

TO:- Planning Committee

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

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

Date: Tuesday, 17 October 2023

Time: 18:30

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



D. Heywood
Chief Executive

A G E N D A

Part I – Public Session

- | | | |
|----------|--|------------------|
| 1 | Minutes of meeting 19 September 2023
To approve the minutes of the Planning Committee meeting of Nineteenth September 2023. | 3 - 4 |
| 2 | Apologies

To receive any apologies for non-attendance. | |
| 3 | Declarations of Interest

To receive any declarations of interest. | |
| 4 | Determination of Planning Application
Report of Development Management Team Manager. | 5 - 104 |
| 5 | Monthly Update Report
Report of Lead Planning Manager. | 105 - 122 |

RECORDING

Please note that this meeting will be recorded.

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

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

PUBLIC ACCESS TO AGENDA AND REPORTS

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

Minutes of the meeting of the **Planning Committee** South Staffordshire Council held in the Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX on Tuesday, 19 September 2023 at 18:30

Present:-

Councillor Helen Adams, Councillor Gary Burnett, Councillor Val Chapman, Councillor Bob Cope, Councillor Philip Davis, Councillor Robert Duncan, Councillor Mark Evans, Councillor Rita Heseltine, Councillor Victor Kelly, Councillor Kath Perry, Councillor Gregory Spruce, Councillor Christopher Steel, Councillor Wendy Sutton

11 MINUTES

RESOLVED: that the minutes of the Planning Committee held on 18 July 2023 be approved and signed by the Chairman.

12 APOLOGIES

Apologies were received from Councillors J Ashley, B Bond MBE, S Harper-Wallis, D Holmes and R Reade.

13 DECLARATIONS OF INTEREST

Councillor H Adams declared a non-pecuniary interest in application 22/00936/FUL.

14 DETERMINATION OF PLANNING APPLICATIONS

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

22/00936/FUL – LAND AT LITTYWOOD FARM, TOFT LANE, COPPENHALL - APPLICANT – MR SEAN MURPHY - PARISH – DUNSTON AND COPPENHALL

Simon Chapman (agent) spoke in favour of the application.

David Martin (neighbour) spoke against the application.

Councillor A Adams (local member) spoke against the application.

Councillor Cope supported the use of renewables but not at the expense of good quality arable land (54% classified as best and most versatile) which he felt would be better used for food production.

Councillor Cope proposed a motion for refusal on the grounds that the application contravened Core Policy OC1 and EQ4.

Councillor Chapman seconded the motion.

Members confirmed that they had sufficient material evidence to reach a decision on this application.

The motion was carried.

RESOLVED That the application be **REFUSED**.

23/00419/FUL – ELSFIELD, DUNSLEY DRIVE, KINVER,
STOURBRIDGE, DY7 6NB – APPLICANT – MR AND MRS
WINDRIDGE - PARISH – KINVER

Susan Capon (neighbour) spoke against the application.

Councillor P Harrison (local member) spoke against the application and requested that the right to permitted development be withdrawn from this application.

RESOLVED That the application be **APPROVED** subject to conditions as set out in the Planning Officers report and to the inclusion of a further condition removing permitted development rights.

15 **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: 20:05

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 17 OCTOBER 2023****DETERMINATION OF PLANNING APPLICATIONS****REPORT OF DEVELOPMENT MANAGEMENT TEAM MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

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

2. RECOMMENDATIONS

2.1 That the planning applications be determined.

3. SUMMARY IMPACT ASSESSMENT

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

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

PART B – ADDITIONAL INFORMATION

4. INFORMATION

All relevant information is contained within the Appendix.

Advice to Applicants and the Public

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

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

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

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

Equality Act Duty

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

Human Rights Implications

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

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

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

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

Consultations Undertaken

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

CONSULTEES

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

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

Details if issue has been previously considered

7. BACKGROUND PAPERS

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

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

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

Report prepared by: Helen Benbow - Development Management Team Manager

App no	Applicant/Address	Parish and Ward Councillors	Recommendation	Page
22/00849/OUT NON MAJOR	Mr Julian Wilson Huntercombe Stafford Hospital Watling Street Ivetsey Bank Staffordshire ST19 9QT	LAPLEY, STRETTON AND WHEATON ASTON Councillor R Nelson	Approve – Subject to conditions	11-29
22/01007/FUL NON MAJOR	Mr Stephen Thompson Crump Hillocks Farm Bradbury Lane Enville Staffordshire DY7 5JG	ENVILLE Councillor S Dufty Councillor P Harrison Councillor G Spruce	Approve – Subject to conditions	31-50
23/00080/FUL MAJOR	MACC Care Ltd Former Bilbrook House Carter Avenue Bilbrook Staffordshire WV8 1HH	BILBROOK Councillor G Burnett Councillor F Hopkins	Approve – Subject to conditions	51-89
23/00700/COU NON MAJOR	Miss J Cowles The Old Chapel Chapel Lane Smestow Dudley DY3 4PL	SWINDON Councillor R Lees	Approve – Subject to conditions	91-97
23/00717/FULHH NON MAJOR	Mr And Mrs M Evans 2 Stoneybrook Leys Wombourne Wolverhampton WV5 8JE	WOMBOURNE Councillor M Davies Councillor M Evans Councillor V Merrick	Approve – Subject to conditions	99-104

22/00849/OUT
NON MAJOR

Mr Julian Wilson

**LAPLEY, STRETTON &
WHEATON ASTON**

Former Councillor B Cox
Former Councillor V Jackson
Councillor R Nelson

Huntercombe Stafford Hospital Watling Street Ivetsey Bank Staffordshire ST19 9QT

Outline application for the provision of new 12 Bed CAMHS (child and adolescence mental health unit) unit plus the provision of new SEND (special educational needs and disabilities) school to service the existing site and provide for the special educational needs of the existing site residents. With re-instated site egress road, relocated carparking spaces plus 3 new spaces (Access and Layout considered).

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
YES	Requested 1 st October 2023	20 October 2023

1.1 SITE DESCRIPTION AND APPLICATION DETAILS

1.1.1. Outline application for the provision of new 12 Bed CAMHS (child and adolescence mental health unit) unit plus the provision of new SEND (special educational needs and disabilities) school to service the existing site and provide for the special educational needs of the existing site residents. With re-instated site egress road, relocated carparking spaces plus 3 new spaces (Access and Layout considered).

1.1.2. Date of site visit - 3 April 2023

1.2 Site Description

1.2.1. The application site is situated immediately to the south-east of the Huntercombe Stafford Hospital, an existing Child and Adolescent Mental Health (CAHMS) facility. The site is situated off Ivetsey Road and comprises of approximately 1.9 acres of open grassland together with part of the existing hospital car park.

1.2.2. Immediately to the west of the site is the hospital's outdoor sports area, beyond which are the existing hospital buildings. Further west, beyond the hospital is Wheaton Aston Care Home. To the east and south-east there are open fields and a cluster of agricultural and residential buildings and to the north there are open fields. There is an existing vehicular access into the hospital site off the A5 which bounds the site to the south, and immediately to the west of the site entrance is the site of Wheaton Aston Old Hall which is currently being re-developed for housing.

1.2.3. The site is bordered along the frontage with a line of tall trees and shrubs and is located within a rural area largely characterised by open fields and agricultural uses. Wheaton Aston Village is situated approximately 2 miles to the north-east and Bishops Wood village is around 0.8 miles away to the south-west.

1.3 The Proposal

1.3.1. It is proposed to erect two new buildings on the site to include a new 12-bed Child and Adolescent Mental Health Service (CAMHS) unit and a new Special Education Needs and Disability (SEND) school to service the existing site and provide for the special educational needs of the existing site residents.

1.3.2. This is an outline application with some matters reserved. At this stage approval is sought for Access and Layout. Should this application be approved, the remaining matters (Appearance, Landscaping and Scale) would be subject to a further Reserved Matters application.

1.3.3. In the northern part of the site a new SEND school is proposed in a U shape plan form, measuring 31m x 21.3m with central courtyard. Although at this stage the scale is indicative only, the building is indicated as being a mixture of single and two storeys. The indicative plan shows the two-storey element being situated closest to the existing hospital buildings.

1.3.4. In the central part of the site it is proposed to reconfigure some of the existing parking and provide a new turning head leading to an upgraded septic treatment chamber and three additional parking spaces. The proposal includes a new access road utilising a historic site access off the A5. This road would be parallel to the existing access and would allow a one-way system to be established within the hospital to improve vehicular movement through the site.

1.3.5. In the southern half of the site, a CAMHS unit is proposed which measures 52.5m in overall length and 42m in overall width. The northern section is indicated as two-storey whilst the southern part L-shaped portion closest to the highway is indicated as single storey.

1.4 Agents Submission

1.4.1. The application is supported by a Planning Statement, Car Parking Statement, Phase 1 Habitat Survey and a NatureSpace Great Crested Newt (GCN) District License Report.

1.5 SITE HISTORY

Planning Applications

79/01225 Change of Use into Two Private Residences Withdrawn 21st September 1979
76/01263 Country Club Refuse 1st August 1977
76/01264 Country Club Refuse 1st August 1977
76/01265 Old Peoples Home Refuse 1st August 1977
76/01266 Private Nursing Home Refuse 1st August 1977
76/01267 Residential School Refuse 1st August 1977
77/00468 Change of Use to A Private Nursing Home Approve Subject to Conditions 25th July 1977
77/00469 Change of Use to A Residential School Approve Subject to Conditions 25th July 1977
77/00470 Change of Use to Old Peoples Home Approve Subject to Conditions 25th July 1977
87/00192 Change of Use to Old Peoples Home Approve Subject to Conditions 22nd April 1987
87/00588 Alterations and Extensions to Form Residential And Nursing Home Approve Subject to Conditions 18th August 1987
88/00864 Alterations and Extension Approve Subject to Conditions 13th September 1988
89/00344 Change of Use to A Luncheon Business And Meeting Venue Approve Subject to Conditions 18th July 1989
94/00803 Extension Approve Subject to Conditions 1st November 1994
95/00352 Extension to Nursing Home Approve Subject to Conditions 29th June 1995

00/00509/VAR Renewal of 352/95 for extensions to nursing home Approve Subject to Conditions 14th June 2000

00/00907/FUL Extension to existing building to provide a Category C2 unit for young people requiring psychiatric treatment in a secure environment Approve Subject to Conditions 20th December 2000

01/00578/FUL Extension to create Eating Disorders Unit, additional car parking and games area Approve Subject to Conditions 25th July 2001

04/00242/OUT Outline application for 'Step Down' intensive care facility Withdrawn 6th October 2004

06/00011/OUT New wing and indoor recreation block Withdrawn 21st August 2007

09/00087/FUL Additional 20 soft overspill parking spaces Approve Subject to Conditions 3rd April 2009

12/00686/FUL 3.9m high fencing to replace existing 2m and 3.9m high fencing Approve Subject to Conditions 8th October 2012

12/00687/FUL 20 Additional car parking spaces for overspill (Soft landscaped) Approve Subject to Conditions 8th October 2012

14/00676/FUL The proposal includes for the carrying out of building operations to allow for the additional storage, to support the installation of a paint finish metal storage unit to the rear of the site Approve Subject to Conditions 22nd October 2014

17/01094/FUL Form new therapy garden within existing external secure activity enclosure, to include three single-storey activity / therapy garden rooms, DDA path, interactive planting beds and external seating area plus an additional single storey meeting & training Garden Room to be provided in part of the existing delivery area. Approve Subject to Conditions 22nd March 2018

1.6 POLICY

1.6.1 Constraints

Newt - Impact Risk Zone Red Name: RED ZONE:

Newt - Strategic Opportunity Area Name: West Staffordshire Pondscape (North):

Newt - Impact Risk Zone Amber Name: AMBER ZONE

SAC Zone- 15km Buffer Zone: 15km

1.6.2. Policies

The site is within the Open Countryside

Core Strategy

Core Policy 1: The Spatial Strategy for South Staffs

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

Policy EQ1: Protecting, Enhancing and Expanding Natural Assets

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

Policy EQ7: Water Quality

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Policy H5: Specialist Housing Accommodation

Core Policy 10: Sustainable Community Facilities and Services

Core Policy 11: Sustainable Transport

Policy EV12: Parking Provision

Core Policy 15: Children and Young People

Appendix 5: Parking Standards

Appendix 6: Space About Dwellings Standards

National Planning Policy Framework [NPPF]

Chapter 11: Making effective use of land

Chapter 8: Promoting healthy and safe communities

Chapter 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

Supplementary Planning Documents

Green Belt and Open Countryside SPD

1.7 CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise. Representations may be summarised.

Site Notice Expires	Press Notice Expires
24 April 2023	N/A

Brian Cox - Wheaton Aston, Bishops Wood, Lapley Ward

No Response Received

Venetia C Jackson - Wheaton Aston, Bishops Wood, Lapley Ward

No Response Received

Lapley, Stretton and Wheaton Aston PC

3rd April 2023

22/00849/out- No objection. The plan sets to improve the surrounding landscape. There doesn't appear to be any significant negative impact however LSWA PC would like to see increased security on site due to the vulnerable residents of the neighbouring care home. There is a concern raised that this application may lead to further extension and subsequent applications in the future, could a time frame for future development of 15 years be implied?

Senior Ecologist - South Staffordshire

Further comments received 26th September 2023

Summary: I do not have significant concerns regarding the impact of the proposed development to commuting, foraging or roosting bats. I consider that a sensitive lighting strategy required by condition will be sufficient to mitigate adverse effects to bats. I have also recommended conditions for a habitat management plan to ensure that the biodiversity net gain detailed in the metric is achieved with the landscape plan as part of any future reserved matters application. I have also proposed conditions for an ecological enhancement plan and a condition to allow permeability through the site by hedgehog in the long term. No objections subject to conditions.

Senior Ecologist - South Staffordshire

7th August 2023

Summary: Further information required in relation to foraging and commuting bats.

I have reviewed the biodiversity metric submitted by the applicant ecologist and following discussion with the ecologist this has been subject to amendments. I am satisfied with the biodiversity metric that has been submitted.

Further bat surveys have been recommended by the ecological assessment to determine the importance of foraging habitat on site for bats. This information is required prior to determination of the application in accordance with Government Circular 06/2005.

On receipt of the further bat survey information I will provide a further, more detailed planning response including suitable planning conditions as necessary.

Arboricultural Officer Consultation

Further comments received 21/09/23

Now that they have submitted a draft tree protection plan no objections are raised and the building orientation can stay as currently plotted. I would recommend that the proposed new Securifor 358 fencing on the eastern site boundary is installed before any other construction activity takes place and that a condition to secure tree protection measures is attached to any consent.

Arboricultural Officer Consultation

22nd May 2023

Having reviewed the application and supporting information I can confirm that I have no objection in principle to the proposed development.

The reinstatement of the historic site access from the A5 will require the removal of a small section of existing hedgerow, but this will not result in any significant arboricultural impact and certainly does not warrant being a constraint to development.

There is an existing tree group / area light of light woodland on site that is near to the proposed school building. Before the commencement of any construction on site a tree retention and protection plan should be submitted for approval to ensure there are no undue tree losses. The final layout of the site should be informed by the presence of these trees and their protection. I would strongly advise that the orientation of the school building is rotated through approximately 45 degrees to aid in future efforts to protect on site trees by moving construction activity further from the tree line.

No objections subject to conditions.

Local Plans

No Response Received

Environmental Health Protection

17th March 2023

No objections subject to conditions to safeguard nearby residential occupiers from undue disturbance during development.

County Highways

25th May 2023

No objections subject to conditions. The proposed development is located in a semi-rural area. The access is from a classified road subject to the National Speed limit of 60 mph. There are no recorded vehicular accidents

within the required visibility splay of the access in the last 5 years. The additional information submitted is sufficient to overcome the previous recommendation of refusal.

Severn Trent Water Ltd

12th April 2023

As the proposal has minimal impact on the public sewerage system we have no objections to the proposals and do not require a drainage condition to be applied.

Contributors

Kirsty Bailey **OBJECTS**

Date Received 04.05.2023

Objects to the application and considers that the capacity of this site should not be increased due to concerns regarding quality of care at the hospital. Further comments as follows:

- The building work will disrupt local residents and create more traffic on the already busy A5. It is particularly important that care home residents have a peaceful environment.
- The hospital already suffers foul odours from the nearby chicken farm.
- A similar facility has already been approved recently in the local area.
- The education building will be likely to be underused. Patients may be at risk of absconding or struggle to walk the distance between buildings.
- The car parking provision proposed is insufficient.
- Raises concern as to whether Great Crested Newt laws will be respected.
- The floor plans for the facility haven't been well thought out. For example the seclusion room should not be located next to the multi-faith room.

Ms Nima Hunt **OBJECTS**

Date Received 24.04.2023

Objects to the application and considers that the capacity of this site should not be increased due to concerns regarding quality of care at the hospital.

Abigail Mattison **REPRESENTATIONS**

Date Received 31.03.2023

The Four Seasons Health Care Group owns and operates the Wheaton Aston Care Home which is adjacent to the intended development site.

