

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

Councillor Michael Lawrence , Councillor Bob Cope , Councillor Penny Allen , Councillor Len Bates B.E.M. , Councillor Barry Bond M.B.E. , Councillor Mike Boyle , Councillor Jo Chapman , Councillor Brian Cox , Councillor Matt Ewart , Councillor Rita Heseltine , Councillor Lin Hingley , Councillor Diane Holmes , Councillor Janet Johnson , Councillor Roger Lees J.P. , Councillor Dave Lockley , Councillor Terry Mason , Councillor Robert Reade , Councillor Ian Sadler , 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, 17 May 2022

Time: 18:30

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



D. Heywood  
Chief Executive

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

### **Part I – Public Session**

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>Minutes</b><br>To confirm the minutes of the Planning committee held on 19 April 2022       | <b>1 - 2</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 Management Team Manager | <b>3 - 18</b>  |
| <b>5</b> | <b>Monthly Update Report</b><br>Report of the Lead Planning Manager                            | <b>19 - 28</b> |

### **RECORDING**

**Please note that this meeting will be recorded.**

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

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

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

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

Minutes of the meeting of the **Planning Committee** South Staffordshire Council held in the Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX on Tuesday, 19 April 2022 at 18:30

**Present:-**

Councillor Penny Allen, Councillor Len Bates, Councillor Mike Boyle, Councillor Bob Cope, Councillor Brian Cox, Councillor Lin Hingley, Councillor Janet Johnson, Councillor Michael Lawrence, Councillor Roger Lees, Councillor Dave Lockley, Councillor Robert Reade, Councillor Ian Sadler, Councillor Robert Spencer, Councillor Christopher Steel

**171 MINUTES**

**RESOLVED:** - that the minutes of the Planning Committee held on 15 March 2022 be approved and signed by the Chairman

**172 APOLOGIES**

Apologies were received from Councillors B Bond, I Ford, T Mason, J Chapman, R Heseltine and D Holmes.

**173 DECLARATIONS OF INTEREST**

There were no declarations of interest

**174 DETERMINATION OF PLANNING APPLICATIONS**

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

**21/01255/FUL – LAND EAST OF RED LANE, GOSPEL END, DY3 4AN – APPLICANT – MR SONNY PARKER – PARISH - HIMLEY**

Consideration of this had been deferred from the last meeting to allow inconsistencies in the plans to be resolved.

Chantelle Buchanan (Agent) spoke in support of the application.

David Baugh (neighbour) spoke against the application.

Councillor Lees ward member supported the application.

Councillor Steel arrived late and therefore did not vote on this application.

**RESOLVED** - that the application be **APPROVED** subject to the conditions contained in the Planning Officers report and to an update to the wording of condition 7 to read:

The planting shall be maintained at a height agreed with the LPA.

**22/00042/FUL – BAILIFFS HOUSE, LAWNSWOOD ROAD, LAWNSWOOD, DY7 5QL - APPLICANT – MR PHILIP MOBBERLEY - PARISH – KINVER.**

Councillor Hingley supported the application.

**RESOLVED** - that the application be **APPROVED** subject to conditions set out in the Planning Officers report and to revised conditions 2,4 and 8 as set out in the Planning Officers Additional Information.

175     **MONTHLY UPDATE REPORT**

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

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

The Meeting ended at: 19:15

**CHAIRMAN**

**SOUTH STAFFORDSHIRE COUNCIL****PLANNING COMMITTEE – 17 MAY 2022****DETERMINATION OF PLANNING APPLICATIONS****REPORT OF DEVELOPMENT MANAGEMENT TEAM MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

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

**2. RECOMMENDATIONS**

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

**3. SUMMARY IMPACT ASSESSMENT**

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

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

## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

All relevant information is contained within the Appendix.

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

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

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

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

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

#### **Equality Act Duty**

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

#### **Human Rights Implications**

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

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

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

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

### **Consultations Undertaken**

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

### **CONSULTEES**

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

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

N/A

### **6. PREVIOUS MINUTES**

Details if issue has been previously considered

### **7. BACKGROUND PAPERS**

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

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

These documents are available for inspection by Members or any member of the public and will remain available for a period of up to 4 years from the date of the meeting, during the normal office hours. Requests to see them should be made to our Customer Services Officers on 01902 696000 and arrangements will be made to comply with the request as soon as practicable. The Core Strategy and the individual planning applications can be viewed on our web site [www.sstaffs.gov.uk](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>22/00201/FUL Non Major</b>	<b>Network Rail Culvert Beneath Railway Adjacent To Bridge Avenue And Myrtle Glade Great Wyrley Staffordshire</b>	<b>GREAT WYRLEY</b>  <b>Councillor Janet Johnson</b>  <b>Councillor Michael Lawrence</b>  <b>Councillor Kath Perry</b>  <b>CHESLYN HAY</b>  <b>Councillor Steve Hollis</b>  <b>Councillor Mike Boyle</b>	<b>APPROVE</b> Subject to Conditions	<b>9-17</b>



