Where the approved plans and particulars indicated that specialized construction work is to take place within the Root Protected Area (RPA) of any retained trees, hedgerows or shrubs, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out shall be submitted and agreed in writing by the local planning authority. The AMS shall include details on when and how the works will be take place and be managed and how the trees etc. will be adequately protected during such a process.
11. Notwithstanding the information shown on the plans hereby approved, before the development is first occupied details of all boundary treatment around and within the site shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained in the approved form and position throughout the life of the development.
12. Further to condition 11, above, boundary fence details for all domestic gardens shall include gaps of a minimum 130mm square at the base to allow for wildlife to pass unhindered.
13. Removal of vegetation shall be undertaken outside of bird nesting season (1st March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation shall not be removed until the fledglings have left the nest.
14. No works above damp-proof level shall take place until details of type and location of biodiversity enhancement measures, including at least 5 no bird boxes (to be installed on north or east faces of new buildings) and 3 no. bat roosting devices (to be installed on mature trees), have been submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

15. Notwithstanding the plans hereby approved, no dwelling hereby permitted shall be occupied nor the car park as approved brought into use until a scheme for the lighting of the site and associated footpaths has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and retained as such thereafter. Such a lighting scheme shall be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK” and shall include lighting contour plans that demonstrates there will be minimal impact on receptor habitats such as trees and hedges. Additional lighting or alterations to the approved scheme shall not be carried out other than with the express written approval of the Local Planning Authority.
16. All site works including vegetation clearance to comply with measures detailed on page 31 of the Preliminary Ecological Appraisal (S Bodnar, October 2018)
17. The residential development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.
18. The car park development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.
19. The residential development hereby permitted shall not be brought into use until the access road, parking, servicing and turning areas have been provided in accordance with the approved plans.
20. The car park development hereby permitted shall not be brought into use until the access road, parking and turning areas have been provided in accordance with the approved plans.
21. The development hereby permitted shall not be brought into use until the visibility splays shown on drawing No. 1822-102 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.
22. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of:
  - Routing of Construction vehicles.
  - Wheel washing facilities.
  - Measures to remove any mud or other deleterious material deposited on the highway.
  - Constructors compound and car parking facilities for staff and visitors.
  - Timetable for implementation.

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

#### Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and for the avoidance of any doubt.
3. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution, in accordance with policy EQ7 of the adopted Core Strategy.
4. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution, in accordance with policy EQ7 of the adopted Core Strategy.
5. To ensure that the development is carried out in a satisfactory manner.
6. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
7. To ensure that the development is carried out in a satisfactory manner and to ensure that there is a robust and satisfactory means of managing and controlling the use of the car park and to prevent any abuse and/or unauthorised occupation for the life of the development.
8. In the interests of amenity and to ensure a satisfactory form of development in accordance with policies EQ11 and EQ12 of the adopted Core Strategy.
9. To safeguard and protect the retained natural features that contribute to the amenity of the local area and that are important to the appearance of the development, in accordance with Policy EQ12 of the adopted Core Strategy.
10. To safeguard and protect the retained natural features that contribute to the amenity of the local area and that are important to the appearance of the development, in accordance with Policy EQ12 of the adopted Core Strategy.
11. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
12. In the interest of biodiversity and to provide unrestricted access for wildlife in accordance with Policy EQ1 of the adopted Core Strategy.

13. In the interest of biodiversity and to protect birdlife from disturbance during the nesting season in accordance with Policy EQ1 of the adopted Core Strategy.
14. In the interest of biodiversity and to provide appropriate enhancements to mitigate for some potential loss of habitat and/or roosts in accordance with Policy EQ1 of the adopted Core Strategy.
15. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
16. In the interest of biodiversity in accordance with Policy EQ1 of the adopted Core Strategy.
17. In the interest of highway safety.
18. In the interest of highway safety and to comply with Staffordshire County Council requirements for a vehicular access crossing.
19. In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.
20. In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.
21. In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.
22. In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.

#### Informatives

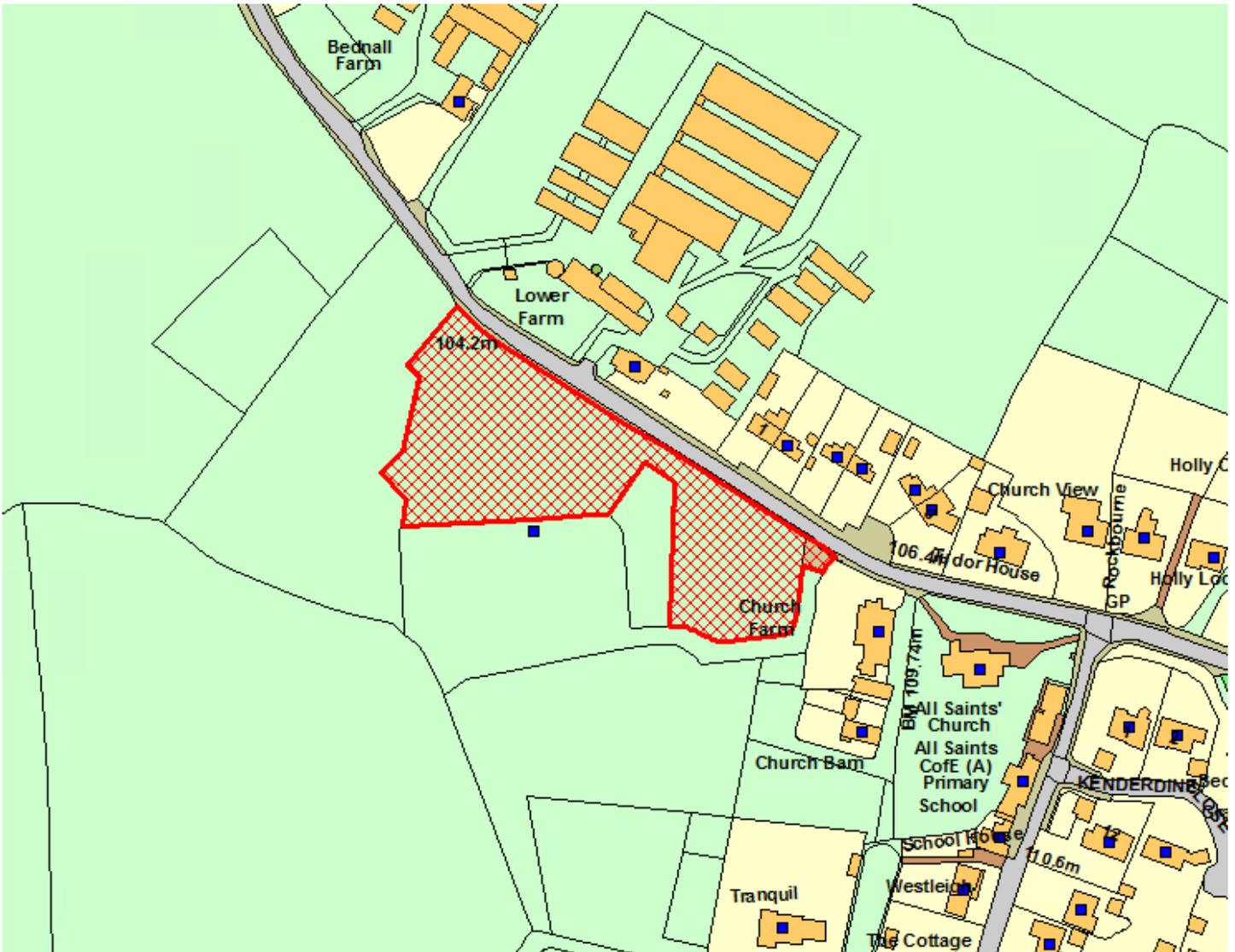
- i. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980 for the residential development. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.
- ii. The new access for the car park shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated on the application Form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

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

- iii. This Form X is issued on the understanding that the proposed new car park for the school will not be adopted or maintained by Staffordshire County Council.
- iv. The applicant should be aware that if the start of site works is delayed beyond end 2020 updated surveys for bats and badgers will be required because the submitted ecology report will be out of date.

Positive and Proactive Statement

No problems have arisen in dealing with this application. The application sought an acceptable form of development which has been found to be consistent with the requirements of relevant planning policies and material considerations. However, amendments were required and requested, and in such ways the Local Planning Authority has worked in a positive and proactive way in accordance with Paragraph 38 of the National Planning Policy Framework.



19/00993/FUL - Land Off Common Lane Bednall

**20/00008/FUL  
NON-MAJOR**

**Mr And Mrs Lyons**

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

**Weatheroaks Lawnswood Drive Lawnswood STOURBRIDGE DY7 5QW**

**New detached dwelling and garage extension to existing dwelling**

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

### **1.1 Site description**

1.1.1 The site is the side garden of a large property lying on the east side of Lawnswood Drive. The dwelling is two storey with a forward-facing gable with mock Tudor finishing. There is currently a large flat roof ground floor extension to the southern elevation of the property along with a timber garage to the front southwestern corner. The dwelling sits on a large plot with a number of mature trees some of which are protected. There is a maintained row of fir hedge along the side and rear boundaries of the garden.

1.1.2 Lawnswood Drive is made up of varied styles and size of dwelling although most are large executive detached properties. There have been numerous plot divisions to accommodate new dwellings, with Hazelgrove directly to the rear of the application site. The road is unadopted and is practically single file in places.

### **1.2 Relevant Planning History**

1975 Single storey pitched roof extension to lounge, approved (75/00728)

1986 Dwelling, refused (86/00796) (dwelling to the rear)

2015 Front porch, first-floor extension over garage and single-storey rear extension, approved (15/00676)

2015 Front porch, first-floor extension over garage and single-storey rear extension, application returned (15/01129)

### **1.3 Pre-application Discussions**

Discussions have taken place.

### **1.4 Agents submission**

- Design and access
- Tree report
- Protected species report

## **2. APPLICATION DETAILS**

## **2.1 Proposal**

2.1.1 The application proposes the demolition of the large side flat roof extension and the erection of a detached dwelling. The scheme also proposes a side extension to the host dwelling to accommodate a garage and alterations to the existing garage to the front of the property.

2.1.2. The scheme, as amended, is two and a half storey with bedrooms in the loft area with dormer windows to the front and rear roof slopes. The proposal measures around 8.2m in height to the ridge, 10.5m wide and 10.7 at its deepest.

2.1.3 The plot will be sub divided to accommodate the dwelling, and the scheme has been moved away from the boundary with the host dwelling. The host plot will have a rear garden of around 535 sqm and the new dwelling will have a garden area of around 370 sqm both dwellings have a garden depth of around 25m.

2.1.4 The existing garage to the front will be remodelled and extended with a lightweight timber frame to accommodate the presence of the trees.

2.1.5 The host dwelling will be extended to the north side elevation to accommodate a pitched roof garage designed in the same style as the dwelling. The pitch of the roof is 5.2m with mock Tudor cladding and a link from the garage to the main dwelling.

## **3. POLICY CONTEXT**

Within the Development Boundary

Adopted Core Strategy (December 2012)

Core Policy 1 The Spatial Strategy for South Staffordshire

Core Policy 4: Promoting High Quality Design

Policy H1: Achieving a Balanced Housing Market

Policy H2: Provision of Affordable Housing

Policy H4: Delivering Affordable Housing

EQ4 Protecting and enhancing the character and appearance of the Landscape

Policy EQ9 Protecting Residential Amenity

Policy EQ11 Wider Design Considerations

Appendix 5 Car parking standards

Appendix 7 Space about Dwellings

National Planning Policy Framework (2019)

5. Delivering a sufficient supply of homes

11. Making effective use of land

12. Achieving well-designed places

Supplementary Planning Documents

South Staffordshire Design Guide 2018

Sustainable Development SPD 2018

#### 4. CONSULTATION RESPONSES

**Councillors:** *Discussions have been had with Members throughout the course of the application and Councillor Hingley was present at the site visit. Councillor Edwards has called the application to Committee.*

**Kinver Parish Council** (received 15/06/2020) *Previous Recommend Refusal on the grounds that:*

*The development would be damaging to the street scene.*

*There could be possible damage to the surrounding trees*

*Its contrary to Greenbelt policies - EQ4 - Protecting and enhancing the area, EQ9 - Protecting Residential Amenity, EQ11 Wider design considerations.*

*The scale, design and mass, it is detrimental to the surroundings.*

*There is no landscaping to the whole front of the building and this is contrary to policy EQ1.*

*The following comments were made and noted:-*

*In view of STW comments and all the neighbours complaining that the planned garage on the left hand side of the original house is going to be built over the main sewer which feeds not only Lawnswood Drive, but Hunters Rise as well, this should surely be Rejected because of the implications.*

*- The three trees in the garage area all have TPO's on them and should not be touched. T2 (T13), T3 (T16) and T4 (T14).*

*- The new garage and carport still we feel would damage the roots of all three trees. From photos taken it is clear that the so called existing garage (a wooden shed) would need new foundations. The thin concrete layer would not support a brick and tiled garage. If they only built on the existing foundations the inside part, due to the brickwork, would be even smaller which in turn would be unable to house a modern car.*

*The carport is built around T2. How will they accommodate the ever growing girth of the tree?*

*- The garage is right on the roadside, thus making it very difficult for people pulling off the neighbours drive at 'Chadwick' as it blocks the view up the road to see oncoming traffic. The leg of the new carport would block the only view they have looking up the road, before getting to the junction.*

*- The design and access statement has some inaccuracies. 4.1.1 talks about tree T5 and the impact of the garage on its root system. T5 is the opposite side of the neighbours drive. T2 is the tree that will be majorly impacted. This tree is not mentioned in the 'foundations' paragraph.*

- *Windows to the side of the proposed property.*

*There are windows on the first floor and 1 window on the second floor all overlooking the neighbours land. His grandchildren often play in that area and they are worried about them being so overlooked. In the planning regs side windows should had obscure glass and non-opening windows. This should be the case here.*

- *The design and access statement is to the most part null and void as it refers to the previous design.*

*With these additional comments plus are previous comments we still propose to reject the application.*

**Arboricultural Officer** (received 16/06/2020) *The design and layout of the site has been amended and these comments are based on the following plans/details submitted on 28 April (I note that the amended plans retain the same drawing numbers as the original submissions and also do not bear dates or reference to an amendment):*

*Site Plan: ZZ-SI-A-9002*

*New Garage-New Plot: ZZ-GA-A-0007*

*Arboricultural Impact Assessment: EA-2019-112(AIA) RevA*

*The Arboricultural Impact Assessment (AIA) was prepared relevant to the original planning application submission and whilst it is referred to as a revision it is not clear what the revision refers to. The details/comments in the AIA, the tree constraints plan (TCP) and tree protection plan (Rev A) attached to the AIA all appear to be based on the original planning submission with no revision relevant to the amended plans that have been submitted. The tree constraints and protection plans will remain the same for the site irrespective of the layout and scale of development.*

*Firstly with regards to shading of the garden/property, my initial concerns regarding this proposal were the potential effect of shading from existing trees the site and from the off-site woodland to the south (the latter not being included in the AIA/TCP).*

*BS5837 recommendations/guidance for plotting shadow patterns is somewhat basic but is nonetheless what the arboricultural industry use in the main in AIAs. Where I have concerns I sometimes use the shadow calculator in the link below which provides greater detail/accuracy for all dates and times of the year.*

*<https://www.suncalc.org/#/54.573,-1.163,12/2016.03.04/14:55/1/0>*

*Attached is a copy of original site plan (and assuming the scale at A3 size is correct and using the above calculator) on which I have plotted lines that indicate the anticipated extent of the 'wall' of shadow created from the adjacent woodland that would be cast over the plot at about 12 noon on the first day of each of the 6 months from May-October and based on tree height of 18 metres. There is an assumption by me that the trees are most likely to be in full leaf during that period. At the end of each line I have indicated the month and length of (noon) shadow which has been*

*measured on the plan from the southern edge of the private drive adjacent to the plot. The noon shadow lengths across the garden/property decrease weekly from 1 May until the end of June after which time they increase weekly to the end of October. The shadow lengths for Jan-April and Nov-Dec are not plotted on the plan (shadow lengths for those months are given below the north point) as it is assumed that the trees will not be in leaf and that sunlight will filter through the woodland.*