The Home provides residential care to vulnerable members of the community. It is critical that, throughout the course of the development and on an ongoing basis, traffic and parking to the new development is controlled to ensure continued uninterrupted blue light access to the Home and to safeguard the quality of life of the residents of the Home. The Home currently shares a main access way with the Huntercombe Hospital, from the A5. Whilst the proposed development includes the creation of a new access road, this appears to not relieve any pressure from traffic entering the site. We have concerns about the increased flow of traffic, especially in close proximity to elderly residents who may enjoy walking in the grounds from time to time. We are concerned that increased traffic in respect of both the development and the resultant larger operations will have material consequences in terms of the health and wellbeing of the residents of the Home.

Related to the use of the Home, it is important that works at the development site must not disturb the rest that the residents of the Home require. We respectfully request that works are not undertaken before the hours of 9am, or after 6pm.

We appreciate the site is already the location of extensive buildings, including the Home. However, the development as planned will threaten the wildlife that has been present around the grounds of the Home and which is enjoyed by residents and the wider community.

We trust that any damage to any trees which currently surround the boundary of the Home or otherwise to the property of the Group in the course of the development works will be made good, to the satisfaction of

the owner of the Home, whomever that may be at the relevant time. This should be a condition of any approval.

Finally, I take this opportunity to note that the boundary of the Hospital as marked on the plans is contrary to details registered at the land registry. This error has been brought to the attention of the directors of the owner of the Hospital, on whose behalf the planning application has been submitted, and we expect that a revised application will be submitted to rectify this in short order.

1.8. APPRAISAL

1.8.1. The application is brought before the Planning Committee as the proposal is a departure from the development plan because it does not meet any of the exceptions listed in Policy OC1 (Development in the Open Countryside Beyond the West Midlands Green Belt) of the Core Strategy.

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

1.9 Key Issues:

- Principle of the development
- Impact on the character and appearance of the Landscape
- Layout, appearance and scale
- Neighbour and occupier amenity
- Ecology and Trees
- Flooding/Drainage
- Parking and Highways
- Representations

2.0 Principle of development

2.0.1. The site is located within the Open Countryside. As outlined within Policy OC1 of the Core Strategy, the Open Countryside should be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value. The policy goes on to state that development within the Open Countryside will normally be permitted where the proposal is for a one of a certain number of categories of development. This proposal does not fall within any of those categories and is therefore deemed contrary to policy OC1 of the Core Strategy.

2.0.2. Core Strategy Policy 1 (CP1) sets out the strategic approach to growth within the District, with the intention that growth will be located at the most accessible and sustainable locations. The policy states that in relation to the District's existing communities and settlements, appropriate proposals which contribute to their improved sustainability, cohesion and community wellbeing will be supported.

2.0.3. In this case, the site is within a rural area approximately 0.8 miles from the closest village centre. The site is situated 'Outside the Service Villages' where the objective of the spatial strategy is to protect the attractive rural character of the countryside however the policy also states that proposals which contribute to increased community wellbeing will be supported.

2.0.4. The proposed development would be an extension of an existing hospital to provide improved facilities to support the education of the residents of the existing hospital, also providing separate accommodation for teaching, providing residents with a predictable and dedicated training environment. The building would also offer specialised spaces, allowing residents to be grouped as necessary according to their individual needs. In addition to the residents of the hospital, the SEND school would provide places for challenging pupils who have not integrated well into mainstream schools, which would not be possible whilst education is being delivered on wards (as is the current situation).

2.0.5. In terms of the proposed CAHMS unit, the existing hospital does not have enough of the correct types of rooms on site, and additional facilities are needed including an advocacy suite and a place for families to stay overnight if needed as increasing numbers of patients are allocated from further afield. The Quality Care Commission has highlighted some deficiencies in the current building such as the lack of en-suite bathrooms to provide privacy for patients and there is increasing demand for beds for residents with more severe and varying risk levels of behavioural challenges.

2.0.6. Core Strategy Policy H5 sets out general support for specialist housing accommodation such as this, providing that sites are in a sustainable location and considered suitable by virtue of their size and scale in relation to existing infrastructure, services and public transport links. Where possible the re-use of brownfield land should be considered as a priority, provided that it is not of high environmental value, including the extension of existing facilities and co-location of facilities where there is an acknowledged need. Core Policy 10 advocates that the Council will support proposals that protect, retain or enhance existing community facilities or lead to the provision of additional facilities that improve the wellbeing and cohesion of local communities. Core Policy 15 further outlines support for facilities that improve access to services for young people, including learning opportunities, where a need has been identified and which are accessible by a range of transport options.

2.0.7. Paragraph 95 of the NPPF further states that local authorities should give great weight to the need to create, expand or alter schools through decisions on applications, taking a positive approach to meeting the need for school places. Local Planning Authorities are expected to work proactively and positively to ensure faster delivery of public service infrastructure such as hospitals.

2.0.8. In summary, there is conflict with the aims of the Council's Spatial Strategy, however taking into consideration the fact that the development would be an extension of an existing hospital, coupled with the positive contribution to the wellbeing of the hospital patients and the availability of access to the strategic highway network this conflict should be given limited weight in the balance of considerations.

2.0.9. As previously mentioned, the site is within the Open Countryside which is protected for its own sake. Since the proposal does not fit within any of the exceptions within Policy OC1 there is conflict with this policy, however the proposed development would provide enhanced and new facilities to serve an existing hospital, supporting the wellbeing and education of vulnerable children and young people which is wholly supported by local and national policy. The benefits of the scheme are considered to be a material consideration which carries significant weight in the balance of considerations, however the proposals potential impact on landscape character, another important consideration, is discussed further below.

2.1. Impact on the character and appearance of the Landscape

2.1.0. As previously mentioned, this proposal for new buildings within the Open Countryside does not meet any of the exceptions listed within Policy OC1, therefore it is necessary to assess whether the development would be detrimental to the character of the landscape. Although this is an outline application and approval is

only sought for access and layout at this stage, the indicative proposal would introduce two new areas of new single storey and two storey buildings on land which is currently open and free from development.

2.1.1. Policy EQ4 states the intrinsic character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. NPPF paragraph 174 advocates that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

2.1.2. Although scale is a reserved matter, based on the indicative plans the SEND school would comprise of approximately 825 sq.m. of floor area across two levels. The taller (first-floor) elements of the proposed U-shaped building would be situated on the north and north-western side, closest to the buildings of the existing hospital. The eastern end of the building would potentially be single storey.

2.1.3. The CAMHS facility which is proposed to be positioned closer to the A5, is a larger building, equating to around 1295 sq.m of floor area, 355 sq.m. of which is indicated at first floor level. The two-storey element of the CAMHS building would be situated roughly centrally within the site, behind the single storey element and in front of the SEND school and the existing hospital buildings.

2.1.4. A new access road (for egress only) is proposed off the A5 which would link into the existing internal access road, joining an existing grasscrete parking area and extending on it with an additional three spaces to serve the family stay accommodation proposed.

2.1.5. Although the proposal is sizeable and would be situated on open land, the proposed development (together with the existing hospital) would form a cluster of buildings which would be situated within the confines of the hospital's existing 3m high open mesh steel panel fencing which runs around the perimeter of the site. Although the fencing is open, allowing some views through, it visually contains the site edges. In addition there is a thick band of shrubbery and trees along the southern site boundary which screen the majority of the site and physically contain the southern extent of the development.

2.1.6. The development would not encroach beyond the northern-most building line of the existing hospital buildings and would be viewed in the context of the existing hospital and care home. Whilst built form would be spread further across the site, each of the buildings would have varying roof heights with gaps in between, allowing views through the site to the landscape beyond, which would soften the visual impact of the development.

2.1.7. The existing buildings to the east (Home Farm and a cluster of 3 cottages along the A5) and west (Ivetsey Mews and Three Angels Farm) and a thick band of trees along much of the eastern site boundary would screen the development from wider view. In terms of parking, although the parking arrangements are proposed to be changed, the overall level of parking would remain roughly the same albeit with three additional spaces. The relocated parking area would be surface level, as would the new turning head, and the land surrounding the buildings would remain as open land/outdoor amenity space.

2.1.8. On the basis of the above it is considered that, subject to detailed design, the proposed development would not have a detrimental impact on the character and appearance of the Open Countryside, subject to detailed design which should reflect the rural location and to be sympathetic to the height, massing and design of nearby buildings. If this application were to be approved, these details would need to be considered

and agreed as part of a subsequent reserved matters application. It is therefore concluded that the proposal complies with Policy EQ4.

2.2. Layout, appearance and scale

2.2.0. As previously mentioned, if this application were to be approved, Appearance, Landscaping and Scale would be subject to a Reserved Matters application. The current application seeks approval only for Layout and Access.

2.2.1 Paragraph 130 of the NPPF requires that developments function well and are visually attractive due to good architecture, layout and landscaping. 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. EQ12 requires landscaping of new development as an integral part to create a visually pleasant, sustainable and biodiversity rich environment.

2.2.2. The proposed buildings are comparable to the size of the existing buildings in terms of footprint and appear on plan as two linked L-shape buildings and a U shape building, providing opportunities to incorporate courtyards and landscaped areas, as opposed to two unimaginative square buildings. The proposal to incorporate single and two storey elements to each of the buildings also provides an opportunity to add interest to the design whilst preserving some views across the landscape. Although landscaping is a reserved matter, the indicative plan submitted shows that the layout allows sufficient room for planting and outdoor seating areas to be incorporated within the design.

2.2.3. The new access road that is proposed would allow a one-way route to be created through the site to relieve some of the congestion issues that have been experienced as a result of the single-track access and conflict which has arisen with users of the adjacent site (Wheaton Aston Care Home). The proposal would also therefore reduce the pressure on the single access point, allowing the hospital site to function more effectively, as advocated within paragraph 130 of the NPPF.

2.2.4. Subject to detailed design at Reserved Matters stage, the development is capable of being visually attractive and sympathetic to the existing buildings and the rural location. The layout as proposed is capable of functioning well with adequate spacing between buildings, allowing room for landscaping, seating and communal areas. The proposal is therefore considered to comply with Policies EQ11, EQ12 and the provisions of the NPPF.

2.3 Neighbour and occupier amenity

2.3.1. Policy EQ9 of the Core Strategy states that the amenity of any nearby residents should be taken into account when considering development proposals.

2.3.2. The closest residential uses are positioned approximately 70m away (Old Hall Cottage to the east and Ivetsey Mews to the west). Bearing in mind the separation distances and the fact that there is already a hospital use at the site, it is not considered that the proposal would give rise to significant noise levels over the existing situation. The proposal would also be well in excess of the Council's minimum requirement of 21m between facing habitable room windows thereby raising no concerns in respect of overlooking or loss of privacy for neighbours.

2.3.3. The Council's Environmental Health Officer has reviewed the submitted information and has raised no objections subject to conditions. On that basis it is considered that the proposal would not be harmful to the amenity of existing occupiers, thereby complying with Policy EQ9 of the Core Strategy.

2.4 Ecology and Trees

Core Strategy 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.

The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main legislative framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

It is also worthy of note that under the Environment Act 2021, all planning permissions granted in England, with a few exemptions, will have to deliver 10% biodiversity net gain (BNG) from January 2024. BNG will be measured using DEFRA's biodiversity metric and management of habitats will need to be secured for at least 30 years.

The Council's Arboricultural Officer has been consulted who has noted that the reinstatement of the historic site access from the A5 would require the removal of a small section of existing hedgerow, albeit this would not result in any significant arboricultural impact and does not warrant being a constraint to development. There is an existing tree group / area light of light woodland on site that is near to the proposed school building. A draft tree protection plan has been submitted and the Arboricultural Officer is satisfied that the trees can adequately be protected. Before the commencement of any construction on site a tree protection plan should be submitted for approval and the agreed measures shall be constructed prior to any works taking place on site.

The application site is within a red risk impact zone for Great Crested Newts (GCN). The application is accompanied by a Naturespace report that confirms that GCN can be dealt with under the District (organisational) Licence granted to South Staffordshire Council (WML-OR112). Accordingly, there are no concerns arising in respect of GCN providing that the pre-commencement conditions suggested are applied should planning permission be granted.

The Council's Ecologist has reviewed the application and is satisfied that the biodiversity metric supplied is acceptable and further information has been provided in respect of bats. The Ecologist raises no significant concerns regarding the impact of the proposed development to commuting, foraging or roosting bats, although a sensitive lighting strategy will be required to mitigate adverse effects to bats. A condition is also recommended for a habitat management plan to ensure that the biodiversity net gain detailed in the metric is achieved with the landscape plan as part of any future reserved matters application. Conditions for an ecological enhancement plan and hedgehog permeability are also suggested.

On this basis no objections are raised subject to conditions and the proposal is considered to be in compliance with Policy EQ1.

2.5 Flooding/Drainage

2.5.1. Policy EQ7 states that development should not have a negative impact on water quality, either through pollution of groundwater or overloading of treatment works.

2.5.2. Severn Trent Water have been consulted who consider that the proposal would have a minimal impact on the network, as such do not require a drainage condition. Reference to Environment Agency flood risk maps confirms the site is within Flood Zone 1 and is at very low risk of flooding. The proposal therefore complies with Policy EQ7.

2.6. Parking/Highways

2.6.0. Core Strategy Policy EV12 and Appendix 5 set out the Council's parking standards. The County Highways Officer initially raised concerns regarding the position of the new vehicular access which is identified as previously existing albeit is overgrown with mature trees and is likely to have been disused by the early 1960s. Subsequently, a Visibility Splay plan was submitted which demonstrates that a 215m visibility splay can be achieved in both directions towards this access.

2.6.1. The application notes that having one shared access road into and out of the site which also serves the Wheaton Aston Court Care Home can, at certain times of the day, cause congestion within the site. Therefore the purpose of re-instating this access road is to provide easier egress from the proposed new unit and to alleviate some pressures within the site from peak staff access times and deliveries.

2.6.2. In terms of parking, the applicant has provided further detail around the parking provision proposed. The statement explains that most of the teaching staff are already on site in the existing building and any new staff would be for specialist teaching only, meaning that they would not be likely to be on site every day. In terms of non-resident attendance or visiting pupils, due to the potential risk to the site residents posed by uncleared visitors parking on the site, non-resident students would have a managed drop off and collection process, with parents / guardians being discouraged from parking on the site. As numbers would be low, the existing mini-bus could be used to pick up students from agreed drop off points.

2.6.3. The first-floor advocacy unit is a reprovision for the whole site (recommended by the CQC) so this would be staffed when needed by existing site staff, so no additional parking is required for this. Any visiting advocacy could be accommodated in the site overflow allocation. Two first floor overnight parent flats are proposed to allow longer parent visits, subsequently two additional long stay car parking spaces are proposed in addition to an extra disabled space to serve the new unit.

2.6.4. In 2012 permission was granted for the use of the land immediately south of the site for overflow parking in addition to the existing hospital car park. Wheaton Aston Care Home now have their own car park therefore the existing overflow area could be utilised to serve the additional staff. On that basis the proposal is considered to comply with the Council's Parking Standards and consequently, the County Highways Officer has raised no objections subject conditions. The proposal therefore complies with Policy EV12.

2.7. Representations

Wheaton Aston Care Home noted as part of their representation that part of the boundary of the Hospital as marked on the plans was contrary to details registered at the land registry. This minor discrepancy related to the blue edge line and did not form part of the red edge line of the application site. Nonetheless, this matter has been resolved with the submission of an amended plan.

2.8. Human Rights

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

in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

2.9 CONCLUSION

2.9.0. The site is within the Open Countryside where the main objective is to protect the intrinsic character and local distinctiveness of the Landscape. Although the proposal would involve a substantial amount of built form on land which is currently open, it would be visually contained to the east, south and west by a combination of existing built form and tree coverage. The U-shaped and L-shaped buildings proposed would sit alongside the existing hospital buildings within the perimeter fencing of the existing site and would, by virtue of their layout and form, provide opportunities for landscaping and communal areas. The re-introduction of the access road out of the site and a new internal turning head would also improve vehicular movement within the site.

2.9.1. A number of the facilities proposed have been suggested by the Quality Care Commission and would provide clear benefits to the welfare and education of vulnerable young people in the District, which is clearly supported by national and local policy. There would be no demonstrable impact upon the amenity of neighbouring occupiers, parking provision and highways arrangements are acceptable and there are no concerns arising in respect of drainage, trees or ecology. Taking into consideration all factors that weigh in the balance of considerations, the balance tips strongly in favour of the development, therefore approval is recommended subject to conditions.

3.0 RECOMMENDATION - APPROVE Subject to Conditions

1. The development which this permission relates must be begun not later than whichever is the later of the following dates:
 - a. The expiration of three years from the date on which this permission is granted;
 - b. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before the development commences, and within 3 years of the date of this permission, full details of the following reserved matters shall be submitted to the Local Planning Authority:
 - a. The Scale - The height, width, length and overall appearance of each of the proposed buildings including the proposed facing materials, and how they relate to their surroundings;
 - b. The Appearance - The aspects of a building or place which determine the visual impression it makes;
 - c. The Landscaping - The treatment of private and public space and the impact upon the site's amenity through the introduction of hard and soft landscaping.

3. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
4. The development hereby permitted shall not be brought into use until the existing access to the site within the limits of the public highway has been reconstructed and completed.
5. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.
6. The development hereby permitted shall not be commenced until the visibility splays shown on drawing No. 2116-1451-09 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.
7. All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
8. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.
9. There should be no burning on site during development
10. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.
11. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings
12. Prior to the commencement of development, excluding demolition or groundworks, full details, shall be submitted to and approved in writing by the Local Planning authority of a species enhancement scheme including the details of integrated bat and bird boxes, as well as other species-specific enhancements as appropriate such as hedgehog highways, hedgehog shelters, sandy banks for invertebrates etc. The scheme must detail locations, models, number and aspect of species-specific measures including any ongoing maintenance requirements. The agreed species enhancement scheme will be installed in full prior to the first occupation of the dwelling(s) and shall thereafter be retained for the life of the development.
13. All fences installed as part of the proposed development must include a 13x13 cm gap at the base of barriers between gardens and around the perimeter of the site so that all vegetated areas are accessible for hedgehog.
14. Prior to any works taking place above ground level, a "lighting design strategy for biodiversity" for all external lighting shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for instance for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb

or prevent the above species using their territory or having access to their breeding sites and resting places. c) No lighting shall exceed 2700Kelvin in colour temperature. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

15. The reserved matters application shall be accompanied by a Habitat Management Plan (HMP) expanding upon the information provided within the submitted biodiversity metric and biodiversity net gain stage report by Eagle Eye Design dated July 12th 2023, detailing in full, measures to protect existing habitat during construction works and the formation of new habitat to secure an overall site wide net gain value of no less than 0.11 habitat units and 0.04 hedgerow units, for approval in writing by the Local Planning Authority. Within the HMP document the following information shall be provided:
 - i) Ecological trends and other constraints on the site that might influence management (i.e. soil nutrient profile, recreational pressure etc.).
 - ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on areas to be utilised for habitat creation;
 - iii) Aims and objectives of management;
 - iv) Appropriate management options to achieve aims and objectives for all habitats for a period of no less than 30 years;
 - v) Details of both species composition and abundance (% within seed mix etc.) where seeding/planting is to occur;
 - vi) Responsibilities of bodies/organisations for implementation against actions; vii) Assurances of achievability and remedial actions as necessary;
 - viii) Timetable of delivery for all habitats and future ecological monitoring to ensure that all habitats achieve their proposed condition as stated within the submitted metric as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. The development shall thereafter be undertaken in accordance with the approved HMP.
16. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Huntercombe Stafford Hospital: Impact plan for great crested newt District Licensing (Version 1)", dated 28th February 2023.
17. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.
18. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
19. Prior to the commencement of any construction related activity on site, a comprehensive tree retention and protection plan to BS5837:2012 standard shall be submitted to, and approved by, the LPA. All tree protection measures within the approved tree retention and protection plan, shall be implemented before any construction related activity commences on site. Once implemented all such measures shall be maintained throughout development unless agreed in writing with the Local Planning Authority. Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced. The species, size, nursery stock type and location of such replacements to be specified 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. The application is in outline only.
3. In order to define the permission and to avoid doubt.
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. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
8. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
9. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
10. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.

11. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
12. To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
13. To prevent harm to species of principal importance in accordance with Policy EQ1 of the adopted Core Strategy and the biodiversity duty within the Natural Environment and Rural Communities Act 2006 (as amended).
14. To prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.
15. To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework
16. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML_OR112, or a 'Further Licence'), paragraphs 179 and 185 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
17. In order to adequately compensate for negative impacts to great crested newts, and in line with paragraphs 179 and 185 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
18. In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML_OR112, or a 'Further Licence'), paragraphs 179 and 185 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
19. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy

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

The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. The nesting bird season is considered to be between 1 March and 31 August inclusive, however some species can nest outside of this period. Suitable habitat for nesting birds are present on the application site and should be assumed to contain nesting birds between the above dates unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present. Please note that planning permission does not override or preclude the requirement to comply with protected species legislation. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.

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

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

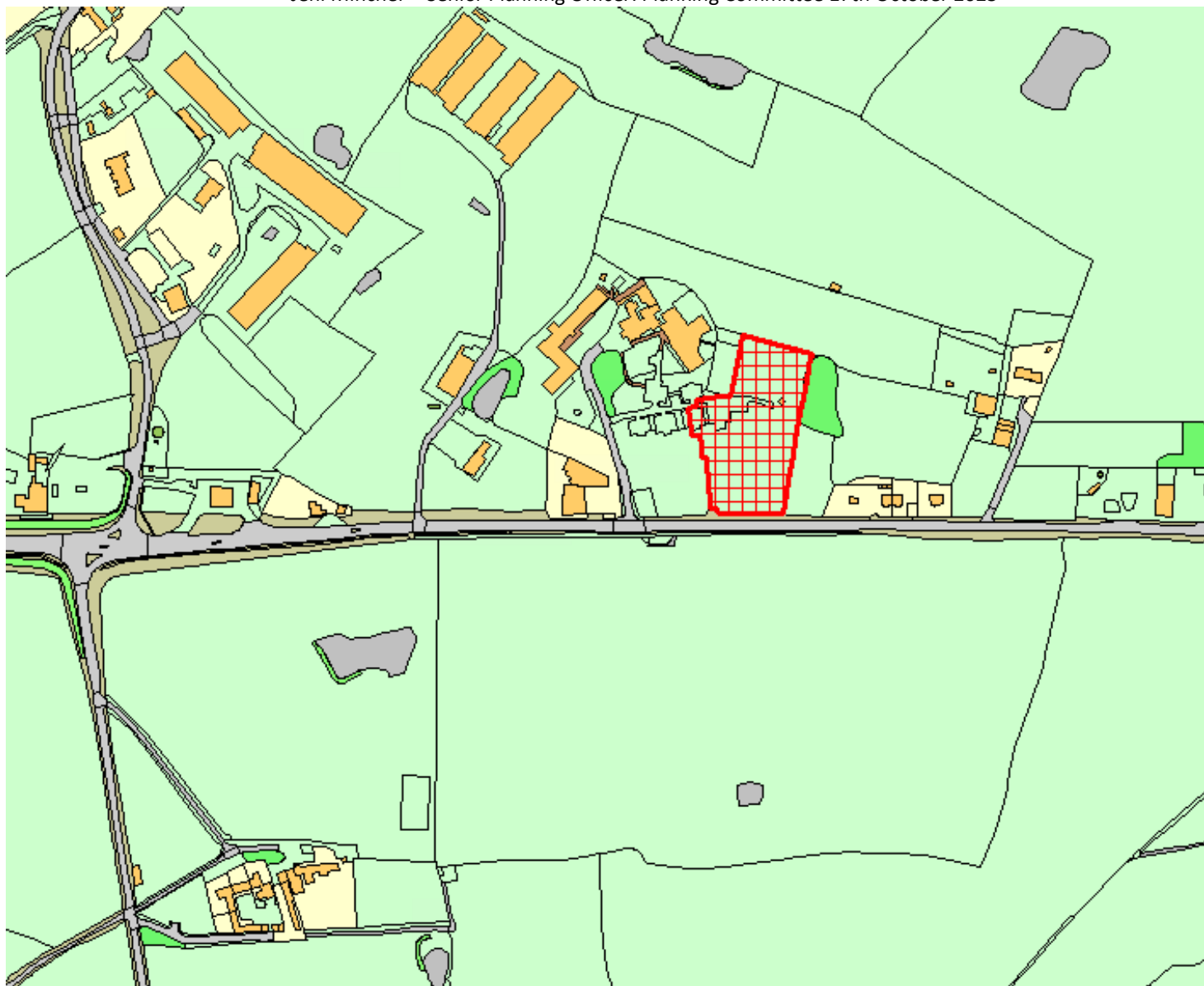
It is essential to note that any works or activities whatsoever undertaken on site (including ground

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

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in the condition above (relating to the use of best practice and measures outline in the Great Crested Newt Mitigation Principles) would give rise to separate criminal liability under District Licence condition 12 (requiring authorised developers to comply with the District Licence) and condition 17 (which requires all authorised developers to comply with the Great Crested Newt Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

Plans on which this Assessment is based:

Plan Type	Reference	Version	Received
Existing Block Plan	2116 - 1451 - NU - 02		7 September 2022
Other Plans	2116 - 1451 - NU - 03		7 September 2022
Other Plans	2116 - 1451 - NU - 05		7 September 2022
Proposed Floor Plan	2116 - 1451 - NU - 06		7 September 2022
Proposed Floor Plan	2116 - 1451 - NU - 07		7 September 2022
Proposed Floor Plan	2116 - 1451 - NU - 08		7 September 2022
Proposed Block Plan	2116 - 1451 - NU - 04	Rev A	26 April 2023
Location Plan	2116 - 1451 - NU - 01	Rev A	26 April 2023



Huntercombe Stafford Hospital Watling Street Ivetsey Bank Staffordshire ST19 9QT

**22/01007/FUL
NON MAJOR**

Mr Stephen Thompson

ENVILLE

**Councillor S Dufty
Councillor P Harrison
Councillor G Spruce**

Crump Hillocks Farm Bradbury Lane Enville Staffordshire DY7 5JG

Proposed are 4no. Glamping pods for guest use, along with parking/turning facilities. Five parking spaces are proposed for the site with one being EV charging and another for site maintenance. Refuse/recycling facilities will be located in the parking area. Associated footpaths and landscaping of the site

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
Yes	6 September 2023	20 October 2023

SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1 The application relates to a parcel of land south of Crump Hillocks Farm on Four Ashes Estate, Enville. The site is approximately 0.9ha in area and comprises tussocky modified grassland, two ponds surrounded by a small coppice of broadleaved woodland, occasional scattered trees, a species poor unmanaged hedgerow, two ponds, small patches bramble scrub, two fallen brick buildings that are covered in bramble scrub and an area of game/pheasant cover. An access drive to the site entrance is already present from Bradbury Lane.

1.1.2 Public right of way Enville 18 runs along the access to the site, then north towards the farm buildings. Public footpath Enville 19 is also within close vicinity.

1.2 The Proposal

1.2.1 The application proposes 4no. Glamping pods for guest use, along with parking/turning facilities. Five parking spaces are proposed for the site with one being EV charging and another for site maintenance. Refuse/recycling facilities will be located in the parking area. Associated footpaths and landscaping of the site.

1.2.2 The timber pods will be manufactured off-site and there will be two versions; 8m and 10m in length (3.3m high). They will be delivered to the site partially prefabricated. They will be installed with ground screws and no concrete pads will be required. A small decking area will be provided for each pod.

1.2.3 No changes are required to the access, the existing track of Bradbury Lane will be used. There will be a new permeable parking and turning area at the site entrance and permeable footpath from the parking area to the pods.

1.2.4 A sewage treatment tank will be installed with the treated water discharging via a soakaway, to the south of the site.

1.2.5 During the application amended plans have been received, resulting in more trees being retained, additional planting and the reception hut/honesty shop and gym removed from the scheme.

1.3 Agents Submission

1.3.1 The application is accompanied by:

- Planning Statement
- Design and Access Statement
- Market Research
- Feasibility study
- Preliminary Ecological Appraisal
- Great Crested Newt Report
- Reptile Survey
- Tree Report

Date of site visit - 20 July 2023

SITE HISTORY

No relevant history

POLICY

Constraints

Green Belt

Coal Authority Low Risk Area

Newt - Strategic Opportunity Area Name: South Staffordshire (South):

Newt - Impact Risk Zone Amber Name: AMBER ZONE:

Public Right of Way Name: Enville 18

Policies

National Planning Policy Framework

National Planning Practice Guidance

Core Strategy

Core Policy 1: The Spatial Strategy

Policy GB1: Development in the Green Belt

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

Policy EQ3: Conservation, Preservation and Protection of Heritage Assets

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 9: Rural Diversification

EV2: Sustainable tourism

Core Policy 11: Sustainable Transport

Policy EV11: Sustainable Travel

Policy EV12: Parking Provision

Supplementary Planning Documents

Green Belt and Open Countryside SPD

Design Guide

CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
10 August 2023	n/a

Councillor Steph Dufty - Kinver & Enville Ward

No Response Received

Councillor Dr Paul Harrison MBE - Kinver & Enville Ward

No Response Received

Councillor Gregory Spruce - Kinver & Enville Ward

No Response Received

Enville Parish Council

No Response Received

Senior Ecologist - South Staffordshire

4th August 2023

No objection to the proposed development subject to conditions

Introduction

Thank you for consulting me on this application. I have reviewed the following planning application documentation for the above application:

- Preliminary ecological appraisal (Zebra Ecology, December 2022)
- Reptile survey report (Zebra Ecology, May 2023)
- Great crested newt survey report (Zebra Ecology, April 2023)
- Arboricultural impact assessment (Zebra Trees, July 2023)
- Existing block plan
- Proposed site plan
- Design and access statement
- Lighting plan

I have not visited the site but have viewed aerial photographs, biological records from Staffordshire Ecological Record, and information on DEFRA's MAGIC map to inform my response.

Assessment of Submitted Documents and Plans

Designated Wildlife Sites

I do not consider it likely that the proposed development will result in significant effects to designated wildlife sites.

Habitats

The current proposals would result in an increase in developed land and thus a reduction in vegetative habitats. Based on the information provided in the ecological assessments I am satisfied that a net gain for biodiversity could be achieved through habitat management on site to improve the condition of existing ponds, grassland, woodland and scrub habitat. On this basis I have recommended a

condition for a landscape and ecological management plan to secure management and enhancement of habitats at the site in the long-term. Please note that a list of suitable tree species to plant in Staffordshire has been provided at Appendix A for information.

I have also recommended a construction and ecological management plan to ensure impacts to retained habitats such as woodland, trees and ponds by direct impacts (i.e. with machinery) or indirectly (i.e. via polluted runoff) are precluded during construction.

Protected Species

I am satisfied with the survey methods, results and recommendations made by the submitted ecological reports; I also welcome the further clarification provided in relation to tree retention by the amended arboricultural report. I consider that the recommendations made by the ecological reports are proportionate to the risk and scale of the proposed development, and I have recommended a number of conditions to secure necessary details for a number of elements such as lighting, method statements and species enhancement measures.

I am satisfied, subject to conditions, that the proposed development is unlikely to result in significant adverse effects to protected species.

Recommendations

I have no objection to the proposed development subject to conditions as detailed below.

Herpetofauna Method Statement

1. No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a method statement for herpetofauna including grass snake and great crested newt has been submitted to and approved in writing by the Local Planning Authority. The method statement must include (as a minimum):

- o A risk assessment in relation to site activities that may impact grass snake and GCN and the associated legislative breaches that may occur due to works;
- o Details of all reasonable avoidance measures to ensure grass snake and GCN are not adversely affected by works; and
- o Identification sheets for native amphibians and reptiles (to be kept on site).
- o Details of the toolbox talk and signed register for attendees

Reason: To prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.

Construction and Ecological Management Plan (CEMP)

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

- a) A risk assessment of potentially damaging activities and the phases associated with them.
- b) Identification of biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts during site clearance and construction.
- d) The location and timing of sensitive works to avoid harm to ecological features.

e) The times during construction when an ecological clerk of works (ECoW) needs to be present (if appropriate).

f) Role and responsibilities of the ECoW if appropriate.

g) Responsible persons and lines of communication.

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

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

Species Enhancement Scheme

3. Prior to the commencement of development, excluding demolition or groundworks, full details, shall be submitted to and approved in writing by the Local Planning authority of a species enhancement scheme including the details of integrated bat and bird boxes, as well as other species-specific enhancements such as hedgehog highways, hedgehog shelters, butterfly banks etc. The scheme must include detail of locations, models, number and aspect of species-specific measures including any ongoing maintenance requirements.

The agreed species enhancement scheme will be installed in full prior to the first occupation of the dwelling(s) and shall thereafter be retained for the life of the development.

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

Sensitive lighting design

4. Prior to occupation, a "lighting design strategy for biodiversity" for all external lighting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for instance for foraging; and

b) show how and where external lighting will be installed (through the provision of horizontal and vertical lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

c) No lighting will exceed 2700 Kelvin in colour.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason: To prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.

Landscape and Ecological Management Plan

5. Prior to commencement of development, a combined Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local

planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on the site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options to achieve aims and objectives.
- e) Detailed management prescriptions and a work schedule with annual plan
- f) Responsibilities of bodies/organisations for implementation against actions
- g) Monitoring and remedial measures

The LEMP shall also include details of the management body/bodies responsible for delivery and future maintenance.

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

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

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

Informative Notes:

The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (1)(Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built.

Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown that nesting birds are not present.

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

Policy and Legislative context in relation to this application

The National Planning Policy Framework (2021) s.174 states: "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

NPPF s.180 states that "When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..."

South Staffordshire Council adopted Local Plan Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under

threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme. The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main legislative framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies.

Natural England Standing Advice which has the same status as a statutory planning response states that survey reports and mitigation plans are required for development projects that could affect protected species, as part of obtaining planning permission.

European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

- o Deliberate capture or killing or injuring of an EPS
- o Deliberate taking or destroying of EPS eggs
- o Deliberate disturbance of a EPS including in particular any disturbance which is likely to:
 - I. impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or
 - II. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - III. to affect significantly the local distribution or abundance of the species to which they belong.
- o Actions resulting in damage to, destruction of, or obstruction of an EPS breeding site or resting place.

Ecological survey results indicate that European Protected Species, specifically great crested newt are present within the local area, but that reasonable avoidance measures to be detailed in a method statement can be implemented to avoid the requirement for a mitigation licence. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Arboricultural Officer Consultation

13th September 2023

Having reviewed the application and supporting information I can confirm that I have no objection to the proposed development.

