

19/00901/FUL

Mr Anil Kumar

HIMLEY
Cllr Roger Lees

**Northgate Health Care Limited The Firs Residential Home Wodehouse Lane Gospel End
DY3 4AE**

Staff and customer carpark extension

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Application Site

1.1.1 The revised application site relates to a piece of land (0.02hectares) immediately west of the existing asphalt car park and is limited to serving The Firs care home. The main building is located to the east.

1.1.2 Woodland surrounds the southern and western boundaries with the main road to the north. The access to Baggeridge Country Park is situated to the west.

1.1.3 The site is located adjacent to the defined development boundary for Gospel End but within designated Green Belt. To the southern boundary of the site lie trees classified as ancient woodland. In addition the site is within a designate Local Wildlife Site.

1.1.4 There is a pending planning proposal to the south of the existing car park. However due to the lack of information on the impact on trees and ecological impacts the application remains pending at request of the Applicant. This application will either be withdrawn or refused if planning permission is granted here.

1.2 Planning History

20/00182/FUL - Removal of existing trees and woodland area to create additional car park spaces for existing care home towards southern area of site. Pending consideration

13/00521/FUL - First-floor link to existing building Granted Subject to Conditions 6.08.2013

13/00141/FUL - Proposed remodelling of the existing care home, and site and extension
Granted Subject to Condition 23.05.2013

12/00615/FUL - Proposed extension to existing care home - Refused 12.11.2012

08/00629/FUL - Addition of enclosed escape staircase to building approved under

07/00613/FUL Granted Subject to Conditions 7.08.2008

07/00613/FUL -Replacement of existing bungalows with new building Granted Subject to
Conditions 9.08.2007

03/01315/FUL - Extensions to provide 2 bedrooms and 2 en-suites. Removal of oil tank
storage and bin store - Refused 27.02.2004

02/00881/FUL -Extensions to include 4 bedrooms with 2 en-suites - Granted Subject to
Conditions 15.08.2002

99/00845/COU Change of use of fuel store to dwelling permitted 01.12.1999

91/00319 Oil tank and housing permitted 20.08.1991

90/01187 Access and alterations

90/00299 Extensions

89/01180 Extensions and alterations

89/00031/adv illumination advert sign

87/00144 Extensions and alterations

86/01052 Extension -refused

85/00919 Variation of condition
85/00843 - Conversion of outbuildings
83/00195 - Nursing Home

1.3 Pre-Application Advice.

1.3.1 Prior to the submission of the planning proposal, the applicant sought ecological advice from the County Ecology service and the South Staffordshire Council Arboricultural Officer.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Planning permission is sought for the expansion of the existing car park that serves The Firs Nursing Home.

2.1.2 Permission is sought to expand the car park to the west of the existing car park and increase the number of car parking spaces by an additional 14 car parking spaces. The proposed expanded car park would be accessed from the existing car park.

2.1.3 A soft landscaping plan shows proposed native hedgerow planting to assimilate the proposal into the landscape. In addition, the hedgerow would provide biodiversity gains.

2.1.4 A post and rail fence to height of 700mm is proposed around the 3 sides of the car park which would provide a protective barrier to the southern area.

2.2 Amendments /Additional Documents

2.2.1 Initially there were a number of documents that were required for the proposal namely a Arboricultural Impact Assessment and an Ecological Appraisal which were provided during the course of the application.

2.2.2 There have been a number of revisions to the parking layout and Tree Report throughout the course of the planning proposal in order to ensure the minimal impacts on the Ancient Woodland.

2.2.3 A Ecological Appraisal, Greenscape Environmental referenced 20-06 152.2 R together with a Biodiversity Metric Calculation were received dated 8th September 2020.

2.2.4 Final amendments to the site layout was received 7th December 2020.

2.2.5 A soft landscaping scheme showing on-site habitat enhancement was received dated 22nd February 2021. Following feedback from the County Ecologist a further soft landscaping scheme was received to incorporate a hedgerow and post and rail fence to the south of the proposed car park. This was received on 23rd March 2021 which is the date of the final parking arrangement.

3. POLICY CONTEXT

3.1 The application site is located within Green Belt but adjacent to the defined development boundary for Gospel End, is within a designated Local Wildlife Site and adjacent to Ancient Woodland.