*From the information above it appears that at noon from May to the end of June the property (the shadow lengths will of course apply the same to the amended site layout) and garden will be shaded between 50% and 75% of the total area and from July onwards increasing from 50% to 100% of the total area. During all of those periods shadow lengths will vary both up and down depending on the time of day and will have a resultant effect on those percentages. For example whilst the shadow length at 17.00hrs on 1 September is 40 metres the shadow extends into the site by about 14 metres because of the sun's height and angle relative to it. It appears that there may be times when the property and garden of the proposed plot will be in total shade, however it also seems to be the case that there is likely to be an equivalent amount of time when at least half of the property and garden receive direct sunlight.*

*I do not consider therefore that I can reasonably object to the development on grounds of excessive shading and its detriment to the amenities of the proposed plot.*

*I turn now to any effect the proposed (construction) might have on trees on the site and what, if any, special construction methods may be necessary.*

*The amended plan (ZZ-SI-A-9002) shows the house reduced in sized and repositioned which lessens its effect through construction for foundations on the root protection areas of trees. The incursion of the property into RPAs is now a relatively small percentage of the total RPA that whilst some roots may be affected/severed by excavations for standard trench fill foundations I do not consider that any detriment will be caused to the trees such that pile and beam foundations will be necessary (whereby paragraph 4.1.1 of the AIA states that they would in order to accommodate the original design/position).*

*With regards to the new garage and car port (ZZ-GA-A-0007), these are to be built on bases/hardstandings that already exist within the RPAs of trees. Localised excavations for the vertical supports for the carport roof may sever some roots, however I consider these will not adversely affect the trees (unlike a foundation trench that would involve significant root severance). The roof of the carport will be built around the Oak T2 which should not be a problem but allowance will need to be made in some form for any future increase in the girth of the trunk.*

*I consider that the amended details are acceptable, however there are aspects that have not been submitted such as details for services to and from the site (as is generally the case with most applications) and which require to be confirmed/approved through conditions. The original AIA is clear on the aspects that*

*require clarification and also including the submission of an Arboricultural Method Statement and this has not changed with the submission of the amended plans.*

*Accordingly I do not have any objection to the planning application subject to conditions being applied.*

**County Highways** (received 13/05/2020) *The road is a private drive and there are no objections on Highway grounds to this proposal.*

**County Ecologist** (received 13/05/2020) *External lighting should be installed on buildings and / or access routes (including the rear garden) so that residents can safely access the property and so as to prevent poor-quality floodlighting etc., being retrofitted on occupancy which then disturbs bat flight routes. I have suggested a condition for this; the applicant should ensure a contour diagram is included that demonstrates levels of lighting on receptor habitats.*

*Habitats / net loss*

*Currently the site comprises mature garden and trees. These habitats have an ecological function and they provide a degree of ecological connectivity in a woodland setting. The current proposals would increase built development and hardstanding. This clearly represents a small net loss to biodiversity, contrary to NPPF 170 and 175, which could be mitigated onsite by landscape design that maximises opportunities for wildlife. Otherwise a solution to this would be for the applicant should indicate how off-site compensation will be achieved, preferably through habitat improvements elsewhere in the area.*

*Hedgehogs*

*All final developed landscaped site and internal boundary structures (fences, walls etc.,) should be designed and constructed so that they do not seal to the ground continuously and stop the movement and dispersal of wildlife, notably hedgehogs. Boundaries should have 130mm by 130mm holes at ground level at least every 10m running length or should not seal to the ground at all between posts with a 120mm gap from fence base to ground*

*The Preliminary Ecological Appraisal (Elite Ecology, February 2020) recommends measures to protect hedgehogs during development. These should be adhered to.*

*Enhancements*

*The Preliminary Ecological Appraisal (Elite Ecology, February 2020) suggests installation of bird boxes and hedgehog house. I have incorporated these into a condition.*

**Severn Trent Water** (received 05/05/2020) *As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.*

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

*Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.*

*Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.*

**Neighbour comments** *Representations have been received during the course of the application in regard to both the original submission and the amended scheme. Objections include, breaches in local plan policies, over development of the site, impact on privacy, impact on protected trees, out of character, impact on wildlife and the impact on highways  
One letter of support was also received.*

Site Notice (expired 28/05/2019)

## **5. APPRAISAL**

5.1 Councillor Edwards has called the application to Committee due to neighbour concerns.

### **5.2 Key Issues**

- Principle of development
- Design and streetscene
- Impact on neighbours
- Impact on trees and ecology
- Drainage

### **5.3 Principle of Development**

5.3.1 The Core Strategy 2012 sets out the Council's Strategic Objectives along with associated Core and Development Policies. Core Policy 1 states that growth throughout the District will be located within the most accessible locations in line with the Settlement Hierarchy contained within the Policy. Lawnswood lies outside any defined village or hamlet which is not identified for growth, other than to provide rural affordable housing to meet identified local needs, but has its own Development Boundary, nonetheless.

5.3.2 Core Policy 1 does also emphasise the importance of making an efficient use of land across the District, provided it is not of high environmental value and safeguards the character of existing residential areas. In addition, the NPPF (2019)

also stresses the need to make the efficient use of under-utilised land especially where this would help meet identified need for housing where land supply is constrained (paragraph 118(d)). Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

5.3.3 The application site forms the large side garden to the host property in a well-established residential area where infill and replacement dwellings has been commonplace for a number of years.

5.3.4 As the crow flies, the site is 500m from the settlement of Wordsley, which although in Dudley Metropolitan Council, has numerous services and facilities including various shops, hot food outlets and pubs. There is a well-established footpath leading from the entrance of Lawnswood Drive along Lawnswood Road and into Wordsley.

5.3.5 Notwithstanding the fact that the site falls within a residential area that, according to the Council's Settlement Hierarchy, is not identified for growth (under the above mentioned Core Policy 1), the application site is in a sustainable location, and would make an efficient use of land, which sits within the settlement boundary of Lawnswood, a matter to which adds weight in the planning balance.

#### **5.4 Design and streetscene**

5.4.1 Policy EQ11 requires that new development:

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

5.4.2 The 2018 South Staffordshire Design Guide recommends that developers take care to ensure that the form of buildings fit well into their surrounding environment. The shape of buildings could take inspiration from the surrounding buildings or features, or the landscape, and this can improve the appearance of places. Incorporating traditional designs and construction techniques alongside modern development can help to tie buildings to their local place.

5.4.3 The proposal has been amended after the initial submission was considered too large and dominating for the plot. The revised scheme has been moved away from the boundary with the host dwelling, creating a more discernible gap between the two. The design of the dwelling is modern with floor to ceiling windows and flat roofed dormer windows. Again, the scheme was reduced to mirror the ridge height of the host dwelling. As with all new developments, the use of appropriate materials will be key and this can be secured by condition. There is an eclectic mix of dwellings on Lawnswood Drive, all with varying sizes and design. I appreciate the concerns raised regarding the sub-division of the plot and have given this careful consideration

during the process. This plot would have been difficult to support had the surrounding properties also not have been resultant of the subdivision. The resultant dwelling is on a larger plot than the two dwellings to the rear and when considering the other dwellings moving back along Lawnswood Drive, there are some that are also close. The area is now characterised by a mix of very large standalone plots, as well as smaller ones, although it must be recognised that the smaller plots are still extensive. I do not consider that this plot would tip the balance of the area becoming cramped. The applicant did initially propose a further dwelling in the rear gardens which indeed would have appeared overdeveloped.

5.4.4 The lightweight extension and modifications to the existing garage are small scale and would be in keeping with the streetscene.

5.4.5 The extension to accommodate a new double garage for the host dwelling has been sensitively designed, taking design cues from the attached property.

5.4.6 Overall therefore, I consider that the proposed dwelling and garage proposals are in accordance with the aims of EQ11.

## **5.5 Impact on neighbours**

5.5.1 Policy EQ9 states that new development "should take into account the amenity of any nearby residents, particularly with regard to privacy [...] and daylight." There have been several objections received from surrounding neighbours. Most relate to the impact on trees and the character of the area, points that have been addressed at the relevant sections of this report. The neighbour who is most likely to be affected by the erection of the dwelling in my opinion as case officer is the dwelling to the rear, Hazelgrove. This dwelling is accessed alongside Weatheroaks from a gated access at what is the end of Lawnswood Drive (albeit there are two dwellings beyond this point) but again, it is gated to prevent access. Hazelgrove is built at 90 degrees to Weatheroaks with its rear and principle elevations facing north south. Having been inside this property, there is a side window at ground floor, but the main windows are to the front and rear as would usually be expected. Weatheroaks has a fir tree hedge along the rear boundary (Hazelgrove's side) that is already (according to the neighbour) reducing light to the property. As stated earlier however, the main habitable room windows are to the front and rear which let in the most amount of light and afford better outlooks.

5.5.2 The occupiers are also concerned regarding loss of privacy from the erection of the new dwelling. Due to the proximity of the existing dwelling, there is already a degree of overlooking to the rear garden however, the rear garden is extensive at 25m. In addition, there are no principle windows to the side elevation, but notwithstanding this, the separation distance is over the recommended 21m in the Council's Space About Dwellings standards. Concerns have also been raised with regard to the number of windows on the side of the proposed dwelling. These however overlook the access drive to Hazelgrove.

5.5.3 After due consideration of the submitted comments and visiting the site, overall, I cannot find any breaches with policy EQ9.

## **5.6 Impact on trees and ecology**

5.6.1 Policy EQ1 of the Core Strategy states that permission will be granted for development which would not cause significant harm to sites and/or habitats of nature conservation, geological or geomorphological value, including ancient woodlands and hedgerows, together with species that are protected or undertreat.

5.6.2 The site contains a number of mature trees, some of which are subject to a protection order. I appreciate the concerns raised by a number of the residents of the area and the queries as to whether a protected tree was lopped. This is a matter for the Arboricultural officer whose comments can be found in full at section 4 of this report. The site was visited by this officer on a number of occasions and sunlight tracking and subsequent shadowing issues were resolved. In light of this additional work undertaken, the initial concerns submitted by the Tree Consultant working on behalf of the Council were resolved and the objection removed, subject to conditions. I have nothing further to add to these comments. The Ecologist has also reviewed the submitted information and has no objections subject to conditions. Overall therefore, I consider the proposal to be in accordance with policy EQ1 of the Core Strategy.

## **5.7 Impact on drains**

5.7.1 Severn Trent Water have no objections to the proposal, they have however followed this up with their standing advice that there may be drains on the site that will need protection, or indeed may prevent the build from going ahead if issues cannot be resolved. I note the comments from the Parish and the neighbours in this regard, however this is a civil issue.

## **6. CONCLUSIONS**

The site is located within a sustainable location, within a defined settlement boundary and represents an efficient use of land as well as providing a self-build plot in accordance with section 5 of the NPPF. The design and siting are in accordance with the aims of EQ11 and would not appear unduly cramped in the area. Materials and other mitigation in respect of wildlife and tree will be secured by condition. There are no amenity concerns with respect of residents. I am therefore recommending Members approve the proposal subject to conditions.

## **7. RECOMMENDATION - APPROVE**

Subject to the following condition(s):

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

2. The development shall be carried out in accordance with the amended drawings received 29/04/2020 reference:

Proposed elevations ZZ-EL-A-0014 and ZZ-EL-A-0015

New garage ZZ-GA-A-0008 and ZZ-GA-A-0007

Proposed floor plans 01-GA-A-0004, 00-GA-A-0002, 02-GA-A-0006

Site plan ZZ-SI-A-9002

3. Prior to commencement of any work on site, bat emergence surveys must be submitted to and approved in writing by the LPA.

4. Prior to commencement of any site work, submission of a working method statement for the avoidance of harm to bats, including details of the named Ecological Clerk of Works shall be submitted to and approved in writing by the LPA. The statement shall also include appropriate bat mitigating measures including type and location. No breathable roofing membranes to be installed on site if bats are found during surveys.

The development shall be carried out in accordance with the approved details and maintained as such throughout the lifetime of the development.

5. The development hereby approved shall not be occupied until an external lighting scheme has been submitted to and approved in writing by the LPA. The scheme shall be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK and including a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as trees and adjoining woodland. The development shall be carried out in accordance with the approved details.

6. Measures for the protection of hedgehogs during development in section 5.3.2 of the Preliminary Ecological Appraisal (Elite Ecology, February 2020) must be adhered to during all site works.

7. The development hereby approved shall not be occupied until details of the type and location of biodiversity enhancement measures including at least 2x bird nesting and 1x hedgehog devices has been submitted to and approved in writing by the local planning authority. The development shall be maintained as such throughout the lifetime of the development.

8. No development shall be carried out until the details have been submitted to and approved in writing by the LPA showing all services (including drainage) to and from the site and to avoid passing through root protection areas (RPA). Where incursion into RPA is unavoidable the method of excavation proposed to minimise/mitigate against root damage. The development shall be carried out in accordance with the approved details.

9. No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the LPA and shall include:

Details (plan) of the positions of Tree Protection barriers and phasing of its movement to accommodate on-site operations.

A plan showing positions of storage, mixing areas and contractors welfare facilities (all outside RPAs).

Details of on-site monitoring of tree protection and construction by an arboriculturalist.

The development shall be carried out in accordance with the approved details.

10. Within 1 month of any development commencing on the site a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).

11. No existing trees, shrubs or hedges on the site or its boundaries shall be pruned in any way or cut down for a period of 10 years following completion of the development without the prior consent of the Local Planning Authority. If any the existing planting is removed or dies within 5 years of completion of the development it shall be replaced with the same species (or alternative agreed with the Council) within 12 months of its removal and as close to the original position as possible (or elsewhere in a position agreed with the Council). The existing and any replacement planting shall be maintained for a period of 10 years respectively from completion of the development or time of planting to the satisfaction of the Local Planning Authority.

12. No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

#### Reasons

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

3. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
4. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
5. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
6. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
7. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
8. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
9. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
10. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
11. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
12. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
13. Proactive Statement

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

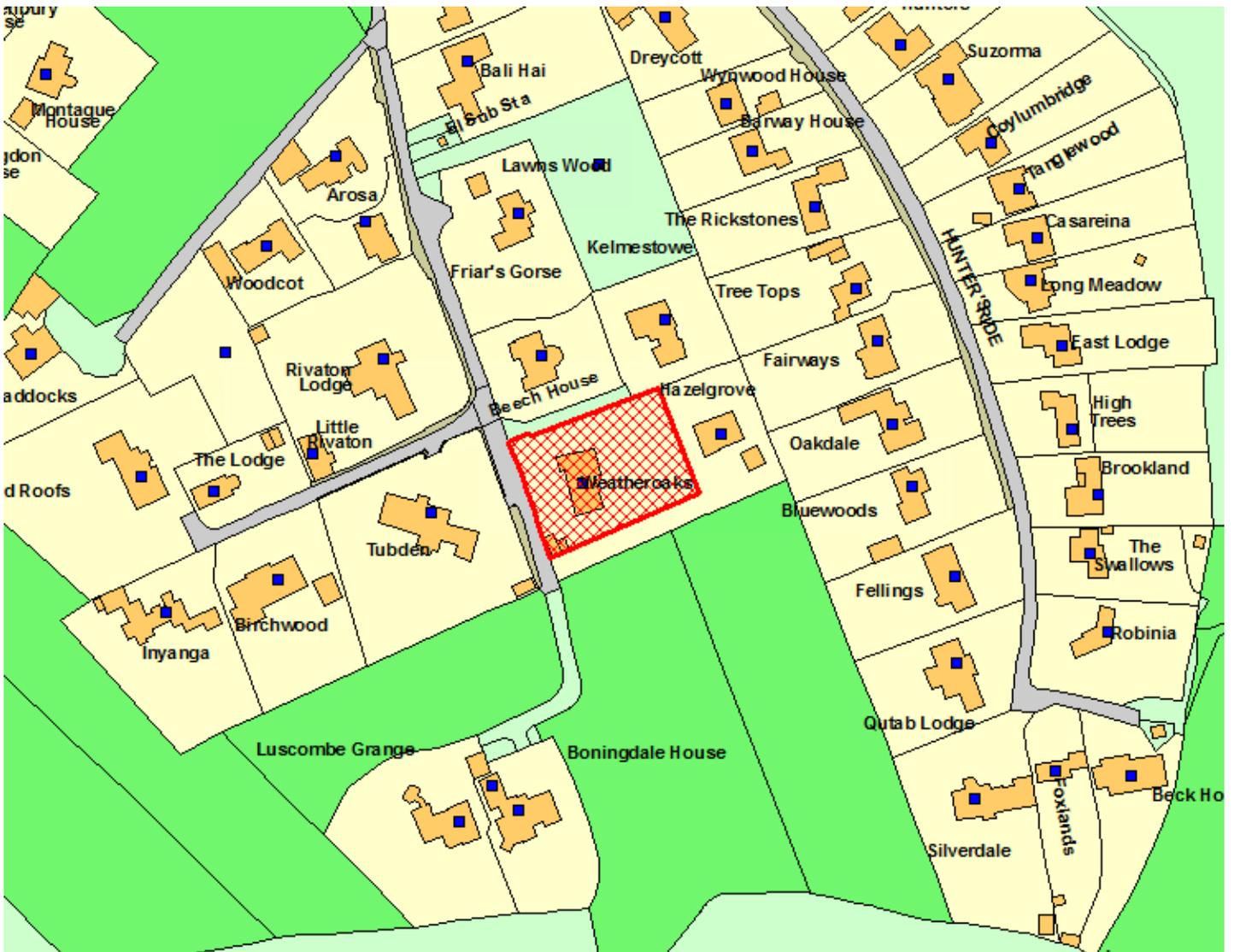
**Ecology Informative:**

Removal of vegetation and demolition of buildings should be undertaken outside the bird nesting season (1st March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.