The trees specified for removal are low quality specimens that do not warrant being a constraint to development.

The single category 'A' tree on site is located at some distance from any proposed construction works that are likely to cause harm, with a significant body of water between it and the nearest pod.

Incursions into the RPAs of retained trees are minimal and the proposed construction methods specified as being low impact.

I would recommend the inclusion of the following condition with any consent granted:

Tree Protection

All tree protection measures within the approved Arboricultural Impact Assessment (ref. ZTL_292) and associated Tree Protection Plan, shall be duly considered and implemented before any construction related activity commences on site. Once implemented all such measures shall be maintained throughout development unless agreed in writing with the Local Planning Authority.

Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced. The species, size, nursery stock type and location of such replacements to be specified by the local planning authority.

Local Plans

26th July 2023

Policy background

Policy GB1 of the 2012 Core Strategy allows for a closed list of built development types within the Green Belt. This does not include tourist accommodation. Policy GB1 and paragraph 150 of the NPPF also allow for the material change of use of land, provided that development preserves the Green Belt's openness and does not conflict with the purposes of including land within the Green Belt. If the scheme does not fall within these categories then the NPPF requires consideration of whether very special circumstances exist to permit the development. These can only arise if the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Core Policy 1 of the 2012 Core Strategy indicates that outside the service villages, new development is restricted to particular types of development, including development which supports tourism. Policy EV2 clarifies further how sustainable tourism will be delivered in the District. It requires tourism growth to be consistent with the heritage and cultural associations of the District, including attractive villages and hamlets, historic houses, parklands and gardens with particular focus being given to sustainable tourism. Outside development boundaries it will be necessary for a business case to be made showing how development will make a sustainable contribution to the local economy. Tourist accommodation will only be permitted where it does not adversely affect the character and appearance of the area, taking account of the capacity of the local area and the highway network to absorb the development.

In addition to the above, the NPPF 2021 indicates that plans and decisions should enable "sustainable rural tourism and leisure developments which respect the character of the countryside". However, there is an acknowledgement that sites to meet local business needs may have to be found adjacent or beyond existing settlements, and in locations that are not well served by public transport. In such circumstances the NPPF requires that development exploits any opportunities to make a location more sustainable (e.g. by active travel or public transport). It also encourages the use of previously developed land, and sites that are physically well-related to existing settlements, where suitable opportunities exist.

Local plan comments

The site sits within the West Midlands Green Belt in an isolated rural location over 2.5km west of Enville. The location appears to be accessed via an unlit A road with no footway. Given the site's location, the principle of the development being acceptable will rest primarily on two key factors. The first is whether the scheme is consistent with local and national Green Belt policy, including consideration of whether very special circumstances exist. This is to be judged by the case officer.

The second key factor is whether the site can be considered sustainable rural tourism under the terms of Core Policy 1 and Policy EV2 and whether it is consistent with NPPF policies on sustainable rural tourism. This can involve consideration of a number of factors. It is notable that the applicant has not provided any meaningful business case to show how the site would sustainably contribute to the local economy, despite this being a clear requirement of Policy EV2 for schemes outside of development boundaries. They have also not provided any explanation of how the scheme exploits active travel opportunities, or how sites physically well-related to

existing settlements have been considered before arriving at the decision to locate a new tourist accommodation scheme on such an isolated site, despite the clear requirements of the NPPF in this regard. The site's lack of conformity with these requirements in local and national policy therefore means it is unlikely to constitute sustainable rural tourism. The weight attributed to this policy conflict is to be judged by the case officer alongside other material considerations.

Case Officer Note – Additional supporting information was subsequently provided by way of a planning statement and feasibility study. All the matters have been considered as part of the officer's assessment and planning balance exercise.

County Highways

4th August 2023

Recommendation Summary: Conditional

Site Visit Conducted on: 03-Aug-2023

1. The development hereby permitted shall not be brought into use until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.

Reasons.

1. In the interest of highway safety.

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

Note to Planning Officer.

The proposed development is located in a semi-rural location and is accessed down a private track off an unclassified road.

County Countryside And Rights Of Way Officer

14th July 2023

The Definitive Map of Public Rights of Way for Staffordshire shows a public right of way along the access route to the application site.

Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity.

The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.

The following should be brought to the attention of the applicant and noted in the planning consent if granted:

Public Footpath No.18 Enville Parish runs along the access track to the application site (occupying the full width of the track between boundaries), and north of the farm.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent).

NPPF 100. states that: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Any works that affect the surface of the footpath require discussions with the County Council Rights of Way Team.

Where private rights exist that allow the use of vehicles along a footpath, drivers of vehicles must give way to pedestrians. This needs to be reflected in signage on the site.

In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development.

Environmental Health Protection

No Response Received

Severn Trent Water Ltd

No Response Received

Contributors

No Response Received

APPRAISAL

The application is to be heard at Planning Committee as the proposal is inappropriate development in the Green Belt contrary to policy GB1 of the Core Strategy.

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

1. Policy & principle of development

Green Belt

1.1 The site is located within the Green Belt where there is a presumption against inappropriate development unless very special circumstances exist to justify a departure from Green Belt policy. The erection of the four pods and associated development do not fall within the exemptions for development in the Green Belt as defined in Policy GB1 of the adopted Local Plan – tourist accommodation has been considered in this context by various Planning Inspectors at appeal and been found not to be 'outdoor recreation'. Certainly, the site would provide accommodation for tourists/visitors to the area, but these are likely to seek outdoor recreational facilities elsewhere. Even were the use of the site to be regarded as a form of outdoor recreation, the Framework is clear that this exemption to being inappropriate development only applies if the openness of the Green Belt is preserved and the proposal does not conflict with the purposes of including land within it.

Impact on Openness

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

1.3 There has been much dispute in recent years in case law in defining openness. A defining case in R (Timmins & Anr.) v Gedling BC & Anr. helps to define whether the visual impact of a development could be taken in account in considering 'openness'. It was held that 'openness' is characterised by the lack of buildings but not by buildings that are un-obtrusive or screened in some way. It was also held that 'openness' and 'visual impact are different concepts', although they could 'relate to each other'.

1.4 The NPPG has been updated (July 2019) with guidance on factors taken into account when considering the

potential impact of development on the openness of the Green Belt. These include, but are not limited to:

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

1.5 A good starting point when considering impact on openness is the existing built form on site. The application site is a field with overgrown vegetation and is undeveloped. The proposal would introduce four pods with associated decking which would be in situ all year round. The proposal would also create new pathways and parking area and visitor trips to the site. Therefore, it is not considered that the scheme preserves openness as it introduces development into the site where there were formerly none. Similarly, it conflicts with the purpose of including land within the Green Belt, in terms of it represents encroachment in the countryside.

1.6 On that basis, the proposal is an inappropriate development, with an automatic presumption against the development. Very special circumstances are needed to justify the automatic policy objections.

Case for very special circumstances

1.7 Paragraph 148 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. In considering the case submitted by the applicants for overcoming the automatic policy presumption, it must be noted that the development is small scale, and the position of the pods and footpaths will be discreet given its surroundings (existing trees and site topography). A new native hedgerow is proposed to the southern boundary to help shield the southern two pods. Whilst the Pods and decking will be in situ 12 months of the year, no permanent foundations are required (fixed by screws) and the field can be returned to its natural state when the venture ceases, therefore in terms of harm to the openness it would be limited, a matter to which I apply moderate weight in the balance.

1.8 The following Very Special Circumstances have been put forward in support of the proposal by the planning agent:

- The Council's Tourism Strategy has been supplemented by a further initiative endorsed by all local authorities in Staffordshire entitled Staffordshire's VISITOR ECONOMY ACTION PLAN 2022–2025. It deals with the importance of tourism in the County. This identifies creating the conditions for more people to be able to stay overnight in Staffordshire as one of the key challenges. The provision of more high-quality accommodation is seen to bring benefits for all and allow more visitors to enjoy the multitude of attractions, countryside, and hospitality sectors.
- The Market research highlights that local options tend towards holiday cottages, B&Bs, or country inns; and therefore, there is a demand for glamping pods. The site could expect to command upwards of £130 per night per unit, injecting £84,780 into the local economy annually.
- The greenbelt environment and wildlife can be enjoyed by visitors without negative impact, especially with non-invasive methods and the links to the Staffordshire Way.
- The applicant plans for guests to have some access to historic features on the estate including the Bath Walk (bath house was restored with grant aid from Natural England); the Grade II* Stables and Georgian model farm buildings (Historic England funded), the main house, gardens and walled kitchen garden (currently undergoing restoration) and walks on the wider estate.
- Visitors to an area support the local economy by purchasing goods and services in the locality. Moreover,

as advised, local labour will be employed in the site's development and the applicant will promote his connections with local business and outlets to again benefit the local economy.

- The site's isolation is exactly its attraction. However, it is served by a public footpath; bike racks are to be provided and an EV charger is to be offered.

- New job opportunities will be created through this development in different forms such as housekeeping, general maintenance, site management and potentially landscaping/gardening.

1.9 Considering the very special circumstances that have been put forward by the Agent in addition to the limited harm that would be caused on the openness of the Green Belt, it is finely balanced, however it is considered that the scale is tipped in favour and a case to outweigh the harm to the Green Belt has been demonstrated.

Sustainability/tourism

1.10 Core Policy 1 indicates that outside the service villages, new development is restricted to particular types of development, including development which supports tourism. Policy EV2 clarifies further how sustainable tourism will be delivered in the District. It requires tourism growth to be consistent with the heritage and cultural associations of the District, including attractive villages and hamlets, historic houses, parklands and gardens with particular focus being given to sustainable tourism. Outside development boundaries it will be necessary for a business case to be made showing how development will make a sustainable contribution to the local economy. Tourist accommodation will only be permitted where it does not adversely affect the character and appearance of the area, taking account of the capacity of the local area and the highway network to absorb the development.

1.11 In addition to the above, the NPPF 2021 indicates that plans and decisions should enable "sustainable rural tourism and leisure developments which respect the character of the countryside". However, there is an acknowledgement that sites to meet local business needs may have to be found adjacent or beyond existing settlements, and in locations that are not well served by public transport. In such circumstances the NPPF requires that development exploits any opportunities to make a location more sustainable (e.g. by active travel or public transport). It also encourages the use of previously developed land, and sites that are physically well-related to existing settlements, where suitable opportunities exist.

1.12 The application site is in an isolated location. The nearest settlements are Enville which is around 2 miles, and the main service village of Kinver is 5 miles away. Having said this there is multiple public right of ways within close vicinity of the site to enable visitors to enjoy the immediate countryside and the nature of the pods. The size of the pods would be more suited to couples who are less likely to be reliant on car use during their stay. The agent has commented that site's isolation is exactly its attraction; and bike racks are to be provided and an EV charger is to be offered to encourage sustainable methods of transport.

"Due to the connotations that follow 'glamping' this type of development has been seen to thrive in rural areas rather than within settlement areas or town centres. Guests seeking this type of accommodation are looking for a quiet holidaying area where they can relax and escape their busy everyday lives. The location of this development is situated in a vastly quiet area with breathtaking views ideal for the secluded getaway that the target market strives for".

1.13 The application is accompanied by a business case (market research and feasibility study) which highlights the demand for glamping sites and notes the lack of competition in the local area, along with the knock on benefits, such developments have for the local economy.

1.14 Given the small-scale nature of the proposal and the target consumer base, on balance, there is no conflict with the policy aims of CP1 and EV2.

2. Layout, Design and Appearance

2.1 Policy EQ4 of the Core Strategy advises that “the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views”. Core Policy 4 similarity seeks to promote high quality design and respect and enhance local character and distinctiveness of the natural and built environment. Policy EQ11 advises that new development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally, the Council's Design Guide SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.

2.2 The proposal will not have any undue impact on any medium or long-term views. The two glamping pods in the northern part of the site will be on the edge of the existing small ponds and predominately screened by the surrounding vegetation. Turning to the two southern lodges these will be screened to the north and west by existing vegetation and a new native hedgerow is proposed to be planted to limit views from the East and South. The pods/decking will occupy a small portion of the overall site and given the benefit of the existing vegetation, and their low height and appearance (wooden) they will be a discreet feature within the local landscape.

2.3 The proposal is compliant with policy EQ4 and EQ11 of the Local Plan.

3. Access, Parking & Highway Safety

3.1 The proposed development will be served by existing vehicular access and the parking area created will have space for 5 vehicles. Considering there will be four pods with each having one bedroom, the number of spaces 1 per each pod with one additional is considered to be adequate. The County Highways Team have raised no concerns over the proposal. The proposed use would be a low traffic generator.

4. Residential Amenity

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

4.2 The site is located approx. 270m from the nearest dwellings on Bradbury Lane. The design and access statement provides:

“The pods would be rented out on a per-nightly basis. Patrons would likely be families or friends due to the size of the units. Party groups will not be permitted by the operator. The site would be operated as a typical (year-round) holiday let, much like a caravan site, but with much fewer guests, meaning less noise and disruption to neighbouring properties and road users etc. The site will also be marketed as a peaceful and relaxing retreat, which again should mean noise from guests is not a consideration”.

4.3 Considering this, together with the low-key use of the site and the existing general level of agricultural activity on the wider site, there are no concerns on privacy, daylight or amenity and the proposal complies with Policy EQ9. It is noted that there have been no objections from neighbours to the site.

5. Ecology & Biodiversity

5.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific

Interest (SSSIs).

5.2 The proposed development will not result in significant effects to designated wildlife sites. The application is accompanied by a preliminary ecological assessment and further surveys on Great Crested Newts and Reptiles which have been produced to the satisfaction of the Council's Ecologist. Conditions have been recommended to secure necessary details for a number of elements such as lighting, method statements and species enhancement measures.

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

5.4 The current proposals would result in an increase in developed land and thus a reduction in vegetative habitats. Based on the information provided in the ecological assessments The Council's Ecologist is satisfied that a net gain for biodiversity could be achieved through habitat management on site to improve the condition of existing ponds, grassland, woodland and scrub habitat and conditions to secure this are recommended. As some of these conditions are pre-commencement, these have been agreed with the planning agent.

5.5 The proposal is compliant with Policy EQ1.

6. Arboriculture

6.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that "The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved".

6.2 The Council's arboricultural officer has raised no objections to the proposal for the following reasons:

- The trees specified for removal are low quality specimens, with are not worthy of being a constraint to development.
- The single category 'A' tree on site is located at some distance from any proposed construction works, with a significant body of water between it and the nearest pod.
- Incursions into the RPAs of retained trees are minimal and the proposed construction methods specified as being low impact.

The proposal is compliant with Policy EQ4.

7. Human Rights

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

8. CONCLUSIONS

8.1 In light of the above it is concluded that whilst the proposal would be inappropriate development in the Green Belt, very special circumstances have been put forward to outweigh the harm to the Green Belt. There would be no material harm to neighbouring amenity and there would be no adverse effect on protected species or on the character of the area. The development also raises no material concerns in relation to parking or highway safety. The argument is finely balanced, but it is considered the scales tip in favour of the proposal and the recommendation is for Members to approve the scheme subject to relevant and necessary conditions.

7. RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The Development hereby approved shall not be occupied as a permanent dwelling or by any persons for a continuous period exceeding 28 days in any calendar year.
4. All tree protection measures within the approved Arboricultural Impact Assessment (ref. ZTL_292) and associated Tree Protection Plan, shall be duly considered and implemented before any construction related activity commences on site. Once implemented all such measures shall be maintained throughout development unless agreed in writing with the Local Planning Authority.

Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced. The species, size, nursery stock type and location of such replacements to be specified by the local planning authority.

5. No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a method statement for herpetofauna including grass snake and great crested newt has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved method statement which must include (as a minimum):
 - A risk assessment in relation to site activities that may impact grass snake and GCN and the associated legislative breaches that may occur due to works;
 - Details of all reasonable avoidance measures to ensure grass snake and GCN are not adversely affected by works; and
 - Identification sheets for native amphibians and reptiles (to be kept on site).
 - Details of the toolbox talk and signed register for attendees.
6. No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - a) A risk assessment of potentially damaging activities and the phases associated with them.
 - b) Identification of biodiversity protection zones.

- c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts during site clearance and construction.
- d) The location and timing of sensitive works to avoid harm to ecological features.
- e) The times during construction when an ecological clerk of works (ECoW) needs to be present (if appropriate).
- f) Role and responsibilities of the ECoW if appropriate.
- g) Responsible persons and lines of communication.

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

7. Prior to the commencement of development, excluding demolition or groundworks, full details, shall be submitted to and approved in writing by the Local Planning authority of a species enhancement scheme including the details of integrated bat and bird boxes, as well as other species-specific enhancements such as hedgehog highways, hedgehog shelters, butterfly banks etc. The scheme must include detail of locations, models, number and aspect of species-specific measures including any ongoing maintenance requirements.

The agreed species enhancement scheme will be installed in full prior to the first occupation of the Development and shall thereafter be retained for the life of the development

8. Prior to occupation, a "lighting design strategy for biodiversity" for all external lighting shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for instance for foraging; and
 - b) show how and where external lighting will be installed (through the provision of horizontal and vertical lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) No lighting will exceed 2700 Kelvin in colour.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

9. Prior to commencement of development, a combined Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on the site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options to achieve aims and objectives.
 - e) Detailed management prescriptions and a work schedule with annual plan
 - f) Responsibilities of bodies/organisations for implementation against actions
 - g) Monitoring and remedial measures

The LEMP shall also include details of the management body/bodies responsible for delivery and future maintenance.