3.2 Adopted South Staffordshire Core Strategy, adopted 2012.

Core Policy 1: The Spatial Strategy for South Staffordshire

Policy GB1: Development in Green Belt

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 11: Sustainable Transport

Policy EV12: Parking Provision

Appendix 5: Car Parking Standards

South Staffordshire Design Guide Supplementary Planning Document, 2018.

Sustainable Development Supplementary Planning Document, 2018.

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

Section 2 - Achieving Sustainable Development

Section 6 - Building a strong, competitive economy

Section 12 - Achieving well-designed places.

Section 13- Protecting Green Belt Land

Section 15 - Conserving and enhancing the natural environment.

3.5 National Planning Policy Guidance

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

3.5.2 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.

3.6 Other Guidance

Ancient woodland, ancient trees and Veteran trees: protecting them from development
Forestry Commission and Natural England, updated 2018.

4. CONSULTATION RESPONSES

No Councillor Comments (expired 09.04.2021)

Himley Parish Council (expired 09.04.2020): No comments received.

South Staffordshire Council (Arboricultural Officer) (Received 18.03.2021) Final Response:
No Objection subject to recommended conditions relating to no tree removal, protective fencing and root protection.

Staffordshire County Council (Highways Officer) (dated 20.03.2020) Final Response *No Objections subject to recommended condition relation to parking turning areas. Supersedes previous recommendation*

Staffordshire County Council (Ecologist) Final Response (received 19.03.2021) No Objection with comments as follows:

"The softworks plan shows that there is no apparent boundary treatment to the south of the car park. This will need to be delineated to prevent encroachment into the woodland. It is suggested a separation with a post and rail fence. The proposed tree planting on Penn Common should not be carried out and the plan omitted from the scheme. The Site is one of County Biological Importance and the key habitats are heathland and wetland. Tree planting as such would be unsuitable. Habitat mitigation - a further hedgerow should be planted along the south boundary of the car park along the fence line instead. Failing this a donation to habitat management at Baggeridge Park could be made. Having reviewed the area of land that will be affected I am of the opinion that securing offsite provision via a legal agreement would be disproportionate to the issue."

And received 26.09.2020

"I am in agreement with the ecology report submitted and its conclusions. The amended plans now avoid damage to the ancient woodland and onsite mitigation includes proposed native hedge planting.

The applicant has undertaken to carry out compensation planting of an orchard at Pasturefields (7 km west of Stafford.) The Biodiversity Metric indicates that this provides adequate mitigation for the habitats lost. If the Local Planning Authority is satisfied with this arrangement it would preferably be secured through a formal planning agreement. Details of the offsite compensation will also need to be registered with Staffordshire Ecological Record.

The ecological appraisal has indicated that there is a small area of Japanese knotweed on site, which the applicant will have treated. This should be secured by a planning condition to ensure that plant material is disposed of correctly."

(Expiration 09.04.2020): Objection Received 9.04.2020 for the following reasons:

Further information is required:

- 1. Details of wholly exceptional circumstances that apply for the removal of Ancient Woodland, or alternatively re-design of plans to avoid this damage.*
- 2. Assessment of any trees to be removed for bats, (Preliminary Roost Assessment (PRA)), plus (prior to determination) any additional bat surveys recommended by the PRA.*
- 3. Ecological assessment of the proposal that considers its impact on the Local Wildlife Site, including consideration of the mitigation hierarchy.*

Natural England Final Response (received 23.09.2020) *Natural England has previously commented on this proposal and made comments to the authority in our letter dated 01 April 2020. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.*

Neighbours

One response has been received as summarised:

- o Issues with redacted documents.*
- o Double the number of car parking spaces concerned over the requirement for these*
- o Concerned about the number of trees to be removed particularly the chestnut tree next to layout that adds to the local environment.*

- o The proposal would be highly visible with a severe impact to the look and approach on the Baggeridge Country Park entrance, it would no longer be a semi-rural aesthetic.
- o It is not clear whether there is sufficient space for the proposed planting along the boundary of the proposed car park with the public footpath to be achieved.