**22/00201/FUL  
NON-MAJOR**

**Network Rail**

**CHESLYN HAY &  
GREAT WYRLEY  
Cllr Boyle & Cllr Hollis  
(Cheslyn Hay)  
Cllr Johnson, Cllr  
Lawrence & Cllr Perry  
MBE (Great Wyrley)**

**Culvert Beneath Railway Adjacent To Bridge Avenue And Myrtle Glade Great Wyrley**

**Works to reconstruct damaged culvert**

**1. SITE DESCRIPTION AND PLANNING HISTORY**

**1.1 Site Description**

1.1.1 This application relates to a 70-metre-long section of culvert that carries Wyrley Brook through a railway embankment at the northern end of the Cheslyn Hay and Great Wyrley Development Boundary.

1.1.2 A 30 metre section of the culvert on the east side of the railway embankment (the inlet channel) is located within a public open space and a 'green corridor', together with footpath, that separates the railway from residential properties in Myrtle Glade (to the east) and Meadowbank Grange (to the south). The area of land containing this section of the culvert is own by South Staffordshire District Council.

1.1.3 The remaining 40 metre section of the culvert runs through the railway embankment, with an outlet channel exiting near the rear boundaries of residential properties in Bridge Avenue (to the west), where it continues in a northerly direction. The area of land containing this section of the culvert is own by Network Rail.

1.1.4 Wyrley Brook is a designated Main River by the Environment Agency. The application site falls within two Parishes; Great Wyrley to the east, and Cheslyn Hay to the west.

**1.2 Planning History**

None.

**2. APPLICATION DETAILS**

**2.1 The Proposal**

2.1.1 This application has been submitted by Network Rail, and the proposal is to reconstruct the damaged culvert, which is in urgent need of repair due to loose brickwork and cracking within the culvert barrel.

2.1.2 The existing culvert barrel is to be lined with a bespoke GRP liner.

2.1.3 The inlet wing and side walls (east of the embankment) will be replaced with a U-shaped reinforced concrete channel, measuring approximately 2m wide and 1.5m deep. Metal handrailing is to be installed on either side, measuring approximately 1.2m high.

2.1.4 The outlet wing and side walls (west of the embankment) will be maintained and repaired. To protect the railway embankment and private properties from scour on the outlet side, a 10 metre section of 'rock armour' is to be installed to the base of the culvert.

## **2.2 Amended/Additional Plans**

28 March 2022:

-Additional plans (referred to on the original drawings submitted) and were provided along with a 'construction sequence' document, detailing the proposed works.

29 March 2022:

-Drawing errors were corrected.

## **2.3 Agent's Submission**

2.3.1 This application is accompanied by a Flood Risk Assessment and a Tree Report.

## **3. POLICY CONTEXT**

3.1 Within the Cheslyn Hay & Great Wyrley Development Boundary.

### **3.2 South Staffordshire Core Strategy [adopted 2012]**

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

Policy EQ1: Protecting, Enhancing and Expanding Natural Assets

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

Core Policy 3: Sustainable Development and Climate Change

Policy EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 14: Open Space, Sport and Recreation

Policy HWB2: Green Infrastructure

Adopted local guidance

Sustainable Development SPD [2018]

### **3.3 National Planning Policy Framework [2021]**

Chapter 12. Achieving well-designed places

### **3.4 National Planning Policy Guidance**

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

3.4.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a

decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

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

**Ward Councillors** (expired 15/04/22): No comments received.

**Great Wyrley Parish Council** (received 19/04/2022) *No Objections*

**Cheslyn Hay Parish Council** (received 18/03/2022) *No objections*

**Senior Arboricultural Officer** (received 28/03/22): *Having reviewed the application and supporting information I can confirm that I have no objection to the proposed works, nor any recommendation for tree related conditions.*

*There is a requirement for vital infrastructure works to be carried out at this location and I am satisfied, following regular communication with Network Rail, that every effort has been made to minimise the arboricultural impacts and provide mitigation for tree losses.*

*The trees to be removed are either low value / amenity specimens or are of a species that is suitable for cutting at ground level and allowing subsequent formation of coppice stools. Where some small trees are to be removed the scheme includes replanting to compensate. There is unlikely to be any long term visual or wildlife impact from the proposed works.*