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

10. The development hereby permitted shall not be brought into use until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.
11. Within three months of commencement of the development hereby approved details of all boundary treatment around and within the site shall be submitted to the Local Planning Authority for approval. The approved boundary treatment shall be built/erected within 3 months of the date of the approved details and shall thereafter be retained in the approved form and position throughout the life of the development.
12. Within 3 months of any development commencing on the site a landscape scheme (species and mix) shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented within 3 months of the approval of these details and completed within 12 post approval of these agreed details. 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).
13. Within 3 months of the development commencing design details of the proposed bike racks, as shown on proposed site plan 210534-01-02, shall be submitted to and approved in writing by the Local Planning Authority. The agreed bike rack details shall be implemented in full prior to first use of the glamping pods and maintained for the lifetime of the development.
14. The proposed electric charging point shall be installed and fully operational prior to first use of the glamping ponds hereby approved and shall be maintained for the lifetime of the development in full operational order. Use of the electric vehicle charging point shall be available to visitors/users of the glamping pods hereby approved for the lifetime of the development.

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. 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
4. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
5. To prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.

6. To prevent harm to habitats of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.
7. To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
8. To prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.
9. To deliver biodiversity enhancements and achieve a net gain for biodiversity as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
10. In the interest of highway safety.
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. To ensure the development increases the sustainability of the location outside of the development boundary , encourages sustainable methods of transport and makes a sustainable contribution to the local area in accordance with policies CP1 and EV2 of the adopted Core Strategy.
14. To ensure the development increases the sustainability of the location outside of the development boundary , encourages sustainable methods of transport and makes a sustainable contribution to the local area in accordance with policies CP1 and EV2 of the adopted Core Strategy.

Informative Notes:

1. Ecology

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

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

2. County Council Footpath Officer

Public Footpath No.18 Enville Parish runs along the access track to the application site (occupying the full width of the track between boundaries), and north of the farm.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent).

NPPF 100. states that: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Any works that affect the surface of the footpath require discussions with the County Council Rights of Way Team.

Where private rights exist that allow the use of vehicles along a footpath, drivers of vehicles must give way to pedestrians. This needs to be reflected in signage on the site.

In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

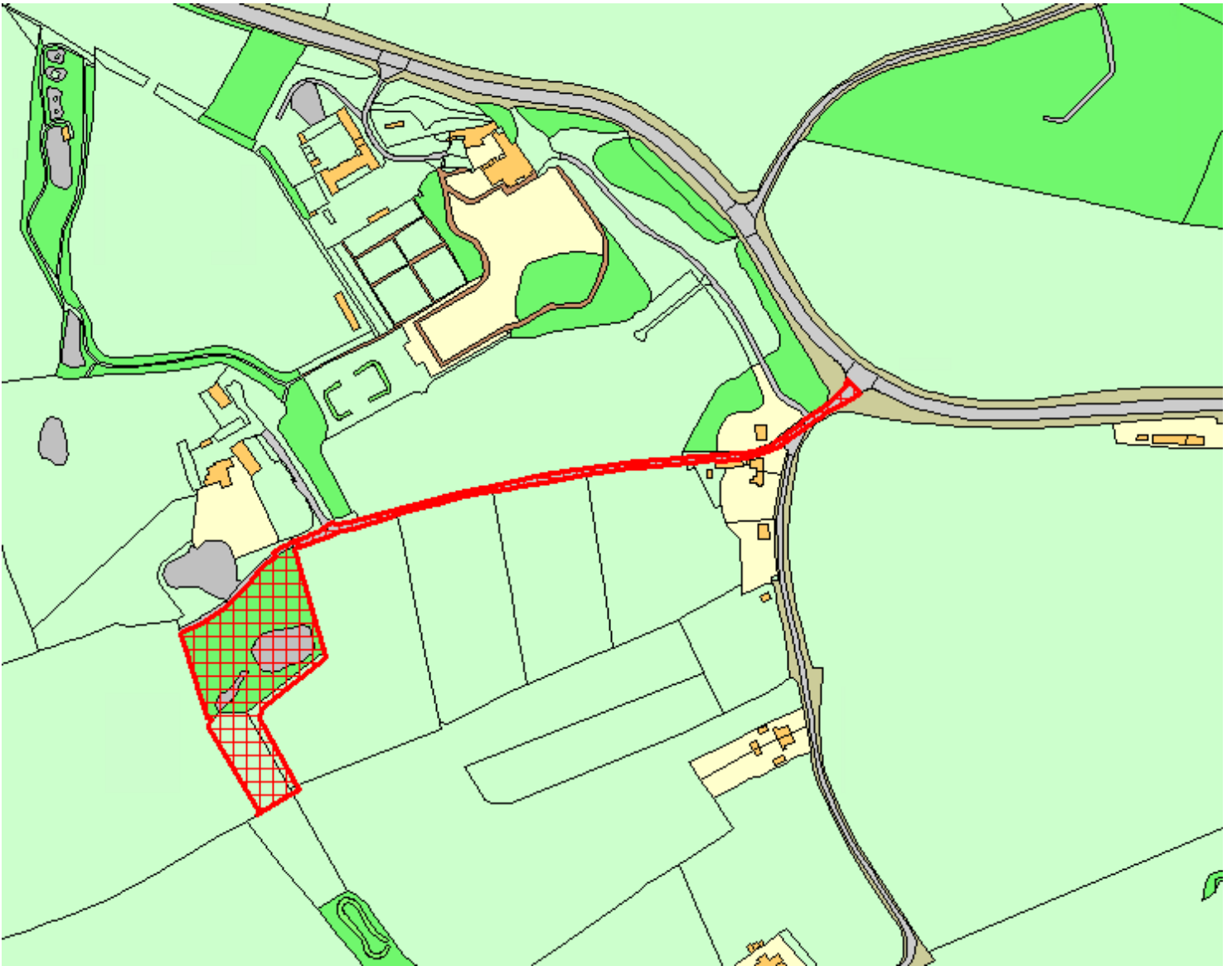
It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development.

3. 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

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

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Proposed Plans and Elevations	210534 -01-05	A	18 November 2022
Proposed Plans and Elevations	210534 -01-06	A	18 November 2022
Other Plans	210534 -01-04	A	2 August 2023
Proposed Block Plan	210534 -01-02		10 August 2023
Other Plans	210534 -01-07		15 August 2023
Other Plans	210534-01-08		15 August 2023



Crump Hillocks Farm Bradbury Lane Enville Staffordshire DY7 5JG

23/00080/FUL
MAJOR

MACC Care Ltd

BILBROOK

Councillor G Burnett
Councillor F Hopkins

Former Bilbrook House Carter Avenue Bilbrook Staffordshire WV8 1HH

Erection of a two storey 80 bed care home (Use Class C2) with associated access, parking, landscaping and ancillary works

1.1 SITE DESCRIPTION AND PLANNING HISTORY

- 1.1.1 The application site, which is rectangular in shape, extends to 0.52ha and previously contained one large, predominantly single storey building, with a single two storey element, located to the rear of the site. The building was occupied by Bilbrook House, a care home (Use Class C2) operated by Staffordshire County Council, which was demolished in 2022, with solely hardstanding now remaining on-site. The site is located towards the southern edge and within the Development Boundary of the village of Bilbrook, to the east of Carter Avenue, from which it is directly accessed.
- 1.1.2 The former building, a flat roofed blue and brown brick construction, was set back from the highway, behind a car park. As a consequence, the previous building did not follow the wider building line along Carter Avenue. At its closest point it was set-back 12m from the road and at its furthest point was 17.6m. It was 5m behind the front wall of 12 and 6.6m behind 8 Carter Avenue. Further parking was provided along the southeastern boundary, whilst there was an access road along the northwest boundary, providing vehicular parking to the rear.
- 1.1.3 The site is bound by vegetation on all sides. To the northwest, the adjacent property on Carter Avenue is an end of terrace bungalow (no.12), and along the boundary there are several two storey properties that are accessed from Jasmine Grove but have their front aspects facing towards the Site. These properties have a pedestrian access path that abuts the shared boundary, which provides access to the front of these properties.
- 1.1.4 To the northeast, the site abuts the side boundaries of two houses that are accessed off Orchard Lane. To the southeast the site mainly abuts the parking area for the two storey Bilbrook & Codsall Community Fire Station, but also abuts the rear boundaries of several properties off Pendinas Drive.

1.2 Relevant Planning History

21/01005/COM – Proposed Demolition Works – No objection – 06/10/2021.

08/00776/CCD – Change of use to integrated care resource centre to include offices, day activities and 12 step-down care single bedrooms with provision for a 30-space car park – No objection – 23/10/2008.

2. APPLICATION DETAILS

2.1 The Proposal

- 2.1.1 The application seeks to redevelop the site, through the erection of a two storey and part single storey rectangular building, to house an 80 bed Care Home (Use Class C2). Ancillary accommodation associated with the care home use is also proposed in part of the roof space. The Home, in addition to the 80 bedrooms (41 within the ground floor and 39 within the first floor), will also contain a Hairdressing Salon, Cinema, 8 Lounges, a Library and a Coffee Dock. The roofspace area, found to the front of the structure, will house staff facilities, including a lounge, laundry, kitchen and changing area. To the centre of the building will be an enclosed water garden, open to all residents, with ground floor patio areas for the rooms that abut this space.
- 2.1.2 Within the grounds of the proposal, various associated outbuildings are proposed, specifically a shed to house a sprinkler tank, a bin store and two cycle shelters.
- 2.1.3 The scheme, which has been specifically designed in order to cater for those with dementia, will provide en-suite bedroom accommodation and 24 hour personal care to people that are unable to manage daily life at home. Admission to the facility will be defined on the basis of registration with Care Quality Commission, as a provider of regulated care activity, with residents admitted on the basis of requiring personal and/or health care.

2.2 Agent's Submission

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

- Arboricultural Report
- Biodiversity Net Gain Assessment
- Biodiversity Metric
- Construction Method Statement
- Design and Access Statement
- Design Justification Statement
- Environmental Noise Report
- Preliminary Ecological Appraisal
- Sustainable Drainage Statement and Maintenance Guide
- Transport Statement
- Travel Plan

3. POLICY CONTEXT

3.1 National Planning Policy

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

3.2 Core Strategy Development Plan Document

- National Policy 1 - The Presumption in Favour of Sustainable Development

- Core Policy 1 - The Spatial Strategy for South Staffordshire
- Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
- Core Policy 3 - Sustainable Development and Climate Change
- Core Policy 5 - Infrastructure Delivery
- Core Policy 11 - Sustainable Transport
- Core Policy 14 - Open Space, Sport and Recreation
- Core Policy 15 - Children and Young People
- EQ1 - Protecting, Enhancing and Expanding Natural Assets
- EQ2 - Cannock Chase Special Area of Conservation
- EQ3 - Conservation, Preservation and Protection of Heritage Assets
- EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape
- EQ5 - Sustainable Resources and Energy Efficiency
- EQ6 – Renewable Energy
- EQ7 - Water Quality
- EQ8 - Waste
- EQ9 - Protecting Residential Amenity
- EQ11 - Wider Design Considerations
- EQ12 - Landscaping
- EQ13 - Development Contributions
- EV11 - Sustainable Travel
- EV12 - Parking Provision
- H1 - Achieving a Balanced Housing Market
- H2 - Provision of Affordable Housing
- H4 - Delivering Affordable Housing
- CS1 – Designing Out Crime
- Appendix 5: Car Parking Standards
- Appendix 6: Space About Dwellings Standards

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

- DS3 – The Spatial Strategy to 2038
- SA5 – Housing Allocations
- SA7 - Employment Allocation – West Midlands Interchange
- HC1 – Housing Mix
- HC2 - Housing Density
- HC4 - Homes for Older People
- HC5 - Specialist Housing Schemes
- HC9 - Design requirements
- HC10 - Protecting residential amenity
- HC11 - Space about dwellings and internal space standards
- HC12 – Parking Standards
- HC13 - Health and Wellbeing
- HC14 - Health Infrastructure
- HC19 - Wider green infrastructure design principles
- EC1 - Sustainable economic growth
- EC2 - Retention of employment sites
- EC3 - Inclusive Growth
- EC7 - Protecting community services and facilities
- EC10 - Developer Contributions
- EC11 - Sustainable Transport
- NB1 - Protecting, enhancing and expanding natural assets
- NB2 - Biodiversity

- NB3 - Cannock Chase SAC
- NB4 - Landscape Character
- NB5 - Renewable and low carbon energy generation
- NB6 - Energy and water efficiency, energy and heat hierarchies and renewable energy in new development
- NB7 - Managing flood risk, sustainable drainage systems & water quality
- NB9 - Conservation, preservation and protection of historic assets

3.5 Supplementary Planning Documents

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

3.6 Other

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

4. CONSULTATION RESPONSES

Councillor Sadler (received 14/02/2023) – I'm concerned about this - looks to be far too large for the site.

Bilbrook Parish Council (received 03/03/2023 & 06/06/2023) – Object on the following grounds:

- Overdevelopment - 80 beds are too many.
- Insufficient parking spaces
- Overlooking adjoining properties (the staff quarters)
- Incompatible with the design of existing buildings. (1 and 2-storey bungalows and houses)
- The road system is inadequate.

Request an independent Highway report as there is a conflict of interest as the land is being sold by the Staffordshire County Council and Staffordshire County Council are the Highways Authority.

Ecology Officer (received 23/02/2023) – No objection in relation to potential impact on designated wildlife sites. In addition, no concern regarding the development's impact upon protected species or their habitat. The proposal also provides the opportunity to include enhancements for species such as roosting bats, nesting birds, invertebrates and hedgehogs. A condition to secure these enhancements is recommended.

To limit the future impact of the development upon habitat and protected species, a condition, specific to new lighting within the scheme is also recommended.

The habitats as identified on site are common and widespread, with limited ecological interest. Agrees with the findings of the biodiversity metric, which concludes a percentage gain of 35.23% for habitat units and 20.47% for hedgerow units. Conditions recommended to secure an Ecological Enhancement Plan (EEP); to detail exactly how this uplift will be achieved and a Landscape and Ecological Management Plan (LEMP), to ensure that the created/enhanced habitats meet the condition requirements as specified within the submitted metric.

Notes the presence of *Cotoneaster* sp. within the site, which is an invasive plant species detailed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). A condition to secure appropriate working practices, to prevent the spread of this species, is recommended.

NatureSpace (received 14/02/2023) – No objection. Notes that although the application site falls within a Green Impact Zone for newts, given its characteristics, it is an unsuitable newt habitat and therefore no further assessment is required. Recommends the use of an informative to advise the applicant of their responsibilities with reference to protected species.

Cannock Chase Chief Commissioning Group (NHS) (received 05/04/2023) - No objection, subject to a contribution of £43,333, towards local health infrastructure.

Staffordshire Fire and Rescue Service (received 15/02/2023) – No objection. Offers best practice guidance on reducing the risk of fire.

Staffordshire Police Architectural Liaison Officer (received 07/03/2023) – No objection. Provides guidance on measures to implement within the scheme to help design out crime.

Arboriculture Officer (received 19/09/2023) – No objection. Requests that the working practices in relation to tree retention, as detailed within the Construction Method Statement, be secured via condition.

Previous Comments (received 13/09/2023) – No objection. The inclusion of a Construction Method Statement (CMP) within the Construction and Environment Management Plan (CEMP) means no need for a pre-commencement condition to secure this document. However, notes that the CMP currently fails to consider how the existing hardstanding within the site will be removed, to enable the laying of pavers.

Previous Comments (received 19/04/2023) – Object. All but 2 trees to be retained will be adequately protected by the measures proposed within the supplied arboricultural report.

The Walnut to be removed to facilitate the development, is identified as a category 'B' tree, but may merit category 'A' status, is an unfortunate loss. However, it is appreciated that its retention would require a drastic redesign of the proposed building layout.

Little consideration has currently been given however to the long-term retention of the category 'A' Copper Beech, which will be adjacent to the proposed 'Lounge' section of the new building. The footprint of the building encroaches within the nominal root protection area of the tree and practically abuts the plotted drip line of the crown as shown on the arboricultural site plans.

The arboricultural report erroneously suggests the RPA encroachment is not an issue, as root growth in this area will have been restricted. However, this is not based on any solid evidence and given the relatively insubstantial nature of the hard standing, it is unlikely that there is no root mass underneath. Additionally, insufficient space has been left around the building footprint to allow for construction activity. This layout is likely to result in a breach of the proposed tree protection fencing, which itself is already insufficient, along with subsequent damaging incursion into the RPA.

Post construction, raises a concern regarding potential ongoing issues with direct shading / reduction of ambient light levels and direct encroachment on the fabric of the building. This could lead to a requirement for significant crown reduction works or felling.

The removal of the Walnut can only be justified if efforts are made to better ensure the long-term successful retention of the Copper Beech.

Staffordshire County Council Archaeology (received 20/02/2023) – No objection.

Staffordshire County Council Flood Risk (received 18/07/2023) – No objection, subject to the use of a condition requiring the submission and approval, prior to the commencement of development, of a fully detailed surface water drainage scheme.