5. APPRAISAL

5.1 The planning proposal is brought before Members as the land in question is currently in ownership by South Staffordshire Council.

5.2 The key matters in the determination of this planning application are:

- Principle of development
- Impact on openness
- Design and scale
- Impact on ecology
- Impact on Trees
- Impact on neighbouring amenity; and
- Highways and Parking Implications

5.3 Principle of development

5.3.1 The site is within the West Midlands Green Belt. Policy CP1 of the adopted Core Strategy, 2012 establishes the overarching policy approach when seeking to guide new development to meet the needs of the district. Development is steered towards those settlements considered to be the most sustainable owing to their access to local services, community facilities and sustainable transport opportunities. This approach of guiding development to areas considered to offer the best potential for promoting sustainable development is considered to reflect the approach outlined in the 2019 NPPF.

5.3.2 Within Policy CP1, the Green Belt will be protected from inappropriate development and proposals will be considered in the light of other planning policies and the policy restrictions relating to Green Belt in the National Planning Policy Framework.

5.3.3 Paragraph 143 of the National Planning Policy Framework, 2019 (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 a set out within Paragraphs 145 & 146 of the NPPF.

5.3.4 It is considered that the car park expansion be classed as engineering operation of which this is an exception to development within the Green Belt under Point B within Paragraph 146 providing that they preserve the openness and do not conflict with including the land within it.

5.3.5 Turning to local planning policy, Point C within Policy GB1 of the Core Strategy seeks relates to Changes of Use of Land:

f) the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes.

5.3.6 It is considered that the Core Strategy is compliant with the updated NPPF. In order to explore whether the proposal is appropriate development within the Green Belt, the proposal must preserve the openness of the Green Belt and the fulfilment of its purposes.

5.3.7 I do not consider that the works would conflict with any of the purposes of including land within the Green belt and openness will be explored in the next part of this report.

5.4 Impact on openness of the Green Belt

5.4.1 One of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.

5.4.2 The amended proposed car park expansion layout would be relatively small in scale. The area would measure 15m in width and 19m in length. It would be set back from the adjacent footpath running parallel to the main road by 2.3m. It would sit alongside the existing hard surfaced areas used for vehicular access, parking or the main road and access road into Baggeridge Country Park. A large amount of vegetated land would remain for 25m to the west to the access to the Country Park.

5.4.3 The revised soft landscaping scheme proposes a mitigating landscaping screen to blend in the area and presence of parked vehicles with native forms of vegetation. However, it is acknowledged that the parking of cars into this area would decrease openness to some extent. However the use of the car park will be transient in nature and thus the only level of permanent features would be the new planting and the grasscrete surfacing. Given the relatively small scale of the area, retention of natural features and incorporation of landscaping features the impact is considered to be limited and openness predominantly preserved. I do not therefore consider the scheme to be inappropriate development.

5.5 Visual Impact and Landscaping

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. This is reinforced by the Councils Design Guide 2018.

5.5.3 Within the final version of the Arboricultural Impact Assessment there is a requirement to remove one tree as well as the removal of a group of Hazel stools (8 no to facilitate access) for the car park and access to it. The Tree Officer does not have any objections to this. A soft landscaping scheme will provide a screening of the development and to help assimilate it into the natural features that characterise the application site. In addition there have been a number reiterations of the tree protection plan which is to ensure that the existing landscaping features would be retained because of the contribution they make into the street scene and character of the wider area.

5.5.4 Overall it is considered that the proposal would be appropriate in scale and the additional planting measures would help the proposal to assimilate into the landscape. The development would retain most of the existing trees that provide natural features within the street scene.

5.6 Ecology

5.6.1 Core Policy 2 (Protecting and Enhancing the Natural and Historic Environment) within the Core Strategy, 2012 sets out that the Council will support development where they protect, conserve and enhance the District's natural and heritage assets including ecological networks internationally, nationally and locally important designations. In particular the Policy sets out that the Council will offer support for development that:

- a) will not have a detrimental impact upon the interests and significance of a natural or heritage asset;
- e) provide mitigation or compensatory measures to address any potential harmful implications and supporting enhancement measures.