**Severn Trent Informative:**

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.



20/00008/FUL - Weatheroaks Lawswood Drive Lawswood STOURBRIDGE DY7 5QW



**20/00303/FUL  
NON-MAJOR**

**Mr Rodger Griffiths**

**LAPLEY, STRETTON &  
WHEATON ASTON  
Councillor Brian Cox  
Councillor Venetia Jackson**

**West Beech Bell Hurst Lane Wheaton Aston STAFFORD ST19 9QS**

**Detached garage**

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

### **1.1 Site description**

1.1.1 The application relates to a fairly modern dwelling lying on the north side of Bell Hurst Lane, on the outskirts of the local service village of Wheaton Aston. The property sits on an unusual plot, with all of the amenity and parking space found on both sides, and the dwelling sitting close to the highway with no rear garden. There is a dwelling directly opposite with a handful of further dwellings scattered around.

### **1.2 Planning History**

2007 Demolition of existing house and erection of a replacement dwelling, approved (07/00806)

2007 Demolition of existing cottage and outbuildings to allow erection of new dwelling - 07/00806/FUL, approved (07/01262)

2008 Retrospective application for basement development, approved (08/00584)

2015 Detached garage, approved (15/00179/FUL)

### **1.3 Pre-application Discussions**

1.3.1 None

## **2. APPLICATION DETAILS**

### **2.1 Proposal**

2.1.1 The application is for a detached garage. The garage measures 5.6m by 3.5m with a ridge height of 3.4m. The building will be located in the far north eastern corner of the plot. The garage was granted planning permission in 2015 (15/00179/FUL) but the development did not begin within the 3-year time period.

## **3. POLICY CONTEXT**

Within the Open Countryside

Core Strategy

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

Core Policy 1: The Spatial Strategy

OC1: Development in the Open Countryside

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

EQ4: Protecting the character and appearance of the landscape

Core Policy 3: Sustainable Development

EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider design considerations

Appendix 5: Parking Standards

NPPF

Part 2: Achieving sustainable development

Part 12: Achieving well-designed places

#### **4. CONSULTATION RESPONSES**

No **Councillor** comments (expired 25/05/2020)

No **Lapley, Stretton and Wheaton Aston Parish Council** comments (expired 19/05/2020)

No **Neighbour** comments (expired 19/05/2020)

**Site Notice** (expired 30/06/2020)

#### **5. APPRAISAL**

5.1 The application is being presented to Planning Committee because it is contrary to Policy OC1.

##### **5.2 Key Issues**

- Principle of Development
- Material Considerations
- Design
- Impact on neighbours

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

5.3.1 The site is within the Open Countryside where policy OC1 of the Core Strategy states that new buildings which are for the purposes directly related to agriculture or forestry or appropriate small scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the character of the Open Countryside will normally be permitted. The garage does not fall into any of these categories however and for this reason there needs to be material considerations to justify a departure from the local plan.

##### **5.4 Material Considerations**

5.4.1 The garage is small and inconspicuous and will be tucked away in the far-reaching corner of the site. Although it will be easily viewed from the road it will be

viewed within the existing residential curtilage which already has an established domestic appearance. There will be no harm caused to the character/landscape of the Open Countryside and for that reason I consider the garage should be approved.

## **5.5 Design**

5.5.1 Policy EQ11 of the Core Strategy requires that new development *"respect local character and distinctiveness, including that of the surrounding development and landscape [...] by enhancing the positive attributes whilst mitigating the negative aspects"*, and that

*"in terms of scale, volume, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area."*

5.5.2 The Council's 2018 Design Guide has been adopted and amplifies the principles set out in Policy EQ11 of the Core Strategy.

5.5.3 The design of the garage is in keeping with the host dwelling and similar to other buildings found in the local area. For that reason I consider the proposal in accordance with the aims of EQ11 of the Core Strategy.

## **5.6 Impact on neighbouring properties**

5.6.1. Policy EQ9 states that new development

*"should take into account the amenity of any nearby residents, particularly with regard to privacy [...] and daylight."*

5.6.2 I do not consider that the proposal will cause any undue impact on the amenity of the neighbouring properties. I note that there have been no neighbour objections to the application and consider that it would comply with Policy EQ9 of the Core Strategy.

## **6. CONCLUSIONS**

6.1 The site is within the Open Countryside. However, there will be no impact on the character/landscape of the Countryside or neighbouring properties and for these reasons I am recommending the application for approval.

## **7. RECOMMENDATION - APPROVE**

Subject to the following condition(s):

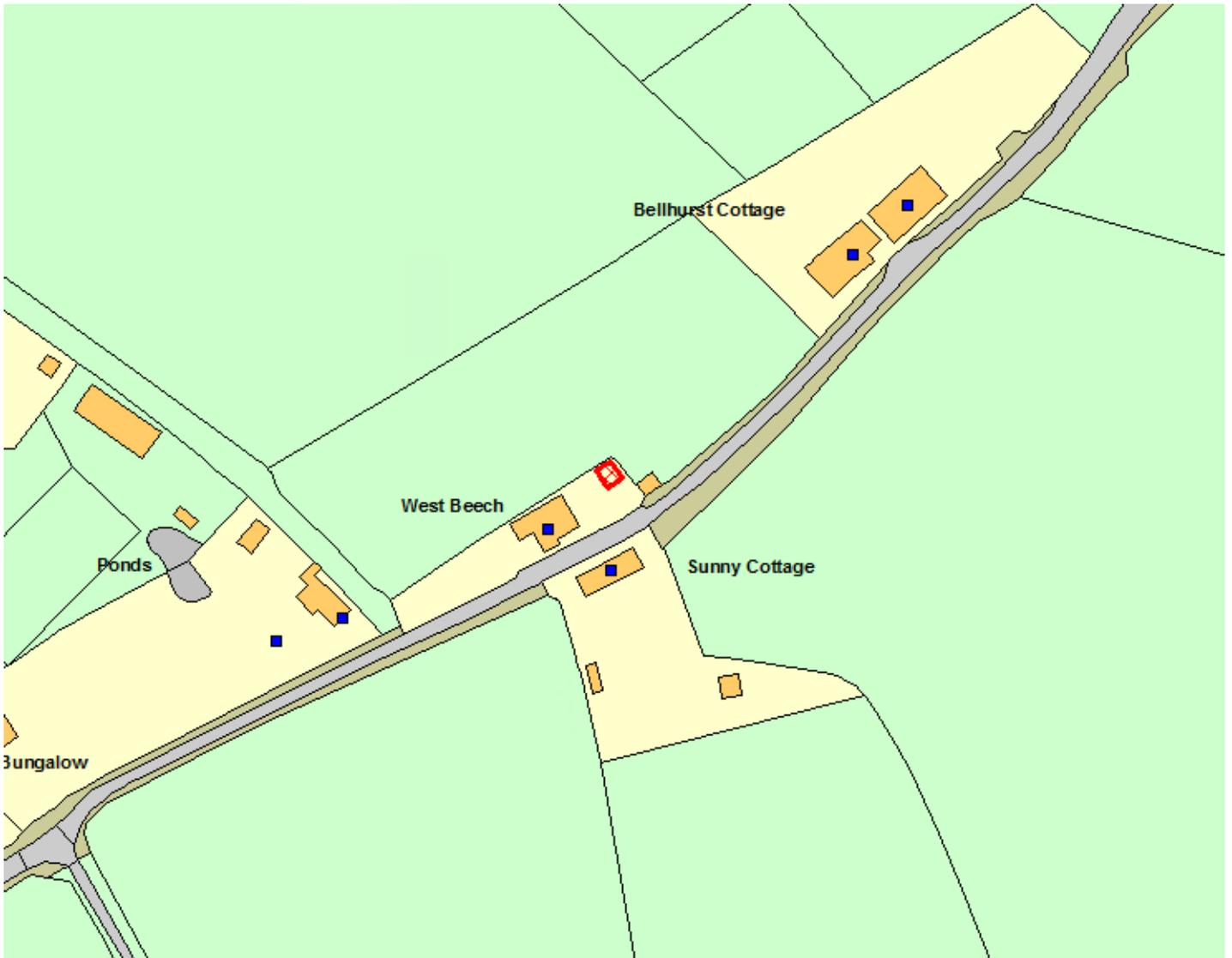
1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

2. The development shall be carried out in accordance with the approved drawings: 15-024 Sheet 1 of 1, received 24/03/2020
3. The materials to be used on the walls and roof of the garage shall match those of the existing dwelling 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.
4. Proactive Statement

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



**20/00303/FUL - West Beech Bell Hurst Lane Wheaton Aston STAFFORD ST19 9QS**



**20/00312/FUL  
MAJOR**

**South Staffordshire Council**

**WOMBOURNE  
Councillor Vince Merrick  
Councillor Mike Davies**

**Wombourne Enterprise Park Bridgnorth Road Wombourne WV5 0AL**

**Erection of Lidl foodstore, a retail unit (both use class A1) and an industrial/commercial building (use class B1a, B2, B8) associated parking and external works following demolition of existing industrial/commercial buildings**

**1. SITE DESCRIPTION AND PLANNING HISTORY**

**1.1 Site Description**

1.1.1 The application site is a mixed-use site on the south side of Bridgnorth Road within the main service village of Wombourne. To the east is a large Seven Trent Water site that is separated by a well-established row of mature conifer trees and to the south is a wooded area. To the north and across the Bridgnorth Road is a residential area, however this too is well screened from the road by a thick established treed area. The site is elevated from the road with a grass bank leading down to the highway. A further industrial estate lies due north, slightly further along the road. The site lies some 2km as the crow flies from the village centre of Wombourne. The Bridgnorth Road is a busy road linking the area to Bridgnorth and Telford to the North.

1.1.2 There is currently a large industrial style building on the site that has a two-storey office façade extension to the front overlooking the Bridgnorth Road. This part of the building is currently occupied by a windows company and there are a number of their products on display to the front, comprising conservatories and the like. To the rear are three rectangle shaped industrial blocks with associated parking. To the west of the site is another large industrial block that is currently occupied by Hall and Pickles, a steel stockholder and processor. The main building is occupied by a number of businesses along with parking adjacent to all elevations. A further smaller building is found tight on the on the south east boundary with the STW site. An access leading off the Bridgnorth Road is found to the north that is fairly centrally located between the application site and the neighbouring Halls and Pickles building. The rear to the site is then accessed by a fairly informal access track alongside the west elevation of the building alongside the allocated parking areas.

**1.2 Planning History**

1.2.1 There is some planning history on the site, none of which is relevant.

**1.3 Pre-application advice** was sought by the applicants.

**2.1 The Proposal**

2.1.1 It is proposed to demolish the existing larger building along with the smaller building and to replace them with a Lidl supermarket and a smaller retail unit although the end user for this unit is not known at this stage. There will also be a small industrial unit that is planned to house 3 businesses.

2.1.2 The supermarket building will measure around 72m by 27.5m with a height of 6.7m and will provide approximately 1256 sqm of retail area. It will be located to the east of the site alongside the boundary with the Seven Trent Water site with the second retail building located at a right angle with the supermarket and the industrial building sitting due west of the main supermarket building. The associated parking will be located to the front of the buildings and will extend right to the front of the site up to the grass bank that sits alongside the Bridgnorth Road.

2.1.3 The smaller retail building will measure around 46m by 24m with a ridge height of 4.8m.

2.1.4 The industrial building will measure around 40m by 15m with a ridge height of 7m.

2.15 All buildings are of standard functional design and typical of their type.

## **2.2 Agents Submission**

The application is supported by;

- Planning Statement
- Sequential test
- Protected species report
- Tree survey
- Transport Assessment
- Drainage strategy

## **3. POLICY CONTEXT**

Within the Development boundary

Adopted Core Strategy

NP1 - The Presumption in Favour of Sustainable Development

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

Core Policy 3: Sustainable Development and Climate Change

Policy EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

Policy EQ11: Wider Design Considerations

Core Policy 8: Hierarchy of Centres

Core Policy 11: Sustainable Transport

Policy EV12: Parking Provision

Appendix 5: Car parking standards

Design Guide 2018

NPPF

NPPG - Out of Town development

#### **4. CONSULTATION RESPONSES**

No **Councillor** comments (expired 23/06/2020)

**Wombourne Parish Council** [received 23/06/2020] *The Parish Council's original comments still stand in relation to this application. There are no objections to the amendments, We would like to reiterate our request for S106 funding as mitigation for this development if the application is agreed, to ensure that there are no further losses of small businesses elsewhere in the village.*

*Original comments: Evidence of local retail impact after the opening of Sainsbury's is shown by the recent closing of a village centre food store which remains vacant but available and, according to staff, a similar store at Giggetty Lane is under threat. Its closure will result in the loss of a P.O. counter.*

*This proposal for a lower-price superstore and for a further three retail units amounts to a new shopping centre in direct competition with existing shops and with the additional facility of easy car parking and the loading of shopping.*

*Wombourne Parish Council are concerned that this development will have a huge impact on the shops in the centre of the village as well as those on Common Road. In respect of the design of the site: the long and narrow driveway, with a right angle blind bend, for delivery vehicles will be difficult to negotiate and though the supermarket deliveries may be on a JIT basis, the random deliveries to the remainder of the commercial premises make confrontation of opposing vehicles inevitable. Passing points are needed.*

*Traffic entering the site by turning right will be a road hazard and need a turning-right lane to be installed.*

*If this planning application is agreed, can you note that Wombourne Parish Council formally requests that some S106 funding should be agreed to be spent on the centre of the village.*

**EHGS** (received 04/06/2020) *no comments.*

**Arboricultural Officer** *no objections, subject to the inclusion of conditions (received 29/06/2020)*

**County Planning** (received 01/05/2020) *No comments*

**County Highways** (received 10/02/2020) *No objections subject to conditions and a travel plan monitoring fee.*

**County Ecology** (received 01/07/2020) *No objections subject to conditions*

**County Flood Team** (received 09/06/2020) *no objection, subject to conditions.*

**Environment Agency** (received 24/06/2020) *no objection, subject to conditions.*

**STW** (received 13/01/2020) *No objections subject to a condition and public sewer informative*

**Fire Service** (received 03/06/2020) *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. Standard advice regarding sprinklers.*

**Natural England** (received 12/06/2020) *No comments*

No comments and the consultation period expired for **Local Plans, Staffordshire Wildlife Trust**

7 x **public comments** received regarding danger to highways, and detrimental impact on Wombourne shopping areas, no need for the development and the impact of Covid on the community involvement exercise

**Site Notice and advert** expired 14th and 19th May 2020

## **5. APPRAISAL**

5.1 The application is to be heard at Planning Committee as the Council are the applicant (and land owner).

### 5.2 Key Issues

- Principle of the development
- Loss of employment land
- Impact on character of the area
- Residential amenity
- Highways and parking
- Impact on trees and ecology
- Drainage and land contamination

### **5.3 Principle of the development**

5.3.1 The site is within a designated Development Boundary where there is a presumption in favour of sustainable development. Any such development shall be approved in accordance with the Development Plan unless material consideration indicate otherwise.