(Previous comments received 13/03/2023 & 13/06/2023 & 29/06/2023) – Object. The submitted documents do not provide a suitable basis for assessment of the flood risks arising from the proposed development.

Staffordshire County Council Mineral and Waste (received 14/02/2023) – No comment.

Staffordshire County Council Highways (received 06/03/2023 & 28/04/2023) – No objection, subject to the applicant agreeing to pay a s106 contribution of £10,000 for Travel Plan Monitoring and various conditions requiring the submission and approval, prior to the commencement of development (including demolition), of a Construction Management Plan. The vehicular access shall be completed in accordance with the approved plans. In addition, prior to first use of the site, the access, parking and turning areas shall be provided in a bound porous material, with the parking spaces clearly delineated. The Travel Plan shall be implemented and monitored accordingly.

Housing Strategy (received 22/02/2023) – Policies H1 and H5 of the Core Strategy confirm the Council's support for specialist housing such as care homes. This is in order to meet local needs, in particular to support the district's rapidly ageing population. This type of development should be in a sustainable location, with consideration of the size and scale of the development and in relation to the existing village. The reuse of previously developed land should be considered as a priority.

The Housing Market Assessment Update 2022 specifically indicates a need for registered care spaces to meet the needs of the ageing population. In terms of market units, there is a need for over 400 spaces up to 2040. This proposal would make a positive contribution to this need, in a sustainable location and on previously developed land. The development is therefore supported from a strategic housing perspective.

Severn Trent Water (received 13/03/2023 & 16/08/2023) – No objection, subject to the inclusion of a condition to secure the submission and approval, prior to the commencement of development, of a suitable foul and surface water drainage scheme. The approved scheme shall thereafter to be implemented, prior to first use of the scheme.

Notes the presence of a public sewer within the site. Guidance on appropriate building practices offered.

Planning Policy (Urban Design) (received 21/08/2023) – No objection. Following a review of the design considerations document and the key design principles of a dementia friendly design exemplar from the Dementia Services Development Centre in Stirling, recognises that there are material benefits in dementia friendly design, arising from the proposed self-contained courtyard and perimeter greenspace. It's also clear from the examples cited that recently completed or under-construction MACC, Care UK, Hallmark and Cinnamon projects, have operated at a minimum of 80 bed spaces, when outside of sensitive areas (e.g. SSSIs).

Given these points, agrees that the scheme cannot be satisfactorily reduced in scale or brought forward towards the streetscene (thereby relocating the proposed parking to the rear of the site), without compromising the design benefits of the enclosed outdoor recreational space for residents.

(Previous Comments received 10/03/2023) – The soft landscaping plan is welcomed, particularly in terms of the biodiversity net gain and tree lined street frontage provided through the proposed soft landscaping. The facing materials are acceptable, using a mixture of red brick and limited painted render in a manner consistent with the South Staffordshire Design Guide SPD's village profile for Bilbrook.

The South Staffordshire Design Guide SPD advises that infill development should reflect the building line and roof height of adjacent built form. The proposal is significantly set back from the building line of the adjacent residential properties, presenting no active frontage to

the adjacent streetscene. Instead, the proposal would locate a large area of hardstanding and car parking bound by tree and hedgerow planting to Carter Avenue. To ensure conformity with the Design Guide SPD, the design and layout should be altered to reflect the existing building line, facilitated through moving the parking to the rear of the scheme. If this is not feasible then a fuller justification as to why this cannot be achieved should be provided.

Notwithstanding the wider design issues raised above, the proposal will need to demonstrate it will achieve BREEAM Excellent accreditation in line with Policy EQ5, as it is a major (over 1,000sqm) non-residential scheme.

Environmental Health (received 01/03/2023) – No objection. Notes that the catering and kitchen facilities must comply with current food safety legislation and guidance in respect to the structure, facilities and practices. Adequate ventilation should be provided to reduce high humidity, room temperatures, cooking odours and airborne particles. The premises must also comply with current health and safety legislation and guidance including infection control.

Staffordshire Wildlife Trust – No response received.

Badger Conservation Group – No response received.

Environment Agency – No response received.

Natural England – No response received.

National Grid – No response received.

A **site notice** was posted on 16/02/2023. A total of 8 comments were made, with 5 objections and 3 letters of support, which can be summarised as follows:

Principle

- Welcome the provision of a new care facility for the elderly, which will aid local families in keeping their family members close to home.
- Many elderly people already live in Carter Avenue and this development would be unlikely to attract any antisocial behaviour to the neighbourhood in the future.
- The values of the home, include, inviting the local community and schools to visit and support with events.

Residential Amenity

- The building will be in closer proximity to neighbouring dwellings than the previous development within the site, whilst its height will allow for overlooking and also block sunlight.
- The introduction of a lighting scheme for the car park will result in light pollution in this area, impacting upon the amenity of neighbouring residents.
- The increased use of the site will generate noise pollution that will adversely affect residents.
- Traffic noise from the development is a concern, especially during night hours.

Visual Impact

- The 3 storey height of the building along with its appearance is out of character with the scale and architectural form of surrounding built form.

Highway Safety

- Unlike as stated within the submitted Transport Statement, Carter Avenue suffers from on-street parking congestion, due to the presence nearby, of 2 schools. Parents use the area for dropping and picking up children, whilst cars also park here, often for a number of days, to use the nearby train station. There have been problems with children having near accidents. The proposal is served by insufficient staff and visitor parking and as such, will exacerbate this issue.
- It would be desirable to have single yellow line on both sides of Carter Avenue from the junction with Duck Lane to the junction with Magnolia & Jasmine groves. This would assist greatly with deterring the all day parkers that use Carter Avenue as a free car park when using Bilbrook Railway Station.
- The top of Carter Avenue has a sharp bend, which is already unsafe if cars are speeding; this could result in accidents with increased volume of traffic and/or more parking on the road.
- Requests clarification on the following:
 - i. What will be the maximum number of staff that will be employed within the site at one time?
 - ii. Will there be any restrictions on visitor times?
 - iii. Are any events likely to be held in the care home that may result in a large number of visitors.
- Welcome the 2nd entrance to the site as this will make access and egress from the site safer.
- Recently visited one of MACC Care homes in Willow Rose, Willenhall, which is a wonderful modern facility, well managed, also in a local area next to a school and no issues with parking. The site has 20 parking spots and no issue with visitors parking, as most staff arrive on foot or taxi/bus, with visitors arriving between 8am until 9pm, so you don't get all family member visiting at same times.

Economic

- The proposal will generate new jobs for the area.

Other Matters

- The site currently is used by a number of protected animal species. Its redevelopment will impact upon their habitat.
- The Council owned fence currently in situ along the front of the houses along Jasmine Grove is very dilapidated and should be repaired or replaced.
- On the border of Jasmine Grove and the application site is a self-set rowan tree, which has caused a huge crack in the tarmac footpath to the houses. The roots of this tree cause slabs to rise, become unstable, and cause a dangerous tripping hazard. We also have to occasionally trim the lower branches as the tree branches span the footpath at eye level. Whilst not condoning the removal of trees, this one has become problematic.
- The other trees directly within the application, directly to the front of Jasmine Grove block light from the windows of nearby maisonettes. These trees should be removed or at least lowered as part of the proposal.

- it would be appreciated if the silver birch tree on the corner of the site, adjacent to the rear entrance to the fire station, could be removed.

5. APPRAISAL

5.1 This application is being referred to Planning Committee, due to the proposal being;

- Non-compliant with emerging Local Plan Policy SA5: Housing Allocations, being site 213, identified to deliver 13 dwellings; and
- Not fully comply with the Council's Space Around Dwellings Standards as detailed within Appendix 6 of the adopted Core Strategy, in terms of separation distance between residential units.

5.2 Key Issues

- Policy & Principle of Development
- Housing Mix
- Affordable Housing
- Design and Impact on the Character and Appearance of the Area
- Residential Amenity
- Highway Impact, Sustainable Transport and Parking
- Sustainable Built Form
- Water Environment, Flood Risk and Drainage
- Ecology and Biodiversity
- Arboriculture Impact and Landscaping
- Health Care
- Other Issues
- Financial Considerations
- Human Rights

5.3 Policy & Principle of Development

- 5.3.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made, in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028). The Council's emerging Local Plan (2018-2038) is working towards a Regulation 19 Publication Plan consultation in Spring 2024 and therefore, within its revised guise, is yet to be the subject of public consultation or examination. Thus, the policies contained therein, have minimal material planning weight, albeit they are referenced, where relevant, within this report.
- 5.3.2 Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 5.3.3 Paragraph 8 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

- 5.3.4 Paragraph 74 of the NPPF requires that Councils identify and update annually, a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied, to ensure choice and competition in the market for land, or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement, to account for fluctuations in the market during the year. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 5.3.5 The latest five year housing land supply position for South Staffordshire District is contained within the Five Year Housing Land Supply Paper dated April 2022, which states that a supply of 5.94 years can be demonstrated within the District.
- 5.3.6 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, are as stated above.
- 5.3.7 Policies H1 and H5 of the adopted Core Strategy confirm that the Council will support proposals for specialist housing, including extra care and residential/nursing homes, in order to meet local need and in particular to support the district's rapidly ageing population. Developments of this kind should be in a sustainable location and considered suitable by virtue of their size and scale, in relation to the village within which it is proposed and the services available therein, along with proximity to public transport links. The re-use of previously developed land should be considered as a priority.
- 5.3.8 Taking each point in turn and assessing against this submission, it is evident that this proposal, given its location within the heart of the community of Bilbrook, can be considered to be sustainably located and not overly large in the context of the community within which it will sit. There are bus stops near to the site on Duck

Lane, offering ease of access to surrounding communities, including nearby Codsall. Finally, the scheme is proposed on Brownfield land.

- 5.3.9 Beyond the above considerations, it is also noted that the site is allocated for residential development, via Policy SA5: Housing Allocations, as site 213, within the emerging Local Plan Review Preferred Options document. It is proposed that the site could accommodate a minimum of 13 dwellings, with the key infrastructure requirements for the scheme being *“Any relevant policy requirements including affordable housing, open space, education, health, sports and recreation, energy efficiency, climate change mitigation, flood risk mitigation, highways, sustainable transport, housing mix and green infrastructure, delivered in line with the relevant development plan policy standards”*.
- 5.3.10 The scheme proposes to deliver an 80 bed care home, which falls in an alternate Use Class to the dwellings (C2 rather than C3), sought by the above noted policy. Therefore, the proposal does not technically comply with the requirements of this policy. However, there are 2 points that should be noted. Firstly, as stated above, given current progress on the emerging Plan, only very limited weight can be afforded to this document and the policies contained therein and secondly that, as stated within the Council’s Five Year Housing Supply document *“The most recently published Planning Practice Guidance indicates that, for the purposes of the five year supply, local planning authorities will need to count housing provided for older people, including institutions in C2 use, towards their supply”*. As such, the alteration of this site from residential, to residential institution use, will have no impact upon the Council’s Housing Delivery targets and therefore, in a wider sense, the proposal will have no impact upon and actually provide a boost to, the Council’s housing delivery targets.
- 5.3.11 Beyond the use class matter discussed above, it is also noted that the site allocation specifies a minimum of 13 dwellings, which means that this scheme would deliver an oversupply of 67 units, against this minimum number. This would not in itself, result in a scheme that is non-complaint with this policy. Rather the scheme simply exceeds minimum numbers and subject to compliance with other material considerations, it could still be wholly compliant with the requirements of this emerging policy.
- 5.3.12 The Council’s Strategic Housing Market Update (2022), which provides part of the evidence base for the emerging Local Plan, identifies that within South Staffordshire *“To meet local demand rates in 2040, the model identifies a requirement for 440 additional units of Sheltered housing for older people/ retirement housing and 177 additional Extracare units/ supported living housing in South Staffordshire over the modelling period”*. In addition, it is noted that there *“will be a requirement for 864 additional Registered Care spaces between 2020 and 2040, of which 52.6% should be in the affordable sector and 47.4% within a market tenure”*. Given that this scheme will help to secure accommodation specifically tailored for those with Dementia, whilst also offering on-site care, there is an evidenced need for significant numbers of such accommodation.
- 5.3.13 The care home scheme proposed for this site, given the above considerations, is considered to be compliant with the requirements of the Development Plan and NPPF in this regard.

5.4 Housing Mix

- 5.4.1 Policy H1 of the Core Strategy seeks the delivery of a balanced housing market, through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high quality homes, with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
- 5.4.2 The most up to date assessment of local needs is set out in the Housing Market Assessment Update (HMA) (2022), which requires a housing mix for the Central area, within which Bilbrook sits, of; 1 bed 16%, 2 bed 40%, 3 bed 23% and 4+ beds 21%.
- 5.4.3 The scheme evidently is not wholly compliant with the fairly balanced housing need identified for the area within the HMA, but it will help to deliver smaller scale properties on a sustainable site, thereby ensuring that the larger home need can be met elsewhere within the study area. This conclusion matches that of the Council's Housing Officer who offers support for the scheme.
- 5.4.4 Appendix 6 of the Core Strategy details the Council's internal space standard requirements. The 2015 Written Ministerial Statement indicates that existing policies relating to internal space should now be interpreted by reference to the nearest equivalent national standard. Therefore, the Council expects all new developments to meet the nationally described space standards (NDSS). Following assessment of this scheme by the Council's Housing Officer, it has been determined that all of the apartments within the proposal, exceed the minimum requirements of this standard.
- 5.4.5 Given the above assessment, it is considered that the accommodation mix; Including the size of the rooms provided; within the development is acceptable and helps to meet the needs of the local community, thereby ensuring compliance with the requirements of the Development Plan and NPPF in this regard.

5.5 Affordable Housing

- 5.5.1 The 80 care units proposed within the site are not, in accordance with the Council's guidance on this matter, provided by Policy H2 of the Core Strategy, subject to affordable housing requirements. Thus, no further consideration of this matter is offered.

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

- 5.6.1 Policy EQ4 of the Core Strategy advises that *"the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views"*. Core Policy 4 similarly seeks to promote high quality design and respect and enhance local character and distinctiveness of the natural and built environment. Policy EQ11 advises that new development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally, the Council's Design Guide SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.

- 5.6.2 The NPPF (Section 12) advises that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. The document continues to state that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”*.
- 5.6.3 Paragraph 130 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
 - establish a strong sense of place;
 - respond to local character and history, and reflect local surroundings and materials;
 - create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.

Layout

- 5.6.4 The layout of the proposed development was initially raised as a point of concern by the Council’s Urban Design consultee, who highlighted that the Council’s Design Guide Supplementary Planning Document advises that infill development should reflect the building line and roof height of adjacent built form. The proposal is set back from the building line formed by the adjacent residential properties on Carter Avenue, thereby presenting no active frontage to the adjacent streetscene. Instead, the submission proposes, to its frontage, an area of car parking bound by tree and hedgerow planting.
- 5.6.5 The applicant has submitted additional design statements during the consideration of this application to justify the building’s siting. In particular, these documents advise that, the siting and layout of the site, is a reflection of the key design principles required to achieve a dementia friendly design exemplar, utilising the evidence provided by the Dementia Services Development Centre in Stirling. The Urban Design Officer has considered these arguments and agrees that the scheme cannot be satisfactorily reduced in scale or brought forward towards the streetscene, without compromising the design benefits of the enclosed outdoor recreational space for residents.

Scale

- 5.6.6 The building varies in height across the site, with elements of single and 2 storeys. To the site frontage, the most prominent elevation within the street scene due to roof accommodation being incorporated, the building will be 2 storeys, measuring approximately 9.5 metres to ridge and 6.0 metres to eaves. The remainder 2 storey elements of the building, which comprise the southern and eastern elevations, would measure 5.4m to the eaves, with a final ridge height of 8.2m. The single storey element, which is proposed to the north elevation, would measure 2.4m to the eaves, with a pitched roof at a final height of 3.3m.

- 5.6.7 The timber shed, proposed to be located to the rear of the site, would have a depth and width of 3.2m, measure 1.9m to the eaves and 2.3m to ridge. The timber bin store would have a depth of 3.85m, a width of 4.48m and a sloping flat roof with a maximum height of 2.45m. The cycle shelters would be two covered Sheffield stands, with a maximum height of 2.08m.
- 5.6.8 The main building's measurements are fairly typical for a modern two storey dwelling, with the roof accommodation being formed through the eaves height being slightly raised compared to a standard dwelling, combined with the proposed roof form. The dwellings surrounding the site however are a mixture of bungalows and 1960s and 70s two storey dwellings with, in the main, shallow roof pitches. As such, in this context, the building will appear, in height terms, larger than the prevailing residential built form of the area. However, it should be acknowledged that neighbouring the site is the Bilbrook and Codsall Community Fire Station. This building will be of near equal height to this structure ensuring some street scene continuity.
- 5.6.9 The applicant has sought to justify this the relatively large massing of the building, compared to the neighbouring residential properties, though the above noted design statements, wherein examples have been cited of recently completed or under-construction MACC, Care UK, Hallmark and Cinnamon projects. These projects uniformly have a minimum of 80 bedrooms, which is required in order to make the scheme commercially and operationally viable, when outside of sensitive areas (e.g. SSSIs). It is considered that this is a valid argument and the scale of the building is therefore set and not possible of change. Whilst an argument could be forwarded that this site is therefore inappropriate for this development, given the necessary scale, it is considered that any visual harm arising from the scale of the building, specifically the 2storey front element would not be sufficiently significant, as a single matter, as to warrant the refusal of this proposal and rather, such should be considered within the wider planning balance exercise.
- 5.6.10 The scale of the outbuildings, as detailed, are considered appropriate and fairly typical to a residential setting. The appearance of these structures have also been supplied, with such appearing as standard garden buildings appropriate to their future setting.