**Environmental Health Officer** (expired 15/04/22): No comments received.

**County Highways** (highways surgery meeting comments received 30/03/22): *Elliot Drive estate road (serving the proposed site compound) is an unadopted highway therefore county highways consultation is not required (no objection).*

**Naturespace Partnership Newt Officer** (latest comments received 11/04/22, in summary): *I am satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.*

**County Flood Risk Team** (received 30/03/22 & 04/04/22, in summary): *As the Environment Agency are statutory consultee upon all proposed developments within Flood Zones 2 and 3, it is envisaged that the EA will comment on the flood risk vulnerability, flood depths and suitability of the proposal in flood risk terms. They will also be able to advise on the necessary permits required to work on a main river. Any works to the Wash Brook (main river) are under the regulation of the EA, therefore the LLFA have no further comments to offer on this occasion.*

**Environment Agency** (received 05/04/22): *Having cross referenced the application with the Flood Risk Activity Permit EPR/WB3854SJ we are happy that the planning application is consistent with the already approved permit. Therefore, the Environment Agency has no objections to the proposed development, as submitted.*

**Network Rail** (latest comments received 08/04/22): *This is a Network Rail proposal so there are no comments.*

**Coal Authority** (received 16/03/22): *The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.*

**Cadent Gas Limited (formally National Grid)** (expired 15/04/22): No comments received.

**Western Power Distribution** (received 10/03/22, in summary): *There may be WPD assets in the vicinity of the development works. - specifics cannot be given as no plans have been accessed by WPD with regard to the above application. It is strongly advised that the developer contacts WPD prior to any of their works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines during any stage before or after development. Also, to prevent incursion into areas where WPD have cable/access rights and property ownership - particularly with regard to substations and their access, the landowner/developer must contact WPD prior to works commencement. Any works in the vicinity of electricity conductors (underground cables or overhead lines) should be undertaken in accordance with HSE documents GS6 and HS(G)47 - all excavation works shall be undertaken by hand around electricity apparatus and any striking of cables or overhead lines should be reported to WPD on 105 immediately or as soon as it is safe to do so. All electricity apparatus must be treated as Live until proven dead.*

**Neighbours** (expired 15/04/22): No comments received.

**Site Notice** (expired 07/04/22): No comments received.

## **5. APPRAISAL**

5.1 This application is being referred to Planning Committee as part of the land within the application site is owned by South Staffordshire District Council.

### **5.2 Key Issues**

- Principle of Development
- Impact on Visual Amenity
- Impact on Residential Amenity
- Flood Risk
- Highways/Parking
- Other matters

### **5.3 Principle of Development**

5.3.1 The application site is located within the Development Boundary, where repairs to local infrastructure are generally an acceptable form of development, provided there would be no adverse impacts on the visual amenity of the area, the amenities of neighbouring properties or parking or highway-related concerns.

5.3.2 Policy HWB2 of the Core Strategy states that the Council will support the protection, maintenance and enhancement of a network of open space, including the enhancement of green or blue corridors.

5.3.3 The principle of the development is therefore considered acceptable, subject to other relevant policies in the Core Strategy being satisfied.

#### **5.4 Impact on Visual Amenity**

5.4.1 Policy EQ4 states that the design and location of new development should take account of the characteristics and sensitivities of the landscape, and Policy EQ12 emphasises that the landscaping of new developments should be an integral part of the overall design.

5.4.2 The majority of the proposed development would be located either at or below ground level or through the railway embankment itself, with no demonstrable harm on the visual amenity of the area as a result. It is considered that the proposed handrailing would have a limited visual impact on the surrounding area, given its scale and lightweight appearance, which would be viewed against the backdrop of the existing railway embankment and the palisade fencing which bounds it.

5.4.3 The Senior Arboricultural Officer is satisfied that every effort has been made to minimise the arboricultural impacts and provide mitigation for tree losses, and therefore considers there is unlikely to be any long term visual or wildlife impact from the proposed works.

5.4.4 The proposed development is therefore considered acceptable and in accordance with the aims of Policies EQ4 and EQ12 of the Core Strategy.

#### **5.5 Flood Risk**

5.5.1 The submitted Flood Risk Assessment concludes that the proposed works would have a positive impact on the predicted flood levels upstream and that the adjacent residential properties would not be at an increased risk, even when considering the Upper End Climate Change Scenario.

5.5.2 The Environment Agency (EA) is content that this application is consistent with an approved 'Flood Risk Activity Permit' issued by the EA and therefore have no objections.

#### **5.6 Impact on Residential Amenity**

5.6.1 Policy EQ9 states that new development "should take into account the amenity of any nearby residents". The proposed development raises no residential amenity concerns and is considered compliant with Policy EQ9 of the Core Strategy.