5.3.2 Paragraph 86 of the NPPF states that Local Planning Authorities (LPAs)

*should apply the Sequential Test to planning applications for main town centre uses, which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period), should out of town centres be considered.*

A clarification of main town centre uses is given in the glossary at the back of the NPPF. The NPPG gives further clarification and guidance that the Sequential Test should be proportionate to the development.

5.3.3 Paragraphs 89 and 90 of the NPPF go on to say:

*89. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:*

*a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*

*b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).*

*90. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.*

5.3.3 The applicants have submitted a Sequential Test that details relevant case law with regard to approaches that LPAs should take. Including (Tesco v Dundee [2012] PTSR 983). In agreeing with the Inspector, the Secretary of State confirms that the Dundee case established the principal that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential test. Thus, it is for the proposed development to be considered (not an alternative development), when looking at alternative sequential site. Aldergate Properties Ltd v Mansfield District Council v Regal Sherwood Oaks Ltd [2016] EWHC 1670 (Admin) goes on to say at [35]:

*In my judgment, “suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content.*

5.3.4 The NPPG goes on to say that it is not necessary to demonstrate that a potential town centre or edge of centre can accommodate precisely the scale and

form of development being processed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal. The Council's Local Plan is not considered to be out of date. A sequential test (according to the NPPG) guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations (with preference for accessible sites which are well connected to the town centre). It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking. The application of the sequential test will need to be proportionate and appropriate for the given proposal. If there are no suitable sequentially preferable locations, the sequential test is passed.

5.3.5 The applicants have prepared and submitted a sequential test that has considered three alternative sites; a former petrol station on the A449, land at Ounsdale Road and the former Police Station within the village centre. The report concluded that, although the preferred option was the Police Station due to its proximity with the village centre, it was not available and has recently been sold and planning permission granted for the conversion to residential. In that the Council has to take a proportionate approach to the sequential test, and also bearing in mind the site selection process for the recently adopted Site Allocations Document. It is considered that the test submitted in appropriate and no suitable sites are available.

5.3.6 Core Policy 7 and Strategic Objective 11 of The Core Strategy state that it will support measures to sustain and enhance the vitality and viability of village centres. Employment development will be expected to contribute to the achievement of sustainable development. The priority will be for the re-use of previously developed land (brownfield land) in sustainable locations, provided it is not of high environmental value, that is accessible by public transport, walking and cycling. Development should be appropriate in scale and design to the location for which it is proposed. Core Policy 8 states that development proposals for retail will be focused within the centres of the Main Service Villages and Local Service Villages. Proposals for retail development outside of existing village centres should accord with the sequential approach set out in national planning policy, in order to protect the vitality and viability of village centres, as well as being consistent with other local planning policies.

5.3.7 The retail impact assessment submitted in support of the application has looked at the shopping patterns of Wombourne residents as part of a household survey undertaken in 2018, as well as the vitality of the village centre and the proposed financial impact of the development. This report found that the majority of people are using both the main village centre of Wombourne and the surrounding neighbourhood centres (as well centres outside Wombourne, such as Perton) for 'top-up' shopping only and there is a leakage of shopping trips made outside of the area, mainly to Wolverhampton and Merry Hill. 'Top-up' shopping refers to the more day to day fresh requirements like bread and milk as opposed to a main shop usually undertaken once a week. However, this dropped significantly when Sainsbury's opened a supermarket on Heath Mill Road, not far from the application site. The

survey did still find however that around 50% of residents leave Wombourne for their main shop, with some choosing to shop at the cheaper supermarkets of Morrisons, Aldi and Lidl at Kingswinford. As such, the report concluded that the existing vitality of the village centre is healthy and any financial draw taken from the area by the proposed development is very unlikely to have a material effect on the comparison goods sector of the centre.

5.3.8 I consider the sequential test was both proportionate and appropriate in this regard and no suitable in town or edge of town sites are available. The retail impact assessment concluded that the retail centre of Wombourne had fared reasonably well after the Sainsbury's development and further predicted impact of the proposal would not be significant upon vitality and viability on Wombourne or the wider retail catchment. It would provide a more varied 'cheaper' retail choice than Sainsbury's. The proposal would see the re-use of a previously developed land (brownfield land) site in a sustainable location, not of high environmental value, that is easily accessible by public transport, walking and cycling. Overall, therefore, I consider the proposal is in accordance with the aims of Section 7 of the NPPF and Core 7 of the Core Strategy.

#### **5.4 Loss of employment land**

5.4.1 Policy EV1: Retention of Existing Employment Sites requires that

*sites and premises used and/or allocated for industrial or commercial purposes (B1-B8) purposes will be safeguarded for that use. 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.*

5.4.2 Whilst the proposed development will result in the loss of an existing employment building, the redevelopment of the site will deliver significant benefits in terms of employment generation, inward investment, service delivery and the visual enhancement of the site with 40 staff employed at Lidl, and the provision of three B2/B8 units to the rear of the site. It is recognised that retail uses generate jobs. They are not all traditional, full time manufacturing or service industry jobs that might be the main family income. However, the jobs are often available for a range of skills, age-groups and gender and at times that are suitable to provide additional family income or a route back into employment. I consider the redevelopment of the site is broadly in accordance with the aims of EV1.

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

5.5.1 Policy EQ11 'Wider Design Considerations' of the South Staffordshire Local Plan states

*'in terms of volume, scale, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area'.*

5.5.2 The Council's adopted Design Guide Developers should take care to ensure that the form of buildings fit well into their surrounding environment. The shape of buildings could take inspiration from surrounding buildings or features, or the landscape, and this can improve the appearance of places. New buildings should take opportunities to

preserve and enhance existing rhythms in the street scene for example by incorporating

subtle changes in height, size and form between buildings. Within larger developments, subtle variety in building form and scale can add interest and vitality. However, new buildings should avoid stark or sudden changes in scale.

5.5.3 The site is already home to a functional industrial building that is to be demolished to make way for the development. This building is prominent in the area, along with the neighbouring Halls and Pickles building. The site is raised from the highway with a grassed embankment leading from the neighbouring STW site up towards the site's access, this part will remain. The proposed buildings are set back into the site and will not be dominant in the streetscene, it will be the car parking that will be open to view. It was requested at pre-application stage that an area of land be made available to allow for some planting to mitigate against this, however this has not been included. This is regrettable, but it is not so harmful to warrant refusal. The area is established as industrial, and the change will not be so out of keeping. The design of the buildings is functional and practical and the proposed materials is acceptable. It is prudent however to require the submission of samples at a later stage, which can be secured by condition. Overall, I consider that the proposal would therefore comply with Policies EQ11 and EQ4 of the Core Strategy.

## **5.6 Residential amenity**

5.6.1 Policy EQ9 states that new development should take into account the amenity of any nearby residents, particularly with regard to privacy, noise, pollution, odours and daylight.

5.6.2 The closest residential is some 74m to the north east of the site at The Heathlands and Heath House Drive, these properties are well screened from the site by an existing established hedgerow and tree lined area. Any disturbance here will be in existence from the already busy Bridgnorth Road. A number of objections have been received during the course of the application, mainly in relation to the negative impact the proposal will have on the existing shopping areas of Wombourne and the impact on highways. These matters have been covered in the relevant sections of this report.

5.6.3 Overall, I consider the proposal to be in accordance with the aims of EQ9.

## **5.7 Highways and parking**

5.7.1 Core Policy 11: Sustainable Transport seeks to ensure that new development must include provision for sustainable forms of transport to access sites as well as within any development. The site can be accessed by public transport and there is to be cycle storage provided.

5.7.2 There have been a number of concerns raised by local residents who are concerned about the access to the site overall and the County Highways team had concerns with the initial proposal. Amendments were made to the scheme that made some alterations to the car parking spaces, whilst introducing a one-way system round the car park, hatching to prevent stacking at the egress and appropriate signage. Whilst I have considered the comments submitted from concerned residents of Wombourne and the Parish Council, the Highways team at County have carefully considered the supporting information, as well as visiting the site themselves and looking at the relevant accident statistics for the area and have recommended a number of amendments to ensure the access and entrance to the site is safe. These changes were implemented by the applicant and after further consultation, conditions are now required by the County Highways team to ensure the works are carried out on site.

5.7.3 According to the Council's Car Parking recommended standards the scheme should provide in total 201 parking spaces, with 181 of those being for retail only. The industrial unit is over providing and will not form further part of this discussion.

5.7.4 The retail element is therefore 13 spaces short of the recommended spaces. The supporting info to the Appendix does state however that the parking requirements are but part of the overall assessment of the planning merits of the proposal and the outcome can be a balance between all these considerations.

5.7.5 The applicants have submitted a supporting statement to assist in the consideration of the shortfall with two key elements that I consider attract significant weight in the balance, those being the staff requirement of Lidl and the linked trips between the two units. Lidl have stated that they do not require such a high number of staff spaces, with only 5 staff being on site at one time. In addition, although the calculations provide recommended provision for each store, it is likely that a single space would be needed for just one trip, as customers would visit both stores. According to the statement, Lidl are not a one stop shop destination for their customers but a complimentary retailer that operate successfully alongside other retailers. Whilst it is acknowledged that an end user has not been found for the smaller unit, a condition can be applied to any approval limiting the use to A1 and removing permitted changes of use.

5.7.6 In conclusion therefore, I consider the matters in relation to the smaller need for staff parking and the linked trips elements outweigh the shortfall of 13 parking

spaces in this instance and I see no conflict with the relevant policies in the Core Strategy in relation to highways and parking.

### **5.8 Impact on trees and ecology**

5.8.1 The application has been supported by an ecology assessment and arboricultural impact assessment both of which have been considered acceptable by the relevant consultees who have both recommended conditions.

### **5.9 Drainage and contamination**

5.9.1 Core Policy 3 of the Core Strategy states 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;*

- 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,*
- ensuring the use of sustainable drainage (SUDS) in all new development and promoting the retrofitting of SUDS where possible,*
- ensuring that all development includes pollution prevention measures where appropriate to prevent risk of pollution to controlled waters.*

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

Paragraph 163 of the NPPF states:

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

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

5.9.3 The proposal has been considered acceptable by both the County Flood Team and the Environment Agency subject to conditions.

## 5.10 Other matters

5.10.1 A small number of residents have raised concerns about the timing of the application, along with the associated community consultation exercise that was carried out. Whilst the timing of the application turned out not to be ideal, at the start of the Covid outbreak Central Government were very clear that planning was to remain and carry on where at all possible, recognising that permissions would be needed to help boost the economy during recovery. This matter has no bearing on the determination of the application.

5.10.2 Whilst a face to face community consultation was cancelled, an online consultation was undertaken in its place. This allowed the public to view the development proposals from their own homes at a time convenient to them. A feedback form and email address were provided to allow interested parties to provide feedback. The response was significant, with 42 feedback forms received and 230 comments were posted online via social media platforms.

5.10.3 A number of points were queried with the findings of the RIA and the number of empty shops to which the agent provided the following response:

*Due to recent restrictions associated with COVID-19 it was not possible to visit the centre although the Retail Assessment is based upon a recent survey. It is acknowledged that vacant retail premises can arise from time to time and vacancies will occur in even the healthiest of centres. If the proportion of vacancies in the centre now stands at 6.6% then this is half the national average of 13.1% vacancies in town centres. This can only be regarded as a sign of a healthy centre which continues to be attractive to retail and service businesses. Charity shops should not be amalgamated with the number of vacancies, as charity shops perform an important service for the local community and are an attractor to the centre. Overall, Wombourne is considered to be a healthy centre and the applicant's Retail Assessment has proven that there will not be a significant adverse impact upon its future health.*

5.10.4 If Members are minded to approve the application, the decision is then to be referred to the Secretary of State, due the combined retail floor area of the proposal and the existing nearby Sainsburys store. Any approval cannot be issued until the Secretary of State has considered whether to call the application in for determination by them.

5.10.5 The County Highways team have requested a sum of £12,320 to monitor the Travel plan this is usually secured via a section 106 agreement which is being prepared by the Legal Team. I note the request for a monetary contribution towards the village centre. However, this is non-specific and no evidence has been provided that would substantiate the need for a financial contribution and would meet the tests laid out in the NPPF with respect of planning obligations.

## 6. CONCLUSIONS

6.1 I consider that the proposal for the retail redevelopment of the site is acceptable in principle. The Sequential Test submitted concluded that there were no alternative sites available and the Retail impact assessment found that the impact on the existing centres would not be significant. I have carefully considered the concerns raised by neighbours of the site however I have found that the proposal is in accordance with aims of EQ9 of the Core Strategy and after the scheme was amended, the Highways officer has no objections subject to conditions. Tree and ecology issues are considered acceptable.

6.2 In conclusion therefore, I recommend that Members approve the application, but the recommendation shall be deferred subject to the application not being called in by the Secretary of State.

7. RECOMMENDATION - **Delegate deferred APPROVAL** to the Team Manager to issue the decision on completion of a satisfactory Section 106 agreement, **deferred subject to the application not being called in by the Secretary of State**. If this has not been achieved by 20<sup>th</sup> October 2020 this application will be referred back to the Planning Committee. The application cannot be formally approved until the Secretary of State has considered the application and this Committee Report.

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development hereby approved shall be carried out in accordance with the approved plans reference:  
W EP-AHR-00-ZZ-DR-A-05-003 P015  
W EP-AHR-00-ZZ-DR-A-05-012 P03  
W EP-AHR-00-ZZ-DR-A-05-011 P05  
W EP-AHR-00-ZZ-DR-A-05-012 P04  
W EP-AHR-00-ZZ-DR-A-05-008 P03  
W EP-AHR-00-ZZ-DR-A-05-006 P06  
W EP-AHR-00-ZZ-DR-A-05-007 P03  
W EP-AHR-00-ZZ-DR-A-05-005 P04  
W EP-AHR-00-ZZ-DR-A-05-004 P02
3. Prior to first occupation of the supermarket and retail unit hereby permitted the associated parking, turning and servicing areas indicated on submitted Drg. No.W EP-AHR-00-ZZ-DR-A-05-003 Rev. P015 the subject of this consent, shall be provided with the parking bays clearly delineated and thereafter retained at all times for their designated purposes.
4. Prior to first occupation of the supermarket and retail unit hereby permitted the scheme of traffic management markings in the car park indicated on

submitted Drg. No.W EP-AHR-00-ZZ-DR-A-05-003 Rev. P015 the subject of this consent, shall be provided and thereafter maintained.