Appearance

- 5.6.11 The proposed street frontage element of the building, has a varied mixture of roof heights, which aids to break down the mass of the building and provide visual interest. Further breaking down of this façade occurs through the regular spacing of gable projecting elements, which are proposed to be finished with render. The combination of the gables and roof design, whereby a pitched roof reflective neighbouring property is utilised, aids to successfully integrate the building into the character of the area.
- 5.6.12 The windows proposed throughout the site are reflective in terms of their size and spacing to the surrounding built form. Although exact material details are yet to be offered, the elevation drawings propose a mixture of facing red brickwork, off-white render, coloured windows and doors, with stonework surrounds to feature windows and modern roof tiles, exact details of which are recommended to be secured via the use of a condition. This material palette, in principle, is acceptable and reflective

of surrounding built form, further facilitating the successful integration of the proposed development into its environment.

- 5.6.13 The applicant has also submitted details of the proposed hard landscaping scheme for the site, including the fencing scheme, which proposes the retention of the existing low level brick wall to the site frontage. The private garden areas to the side and rear of the building are proposed to be secured by pedestrian access gates and 1.8m high close boarded timber fencing. Elsewhere within the site, various existing boundary treatments, including to the northern boundary, to the fore of properties on Jasmine Grove, the existing fencing is proposed to be retained and repaired as necessary (thereby addressing the concern of neighbouring residents on this matter). To ensure that the fencing scheme remains as approved, preventing the introduction of unacceptable treatments, a condition is proposed, to remove permitted development rights for new boundary structures.
- 5.6.14 Elsewhere within the site, the hard landscaping plan shows the use of block and slab paving, both of which are of sufficiently high quality to compliment the development and area.
- 5.6.15 Overall, whilst concerns were noted regarding the siting and scale of the building, following adequate justification being provided by the applicant, it is considered that such is acceptable in principle, with any harm to be appropriately weighted within the planning balance exercise. The appearance of the building, outbuildings and landscaping are appropriate to the character and appearance of the area and as such, it is considered that the scheme complies with the requirements of the Development Plan and NPPF in this regard.

5.7 Residential Amenity

Existing and Future Residents

- 5.7.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. Core Strategy Policy EQ9 requires that all development proposals consider the amenity of nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.
- 5.7.2 Appendix 6 of the Core Strategy sets out minimum separation distances between facing habitable room windows, towards flank walls and to private gardens. In addition, guidance is also provided regarding the prevention of loss of light to neighbouring property resulting from new development. Specific to this proposal, the guidance details a minimum requirement of 21 metres over private space between habitable rooms for single and 2 storey buildings and 22 metres for 3 storey development between habitable rooms over public land, including streets. In addition, there should be a distance of 13 metres between a habitable room window and the blank side wall of a neighbouring two or one storey dwelling.
- 5.7.3 In terms of separation distances between residential units, internal to the site, due consideration has been given to such by the applicant, with the 2 storey elements of the care home, where bedrooms face each over the internal rain garden, being separated by a minimum of 21 metres.

- 5.7.4 External to the site, it is apparent that the building will be well separated, due to existing highway infrastructure and proposed car park, from other residences on Carter Avenue, with, for instance, the dwellings immediately opposite, being 39 metres distant, from the proposed front elevation. Continuing around the site, the distance between the single storey northern element of the building and the properties on Jasmin Grove is 13 metres. To the rear of the site, the smallest separation distance between the proposed two storey building and the blank side wall of the neighbouring properties on Orchard Lane, is 15 metres. To the southern boundary, the two storey element of the building and the rear of the properties on Pendinas Drive, are separated by 23 metres.
- 5.7.5 The scheme as noted therefore is compliant with the guidance within Appendix 6, except with reference to the northern boundary and properties on Jasmin Grove, where a shortfall of 8 metres is evidenced. However, the above noted guidance allows for *“Exceptions may be considered... where there are intervening features which provide natural screening”*. In this case, there is both an existing tree/shrub belt, proposed to be retained within the completed scheme, which runs the length of the boundary and an existing 1.8 metre fence. As such, given the single storey nature of the building within this area and subject to the retention of the tree belt and fencing; recommended to be secured via the use of a condition; the scheme can be considered compliant with the space around dwellings guidance, given views between these properties will be blocked by this boundary feature, ensuring compliance the aims of Appendix 6 of the Core Strategy.
- 5.7.6 The above noted Appendix also advises that *“the design and layout of both new buildings and extensions should aim to maximise sunlight to internal accommodation and private amenity areas. As far as is practicable, habitable room windows, especially lounge windows, should not face north”*. No further guidance is offered specific to sunlight matters and therefore, the guidance’s focus appears more to ensuring sustainable heating and lighting, rather than residential amenity. Notwithstanding this point, regard will still be had to the latter matter. The stepping down of the building’s roof to a single storey, adjacent to the northern boundary, its siting, orientation and the above noted separation distances ensures that any loss of light would not be significant in impact.
- 5.7.7 Space about Dwellings Standards are also laid out in Appendix 6, which states, specific to this development that *“To ensure that the basic requirements for space, privacy and outlook are satisfactory, particular care will need to be taken with regard to the design of... flats, particularly those designed for special needs (e.g. the elderly) where there will be a communal garden or paved area”*.
- 5.7.8 In terms of this application the units are to be provided with communal, rather than individual gardens, wherein patio areas are proposed to be formed for all ground floor rooms. Some of the first floor flats will also have access to balcony areas. Overall, the communal gardens, including the central water garden, are a of a size sufficient to meet the amenity needs of future residents.
- 5.7.9 Finally, the above noted separation distances and the course of the sun ensures that there will be no significant loss of natural sunlight arising from the erection of the new built form within this site and therefore, the proposal is acceptable in this regard.

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

Contaminated Land & Land Instability

- 5.7.11 Paragraph 183 of the NPPF advises that *“Planning... decisions should ensure that; a site is suitable for its proposed use taking account of ground conditions any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment) arising from that remediation”*. Paragraph 184 goes on to state *“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner*.
- 5.7.12 The site was last in use as a care resource centre, whilst there is no evidence to suggest any potential land contaminating uses prior to this. As such, no contaminated land report has accompanied this application and neither has a requirement for such, been sought from the Council’s Environmental Health Team.

Lighting

- 5.7.13 No Lighting Assessment document has been submitted with this application. Given the village centre location of the site however, this area is fairly well lit at night and therefore the introduction of artificial lighting would not unduly impact upon either residential amenity or the character of the area. A condition is however recommended to require the submission and approval by the Local Planning Authority of a lighting scheme to ensure that the scheme to be installed is appropriately designed.

Noise and Vibration

- 5.7.14 The site is located within a village centre location, adjacent to a fire station, where potentially noisy activities are undertaken.
- 5.7.15 An Environmental Noise Report accompanies this application. The report demonstrates, specific to the amenity of future residents, that appropriate internal noise levels within habitable rooms can be achieved through the specification of appropriate glazing and ventilation systems. Noise to outdoor amenity spaces is predicted to be below the upper limit of 55 dB LAeq,T.
- 5.7.16 With reference to the amenity of existing residents the Report identifies that subject to limiting noise levels for fixed items of plant, the predicted noise levels at the nearest noise sensitive receptors will not be adverse. A condition is recommended to ensure that the development is therefore constructed and operated in accordance with the recommendations of the report.
- 5.7.17 It is noted that residents have raised concerns that the increased use of the site will generate noise, as will the number of vehicular movements associated with the scheme’s future use. With reference to the former matter, this has been considered

above and no evidence of noisy activities associated with the site's future use is evident. To the latter point, the number of vehicular movements associated with the development are discussed below within the highways section of this report, but given the low levels identified, such is not considered to raise any amenity issues.

Construction Vibration

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

Construction Phase Impacts

- 5.7.19 Air quality effects resulting from construction dust are known to be a main source of potential release of Particulate Matter (PM10, PM2.5). Sources include:
- Generation of airborne dusts from exposure and movement of soils and construction materials;
 - Generation of fumes on-site by plant and tools during construction;
 - Increase in vehicle emissions potentially as a result of slow moving vehicles should local congestion ensue; and
 - Re-suspension of dust through vehicle tyres moving over dusty surfaces.
- 5.7.20 To assess these matters, in line with the Institute of Air Quality Management Guidance (2014), as there are a large number of human receptors within 350m of the site boundary, a Construction Management Plan is recommended to be secured via condition, in order to control the impact of emissions during the construction phase.

Operational Phase Impacts

- 5.7.21 The potential impacts arising from the development associated with nitrogen dioxide (NO₂), PM10 and PM2.5 upon existing and future receptors, are, given the comparatively low levels of traffic generation produced by the development (discussed further below in the highway section of this report), likely to be imperceptible, too low for all pollutants.
- 5.7.22 The Council's Environmental Health Team have offered recommendations on installing appropriate kitchen and extraction equipment, to ensure that odour nuisance from the scheme does not arise. An informative to ensure the applicant is aware of these responsibilities is recommended to be attached to the decision notice.
- 5.7.23 Given the above assessments, it is concluded that the development will not, subject to the identified conditions, have an adverse impact upon the amenity of existing or future residents and is therefore compliant with the requirements of the Development Plan and NPPF in this regard.

5.8 Highway Impact, Sustainable Transport and Parking

- 5.8.1 Paragraph 111 of the NPPF states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.
- 5.8.2 There is an existing pedestrian and vehicular access, which serves the site, off Carter Avenue, located in the north-eastern corner of the application site.
- 5.8.3 The proposed development is shown to be served by both the existing access and a new vehicular and pedestrian access to be formed to the south western edge of the site, also off Carter Avenue.
- 5.8.4 The suitability of utilising the existing and introducing a new point of access to serve this site has been considered by the Highways Authority, who advise that such is safe, subject to the application of a condition requiring that the new access be formed and completed prior to first use of the proposed development. The proposed condition is considered to be reasonable, proportionate and necessary and as such, is recommended to be attached to the decision notice.
- 5.8.5 It is noted that Bilbrook Parish Council, within their original response to this application, requested that the highway impacts of this development be assessed by an alternative highways consultee, other than the County Council, given the potential conflict of interest arising from them being the seller of this site. It was confirmed that the engineers at the County Council have a code of practice to follow, to ensure that applications are determined without regard to the landowner.
- 5.8.6 Thus, given the above considerations, the proposal is considered unlikely to cause highway danger and therefore is consistent with the requirements of the Development Plan and NPPF in this regard.

Off Street Car Parking

- 5.8.7 Appendix 5 of the Core Strategy provides guidance on the Council's off street car parking requirements for new development. The closest development type within this guidance, considered relevant to this proposal, is either C2 Hospitals or C2 Residential Institution. Based on these development types and the fact that the proposal will employ 60 members of staff, with a peak of between 30-35 staff on site at any one time, there would be a car parking requirement of up to 35 spaces.
- 5.8.8 A total of 28 car parking spaces are proposed within the development site, which includes two accessible parking spaces and six electric vehicle charging spaces. Designated spaces for an ambulance and delivery van are also proposed.
- 5.8.9 The applicant has submitted with the application details of a parking assessment of MACC Care developments, which demonstrates an average ratio of 0.29 car parking spaces per bedroom. Further to this, the database of TRICS sites provides an average ratio of 0.35 spaces and when applying this to the proposed 80 bed development, it would result in a parking provision of 28 spaces. Additional empirical evidence demonstrates that the average mode share of seven MACC Care facilities that have operated for at least 12 months, highlights that 40% of staff drive to site, 21% are dropped off and remainder travel by sustainable means. This further supports that the number of parking spaces provided is sufficient for the proposed

development.

- 5.8.10 Given the above evidence base relates to parking use on similar sites already in use, such is considered much more accurate than the figures extracted from the near matches of the Council's Appendix. The Highways Authority agree with the findings of the applicant in this regard and therefore, it is evident that the parking levels identified within this site are acceptable, subject to conditions to ensure that they are appropriately laid out and retained for their specified use, via the use of a suitably worded condition, as advised by the Highways Authority. Given this conclusion, the concerns raised by residents regarding existing on street parking congestion issues, whilst noted, are not considered to be exacerbated by this proposal and therefore do not constitute a material issue in the consideration of this application.
- 5.8.11 The parking bays within the site all comply in terms of scale, being a minimum of 2.4m wide, with a depth of 4.8 metres, with the specifications identified within the above noted Appendix and Manual for Streets Guidance.

Electric Vehicle Charging

- 5.8.12 The abovementioned Appendix does not offer standards for EV parking, albeit Core Strategy Policy EV11 does recommend the incorporation, within new development of *"facilities for charging plug-in and other low emission vehicles"*.
- 5.8.13 The Council's emerging Local Plan Policy HC12 (Parking Standards) includes a requirement for C2 institutional accommodation of 20% of available spaces to be fitted with 7kw (or better) charge points and an additional 20% of available spaces to be provided with power supply to allow for the installation of fast charge sockets in the future. Given the progress of the plan, as discussed above, it does not carry sufficient material planning weight to require the applicant to deliver compliant EV charging provision currently. The fact that the applicant is offering to supply 6 spaces with charging points currently (20%), ensures compliance with the current Development Plan, along with the future proofing of the development. It is recommended that these charging facilities be secured through the use of an appropriately worded condition.

Cycle Parking

- 5.8.14 Appendix 5 requires that for residential institutions there be 1 secure weatherproof cycle bay provided, per 5 members of staff.
- 5.8.15 Given the maximum number of employees on-site at any one time will be 35, the cycle parking demand, as required by the Council's guidance, totals 7 spaces. There are 12 cycle parking spaces proposed shown throughout 2 structures across the site. As such, the number of spaces proposed is acceptable. The shelters have also been located adjacent to the building, in areas which have good natural surveillance from both the street scene and building itself, whilst there are shower and locker facilities shown within the building for employees, thereby promoting cycle use. Finally, it is noted that the appearance of these structures as proposed are also acceptable to their setting, whilst suitable changing facilities for staff are indicated within the building. A condition to secure the provision of the cycle parking infrastructure, as discussed above, is recommended, in order to support sustainable transportation.

Sustainable Transport

- 5.8.16 A review of the trip generation anticipated by the proposed development is presented in the Transport Statement, which is based on trip rates extracted from the TRICS database. The trip rates used are considered acceptable and show that the proposed development is anticipated to generate 11 two-way vehicular trips in the AM peak hour and 10 two-way vehicular trips in the PM peak hour. The traffic generated by the proposal is therefore considered to be minimal, given the context of the area, representing one additional vehicle every 5 minutes in either direction, at most, during the peak hours.
- 5.8.17 To ensure that the trips associated with the development are undertaken, as much as possible, via sustainable transport modes, a Travel Plan has been submitted with the application, which has been deemed acceptable by the Highways Authority. The document points out, given the sustainable location of the site, that there are many sustainable transport modes available to future site users, including employees, which includes the nearby bus stops on Duck Lane. To ensure that the requirements of the Travel Plan are realised, a condition is requested, along with a s106 contribution of £10,000, towards the monitoring of the document, both of which are deemed appropriate and are recommended to be secured within the aforementioned legal document and decision notice.
- 5.8.18 The development, subject to the abovementioned conditions and s106 contribution, will offer suitable vehicular and pedestrian access, sufficient car parking to meet the likely future demands of the site, whilst also offering appropriate alternative access to sustainable forms of transport and is therefore, compliant in this regard with the requirements of the Development Plan and the NPPF.

5.9 Sustainable Built Form

- 5.9.1 Paragraph 153 of the NPPF requires that new development should comply with local energy targets. NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Core Strategy Policy EQ5 sets out the council's requirements in respect of carbon reduction targets and requires that major commercial and residential schemes should achieve respectively, BREEAM Excellent and Code for Sustainable Homes (CfSH) Level 6 from 2016.
- 5.9.2 The government's response to the Environmental Audit Commission report: Code for Sustainable Homes and the Housing standard Review (2014) set out proposals for winding down the use of CfSH, due to it being absorbed into Building Regulation standards. The Deregulations Act (2015) required Local Planning Authorities to not set local targets for sustainable house building standards. As such, notwithstanding the comments of the Council's Urban Designer, the Council is now not currently able to apply standards relating to the CfSH and therefore, no such condition is recommended for these units.

5.10 Water Environment, Flood Risk and Drainage

Flood Risk

- 5.10.1 The Site is shown to be at low risk (Flood Zone 1) and very low risk from fluvial and surface water flooding respectively. The Flood Risk Assessment submitted with this application therefore concludes that the existing Site is at either very low or low risk of flooding from the sources assessed (fluvial, tidal; reservoirs, canals and other artificial sources; surface water, groundwater, and sewers).
- 5.10.2 The proposed development is for a More Vulnerable use and as such, given the low flood risk classification, is deemed appropriate for all uses, in accordance with NPPF.