#### **5.7 Highways/Parking**

5.7.1 The proposal raises no car parking or highway-related implications. County Highways raise no objection to the proposal.

#### **5.8 Other matters**

5.8.1 The application plans identify a below ground power cable running through the application site. Western Power Distribution (WPD) have been consulted on this application, and strongly advise the developer to contact WPD prior to any works commencing in order to avoid any inadvertent contact with live apparatus and to prevent incursion into areas where WPD have cable/access rights and property ownership. It is therefore considered

appropriate for WPD's comments to be attached as an Informative to any permission granted.

5.8.2 The site lies within a Coal Authority Low Risk Development Area. The Coal Authority raise no objection to this application. A standard Informative can be attached to any permission granted.

5.8.3 The site lies within the Green Impact Risk Zone for Great Crested Newts. In the Green Impact Risk Zone, there is moderate habitat suitability and a low likelihood of Great Crested Newt presence. The Newt Officer is satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats. In these circumstances, it is considered appropriate to attach an Informative to any permission granted.

## **6. CONCLUSIONS**

6.1 The proposal accords with the relevant policies in the adopted Core Strategy. The repairs to the culvert will protect and enhance essential local infrastructure, would cause no material harm to the visual amenity of the area, no flood risk issues and raises no residential amenity concerns. As such, I recommend the approval of this application.

## **7. RECOMMENDATION - APPROVE Subject to Conditions**

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out strictly in accordance with the following approved plans and documents:-

Plans:

1. 0056205 'Location Plan' (received 25/02/22)
2. 164691-WDC-DRG-CV-11200 Rev C01 'Part 2 Culvert Lining' (received 25/02/22)
3. 164691-WDC-DRG-CV-11010 Rev C01 'Proposed Works Layout Plan' (received 25/02/22)
4. 164691-WDC-DRG-CV-11111 Rev C01 'Inlet Side Works Cast In-Situ Headwall Details' (received 28/03/22)
5. 164691-WDC-DRG-CV-11120 Rev C01 'Part 1 Inlet Side Works Pre-Cast "U" Shaped Channel Layout' (received 28/03/22)
6. 164691-WDC-DRG-CV-11130 Rev C01 'Part 1 Inlet Side Works Cast In Situ Transition Section' (received 28/03/22)
7. 164691-WDC-DRG-CV-11141 Rev C01 'Handrail Detail' (received 28/03/22)
8. 164691-WDC-DRG-CV-11201 Rev C01 'Part 2 Proposed Liner Layout And Sections on Culvert' (received 28/03/22)
9. 164691-WDC-DRG-CV-11304 Rev C01 'Part 3 Concrete Canvas Details' (received 28/03/22)
10. 164691-WDC-DRG-CV-11100 Rev C02 'Part 1 Inlet Side Works Proposed General Arrangement' (amended plan received 29/03/22).



Documents:

11. Construction sequence proposed in DWG.no 11010 (received 28/03/22)
12. Arboricultural Report of Proposed Tree Works (Network Rail, 2022)(received 25/02/22)
13. Recommended planting species (Network Rail, 2015)(received 25/02/22)

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.

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

**Informatives**

**1. Western Power Distribution**

That the applicant's attention is drawn to the following comments of Western Power Distribution received 10/03/22:

There may be WPD assets in the vicinity of the development works. - specifics cannot be given as no plans have been accessed by WPD with regard to the above application. It is strongly advised that the developer contacts WPD prior to any of their works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines during any stage before or after development.

Also, to prevent incursion into areas where WPD have cable/access rights and property ownership - particularly with regard to substations and their access, the landowner/developer must contact WPD prior to works commencement

Any works in the vicinity of electricity conductors (underground cables or overhead lines) should be undertaken in accordance with HSE documents GS6 and HS(G)47 - all excavation works shall be undertaken by hand around electricity apparatus and any striking of cables or overhead lines should be reported to WPD on 105 immediately or as soon as it is safe to do so.

With regard to consideration for properties being constructed in the vicinity of WPD substations - it is strongly advised that any property (particularly dwellings) are planned to be sited no less than five metres from the boundary of a substation.

For safety, The applicant must consult with WPD regarding the siting of any new buildings close to substations.

In order that connections can be made in a timely manner - any new or augmented connections for any proposed scheme must be applied for by the customer in order

ascertain the scope and associated costs of works. The developer may need to incorporate a substation plot into their design if the development has high load requirements - developer should consult with WPD local teams to ascertain if this is necessary at the design stage

All electricity apparatus must be treated as Live until proven dead.