5. Prior to first occupation of the supermarket and retail unit hereby permitted the yellow hatch box markings indicated on submitted Drg. No.W EP-AHR-00-ZZ-DR-A-05-003 Rev. P015 the subject of this consent, shall be provided.
6. Prior to first occupation of the industrial retail unit hereby permitted the associated parking areas indicated on submitted Drg. No.W EP-AHR-00-ZZ-DR-A-05-003 Rev. P015 the subject of this consent, shall be provided with the parking bays clearly delineated and thereafter retained at all times for their designated purpose.
7. Prior to first occupation of the supermarket and retail unit hereby permitted the pedestrian entrance indicated on submitted Drg. No.W EP-AHR-00-ZZ-DR-A-05-003 Rev. P015 the subject of this consent, shall be provided.
8. The proposed supermarket hereby permitted shall not be brought into use until the proposed cycle parking facilities have been installed.
9. Prior to the commencement of any demolition/construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the demolition/construction programme.
10. No development shall begin until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
  - i. A preliminary risk assessment which has identified:
    - o all previous uses
    - o potential contaminants associated with those uses
    - o a conceptual model of the site indicating sources, pathways and receptors
    - o potentially unacceptable risks arising from contamination at the site
  - ii. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

- iii. The results of the site investigation and the detailed risk assessment referred to in (2) 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.
- iv. 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved

- 11. No development shall begin until the following elements of a surface water drainage design have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must demonstrate:
  - o Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
  - o SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
  - o Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change in accordance with the guidance in the SCC SUDS Handbook.
  - o Provision of surface water runoff attenuation storage to achieve the limited discharge.
  - o Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations.
  - o Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
  - o Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.
  - o Evidence of consent for any third-party land crossing.
- 12. No development shall begin before a scheme for the provision and implementation of foul drainage works has been submitted for the approval of the Local Planning Authority. The development shall not be occupied/brought into use until the approved scheme has been completed.
- 13. In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars; and

paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

14. Where the approved plans and supporting reports indicated that specialized construction work is to take place within the Root Protected Area (RPA) of any retained trees, hedgerows or shrubs, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) that details the specific engineer designed construction and how any approved construction works will be carried out shall be submitted and agreed in writing by the local planning authority. The AMS shall include details on when and how the works will be take place and be managed and how the trees etc. will be adequately protected during such a process.
15. No development shall begin, including vegetation clearance, until a Construction Environmental Management Plan (Ecology) (Construction Method Statement) to include: details of how direct and indirect pollution will be controlled, avoidance of harm to bats, birds, badgers, reptiles and amphibia, details of when named supervising ecologist will attend has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.
16. No development shall begin, including vegetation clearance, until an invasive species management plan detailing measures to control the spread of or eradicate Himalayan balsam (*Impatiens glandulifera*) and Japanese knotweed (*Fallopia japonica*) has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

17. Prior to the occupation of the development, details of biodiversity enhancement measures including:
- 3 no integrated bat tubes or bat boxes within the new building on a south or south-west aspect,
  - 3 number bat boxes of woodcrete type or similar to be installed on mature trees
  - 1 no reptile refuge to be constructed of logs and or rubble
  - 2 groups of 3 no swift boxes and 2 no house sparrow terraces on or integrated into north- or east- facing brickwork of the new buildings

shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to the commencement of the use. The measures shall be maintained for the lifetime of the development.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no development within the following classes of development (other than those expressly authorised by this permission) shall be carried out to the building(s) hereby approved.
- a. Schedule 2, Part 7, Class A - extension or alteration of a shop or financial or professional services establishment.
  - b. Schedule 2. Part 7, Class H – extensions etc of industrial and warehouse
  - c. Schedule 2. Part 3, Class C – retail to restaurant or café
  - d. Schedule 2. Part 3, Class D – shops to financial and professional
  - e. Schedule 2. Part 3, Class G – retail to mixed use
19. No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
20. The premises shown in purple on the approved plan shall be used for A1; and for no other purposes.
21. The premises shown in purple on the approved plan shall be used for B1a, B2, B8; and for no other purposes.

#### Reasons

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

3. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
4. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
5. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
8. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
9. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
10. Site investigation (SI) is required when demolition of current buildings and any obstructions have been carried out. This post demolition SI needs to be based on the desk study and initial SI already carried out together with the findings and recommendations included in the Phase I and Preliminary (pre demolition) phase 2 report.  
To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.
11. To prevent danger or damage from flooding by the adjacent watercourse in accordance with policy EQ7 of the adopted Core Strategy.
12. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution, in accordance with policy EQ7 of the adopted Core Strategy.
13. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
14. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
15. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.

16. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
17. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
18. In order to define the permission and to avoid doubt.
19. To safeguard the amenity of the area in accordance with Policy EQ11 of the adopted Core Strategy.
20. In order to define the permission and to avoid doubt.
21. In order to define the permission and to avoid doubt.

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

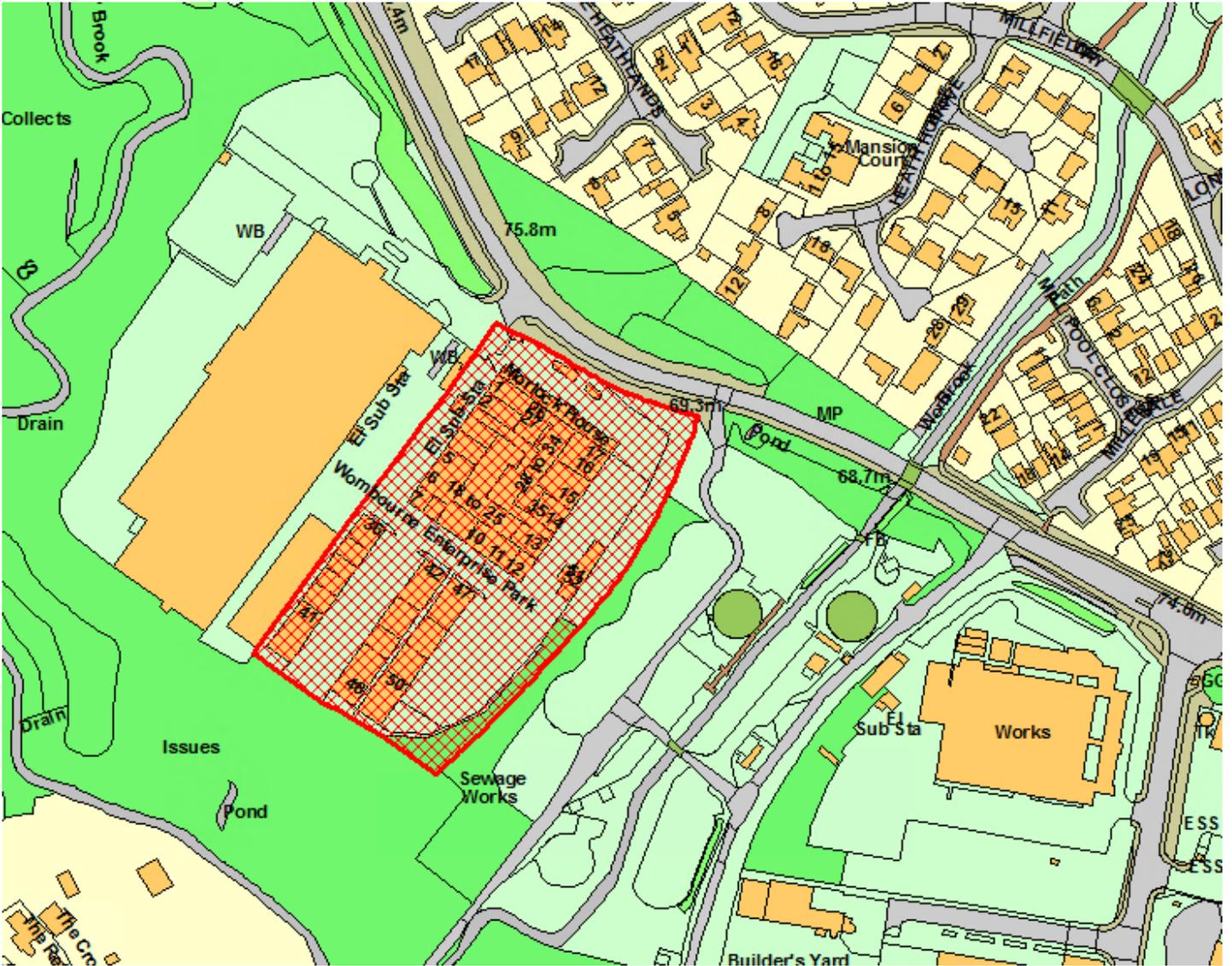
#### HIGHWAYS INFORMATIVE

Conditions 4 & 7 above requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

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

a)

The yellow hatch box referred to in 4 above, will require an essential Traffic Regulation Order and will need to be in the adopted highway. The Highway Works Agreement referred to in Informative (a) can be the mechanism for adoption. This recommendation of approval should not be construed as though the County Council is prejudging the outcome of the Order making process. The developer should note that the Order will be made on behalf of the developer by Staffordshire County Council at the developer's expense and has to be secured before development commences as it is an 'ESSENTIAL' component of the required mitigating measures associated with the proposed development. The developer is requested to contact John Derry with immediate effect to enable the Order to be secured at the earliest convenience to avoid delays to implementation of the planning consent. Please note that there are no guarantees that the Order will be successful.



**20/00312/FUL - Wombourne Enterprise Park Bridgnorth Road Wombourne WV5 0AL**



**20/00339/FUL  
NON-MAJOR**

**Mr K Potts**

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

**The Cottage Paradise Lane Slade Heath WOLVERHAMPTON WV10 7NZ**

**New detached studio**

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

### **1.1 Site Description**

1.1.1 The application relates to a white rendered two storey detached property on the western side of Paradise Lane, Slade Heath in the rural area to the east of the local service village of Coven. The dwelling sits within a cluster of residential development of varying styles and types. It has a large area of amenity space to the front and side and borders the West Coast Mainline railway.

### **1.2 Planning History**

1991 - Replacement Dwelling - Refused (91/00071)

1991 - Alterations and extensions - Approved (91/00376)

1996 - Renewal of 91/00376 for extensions to dwelling - Approved (96/00263)

2006 - Two storey rear extension - Approved (06/01132/FUL)

2019 - Demolition of existing conservatory and replacement with 2 storey rear extension - Approved (19/00955/FUL)

## **2. APPLICATION DETAILS**

### **2.1 Proposal**

2.1.1 The applicant seeks to add an L shaped detached building within the garden of the property to provide a home studio, shower and games room (3.7/4.3. x 9.9 metres). It would have a mono pitched roof with a maximum height of 3.6 metres and at its nearest point it would be 9.9 metres to the south west of the main dwelling.

## **3. POLICY CONTEXT**

Within the Green Belt

Core Strategy

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

Core Policy 1 - The Spatial Strategy

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

Core Policy 3 - Sustainable Development and Climate Change

Core Policy 4 - Promoting High Quality Design  
GB1 - Development in the Green Belt  
EQ9 - Protecting Residential Amenity  
EQ11 - Wider Design Considerations

National Planning Policy Framework  
12 - Achieving well-designed places  
13 - Protecting Green Belt Land

#### **4. CONSULTATION RESPONSES**

No **Councillor** comments (expired 01/06/2020)  
No **Brewood and Coven Parish Council** comments (expired 26/05/2020)  
No **Neighbour** comments (expired 26/05/2020)  
**Site Notice** (expired 28/05/2020)

#### **5. APPRAISAL**

5.1 The application is being presented to Planning Committee because it is contrary to Policy GB1.

##### **5.2 Key Issues**

- Principle of Development
- Very Special Circumstances
- Impact on the Openness
- Impact on Neighbouring Properties
- Space about Dwellings
- Highways/parking

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

5.3.1 The site is located within the Green Belt where there is a presumption against inappropriate development. The proposal involves the construction of a new building in the Green Belt which does not fall under any of the permitted categories in Policy GB1 of the Core Strategy. The proposed studio is not therefore appropriate development in the Green Belt and very special circumstances must be advanced to justify a grant of planning permission.

##### **5.4 Very Special Circumstances/Impact on the Openness**

5.4.1 Paragraph 144 of the NPPF states that:

*'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'*

5.4.2 This property still retains Permitted Development [PD] Rights, granting consent for the proposal on this occasion would allow PD rights to be removed by condition for any additional outbuildings. It is currently possible to add a large detached outbuilding within the north west corner of the site without planning permission. This has been demonstrated in the Planning Statement accompanying the application.

5.4.3 If the applicants were to use their permitted development rights, this would have the potential to have a far greater impact upon the openness of the Green Belt than the proposed outbuilding. A building with a floor area of 86 square metres or 215 cubic metres in volume could currently be constructed as permitted development, whereas the proposal has a floor area of 39 square metres or 111 cubic metres in volume. It is considered, therefore, that this fallback position amounts to very special circumstances to clearly outweigh the automatic policy objection with GB1 in this instance and the principle of the proposal would therefore be considered acceptable.

## **5.5 Impact on neighbouring properties**

5.5.1 Policy EQ9 states that new development:

*"should take into account the amenity of any nearby residents, particularly with regard to privacy [...] and daylight."*

5.5.2 The proposal would be well screened from all of the neighbouring properties. I note that there have been no neighbour objections to the application and do not consider that the proposed outbuilding would cause any undue impact through the loss of privacy, loss of light or overlooking to the neighbouring properties either side. It would therefore comply with Policy EQ9 of the Core Strategy.

## **5.6 Space about Dwellings**

5.6.1 The proposal does not infringe the Councils normal Space about dwellings standards.

## **5.7 Highways/parking**

5.7.1 There are no parking or highways issues in respect of this application.

## **6. CONCLUSION**

6.1 The proposal is inappropriate development in the Green Belt and there are very special circumstances that exist to clearly outweigh this harm. I consider that the proposal would cause much less harm to and greatly reduce the impact on the openness of the green belt than if the applicants were to build to their potential permitted development limits. In addition, there will be no impact on neighbour amenity. Therefore, for the above reasons I consider the proposal to be acceptable and recommend approval.

## 7. RECOMMENDATION - APPROVE

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: 0323 WS3 005, 0323 WS3 069 received 28/04/2020
3. The materials to be used on the walls of the outbuilding shall be white render to match the existing dwelling and cedar board cladding and the roof covering shall be GRP (glass reinforced plastic) unless otherwise agreed in writing by the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling(s) hereby approved without the prior approval of the Local Planning Authority:
  - a. Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container
5. The outbuilding approved shall be used only for purposes incidental to, and in connection with, the use of the dwelling on the site

### 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. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
5. In order to define the permission and to avoid doubt.
6. Proactive Statement

In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve

Matthew Hurley – Planning Assistant: Planning Committee 21/07/2020

sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



**20/00339/FUL - The Cottage Paradise Lane Slade Heath WOLVERHAMPTON WV10 7NZ**

**20/00401/FUL  
NON-MAJOR**

**Robert Spencer**

**CODSALL  
Councillor John K Michell  
Councillor Robert Spencer**

**43 Princes Gardens Codsall WOLVERHAMPTON WV8 2DH**

**To replace the current flat roof of an outbuilding attached to the main dwelling with a pitched tiled roof. The outbuilding measures 2.7m wide by 1.6m deep by 2.3m high.**

**1. SITE DESCRIPTION AND PLANNING HISTORY**

**1.1. Site description**

1.1.1 This application relates to a two-storey detached dwelling situated on the northern side of Princes Gardens in the south of the main service village of Codsall. It has amenity space to the front and rear, with off road parking at the front of the property.

**1.2. Planning history**

1974 - A Two Bedroom Extension To Dwelling, Refused [74/00238]  
1974 - A Two Bedroom Extension To Dwelling, Approved [74/00617]  
1997 - Extensions, Approved [97/00661/FUL]  
2004 - Conservatory, Approved [04/01192/FUL]

**2. APPLICATION DETAILS**

**2.1. The Proposal**

2.1.1. The applicant seeks to add a tiled pitched roof to the existing flat roofed storage outbuilding attached to the rear of the property (2.7 x 1.6 metres). The existing building is 2.3 metres high and the proposal would add a pitched roof at 30 degrees with a height of 3.6 metres where it meets the rear wall of the main dwelling. The tiles to be used on the new roof would match those of the main dwelling.

**3. POLICY CONTEXT**

Within the Codsall and Bilbrook Development Boundary.

Adopted Core Strategy  
Core Policy 3: Sustainable Development and Climate Change  
Policy EQ9: Protecting Residential Amenity  
Appendix 6: Space about Dwellings Standards  
Core Policy 4: Promoting High Quality Design  
Policy EQ11: Wider Design Considerations  
Policy EQ12: Landscaping

Core Policy 11: Sustainable Transport  
Policy EV12: Parking Provision  
Appendix 5: Parking Standards

Adopted local guidance  
South Staffordshire Design Guide [2018]  
Sustainable Development SPD [2018]

National Planning Policy Framework  
12. Achieving well-designed places

#### **4. CONSULTATION RESPONSES**

No **Councillor** comments (expired 29/06/20)

**Codsall Parish Council** comments (received 11/06/20) The Chairman proposes as the applicant is a fellow Parish Councillor and the Parish Council is only a consultee we make no recommendation, but defer the decision to the arbiter. Councillors unanimously approved. Resolved the Council makes no comment on this application.