5.6.2 In addition, Policy EQ1 states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

5.6.3 The site layout was revised to avoid the key constraints on the site (ancient woodland and habitat). An Ecological Report was received during the course of the application together with a Biodiversity Metric Calculation. This was used to quantify the change in biodiversity from the development and design a plan to achieve a net gain of at least 20%.

5.6.4 The County Ecologist was consulted on the report and calculations and had no objection to the proposal subject to a number of conditions and an off-site contribution to mitigate the loss of habitat within the designated Local Wildlife Site. A soft landscaping plan together with a tree planting scheme was received by the Local Planning Authority in February. It was discussed with the Ecologist that given the revised scale together with the proposed planting that this would provide suitable habitat enhancement on site and thus negates the requirement for off-site provision.

5.6.5 In addition, the Ecologist seeks for the protection to the south of the site by way of a post and rail fence and a further hedgerow planting for additional enhancement. Revisions to the landscaping proposals were received and are acceptable.

5.6.6 The ecological appraisal also identified that there was a small area of Japanese knotweed on the site, which the applicant will have treated. A condition is recommended to ensure the plant material is disposed of correctly.

5.6.7 The matter of the impact on ancient woodland in an ecological capacity is discussed in the next section.

5.6.8 Overall, based on the landscaping proposed together with the recommendations of the Ecologist it is considered that the proposal would accord with Policy EQ1 of the Core Strategy, 2012.

5.7 Impact on Trees and Ancient Woodland

5.7.1 Policy EQ12 seeks to protect and enhance key landscape features. The site is characterised by a number of mature trees along the northern and north eastern boundary of the site. A low hedgerow characterises to the front of the site between the public right of way. These mature trees and hedgerows are considered to have a high value of amenity and characterise this rural area.

5.7.2 The area to the south of the proposal plan is listed as Ancient Woodland. For clarification none of the site resides within the Ancient Woodland itself. This is considered 'irreplaceable habitat' in the National Planning Policy Framework (NPPF) (para.175 (c).) This consideration extends to ground flora and soils as well as the more obvious trees and shrubs.

5.7.3 Originally the County Ecologist and the Tree Officer had been consulted on the proposal and had a holding objection to the proposal seeking further information to accompany the application in order to assess the ecological impacts of the proposal in regards to the adjacent ancient woodland. It was highlighted to the Agent that the designation of Ancient Woodland applies to trees, ground floor and soils and thus it would not be appropriate to preserve a woodland setting, it also acknowledged that the proposal may affect the soils and ground flora. It was also noted that the original Arboricultural Impact Assessment and Method Statement (AIAMS) did not take into consideration the Ancient Woodland either.

5.7.4 An Arboricultural Assessment Tree Survey, Arboricultural Impact Assessment and Tree Protection and Removal Plan were submitted in varying reiterations throughout the course of the planning process.

5.7.5 Within the final version of the Arboricultural Impact Assessment there is a requirement to remove one tree (T3903) to facilitate access on to the car park area. This is a category B tree and is planted in line of trees and has a woodland back drop. There is also a requirement for the removal of a group of Hazel stools (8 in total) to facilitate the car park. These are presented within the final Tree Protection Plan reference BALDS004-20 TPP Rev 4.

5.7.6 To mitigate the loss, it is proposed that the land surrounding the car park is planted with a mixture of Holly, Hawthorn and Hazel to replace the removed trees and to provide screening to the proposal. This is shown within the soft landscaping proposal.

5.7.7 The Tree Officer was consulted on the final report and proposed landscaping proposal and has no objection to the proposal subject to a set of conditions.

5.7.8 It is considered in summary that on balance the proposal would accord with Paragraph 175 of the NPPF together with Policy EQ1 and EQ12 of the Core Strategy, 2012 subject to the mitigating works being implemented in accordance with the proposed tree works and recommended conditions.

5.8 Highways and Parking Implications

5.8.1 Policy EV12 and Appendix 5 (Parking Standards) of the Core Strategy specify a minimum parking requirements. Policy EV11 seeks for development to include provision for sustainable forms of transport to access the site.