## **2. Coal Authority Low Risk Development Area**

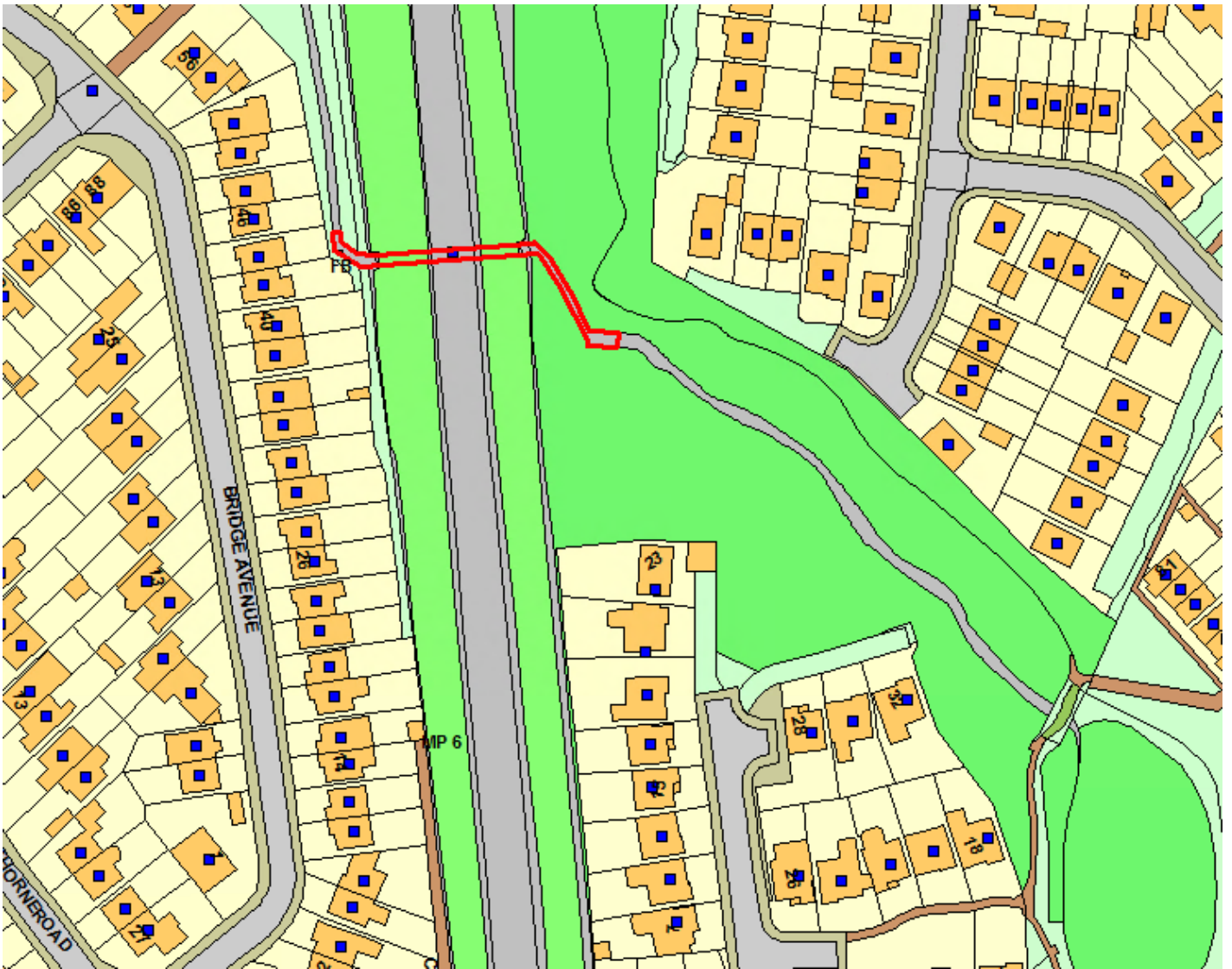
Development Low Risk Area Standing Advice - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## **3. Great Crested Newts**

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



**22/00201/FUL - Culvert Beneath Railway, Adjacent To Bridge Avenue And Myrtle Glade  
Great Wyrley**



**SOUTH STAFFORDSHIRE COUNCIL****PLANNING COMMITTEE – 17 MAY 2022****MONTHLY UPDATE REPORT****REPORT OF THE LEAD PLANNING MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

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

- Proposed training
- Any changes that impact on National Policy
- Any recent Planning Appeal Decisions
- Relevant Planning Enforcement cases on a quarterly basis
- The latest data produced by the Department for Levelling Up, Housing and Communities

**2. RECOMMENDATION**

2.1 That Committee notes the content of the update report.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	17 May 2022	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.