No **Neighbour** comments (expired 23/06/20)

#### **5. APPRAISAL**

5.1 The application is brought before the Planning Committee as the Applicant for the proposal is an elected Member.

##### **5.2. Key Issues**

- Principle of development
- Impact on the character of the area
- Impact on neighbouring properties
- Space about dwellings
- Highways/parking

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

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

##### **5.4. Impact on the character of the area**

5.4.1. Policy EQ11 of the Core Strategy requires that new development *"respect local character and distinctiveness, including that of the surrounding development and landscape [...] by enhancing the positive attributes whilst mitigating the negative aspects"*, and that

*"in terms of scale, volume, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area."*

5.4.2. The Council's 2018 Design Guide has been adopted and amplifies the principles set out in Policy EQ11 of the Core Strategy.

5.4.3. The proposal is at the rear of the property and would not be visible from the street scene. I consider that it would be sympathetic with the appearance and character of the surrounding area and would therefore comply with Policy EQ11 of the Core Strategy.

## **5.5. Impact on neighbouring properties**

5.5.1. Policy EQ9 states that new development

*"should take into account the amenity of any nearby residents, particularly with regard to privacy [...] and daylight."*

5.5.2. I do not consider that the proposal will cause any undue impact on the amenity of the neighbouring properties. The footprint of the property would remain unaltered. The proposed roof, which at its highest would only be 1.3 metres higher than the existing, would be approximately 0.8 metres from the boundary with the neighbouring property to the eastern side (No.45). I note that there have been no neighbour objections to the application and consider that it would comply with Policy EQ9 of the Core Strategy.

## **5.6. Space about dwellings**

5.6.1. The proposal does not infringe the LPA's 'Space about dwellings' standards.

## **5.7. Highways/parking**

5.7.1. There are no parking or highways issues in respect of this application.

## **6. CONCLUSIONS**

6.1. I consider that the proposal complies with Policies EQ9 and EQ11. As such I recommend this application for approval.

## **7. RECOMMENDATION - APPROVE**

Subject to the following condition(s):

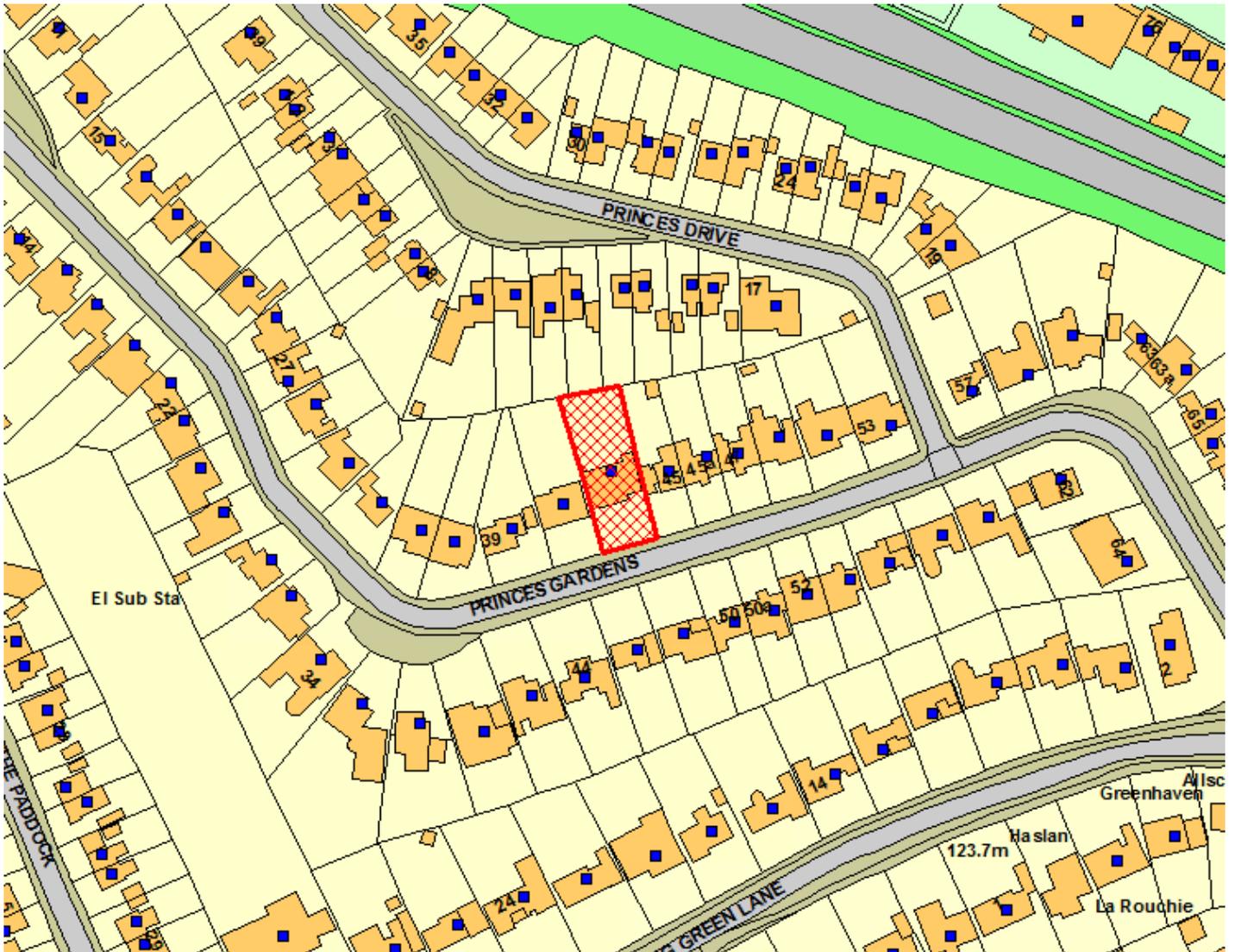
1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

2. The development shall be carried out in accordance with the approved drawings: Block Plan, Proposed Rear Elevation received 24/05/2020
3. The materials to be used on the proposed roof shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

#### Reasons

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

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



**20/00401/FUL - 43 Princes Gardens Codsall WOLVERHAMPTON WV8 2DH**



**SOUTH STAFFORDSHIRE COUNCIL**

**PLANNING COMMITTEE – 21 JULY 2020**

**MONTHLY UPDATE REPORT AND AGREEMENT OF THE PLANNING ENFORCEMENT POLICY**

**REPORT OF THE LEAD PLANNING MANAGER**

**PART A – SUMMARY REPORT**

**1. SUMMARY OF PROPOSALS**

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

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

**2. RECOMMENDATION**

2.1 That Committee approves the updated Planning Enforcement Policy in Appendix 2, and as explained in paragraph 4.14 of this report; and,

2.2 Committee note the content of the remainder of the update report.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
POLICY/COMMUNITY IMPACT	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	21 <sup>st</sup> July 2020	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.

LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.
IMPACT ON SPECIFIC WARDS	No	District-wide application.

## **PART B – ADDITIONAL INFORMATION**

### 4. INFORMATION

- 4.1 **Future Training** – Changes to Planning Committee were approved at the 26 March 2019 meeting of the Council to reduce committee size from 49 potential members to 21 members. As part of these changes an update report will now be brought to each meeting of the Committee. The intention has been that with a reduced size of Committee additional training will be provided throughout the year, namely before each Planning Committee (starting at 5:30pm). The sessions may well change depending on what issues are on the agenda.

**Given the current public health situation, we have suspended the current program, and continue to investigate how to do training remotely. We will confirm once agreed.**

### 4.3 **Changes in National Policy:**

#### **Business and Planning Bill June 2020**

- 4.4 In response to the COVID19 pandemic, the government has introduced the Business and Planning Bill June 2020 ('the Bill'), granting a range of temporary planning and licencing relaxations. Whilst the Bill has not yet been fully enacted by the government, it is likely it will be brought into force imminently. The Bill introduces a range of relaxations, including the following areas;

#### Construction hours

- 4.5 Regulations are introduced to allow applicants to apply in writing for a temporary extension to on-site construction hours up to 1st April 2021. We have 14 days to determine these in writing with the applicant, and if we fail to respond permission will be given automatically. Government guidance accompanying the Bill suggests that we should generally be approving any applications to vary construction hours up to 9pm Monday – Saturday.

#### Measures to avoid existing planning permissions lapsing

- 4.6 To stop permissions lapsing during the pandemic, any planning permission that expires between the date of the Bill's commencement and 31 December 2020 will have its time limit for commencement extended to 1 April 2020. There may also be

permissions which expire after 23 March 2020 (i.e. start of lockdown) and the date the Bill comes into force. To allow for this, approvals which have expired in this period can apply to the local authority to have their expiration date reinstated to 1 April 2020. To do this, we have to confirm that their development is not restricted by the Habitat Regulations (e.g. is not a new dwelling within the zone of influence for the Cannock Chase SAC) and does not require an Environmental Impact Assessment.

#### Licencing changes to food and drink establishments

- 4.7 The Bill includes measures to allow for bars, restaurants and pubs (amongst other venues) to seat and serve customers outdoors. A temporary cap will be placed on the licencing fee that we can charge premises seeking to provide on-street seating, alongside a new 14 day determination period. If any applicant obtains a licence through this route, they will also automatically receive deemed planning consent for this use for the duration of the licence. In a similar vein, the Bill will make temporary changes to the Licensing act to allow premises selling alcohol on the property to also sell alcohol for consumption off the property, effectively allowing pubs etc. to function as off-licences. These measures will run to 30 September 2021 and will come into effect when the Bill becomes law.

#### **Other changes to permitted development**

- 4.8 Alongside the Business and Planning Bill, the government have also recently introduced temporary changes to permitted development to assist local businesses. These include measures allowing local authorities to hold a market on an area of land, including the erection of moveable structures on that land, until 23 March 2021. Other temporary measures also include a separate right allowing for the temporary use of land for up to 28 days in the period 1 July 2020 – 31 December 2020, of which up to 14 days can be for holding a market or for motor car or motorcycle racing. These measures are already in effect as of 25 June 2020.
- 4.9 **Planning Appeal Decisions** – every Planning Appeal decision will now be brought to the Committee for the Committee to consider. There has been 1 appeal decision since the last Committee, a copy of the decision is attached as Appendix 1. This relates to:
- The development of a detached dwelling and garage on land between Doveleys Farm and Hargedon House, Sandy Lane, Hatherton. The appeal was dismissed on the basis that the proposal would be inappropriate development in the Green Belt and would also result harm to the Green Belt.
- 4.10 We are still awaiting the 2 Crematoria applied for some time ago, and the decision is still awaited. It was due by 12 September 2019. We have sent a further email to PINS and received a reply on 16<sup>th</sup> June to state they had no update from the Secretary of State, but would keep in touch with us should that position change.
- 4.11 The Secretary of State for Transport has now made an order granting development consent West Midlands Interchange (WMI). Documents can be seen here : <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west->

[midlands-interchange/](#) Officers are now in the process of considering the decision to understand next steps. The Legal Challenge period expired on 15 June 2020 and no Legal Challenge has been lodged.

- 4.12 **Relevant Planning Enforcement cases on a quarterly basis** – No update from last month on performance.
- 4.13 46 planning enforcement cases have been logged for investigation since lockdown began and cases are being progressed efficiently. The Planning Enforcement target of 80% of cases being logged and investigated within 12 weeks of logging is being achieved and currently stands at 92%.
- 4.14 **Planning Enforcement Policy** –A Planning Enforcement Challenge Panel was established in 2019 to review the Council’s Planning Enforcement Policy and agree an Action Plan for future service delivery. After review, the Challenge Panel endorsed some changes to the policy, namely, to make it more streamlined on what will be considered a priority case, but also reviewing the way in which we record service performance to be something within the team’s control. The policy now relates to carrying out 80% of investigations within 12 weeks of a case being logged, rather than monitoring those being resolved. Resolution of enforcement is often outside of the enforcement teams’ control, particularly if the action was planning permission or legal action. The full Planning Enforcement Policy seeking Planning Committee approval is in Appendix 2.
- 4.15 **The latest data produced by the Ministry of Housing Communities and Local Government** – As members will recall MHCLG sets designation targets that must be met regarding both quality and speed of planning decisions. The targets are broken into Major and Non major development. If the targets are not met then unless exceptional circumstances apply MHCLG will “designate” the relevant authority and developers have the option to avoid applying to the relevant designated Local Planning Authority and apply direct, and pay the fees, to the Planning Inspectorate. Details can be seen at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/760040/Improving\\_planning\\_performance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf)
- 4.16 We will ensure that the Committee is kept informed of performance against the relevant targets including through the MHCLG’s own data.
- 4.17 For Speed – the 2020 target for major developments is that 60% of decisions must be made within the relevant time frame (or with an agreed extension of time) and for non-major it is 70%. For Quality – for 2020 the threshold is 10% for both major and non-major decisions. Current performance is well within these targets and the position as set out on MHCLG’s website will be shown to the Committee at the meeting – the information can be seen on the following link tables:
- 151a – speed – major
  - 152a – quality – major
  - 153 – speed – non major
  - 154 – quality – non major

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

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

**Speed**

151a – majors – target 60% (or above) – result = 89.4% (data up to December 2019)

153 – others – target 70% (or above) – result = 86.3% (data up to December 2019)

**Quality**

152a – majors – target 10% (or below) – result = 5.4% (date up to September 2018)

154 – others – target 10% or below – result = 1.1% (date up to September 2018)

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

N/A

7. BACKGROUND PAPERS

Appendix 1 – Appeal Decision – Land between Doveleys Farm and Hargedon House, Sandy Lane, Hatherton

Appendix 2 – Planning Enforcement Policy

Report prepared by: Kelly Harris, Lead Planning Manager





## Appeal Decision

Site visit made on 9 June 2020

**by Robert Hitchcock BSc DipCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 June 2020

**Appeal Ref: APP/C3430/W/20/3245352**

**Land between Doveleys Farm and Hargedon House, Sandy Lane, Hatherton WS11 1RW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Philip Hammonds against the decision of South Staffordshire Council.
- The application Ref 19/00358/OUT, dated 29 April 2019, was refused by notice dated 13 August 2019.
- The development proposed is a detached dwelling and garage.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline with all matters reserved with the exception of access. I have had regard to the location plan and proposed site plan showing the access point and indicative layout. I have determined the appeal on that basis.

### Main Issues

3. The main issues are:
  - whether the proposal would be inappropriate development within the Green Belt and, if so, the effect on the openness of the Green Belt;
  - the effect of the development on the character and appearance of the locality;
  - the effect of the development on the Cannock Chase Special Area of Conservation; and,
  - if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### Reasons

*Whether inappropriate development in the Green Belt*

4. The Government attaches great importance to Green Belts. Section 13 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. Core Policy 1 of the South Staffordshire Council Core Strategy Development Plan Document (2012) (CS) states that the Green Belt will be protected from inappropriate development and proposals will be considered in the light of other local planning policies and the policy restrictions relating to Green Belt in the Framework. Policy GB1 of the CS sets out that acceptable development within the terms of the Framework will normally be permitted.

5. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt subject to a limited number of exceptions. Of those exceptions the Appellant draws my attention to Paragraph 145 e) in relation to limited infilling in villages and Paragraph 145 g) in relation to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
6. Policy GB1 clarifies that limited infilling is 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.
7. The term 'limited infilling in villages' is not defined within the Framework and, as acknowledged by the Appellant and referenced by caselaw<sup>1</sup>, is a matter of planning judgement. The site is within a loose cluster of primarily residential development. It is bordered by open grazing land to the front and rear. Doveleys farmhouse and its associated yard and buildings are located to one side of the site and a residential property called Hargedone House to the other. Despite intervening hedge screening, the farmhouse and Hargedone House, together with a further residential property beyond, create a short built-up frontage on this part of Sandy Lane. The site width would be similar to that of the adjacent properties to the west and capable of accommodating one or two buildings across that width. Accordingly, the proposal would fall within the scope of the 'limited infill' component of Paragraph 145 e) of the Framework.
8. However, the site lies in an area of 'washed over' Green Belt within a loose collect of informally arranged buildings that includes a limited number of residential properties of mixed age along with former agricultural buildings. As identified by the Appellant, the absence of a formal designation or delineation of the group as a settlement is not, in itself, determinative as to whether it is regarded as a village for the purposes of Paragraph 145 e). At the time of my site inspection I saw that the cluster is separated from the nearby main settlement area of Cannock by open fields. This is to an extent that it appears detached from the main settlement area and distinct from it. The group has little of the regimented and planned character of the nearest residential estates. The lower density of development and verdant setting forms creates a rural characteristic in contrast to the suburban nature of Cannock. Furthermore, this narrow, hedged part of the Sandy Lane is devoid of the pavements or speed restrictions present in the settlement area.

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<sup>1</sup> Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council [2014] EWHC 683 (Admin) and Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council [2015] EWCA Civ 195.

9. The limited number of buildings and absence of local services or community amenities within or directly linked to the group, leads me to the conclusion that the location of the infill would not be within a 'village' for the purposes of Paragraph 145 e). The proposal therefore would not be an exception under this provision.
10. The Appellant has directed me to a recent appeal decision<sup>2</sup> in relation to infill development on a small field adjacent to a settlement boundary. However, I note in that instance the development site was contiguous with the existing identified settlement pattern and therefore distinct from the circumstances of the appeal site which, based on the facts on the ground, appears to lie in a countryside area detached from the main township.
11. Turning to Paragraph 145 g); infill or redevelopment of the site within the context of this exception is subject to the test of preserving the openness of the Green Belt. The existing site comprises a range of stable buildings, a number of tin and timber sheds and areas of hardstanding. On account of the outline nature of the planning application, there is little evidence before me to demonstrate the scale of the proposal in comparison to that of the existing development and therefore its effect on the spatial and visual openness of this part of the Green Belt.
12. Although an initial assessment by the Appellant stated that the proposal would have a neutral effect on the openness of the Green Belt, the subsequent appeal statement identifies that there is agreement with the Council's determination that the proposed dwelling would be larger in scale than the existing buildings and structures such that it would have a greater impact on the openness of the Green Belt.
13. The Appellant submits that this aligns with the provision in the Council's Green Belt and Open Countryside Supplementary Planning Document (2014) (SPD) whereupon it is stated that infill within a ribbon of development or a tight cluster of development may not lead to a greater impact on the openness of the Green Belt. Furthermore, it is submitted that additional impacts on openness would be offset through the more limited use of the site and removal of the existing outdoor areas for storage and parking.
14. The SPD makes no distinction between development falling within Paragraphs 145 e) and 145 g) of the Framework. However, Paragraph 145 g) of the more recent iteration of the Framework requires that a building that does not contribute to meeting an identified affordable housing need must not have a greater impact on the openness of the Green Belt than the **existing** development. This requirement is distinct from consideration of the building's position or setting amongst other development. Consequently, a building that is larger than the existing buildings, as is sought here, would fail part of the exception requirement at Paragraph 145 g) of the Framework.
15. In addition to a loss of spatial openness, a building of greater height, as referenced in the initial planning submissions of the Appellant, would not necessarily be visually screened by landscaping in the same way as the existing development. The existing buildings have limited heights such that views of them from the surrounding area are restricted by the boundary vegetation and contours of the land. A proposal of increased height, particularly a height

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<sup>2</sup> APP/C3430/W/18/3198392

comparable to the neighbouring residential properties, would be substantially more visible across the width of the site and could not be concealed in a similar manner. As a consequence, this would lead to the erosion of the visual openness of the locality. Accordingly, the losses to the openness of the Green Belt identified by the main parties are highly likely to arise in both visual and spatial terms.

16. Whilst I acknowledge the benefits to openness that may accrue in respect of removal of potential outside storage and parking associated with the equine use of the site, these more temporary connections would not, to my mind, outweigh the harm arising to openness from a permanent form of development which, in itself, would likely lead to ancillary domestic structures, paraphernalia and parking.
17. For the reasons set out above, I conclude that the development would constitute inappropriate development within the Green Belt that would erode its openness and conflict with one of the purposes of including land within it. As such it would be contrary to Policy GB1 of the CS which seeks the aforesaid aims. For similar reasons, the development does not fall within the exceptions outlined in the Framework.

#### *Character and appearance*

18. Doveleys Farm is a former farmstead and dwelling now appearing in mixed equine and domestic use. It is located on the south-western side of Sandy Lane as shown on the Appellants drawing 2019:150:01. Sandy Lane is a narrow lane set within a rural landscape of open fields with scattered farmsteads and small pockets of development.
19. The appeal site consists of a row of stable buildings and cluster of various sheds of limited height and scale. To the west of the stables is a large area of gravel forming an open hardstanding. The site benefits from established screen hedging to the front and side boundary with the neighbouring residential property. Although visible through the roadside gateway, the scale and set-back position of the buildings means they have a limited role in the Sandy Lane streetscape. Despite their basic form, the buildings reflect their rural location and currently have a clear association with the former farmstead group of buildings.
20. The proposal is submitted in outline with matters of layout, appearance, landscaping and scale reserved. Whilst the domestication of the site would inevitably change its character, this would reflect the nature of development to the west. Given the variation of designs of properties in the vicinity, it is not inconceivable that a suitably designed dwelling and landscaped site could integrate with the appearance of existing development in the vicinity.
21. Furthermore, this would replace utilitarian buildings of limited architectural value and a large expanse of hardstanding which, notwithstanding their practical rural appearance, contribute little to the visual quality of the locality.
22. For the above reasons, I conclude that the proposal would provide an alternative form of development that would reflect the character of existing development nearby and enhance the appearance of the site. It would thereby be consistent with Policy EQ11 of the CS which, amongst other things, seeks high quality design that takes into account local character and distinctiveness.

### *Cannock Chase Special Area of Conservation*

23. The Conservation of Habitats and Species Regulations 2010 imposes a duty on a decision maker to ensure that planning decisions comply with the requirements of the Regulations. The site lies within the 0-8km zone of influence on the designated Cannock Chase Special Area of Conservation (SAC), a unique heathlands habitat.
24. Policy EQ2 of the CS indicates that development will only be permitted where it can be demonstrated that it will not lead directly or indirectly to an adverse effect upon the integrity of the SAC. It adds that a net increase of housing development that is likely to have an adverse effect should mitigate for those effects.
25. The Council's 'Cannock Chase Special Area of Conservation: Guidance to Mitigate the Impact of New Residential Development' identifies that 'the 'in combination' impact of proposals involving one or more dwellings within a 15km radius of the SAC would have an adverse effect on its integrity as a result of an increase in recreation over the plan period, unless avoidance and mitigation measures are in place'. I note that the Appellant has provided a draft planning obligation to secure the mitigation measures to offset any harm arising from the proposal as sought by the Council. However, it is not a completed agreement as the document is not dated and some signatures are missing. In the absence of a mechanism to secure suitable mitigation, I conclude that the proposal fails to meet the requirements of Policy EQ2 of the CS as it relates to protecting the integrity of the Cannock Chase SAC.

### *Other considerations*

26. The proposal would contribute to the supply of housing in the area and support the local economy through its construction and the contribution of prospective occupiers to local shops and services. This is a matter to which I attach moderate weight.
27. The redevelopment of the site could result in a lower level of traffic than that arising from full active use of the stables. The reduction in traffic generation would give rise to benefits in the reduced consumption of natural resources and lower levels of traffic on a narrow rural lane. These would constitute modest benefits of the development and I attach them moderate weight.
28. The management of the roadside hedge and reintroduction of landscaped gardens in lieu of the existing hard surfaces have potential to enhance biodiversity in the locality. However, in the absence of detail of those benefits or mechanism to secure them, these are matters to which I attach limited weight.
29. The absence of objections from third parties and consultees, including the Highway Authority, are not benefits in favour of the development and therefore attract neutral weight.

### **Conclusion**

30. The erection of the dwelling on the site would be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The proposal would also cause harm to

the openness of the Green Belt. Additionally, the development would fail to protect the integrity of the Cannock Chase SAC.

31. The considerations presented by the Appellant or my finding in favour of the Appellant with regard to the impact of the development on the character of the rural area, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist. Furthermore, the development would be contrary to the adopted development plan and there are no other material considerations to indicate a decision otherwise than in accordance with it.
32. For the reasons set out above, I conclude that the appeal should be dismissed.

*R Hitchcock*

INSPECTOR



**South Staffordshire Council**

**South Staffordshire Council  
Planning Enforcement  
Policy and Procedures**

**March 2020**

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## 1. Background

- 1.1 This policy and procedures document sets out what individuals and organisations can expect from South Staffordshire Council in the undertaking of its planning enforcement functions. All enforcement actions of the Council are governed by the Council's Enforcement Policy which is available on the Council's website. This Planning Enforcement Policy and Procedures document sits below the corporate Enforcement Policy which should be referred to in the first instance. The Council's Enforcement Policy takes precedence over this Policy document.
- 1.2 The integrity of the Planning process as a whole depends on the Council's readiness to take effective enforcement action when it is appropriate. Fair and effective planning enforcement is therefore important to protect the quality of life for the people who live and work in South Staffordshire and the quality of the district's built and natural environment.
- 1.3 South Staffordshire Council acknowledges the Government's view that the rapid initiation of enforcement action is vital to prevent a breach of planning control from becoming well established and therefore more difficult to remedy. However, Local Planning Authorities have a general discretion in taking enforcement action when they regard it as expedient and in the "public interest" to do so. Action should also be commensurate with the breach of planning control it relates to.
- 1.4 In order to provide an appropriate service to the public, it is important for the Council to give its customers guidance through this document on how the enforcement system operates in practice. The benefit of this will be to:
  - explain the overall standard of service customers can expect.
  - outline how reports can be made and how investigations are undertaken.
  - define priorities so that resources can be put to best use.
  - set timescales so that service delivery can be measured and reviewed.
  - provide an indication of possible enforcement remedies.
  - ensure compliance with Government legislation and guidance.
  - maintain a consistent, fair and transparent approach to planning enforcement in South Staffordshire.
  - provide an annual reporting mechanism to Members in relation to reports received and enforcement action taken.

## 2. Government Guidance

- 2.1 The Council's Planning Enforcement function will be undertaken in accordance with current and emerging Government guidance and legislation which includes:
  - Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004)
  - Town and Country Planning (Control of Advertisements) (England) Regulations 2007

- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning Policy Guidance
- National Planning Policy Framework
- Town and Country Planning (Tree Preservation) (England) Regulations 2012
- Police and Criminal Evidence Act 1984
- Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000

### 3. Principles of Good Enforcement

#### 3.1 The National Planning Policy Framework (NPPF) states:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act appropriately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”

#### 3.2 In 1998 the Government produced a Concordat setting out the Principles of Good Enforcement Practice. South Staffordshire Council is committed to the following principles:

- Standards;  
draw up and publish clear standards of service and performance the public can expect.
- Openness;  
provide information and advice in plain language; be open about how we set about our work; and discuss general issues with anyone experiencing difficulties.
- Helpfulness;  
provide a courteous and efficient service and encourage the public to seek advice/information from us.
- Complaints About Service;  
provide well publicised, effective and timely complaints’ procedures that are easily accessible to the public.
- Proportionality;  
ensure any action we require is proportionate to the breach.
- Consistency;  
carry out our duties in a fair, equitable and consistent manner.

Although not directly applicable to planning enforcement functions, the principles and ethos of the Regulators’ Compliance Code are also taken into account.

## 4. Overview of Planning Enforcement

- 4.1 Planning enforcement is a technically and legally complex component of the planning system which means that action is not always as straightforward as it seems. Legislation is often qualified by High Court judgments and appeal decisions made by the Secretary of State for Housing, Communities and Local Government. The Council will operate within the provisions of this legislation and other Government policy and guidance, the main elements of which are outlined in Section 2.
- 4.2 In deciding whether it is expedient to take enforcement action, the Council will also give consideration to the objectives and policies of the Core Strategy and documents of the Local Plan.
- 4.3 Each case will be dealt with on its own merits taking into account the often unique circumstances, along with the level of harm created as well as any history of previous breaches. The Council's resources are not limitless. It is therefore necessary to target available resources to have maximum effect and not necessarily as a response to who is complaining or how vociferously. Action is also not taken simply because development or works have commenced without the necessary approval. Guidance on how cases will be prioritised is given within Section 7.
- 4.4 The assessment of harm does not include private interests, such as loss of value to property, competition, loss of view, trespass or breach of covenant. In some situations, works or developments are done in ignorance, rather than intentionally, and the person responsible will first be given an opportunity to remedy the situation.
- 4.5 Investigations will be carried out as promptly and efficiently as possible. Section 8 of this document sets down Performance Standards the Council will aim for. Transparency of our decision-making is essential so that all involved in the enforcement process understand and have confidence in the basis on which the service is provided. The Council's Constitution sets out the appropriate level of decision making available to enable officers to progress cases without reference to Planning Committee.
- 4.6 Enforcement Officers must have appropriate knowledge and skills to carry out their duties. South Staffordshire Council has a programme of Personal Development in place which regularly reviews skills and training requirements in order that officers maintain the necessary level of competence.
- 4.7 All Enforcement Officers are required to follow the Council's protocol for declaration of interests. If that interest is of a personal, financial or any other nature likely to be prejudicial then that officer will take no part in the investigation and will refer the matter and interest to his/her line manager.

- 4.8 When undertaking their duties, Enforcement Officers will have regard to the Council's Equal Opportunity Policy to ensure that investigations are carried out in a consistent and fair manner, free from discrimination on any grounds including race, gender and disability.
- 4.9 As part of the enforcement process, Human Rights is also an important consideration that will be taken into account and balanced with any action taken. The relevant elements of the Human Rights Act, 1998, are:
- Article 6 – Right to a fair trial
  - Article 8 – Right to respect for private and family life; and
  - Article 1 of the First Protocol – Protection of property.  
*(This is under review due to Brexit)*
- 4.10 The Council will not tolerate any of its staff being threatened with or subjected to physical or verbal abuse in the course of carrying out their official duties and will take appropriate legal action where necessary.

## 5. Scope of Planning Enforcement

- 5.1 South Staffordshire Council deals with around 1000 applications every year for planning permission, advertisement consent, listed building and conservation area consent, prior approvals for telecommunications equipment, demolitions and to carry out work to protected trees.
- 5.2 Conditions attached to permissions frequently require various details to be approved prior to commencement of the development and failure to do this is a breach of planning control and can render any subsequent development as unauthorised. Depending upon the nature of any planning obligation, this also applies to any failure to carry out its terms. It is beneficial to all applicants if any failure relating to non-compliance is addressed as soon as possible.
- 5.3 In assessing the need for enforcement action, the Government advise councils to bear in mind the fact that it is not a criminal offence to carry out development without first obtaining planning permission required for it. However, this does not apply to the following works which do carry a criminal liability:
- unauthorised works to a Listed Building.
  - unauthorised advertisements.
  - unauthorised demolition of an unlisted building in a Conservation Area.
  - unauthorised works to "protected" trees.
  - unauthorised works to trees in Conservation Areas.
- 5.4 Although development unfortunately occurs without the necessary permission, sometimes in all innocence, this is still a breach of planning control. In circumstances where the breach is considered not to cause harm, a retrospective application to put the matter right can be

requested. The Council expects such an application to be submitted within 4 weeks of this request. However, some applications can be more complex, and in such instances, or where considered appropriate, additional time may be given to submit an application.

5.5 It should be noted that individuals may be able to make minor changes and extensions to their home under “permitted development rights” or for some businesses to change their use without needing to apply for planning permission. These rights are granted by the Government under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, and in such instances planning enforcement action cannot be taken. Further guidance can be found at <https://www.planningportal.co.uk/>

5.6 The Planning Enforcement Team does not investigate the following:

- neighbour disputes
- land boundary or ownership disputes
- the height of hedges and trees
- use of or development on highways, pavements or grass verges
- anonymous reports unless exceptional circumstances
- dangerous structures

Such matters are covered by other legislation. We can advise people where they can seek resolution but where the matter is a Council responsibility, we can pass concerns on to the relevant team.