5.8.2 It is stated within the accompanying Design and Access Statement that the proposal is to increase carparking at the site. This is essential to allow access for emergency vehicles i.e. ambulances and other emergency services which weighs heavily in the overall planning balance. The current arrangement means staff are double parking within the Firs existing carpark and also on the public highway the A463 Wodehouse lane. The carpark will provide an additional 14 spaces.

5.8.3 There would be no alterations to the existing access afforded from the main Wodehouse Lane.

5.8.4 The Local Highways Authority have been consulted on the proposal and have no objection to the additional number of vehicles proposed using the existing access subject to a recommended condition.

6. CONCLUSIONS

6.1 It is considered that the revised proposal would not be deemed inappropriate development in the Green Belt as it has limited impact on the openness; the transient nature of the use together with the landscape screening provided it is considered that the openness of this part of the Green Belt would be preserved. In addition, following amendments to the proposal, on balance, due to the mitigating planting there are no concerns arising in respect of material impact on the street scene, ecology, trees or highways. The matter that the proposal will provide additional parking and facilities for the emergency services for residents also weighs heavily in the planning balance. The proposal would therefore comply with all relevant policies within the Core Strategy. Overall therefore, approval is recommended subject to appropriate conditions.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the plans referenced HLP/1148/01 entitled 'Existing Parking Layout' received by the Local Planning Authority dated 22nd June 2020, Amended plans reference HLP/1148/04 Rev B entitled 'Site and Location Plan' received by the Local Planning Authority dated 20th October 2020 and amended plan reference HLP/1148/02 Rev C entitled 'Proposed Parking Layout' received dated 23rd March 2021 BALDS004-20 TPP entitled 'Tree Protection Plan Revision 4' received by the Local Planning Authority dated 7th December 2020 together with BALDS004-20 SWLP entitled 'Softworks Landscape Plan' received by the Local Authority dated 23rd March 2021.
3. The proposed development will be surfaced in grasscrete.
4. Prior to commencement of the development hereby approved, details to be submitted for approval of a working method that will be used to eradicate Japanese knotweed from the site
5. Prior to the use of the development, the post and rail fence together with the soft landscaping works in the amended plans referenced HLP/1148/02 Rev C entitled 'Proposed Parking Layout' and BALDS004-20 SWLP entitled 'Softworks Landscape Plan' received by the Local Authority dated 23rd March 2021 shall be implemented.
6. Prior to use of the development hereby approved, details to be submitted of the design and location of three number bird boxes and two number bat boxes of woodcrete type, plus one number bug house 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 use of the development and retained as such thereafter

7. All site clearance and construction works must follow the method statement set out on pages 32 (nesting birds) and 35 (great crested newts) of the Ecological Appraisal (Greenscape Environmental, July 2020)
8. No existing trees, shrubs or hedges on the site or its boundaries shall be pruned in any way or cut down for a period of 10 years following completion of the development without the prior consent of the Local Planning Authority. If any the existing planting is removed or dies within 5 years of completion of the development it shall be replaced with the same species (or alternative agreed with the Council) within 12 months of its removal and as close to the original position as possible (or elsewhere in a position agreed with the Council). The existing and any replacement planting shall be maintained for a period of 10 years respectively from completion of the development or time of planting to the satisfaction of the Local Planning Authority.
9. Before the development commences the existing trees, shrubs and hedges on the site shall be protected by fencing constructed in accordance with BS 5837:2012 (trees in relation to design, demolition and construction - recommendations) in positions to be agreed with the Local Planning Authority which shall be retained throughout the development of the site in the approved positions.
10. Before development commences all construction work, drainage runs and other excavations within the protective fencing/root protection areas of the trees shown to be retained on the approved plan shall be agreed by the Local Planning Authority. All work shall be carried out in accordance with BS 5837:2012 (trees in relation to design, demolition and construction - recommendations).
11. The destruction by burning of any materials during the construction period shall not take place within 6 metres of the canopy spread of any trees or hedges shown to be retained on the approved plans.
12. There shall be no storage of construction materials or equipment or oil tanks within the protective fencing/root protection areas of the trees or hedges shown to be retained on the approved plans.
13. The permission hereby granted does not grant or imply consent for the installation of any means of external lighting on the site. Before any development takes place a scheme for the lighting of the building, roadways and parking areas shall be submitted to the Local Planning Authority for approval and the development shall be carried out in accordance with the approved scheme. Additional lighting or alterations to the approved scheme shall not be carried out other than with the written approval of the Local Planning Authority.
14. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans.