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

### **4. INFORMATION**

- 4.1 **Future Training** – Changes to Planning Committee were approved at the 26 March 2019 meeting of the Council to reduce committee size from 49 potential members to 21 members. As part of these changes an update report is now being brought to each meeting of the Committee.
- 4.2 Further training dates are being arranged to cover planning committee protocol for new members, the Development Management Service review, tree applications, Planning Enforcement and Permitted Development as requested in the recent Member questionnaire responses. Please let us know if there are other topics on which you would like training. In addition, regular training/refresher sessions on using Public Access will be organised.
- 4.3 **Changes in National Policy** – No change since previous report.
- 4.4 **Planning Appeal Decisions** – every Planning Appeal decision will now be brought to committee for the committee to consider. There have been 2 appeal decisions since my last report, copies of the decisions are attached as Appendices 1-2. These relate to:
- 1) An appeal against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order at 39 Tudor Way, Cheslyn Hay, Walsall W56 7LN. The appeal was dismissed because the Inspector agreed with the council that the oak trees made a contribution to the visual amenity of the area, and there is a presumption against the removal of protected trees. And, in this case there is insufficient evidence to demonstrate that felling is necessary, and nor is there anything presented to set out why lesser works would be inappropriate or unsuitable to address the concerns raised.
  - 2) An appeal against a refusal for the erection of 2 detached dwellings at 434 Walsall Road, Great Wyrley, Walsall WS6 6HX. The appeal was dismissed because the Inspector concluded that the proposal would harm the character and appearance of the area.
- 4.5 In May 2020 the Secretary of State for Transport made an order granting development consent West Midlands Interchange (WMI). Documents can be seen here : <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/> Officers are now working with the site promoters to understand next steps.
- 4.6 In April 2022, PINS confirmed that the M54/M6 link road Development Consent Order (DCO) has been granted by the Secretary of State. Further information can be

found here <http://infrastructure.planninginspectorate.gov.uk/document/TR010054-001195>

- 4.7 **Relevant Planning Enforcement cases on a quarterly basis** – 83.5% of Planning Enforcement cases are currently being investigated within 12 weeks of the case being logged. This is above the target of 80%. We are going through an internal Service Review to look at areas for streamlining, efficiencies and service improvements.
- 4.8 **The latest data produced by the Department of Levelling Up, Housing and Communities** – As members will recall, DLUHC sets designation targets that must be met regarding both quality and speed of planning decisions. The targets are broken into major and non-major development. If the targets are not met, then unless exceptional circumstances apply, DLUHC will “designate” the relevant authority and developers have the option to avoid applying to the relevant designated Local Planning Authority and apply direct, and pay the fees, to the Planning Inspectorate. Details can be seen at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/760040/Improving\\_planning\\_performance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf)
- 4.9 We will ensure that the Committee is kept informed of performance against the relevant targets including through the DLUHCs own data.
- 4.10 For Speed – the 2020 target for major developments is that 60% of decisions must be made within the relevant time frame (or with an agreed extension of time) and for non-major it is 70%. For Quality – for 2020 the threshold is 10% for both major and non-major decisions. Current performance is well within these targets and the position as set out on DLUHCs website will be shown to the Committee at the meeting – the information can be seen on the following link tables:
- 151a – speed – major
  - 152a – quality – major
  - 153 – speed – non major
  - 154 – quality – non major

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

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

#### **Speed**

151a – majors – target 60% (or above) – result = 93.1% (data up to December 2021)  
153 – others – target 70% (or above) – result = 85.2% (data up to December 2021)

#### **Quality**

152a – majors – target 10% (or below) – result = 1.9% (date up to September 2020)  
154 – others – target 10% (or below) – result = 0.8% (date up to September 2020)

**5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

N/A

**6. PREVIOUS MINUTES**

N/A

**7. BACKGROUND PAPERS**

Appendix 1 – Appeal Decision – 39 Tudor Way, Cheslyn Hay, Walsall W56 7LN

Appendix 2 – Appeal Decision – 434 Walsall Road, Great Wyrley, Walsall WS6 6HX

Report prepared by:

Kelly Harris

Lead Planning Manager





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## Appeal Decision

Site visit made on 15 March 2022

**by A Edgington BSc (Hons) MA CMLI**

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

**Decision date: 20 April 2022**

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**Appeal Ref: APP/TPO/C3430/8467**

**39 Tudor Way, Cheslyn Hay, Walsall W56 7LN**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order.
  - The appeal is made by Mr Darren Ansell against the decision of South Staffordshire Council.
  - The application Ref: 20/01015/TTREE, dated 20 October 2020, was refused by notice dated 24 February 2021.
  - The work proposed is: Fell 2 No. Oak Trees
  - The relevant Tree Preservation Order (TPO) is the South Staffordshire District Council TPO No 122 1993, which was confirmed on 22 February 1994.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the trees on the character and appearance of the area, and whether sufficient justification has been given for their removal.