5.7 There are time limits as to when enforcement action can be taken. Action has to be instigated within **4 years** in relation to the erection of buildings or the change of use of a building for use as a single dwellinghouse. In the case of any other breach of planning control, including breach of condition, action must be taken within **10 years**. There is, however, no time limit for the enforcement of breaches in relation to Listed Building legislation.

## 6. Reporting a Planning Breach

6.1 To assist the Council and help avoid misunderstanding, all reports about possible breaches of planning control should ideally be made via the Council’s website by completing the Planning Enforcement Report form, the details of which are listed in Section 12. Reports can also be reported by telephone by phoning the Council’s Contact Centre.

6.2 The Council will require as much information as possible in order to carry out its investigations and also to help keep complainants informed of what action it is taking. This information should include:

- name, address, telephone number and e-mail address of the complainant.
- details of the report itself including when the problems started.
- the location of the source of the issue.
- the name and address of the alleged contravener, if known.

- an explanation of the difficulties that the problem is causing.

**The above information is treated as strictly confidential. The alleged contravener is not told who has made the report, although they can make assumptions.**

- 6.3 The Council will only deal with anonymous reports of planning breaches in exceptional circumstances due to limited resource. It may also mean that your enquiry is not investigated effectively if you cannot be contacted to provide more information. Complainants concerned about possibly revealing their identity, or having difficulties explaining the problems affecting them, may wish to discuss the matter with their local Councillor. Details of who your Ward Councillors are can be obtained from the Council's web site Your Councillor.
- 6.4 Once you have made your report, we advise that members of the public/Councillors/officers (other than Enforcement Officers) do not enter onto the site or enter into discussions with the alleged contravener. The Council's Enforcement Officers will investigate and keep you informed.

## 7. Prioritising Planning Breach Investigations

- 7.1 South Staffordshire Council receives around 500 planning enforcement reports each year which all need to be progressed as quickly and efficiently as possible. However, investigations can often be lengthy and complex especially if formal action is required. Given this workload, coupled with limited resources, it is therefore necessary to try and prioritise cases.
- 7.2 Prioritisation of action will be taken on the basis of the following list. This list is for guidance and is not exhaustive:

### High Priority

- Serious alleged breaches including threat to health and/or safety of the public or irreversible damage to the built or natural environment such as large-scale intrusions into the Green Belt, works to a Listed Building, loss of a protected tree or breaches of Hazardous Substances consent.

### Standard Response

- A breach which is significantly detrimental to amenity through noise, smell, congestion, visual intrusion etc.
- A breach which conflicts with planning policy and is unlikely to be granted planning permission.
- Contravention of conditions attached to planning consents where there would be demonstrable harm.
- Non-compliance with Planning Obligation agreements where the terms of the agreement still serve a useful planning purpose.

- Unauthorised works that may affect the setting of a Listed Building or the character of a Conservation Area.
- Unauthorised advertisements in Conservation Areas and Borough Gateway sites or where there are highway safety concerns.
- A breach causing problems which may be resolved through modification or imposition of conditions on a subsequent planning permission.
- Other unauthorised breaches of a minor nature which do not cause immediate or long-term harm including small domestic structures such as sheds or fences.
- Other breaches of planning conditions where there is no immediate harm.
- All other unauthorised advertisements.

7.3 The timing of enforcement action will also depend on:

- Time limit for enforcement action to be taken.
- Previous case history.
- The availability of any witnesses and their willingness to co-operate.
- Blatant disregard of the law involved in the breach or if it was a genuine misunderstanding.
- Willingness of the contravener to put right the breach.
- Likelihood of the offence being repeated.
- The overall probable public benefit of formal action.

## 8. Performance Indicators

8.1 Unlike with the handling of planning applications, there are currently no national performance indicators for dealing with enforcement cases. However, having considered some of the standards set by other Councils, together with an assessment of how South Staffordshire has been performing over recent years, delivery standards to the key stages of the enforcement process have been set in this policy. They may, however, need to be re-viewed in the light of experience, workload and available staff resources:

- Acknowledging all reports within 5 working days of receipt.
- Making the first site visit (if required) to investigate a High Priority report within 5 working days of receipt and 15 working days with all other Standard Response cases.
- Investigating (i.e. determining if a breach of planning control has occurred) 80% of enforcement reports within 12 weeks of the case being logged.
- Notifying all parties to a report of the Council's decision (whether or not to enforce) within 10 working days of making the decision. This will also include providing a reason for the Council's decision.
- Customers are always welcome at any point in this process to contact the Investigating Officer by e-mail or telephone for an update.
- It should be noted that the above delivery standard targets are separate from the Council's Customer Service targets.

## 9. Dealing with Reports of Planning Breaches

- 9.1 As enforcement can be a lengthy and legally complex process, it is not possible to give an average time for dealing with a report. The time taken for a satisfactory resolution can vary considerably from one report to another. However, the basic process that is followed remains the same in each case.
- 9.2 When a report is received it will be registered, it is allocated a unique reference number, a file is created and then it is allocated to an officer to be investigated. All enforcement reports will be acknowledged within 5 working days of receipt and the case will be allocated a unique reference number.
- 9.3 The Investigating Officer will firstly have to establish the facts surrounding the report. This will initially mean carrying out a number of desk-based checks having regard, for example, to appropriate legislation, site history, and any relevant correspondence. Where appropriate, the officer will also liaise with other Council services such as Licensing or Housing and external agencies such as the Police and Environment Agency.
- 9.4 If necessary, the site of the report will be visited within 15 working days or sooner depending on the nature of the report. In the most serious breach cases, officers will endeavour to visit the site on the same day. Site visits will usually be unannounced, and photographs may be taken. Officers also have Powers of Entry in order to gain information, though in the case of a dwellinghouse a notice period of 24 hours is required before entry can be gained.
- 9.5 If the report involves the use of a property for instance, then officers may have to monitor it for a few weeks to make their assessment. We may also ask for your help to collect evidence in such circumstances.
- 9.6 The owner and/or occupier may be interviewed to obtain further information about the alleged breach. Occasionally, in serious cases it may be necessary to conduct an interview under caution in accordance with the provisions of the Police and Criminal Evidence Act 1984.
- 9.7 Following the conclusion of investigations, it may be decided not to take any further action because the breach is minor or because there is no breach of planning control. All persons who have been involved in the report will be notified in writing of the decision, and the reason for it, within 10 working days of the closure decision being made. Any further or new allegations will be treated as new reports and further investigations will be carried out.
- 9.8 However, if a breach of planning control has been found, the Council will, whenever possible, talk to the person responsible in an effort to resolve the matter within a reasonable and appropriate timescale. The Investigating Officer will explain, and then confirm in writing, what the person has done wrong and specify the steps needed for them to put it right. This clearly will vary between breaches but may include inviting a retrospective planning application. In these cases, such applications would be subject to the Council's normal publicity and consultation procedures with adjoining occupiers.

## 10. Enforcement Action

- 10.1 The Council will look to progress formal enforcement action if the negotiated approach fails or is not appropriate. Officers have delegated powers to instigate a range of actions which will be undertaken in consultation with the Council's Legal Services department.
- 10.2 The first step is usually to establish the facts surrounding the case such as ownership of the premises or land, other people who may have an interest and the alleged breach itself. This is achieved through the serving of a statutory notice (a requisition for information). Where obtaining information and opening dialogue with the owner could be useful to the process, the Council could also serve a Planning Contravention Notice. Failure to return notices by the set date and/or giving false information are criminal offences and in such circumstances the Council will consider taking further legal action.
- 10.3 The Council will use its discretion in deciding whether to prosecute. Prosecution will normally only be pursued where it is judged that the actual (or foreseeable) harm is significant or irreparable, the evidential test is met and where it is deemed to be in the public interest.
- 10.4 A summary of the main possible actions are as follows but the scope of individual enforcement powers are covered in more detail in Appendix A:
- **Enforcement Notice:** this is the most common form of action taken. The notice will specify what the breach of planning control is and the steps needed to put matters right. It also specifies a time before it comes into effect during which time an appeal can be made.
  - **Stop Notice:** in exceptional circumstances where a breach continues to cause serious harm to either amenity, public safety or the environment, the Council may in addition to an enforcement notice consider serving a Stop Notice.
  - **Temporary Stop Notice:** recently introduced by the Government, can be served without an accompanying Enforcement Notice and can halt activity for a maximum period of 28 days where there is serious harm that needs to be stopped immediately.
  - **Breach of Condition Notice:** used when certain conditions placed on a planning permission have not been complied with.
- 10.5 An appeal can be made against an enforcement notice which is handled by the Planning Inspectorate. If an appeal is lodged the notice is held in abeyance, usually for many months, until the appeal is determined. If the appeal is unsuccessful or no appeal is made, the notice takes effect. Failure to comply with the requirements of the notice within the specified period is a criminal offence.
- 10.6 In addition to the above, other enforcement actions which the Council can use include serving a Section 215 Notice when the condition of land or a building is adversely affecting the amenity of an area or prosecution for unauthorised works to protected trees or listed buildings or where adverts are displayed without consent.

- 10.7 The Council will use its discretion in deciding whether to prosecute. Prosecution will normally only be pursued where it is judged that the actual (or foreseeable) harm is significant or irreparable, the evidential test is met and where it is deemed to be in the public interest.

## 11. Comments and Review

- 11.1 South Staffordshire Council will strive to provide the highest possible quality of service delivered in a fair and consistent manner. Customer suggestions are therefore welcome as to how we can make improvements to the planning enforcement process. Alternatively, problems may arise from time to time and any difficulties concerning the enforcement service should be brought in the first instance to the attention of the Planning Enforcement Team Manager, Council Offices, Codsall, South Staffordshire WV8 1PX.
- 11.2 If you are still dissatisfied with the way your problem has been addressed, you can make further formal representations via the Council's Complaints' Procedure or the Local Government Ombudsman, details of both of which are available on the Council's web site.
- 11.3 In order to assist in the improvement of service delivery, a review of the policy will be undertaken and reported to the Council's Planning Committee on an annual basis.
- 11.4 Such a review will enable this policy to be refined as necessary and procedures updated in light of changing workload demands, staffing levels and legislative requirements. Government guidance stresses that all Local Planning Authorities should carry out a review of the effectiveness of their procedural arrangements for planning enforcement and introduce revised arrangements where necessary.

## 12. Contact Details

You can contact the Planning Enforcement Team in five ways:

1. Online via the Planning Enforcement Report Form which can be found on the Council's website at:  
<https://www.sstaffs.gov.uk/doc/176460/name/Planning%20Enforcement%20Complainant%20Form.pdf/>
2. In person at Planning Enforcement, Council Offices, Codsall, South Staffordshire WV8 1PX
3. In writing to Planning Enforcement Team, Council Offices, Codsall, South Staffordshire WV8 1PX
4. E-mail to [planningenforcement@sstaffs.gov.uk](mailto:planningenforcement@sstaffs.gov.uk)
5. Telephone via the Contact Centre on (01902) 696000

## Appendix A – Powers available to the Local Planning Authority

This final section contains a summary of the main powers available to investigate reports and deal with breaches of planning control. In each individual case the Council must assess which action or combination of actions is best suited to dealing with the particular breach of planning control in order to achieve a satisfactory and cost-effective remedy. Any enforcement action should always be commensurate with the breach of control to which it relates.

**Planning Contravention Notice (PCN)** – in most cases this will be the first step in resolving a breach of planning control. It is the main method for gathering information, possibly including a formal meeting, regarding suspected breaches of planning control. The intention of a PCN is also to send a clear warning that further formal action is being considered once the facts of the case have been established.

Section 330 of the Town and Country Planning Act 1990 – this power is also used to obtain information but usually in cases where the Council has sufficient details about the activities being carried out but requires further information concerning ownership. It involves serving a notice on occupiers and/or persons with other interests in the premises or land.

For both these cases it is an offence to fail to comply with the requirements of the notice within the period set for its return or to make false or misleading statements in reply. Conviction currently carries a maximum fine not exceeding £1,000.

**Enforcement Notice** – this is the most common form of notice used to deal with a breach of planning control. It is served when the Council is satisfied that there has been a breach of planning control and that it is expedient to take action. An Enforcement Notice will specify the breach, the steps that must be taken to remedy the breach, and a specified time period for compliance. The recipient(s) of such a notice have a right of appeal to the Secretary of State. An appeal suspends the effect of the notice until it is determined. If an appeal is lodged all complainants and neighbours will be advised of the appeal and how to make representations to the Planning Inspectorate. Failure to comply with a notice that has taken effect is a criminal offence which on conviction in the Magistrates Court can lead to a maximum fine of £20,000 or an unlimited fine at Crown Court.

**Breach of Condition Notice (BCN)** – used as an alternative to an Enforcement Notice but only in circumstances where there has been a failure to comply with certain conditions placed on planning permissions. (It does not apply to breaches of control relating to listed buildings, advertisements or protected trees.) Again, the BCN would specify the breach and the steps required to secure compliance. However, a minimum period of 28 days has to be given for compliance though there is no right of appeal. Failure to comply with the notice is an offence with a maximum fine currently not exceeding £2,500 on conviction.

**Stop Notice** – used following the serving of an Enforcement Notice when the effects of continued unauthorised activity are seriously detrimental to amenity, public safety or causing irreversible harm to the environment and immediate action is justified. This notice can be used to ensure that the activity does not continue when an appeal is lodged against the Enforcement Notice. There are possible compensation liabilities if the Enforcement Notice is quashed. Failure to comply with a Stop Notice is an offence.

**Temporary Stop Notice** – recently introduced by the Government and can be served without an accompanying Enforcement Notice. However, they can only seek a cessation to activity for a period of 28 days and so will only be applied where the breach needs to be dealt with immediately and the Council needs time to consider whether an enforcement notice needs to be issued.

**Injunction** – in exceptional cases where there is a necessary and serious need to restrain an actual breach of planning control, the Council can apply to the County Court or High Court for an injunction. An injunction can be sought whether or not other enforcement action(s) have been taken.

**Default Powers** – the Council may enter land and carry out the required works to secure compliance when an Enforcement Notice is in effect but has not been complied with. There is no requirement to give notice to either the owner or occupier of the land and anyone who wilfully obstructs the exercise of these powers is guilty of a criminal offence. The costs of the works are then charged to the landowner.

**Section 215 Notice** – under this section of the Town and Country Planning Act 1990, the Council has the power to issue a notice on the owner or occupier of land if it appears that the visual amenity of the area is adversely affected by the condition it is being kept in. Such a notice may deal with buildings as well as land and would specify the steps required to remedy the existing condition and within what time scale. The recipient of a 215 Notice can appeal against it in the Magistrate's Court. Failure to comply with the notice is an offence with a maximum fine currently not exceeding £1,000 on conviction. The Council may also use default powers in such situations.

**Listed Building Control** – under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is an offence to demolish a listed building, or carry out works/alterations which affect its character, without the Council's prior consent. It is also an offence to demolish unlisted buildings in Conservation Areas (with a cubic content in excess of 115cubic metres) without a prior consent. A Listed Building Enforcement Notice may be issued, or prosecution action instigated depending on the circumstances of the case.

**Tree Preservation Orders** – it is a criminal offence to cut down, uproot or wilfully destroy a tree protected by a Tree Preservation Order or in a Conservation Area. Consent from the Council also has to be obtained for any remedial works to a protected tree such as lopping or pruning. If any of these are carried out, the Council can consider either prosecution action or the serving of a replanting enforcement notice.

**Advertisements** – it is an offence for any person to display an advertisement in contravention of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The Council will consider whether or not to prosecute in either the interests of amenity or public safety. In situations where an advertisement is displayed with deemed consent, the Council can still require its removal by issuing a Discontinuance Notice. Such a notice, against which there is a right of appeal, can only be issued to remedy a substantial injury to local amenity or if there is a danger to members of the public.