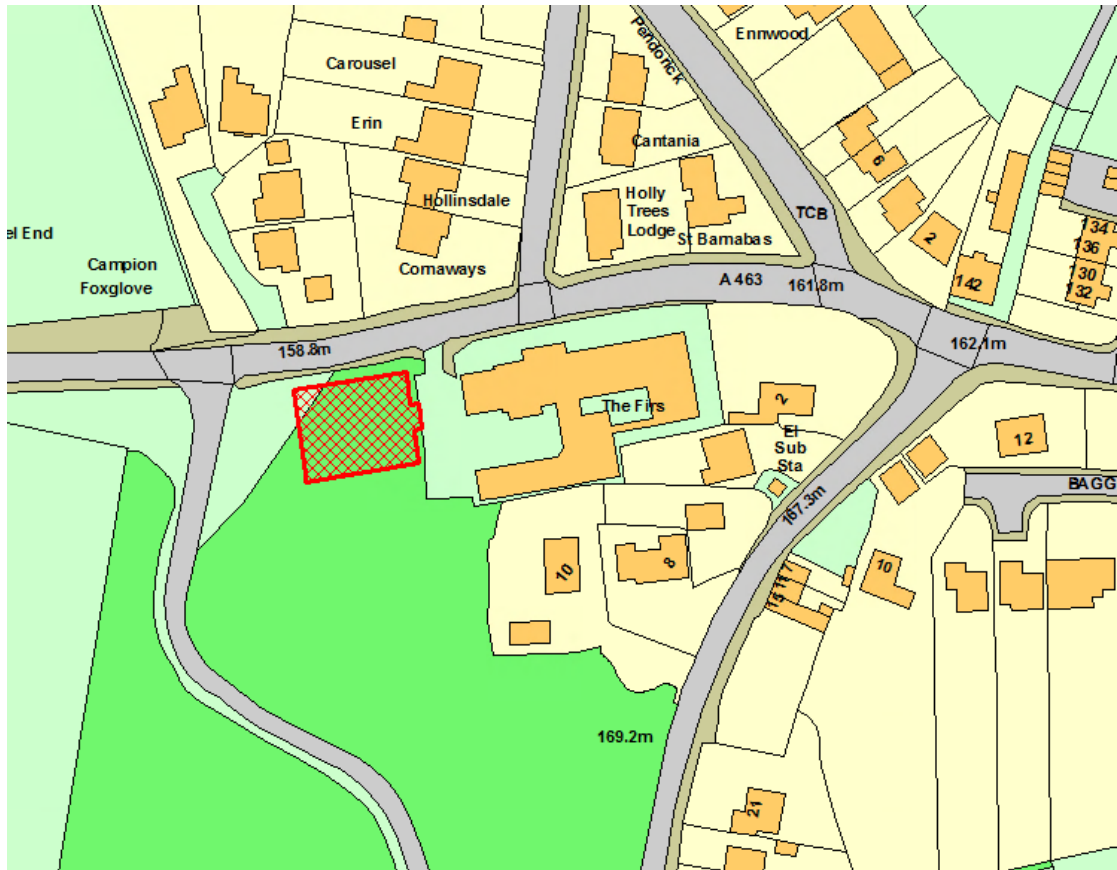
Reasons

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 visual amenity of the area and to provide protection to trees in accordance with Policies EQ11 and EQ12 of the adopted Core Strategy.
5. To safeguard and enhance biodiversity in accordance with Policy EQ1 of the Core Strategy, 2012.
6. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
7. To safeguard the amenity of the area and, in particular, to recognise the value of the trees in accordance with policy EQ12 of the adopted Core Strategy
8. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
9. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
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11. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
12. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
13. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
14. In the interests of public and highway safety and convenience and to ensure that adequate parking facilities are available to serve the development and to conform to the requirements of policy EV12 of the adopted Core Strategy.

INFORMATIVE

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.



Northgate Health Care Limited, The Firs Residential Home,, Wodehouse, Lane, Gospel End,
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