### Reasons

3. The oaks are sited on the rear boundary of 39 Tudor Way, and before the garden boundary was moved, were located within the adjacent public footpath. They are roughly 12 metres tall, and have the asymmetry, slight suppression and underlying naturalistic form of specimens that have developed mainly in a rural environment.
4. There has been some unsympathetic pruning to both trees in the past, with the removal of large lower limbs as well as the inappropriate removal of smaller branches within the canopy, leaving unsightly stubs. Nonetheless, I agree with the Council that they contribute to the green corridor between two residential developments and to the rural character of the footpath. I conclude therefore that they make a moderate contribution to the character and appearance of the area.
5. A brief arboricultural report has been submitted which states that there is a high proportion of dead wood, rot and weak limbs in the oaks. The description of the rot and damage is imprecise and is not accompanied by photographs. As such it is difficult for me to reach any conclusion in this regard, particularly as I was viewing from the ground. Reference is made to epicormic growth but

this is not a sign of disease, but generally a response to excessive pruning. Deadwood can be removed without formal consent from the Council.

6. Consequently, there is very little before me to indicate conclusively that either of the trees is a safety hazard, or diseased or damaged to such an extent as to require felling. Even if I gave the conclusions of the report full weight, it is unclear why formative or selective pruning could not address those concerns.
7. A structural report was submitted with the application, but the author's qualifications and experience in this area are unclear. Moreover, the report indicates that the trees are far closer to the dwelling than I observed to be the case. Nor does the report clarify whether the cracking identified is cyclical, which would be expected where the actions of trees on shrinkable clays are concerned, or progressive. The report also refers to heave affecting the foundations, when the usual effects of tree root action on shrinkable clays is subsidence. Given these discrepancies, I give the report limited weight.
8. I appreciate that there is some cracking at the junction of a new extension and the original dwelling, and this may be related to rotational movement as suggested in the report. However, it is unclear to me why the trees should be identified as the cause of that movement. In my experience rotational movement is more generally related to a failure of support or the differential expansion of adjoining structures. Although the oaks' root zone may extend across the garden to the dwelling, this does not necessarily equate to structural damage. The National Housebuilding Council Guidance sets out formulae for measuring the zone of influence of different species on different soil types, and recommendations for foundation types and depths. In this case it is to be expected that the new extension's foundation was designed to accommodate the existing trees.

#### *Other matters*

9. I appreciate that other properties have had trees removed but this does not necessarily set a precedent. The reasons for their removal are not before me and in any case each appeal is determined on its merits.

#### **Conclusion**

10. Trees do not have to be balanced or symmetrical to contribute to the character and appearance of an area. Although these oak trees make only a moderate contribution to the visual amenity of the area, there is a presumption against the removal of protected trees. This is reinforced by Policy EQ4 of the Core Strategy, which states that trees should be retained unless it can be demonstrated that removal is necessary, and Paragraph 131 of the National Planning Policy Framework. This states that existing trees are to be retained wherever possible.
11. In this case the evidence before me does not set out compelling reasons for the oaks' removal. I conclude therefore that insufficient evidence has been provided to demonstrate that felling is necessary, and nor is there anything before me to set out why lesser works would be inappropriate or unsuitable to address the concerns raised. The appeal is dismissed.

*A Edgington* INSPECTOR



# Appeal Decision

Site visit made on 19 April 2022

**by R Hitchcock BSc(Hons) DipCD MRTPI**

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

**Decision date: 25 April 2022**

**Appeal Ref: APP/C3430/W/21/3286913**

**434 Walsall Road, Great Wyrley, Walsall WS6 6HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Yamas Consultancy Services Ltd. against the decision of South Staffordshire District Council.
- The application Ref 21/00483/FUL, dated 30 April 2021, was refused by notice dated 22 July 2021.
- The development proposed is the erection of 2no detached dwellings.

## Decision

1. The appeal is dismissed.

## Main Issue

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

## Reasons

3. The site consists of a semi-detached 2-storey dwelling and its associated gardens and forecourt at 434 Walsall Road, a corner plot at the junction with Jones Lane. No434 sits at the end of a row of semi-detached houses set behind open frontages facing on to Walsall Road (A34). The plots benefit from deep rear gardens which form the eastern fringe of the settlement area. The depth of the gardens and limited scale of buildings within them provide a transitional area between the higher built form of the townscape buildings and a rural landscape of fields enclosed by hedges and tree lines beyond.
4. The proposal would subdivide the existing plot to retain a smaller side and rear garden area for No434. Two additional parking spaces to the rear would augment a parking space on the frontage of the existing house and facilitate the introduction of greenery to the front corner of the site. The rear parking spaces would share a courtyard turning area with the proposed units and be accessed from Jones Lane. The new dwellings would be positioned side-by-side on the opposite side of the access facing onto the shared area. The 2-storey buildings would be set behind parking spaces and have enclosed private garden areas to the rear.
5. The scheme would introduce a form of tandem development which is not a characteristic feature of development in locality. Although the proposals would not interfere with the visual break in the largely consistent line of development on the eastern side of the A34 - afforded by a memorial garden and the landscaped frontage of Saxon Close, it would fail to reflect the characteristic linear arrangement of road-fronting development on this part of the road.

6. The set back position of the houses would contribute little to Walsall Road. Whilst frontage parking would be provided in the plots to mimic the situation along the main road, this is not a positive element of the local development which has resulted in a dearth of frontage landscaping.
7. The arrangement would result in the northernmost building siding on to Jones Lane and require the retention of much of the high fencing to provide privacy to the amenity spaces. That dwelling would present a substantially blank gable almost immediately behind the narrow roadside verge. Notwithstanding that the new buildings would be set on the lower part of the site and would be similar in scale to the buildings on Walsall Road, the close positioning to the frontage of the rural lane would unduly impose on its more open character.
8. The side-on arrangement would turn away from the frontage adding little to its visual quality. It would not result in a positive contribution to that streetscene as the main aspect from where the development would be seen. Furthermore, it would offer little enhancement to the setting of the nearby memorial gardens. Although the buildings would be set within the largely consistent treed line of the settlement boundary, the scale and positioning would relate poorly to Walsall Road, Jones Lane and the predominant characteristic of road-fronting development which positively contributes and plays an active role in the relevant street frontages of the settlement area.
9. Moreover, notwithstanding the larger size of the existing garden compared to other dwellings in the row of development, the proposed plots, including that associated with No434, would be significantly below the characteristic size on this part of Walsall Road. Although the garden sizes would meet the Council's guideline minimum size, the typical extent of land attributed to each dwelling would not be representative of the local plot ratios. This would further contrast with the characteristic layout of development in the row.
10. In support of the proposals the appellant refers me to cul-de-sac developments off Walsall Road, including Saxon Close, which extend the settlement boundary eastwards behind houses fronting the main A34 carriageway. At my site visit, I saw that these enclaved developments were comprehensively laid-out with bungalows and dwellings addressing estate roads. Where development on Saxon Close sides on to the main road, this is set behind a landscaped area which contributes positively to the A34 frontage. I also saw examples of backland development within the local settlement area. However, these were generally surrounded on all sides by other developed sites. Accordingly, those examples of cul-de-sac and backland development are distinct from the proposal before me, a scheme I have considered on its own merits.
11. I acknowledge that the proposal would introduce landscaping to a prominent corner site to improve the appearance of the junction area. However, this would be a minor benefit in favour of the development and would not outweigh the significant harm identified.
12. For the above reasons, I find that the proposals would result in a layout and appearance of development that contrasts with the characteristic pattern of development in the locality. It would conflict with Policies EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan Document [2012] as they seek development to account for local character and distinctiveness, contribute positively to the streetscene and relate to local plot patterns and street layouts.

Of the policies referred to me these are the most relevant. It would also conflict with the National Planning Policy Framework as it seeks similar aims.

### **Other Matters**

13. I note the concerns of the Parish Council in relation to highway safety. Visibility at the access is currently impeded by close board timber fencing, however, this could be improved in both directions by providing sightlines within the plot and over highway land. This is a matter which could be secured through planning condition. The development would have little effect on highway safety and capacity elsewhere.
14. The proposal would add to the housing stock in the area and could be built to a high standard using materials common to the locality. The occupation of the site could also improve security on and about it. However, as a limited scale of development, I find the benefits therein would also be limited and would not outweigh the identified effects of the proposal on the character and appearance of the locality.
15. The removal of an existing fence along the external boundary of the site is not dependent on the specific details of the proposed development. This, and the 'unkempt' appearance of the land within the appellant's control are not strong arguments in favour of the proposed development. As a requirement of the development plan, the delivery of the development without risk to nearby trees with amenity value is not a benefit of the scheme.
16. According to the Council, the site is located within the zone of influence of the Cannock Chase Special Protection Area where ordinarily a competent authority such as myself would potentially need to carry out an Appropriate Assessment. I also note that the appellant has submitted a partial legal agreement seeking to address matters of mitigation in this respect. However, as I have found against the Appellant on the main issue, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

### **Conclusion**

17. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

*R Hitchcock*

INSPECTOR