Surface Water Drainage

- 5.10.3 Paragraph 169 of the NPPF requires that major development incorporate sustainable drainage systems unless there is clear evidence that such would be inappropriate. The FRA submitted with the application identifies that the existing surface water flood route through the site is generally shown as low risk (i.e. each year it has a chance of flooding of between 1 in 100 and 1 in 1000). The low residual risk of flooding from surface water is to be managed by setting finished floor levels 150mm higher than immediately adjacent ground levels and by providing flood flow exceedance routing to lower lying ground to the west and east of the building. In addition, it is proposed that the necessary surface water attenuation is delivered in below ground storage tank, porous paving to the vehicular areas, water butts to provide a secondary amenity benefit, and supplemented by the provision of a rain garden within landscaping in the south-eastern corner of the site. In this instance this is considered appropriate, given that the scheme will return a net reduction in flood risk off-site compared to previous use, through the introduction of a restrictive discharge rate and introduction of formal attenuation storage, which was not present in the previous build form.
- 5.10.4 The acceptability of the surface water drainage proposals, in broad terms, have been considered by the Lead Local Flood Authority, who advise that they are broadly acceptable, albeit further details are necessary, which are recommended to be secured via a condition.

Foul Drainage

- 5.10.5 Severn Trent Water is the main asset operator for both surface and foul water drainage in the vicinity of the Site.
- 5.10.6 Under the requirements of the Water Industry Act 1991, developers have the right to connect new development to foul water flows within public sewers. Thus, the onus is with Severn Trent to ensure capacity to accommodate this development. The initial scheme submitted as part of this application shows foul sewage to be disposed of into the public water sewer. The use of SUDs should be considered prior to connection and therefore it is recommended that full drainage details for the site be submitted to prior to the commencement of development to resolve this matter.
- 5.10.7 In addition, it is noted that there is a public foul sewer, which crosses the site. The submission identifies this sewer and proposes its diversion to the periphery of the site. No details of Severn Trent's acceptance to the diversion via the s185 sewer diversion process, has been provided. An informative advising the applicant of the Companies comments on this matter is recommended.

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

5.11 Ecology and Biodiversity

Protected Species

- 5.11.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation (Natural Habitats, &c.) Regulations 1994 implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. The Countryside and Rights of Way (CROW) Act 2000 compels all government departments to have regard for biodiversity when carrying out their functions. Finally, The Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts.
- 5.11.2 A Preliminary Ecological Appraisal (PEA) of the site was carried out in November 2022. The document assessed the potential of the site to support a range of European and nationally protected species. The protected species identified as having the potential to use the site were bats, hedgehogs (solely in a commuting capacity), and birds. The site is also located within the Green Zone for potential Great Crested Newt (GCN) use, as defined by the Council's District Newt license, and the risk of use of the site by GCN is considered negligible, albeit an informative to advise the applicant of their responsibilities, with reference to this species is recommended. The report concludes that the impact of the proposal can be mitigated for during Site preparation works, such that no further protected species survey works were considered necessary to inform the planning application.
- 5.11.3 The Council's Ecologist and Naturespace have considered the acceptability of the aforementioned report and consider it to be sound.
- 5.11.4 The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species.
- 5.11.5 The mitigation measures identified within the PEA, in order to prevent the severing of bat commuting routes, is a sensitive lighting strategy (recommended to be secured via a condition), whilst it is also recommended that the landscaping scheme proposed for the development include plants, which attract insects to allow for enhancement of foraging habitat for bats.
- 5.11.6 Whilst no mention of habitat harm avoidance measures is discussed for during the construction phase of development, it is reasonable and necessary for lighting to be controlled by a Construction Environmental Management Plan (CEMP) or similar. The CEMP, which is recommended to be secured via a condition, will include

restrictions on working hours and security lighting, which will have to be minimised in extent, and directed downward and away from boundary features.

- 5.11.7 The PEA also notes that the site has the potential to be used by a number of bird species. To address any harm to the various species arising as a consequence of the development, the Council's Ecologist has recommended that bat or boxes be introduced into the site, with exact details of these measures to be secured through an Ecological Enhancement Plan (EEP). In addition, given the site's usage by birds, a recommendation of the PEA is that any vegetation and building works occurs outside of the bird nesting season (March – September) or be checked for nesting birds beforehand by an ecologist. It is recommended that this matter be addressed through a condition, requiring the development to be undertaken, in accordance with the requirements of this document and an informative used to highlight this matter to the applicant.
- 5.11.8 Finally, to prevent any hedgehogs becoming trapped within the site during the construction phase of development, it is recommended that all excavation be covered at night. A condition to secure that the works be undertaken in accordance with the PEA, will secure this matter and is therefore recommended.
- 5.11.9 Subject to the application, discharge and adherence to the conditions as noted above, the development can be considered as having an acceptable impact upon protected species and their habitat and therefore is compliant with the requirements of the above noted legislation, Development Plan and NPPF in this regard.

Biodiversity

- 5.11.10 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 5.11.11 Due to the Local Planning Authorities obligation to *"reflect and where appropriate promote relevant internal obligations and statutory requirements"* (Paragraph 2 of NPPF) and the requirement, under paragraph 174 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (along with emerging advice within the Draft Environment (Principles and Governance) Bill 2018); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, Paragraph 180 of the NPPF, requires that *"opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity"*.
- 5.11.12 In this case, a Biodiversity Metric has been submitted with the application, which details the value of existing habitats within the site and those to be created upon completion of the development. The Metric details that the scheme will deliver, through the landscaping scheme, a percentage gain of 35.23% for habitat units and 20.47% for hedgerow units. Conditions are therefore recommended to secure an Ecological Enhancement Plan (EEP); to detail exactly how this uplift will be achieved

and a Landscape and Ecological Management Plan (LEMP), to ensure that the created/enhanced habitats meet the condition requirements as specified within the submitted metric. Subject to compliance with these conditions, the scheme complies with the requirements of the NPPF in this regard.

Impact on Special Areas of Conservation

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

Recreation

- 5.11.14 The agreed strategy for the Cannock Chase SAC is set out in Policy EQ2 of the Core Strategy, which requires that before development is permitted, it must be demonstrated that in itself, or in combination with other development, it will not have an adverse effect, whether direct or indirect, upon the integrity of the Cannock Chase SAC, having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC, will be deemed to have an adverse impact on the SAC, unless or until satisfactory avoidance and/or mitigation measures have been secured. The agreed upon mitigation measures to enable residential development within the Zone of Influence (Zol), are detailed within the Strategic Access Management and Monitoring Measures (SAMMMs) document.
- 5.11.15 In this case the site is located 15.8km from the SAC and as such is outside of its Zol and therefore, no further consideration on this specific matter is required.

Nutrient Neutrality

- 5.11.16 The application site is also located approximately 9.9km from the Motte Meadows SAC. The Government’s advice as set out in the ‘Habitats regulations assessments: protecting a European site’ is that when checking whether a proposal could impact upon a protected site is *“You only need to carry out an HRA if the proposal might affect a European site. The effect of your proposal may depend on its location. It could be:*
- *on the site*
 - *near the site*
 - *some distance away, for example by causing air, water or noise pollution or affecting a feeding area used by one of the site’s designated species”*.

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

this broad-brush approach however, there is a more detailed consideration of Source, Pathway and Receptor for which regard must be had.

- 5.11.17 The ZoI for the Motte Meadows SAC, as shown on the Magic Maps dataset, covers this site. The Motte Meadows SAC is protected, as it represents lowland hay meadows, which holds a relatively large area of the habitat (approximately 40 ha). The site contains grassland with limited influence of agricultural intensification and so demonstrates good conservation of structure and function. There are transitions to other dry and wet grassland types. The site is important for a range of rare meadow species, including fritillary *Fritillaria meleagris* at its most northerly native locality.
- 5.11.18 The application proposes the redevelopment of a Brownfield site, through the erection of an 80 bed care home. Drainage from the scheme will utilise existing facilities, which are routed away from the SAC. The development therefore is not considered to result in a negative impact (either alone or in-combination with other plans) to this SAC in nutrient neutrality terms. In addition, as discussed above, the proposed scheme, is forecast to generate a net increase of 11 and 10 two-way trips in the respective peak hour periods and therefore is well below the levels identified (Natural England's (2018) guidance states that the three HRA Screening thresholds for requiring an Appropriate Assessment are 1,000 Annual Average Daily Traffic movements, 1% increase in critical load/level or 200 HGV movements in 24 hours) for an Appropriate Assessment to be required. Therefore, no mitigation or further action is required in this regard.

Invasive Plant Species

- 5.11.19 Finally, it is noted that there is *Cotoneaster* sp. within the site, which is an invasive plant species detailed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). A condition to secure appropriate working practices, through an Invasive Species Management Plan, to prevent the spread of this species, is recommended.

5.12 Arboriculture Impact and Landscaping

- 5.12.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 of the Core Strategy seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that *"The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved"*.
- 5.12.2 The Arboricultural Impact Assessment submitted with this application, identifies that there are 15 trees, 3 groups and 2 hedges on or adjacent to the site. None of the trees are protected by either a formal protection order or by virtue of their siting within a Conservation area.
- 5.12.3 As part of the redevelopment works, it is proposed that there will be an overall loss of 1 individual Category B trees (T2 Walnut) and 3 category C trees (T13, T14 and

T15). In addition, there is proposed to be a small encroachment into the Root Protection Area, as calculated in BS 5837, of the category A, Copper Beech.

- 5.12.4 Under the British Standards, Category B trees are defined as ‘Trees of moderate quality with an estimated remaining life expectancy of at least 20 years’ and C, as ‘Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories’.
- 5.12.5 It is noted that neighbours to the site have commented on a number of trees within the site, requesting their removal or reduction in scale. With reference to the vegetation located along the boundary with Jasmine Grove, only 1 is a tree, a Rowan noted as T2 within the submitted Assessment. No works are proposed to either this tree or vegetation belt. There is no reasonable planning reason to require such works to occur and indeed, as noted above, the retention of the belt is necessary to aid to mitigate the impact of the proposal. With reference to the silver birch tree noted to the corner of the site, adjacent to the rear entrance to the fire station, requested to be removed, such is a Category B tree of some merit, which is to be crown lifted to 4 metres to limit impact upon the surrounding area, but otherwise retained.
- 5.12.6 The Council’s Arborist has considered the acceptability of the tree loss associated with the development and advises that such, including the loss of T2, is acceptable. The sole arboriculture concern originally noted related to the encroachment proposed into the RPA of the Category A Copper Beech tree and the resultant relationship between the proposed building and this tree, with reference to shading of internal living space and future pressure to fell. These matters have been addressed, in terms of the former through the submission of an Arboriculture Method Statement, to detail how construction works within this area will be undertaken in a manner to minimise any root disturbance (recommended to the secured via the use of a condition) and the latter, through demonstrating that the window within the lounge, adjacent to the tree is one of several to serve this room and therefore any future justification sought to fell, would be limited.
- 5.12.7 The proposed landscaping scheme, which includes the planting of 21 new trees, specimen and ornamental shrubs, infill hedgerow planting and grassed areas for amenity, is considered to be acceptable. A condition is therefore recommended to secure the planting of this scheme, along with its maintenance thereafter for a minimum period of 5 years. Such will also, as discussed above, secure, as part of the EEP, the uplift in Biodiversity Units within the site.
- 5.12.8 Subject to the conditions, as detailed above, the development will have an acceptable arboriculture impact upon the site and as such, will comply with the relevant requirements of the Development Plan and NPPF, in this regard.

5.13 Health Care

- 5.13.1 Section 8 of the NPPF ‘Promoting healthy and safe communities’ makes clear that policies and decisions associated with development should aim to achieve healthy, inclusive and safe places. Paragraph 93 b requires that policies and decisions should *“take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.”*

- 5.13.2 Policy EQ13 of the Core Strategy advises that contributions will be sought, where necessary, to secure *“the provision and improvement of community facilities such as... health facilities”*.
- 5.13.3 Local research undertaken by the NHS has previously shown that the extra resources required by care home residents are quite stark, with patients in such settings requiring 35 x more visits from a GP than an average patient. Care home residents were also dramatically overrepresented in unscheduled admissions to an acute setting, therefore greatly increasing ambulance conveyance and had a lack of continuity in care planning.
- 5.13.4 To address the impact of the scheme therefore, on local health provision, a sum of £43,333 is requested by the Cannock Chase Chief Commissioning, which is derived from the Department for Health guidance ‘Health Building Note 11-01: Facilities for Primary and Community Care Services’, which provides best practice guidance on the delivery of new healthcare buildings and adaptation and extension of existing facilities. It is applicable to a range of building types including GP premises, Health centres, Primary care centres and Urgent care centres. The sum, to be directly relatable to this application, will be directed to the relevant Primary Care Network (Seisdon PCN) and invested in a manner, which supports the ongoing commitment to deliver further workforce in support of services such as ‘Enhanced Health in Care Homes’.
- 5.13.5 The payment of the identified sum has been discussed with the applicant, who confirms their acceptance of this payment, which is recommended to be secured via the proposed s106 agreement.

5.14 Other Issues

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

6. Financial Considerations

- 6.1 The development would give rise to several economic benefits. For example, the development would lead to the creation of new direct (60 staff members) and indirect jobs, through supply chain benefits and new expenditure introduced to the local economy. In addition, the development will deliver direct construction jobs, including supply chain related benefits and relevant deductions.
- 6.2 It should also be noted that the development will generate New Homes Bonus, Council Tax and Business Rates.

7. Human Rights

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

8. Conclusion

- 8.1 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, economically the proposal will provide direct and indirect employment opportunities, through creating a development opportunity, which includes employment generating uses and whose future residents would support existing and proposed facilities within the area. Socially, suitable conditions can secure the reasonable amenity of existing and future residents within and adjacent to the site, whilst the proposal would deliver specialist care accommodation, the need for which is readily identified within the Council's Local Plan evidence base.
- 8.2 Environmentally, the site occupies a prominent position on Carter Avenue. Whilst the scale and siting of the proposed building is somewhat out of character with that of the surrounding area, any harm derived is not considered to be significant, whilst the appearance of the building itself is considered to be acceptable.
- 8.3 It is considered that adequate, high quality amenity space can be provided on site, to meet the needs of future residents. The number of units and mix proposed, will provide a suitable density of development to integrate into the character of the area, whilst also helping to meet the housing needs of the District.
- 8.4 With regard to transport and highway matters, adequate information and detail has been included within the supporting information to demonstrate that sustainable travel choices can be integrated within the development. Acceptable details have been provided with regard to the vehicular access point to ensure that the development can be safely and appropriately accessed, without undue harm to either the character or appearance of the area, existing or future residents or highway and pedestrian safety. Furthermore, it has been demonstrated that the development will have an acceptable impact upon the Local Highway Network, whilst the use of sustainable transportation methods will be promoted through the Travel Plan, which will be monitored via a reasonable financial sum secured through the Section 106 agreement.
- 8.5 Subject to suitable conditions, there will be no adverse impact on protected or priority species, whilst a positive biodiversity impact will be created within the site. With regard to drainage and flood risk, it is considered that adequate mitigation would be provided and that, subject to appropriate conditions, no material harm will be caused. Finally, the concerns and comments initially raised by the Council's Arboriculture Officer have been assessed and the scheme amended to address such.

- 8.6 Given the above assessment and the positive weight attributable to the delivery of residential institution led development, through the NPPF, it is recommended that this application is in conformity with the Development Plan as a whole and no other material considerations are sufficient to outweigh the acceptability of this development, so as to warrant the refusal of the application. Therefore, the recommendation, subject to the signing of a s106 legal agreement, is one of approval.

9. RECOMMENDATION:

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

1. Contribution towards Health Care Infrastructure of £43,333; and
2. Framework Travel Plan Monitoring Fee of £10,000.

Approve subject to the following conditions:

(2) If the S106 is not signed/completed by the 16 January 2024 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.

CONDITIONS

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

Proposed Site Plan and Location Plan (AP22014-L01 E)
Proposed Ground Floor Plan (AP22014-L02 C)
Proposed First Floor Plan (AP22014-L03 C)
Proposed Second Floor Plan (AP22014-L04 C)
Proposed Roof Plan (AP22014-L05)
Proposed Elevations (AP22014-L06 D)
External Works (AP22014-L07 A)
Existing Topographical Survey (01)
External Levels (CS221104-101)
External Works (CS221104-107)
Rain Garden Details (CS221104-109)
Landscape Proposals (102)

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

3. Prior to the commencement of development, excluding groundworks, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:

(i) External brickwork and Elevation Treatments; and

(ii) Exterior Roof materials.

The development shall thereafter be undertaken in accordance with the approved details and thereafter be retained for the life of the development.

4. Prior to the commencement of development, a Construction Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Management Plan shall:
- i) Specify details of the site compound, including arrangements for the parking of site operatives and visitors;
 - ii) Specify details of the construction access;
 - iii) Specify the delivery and construction working times;
 - iv) Specify the types of vehicles to be used;
 - v) Specify the location, type and hours of use of any artificial lighting;
 - vi) Specify noise, air quality and dust control;
 - vii) Details the management and routing of construction traffic;
 - viii) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities;
 - ix) Provide for the loading and unloading of plant and materials;
 - x) Provide for the storage of plant and materials used in constructing the development; and
 - xi) Provide satisfactory arrangements for the control of surface water during the construction period, prior to the formation of the approved SUDs.

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

5. Notwithstanding the submitted details, prior to the commencement of development, excluding groundworks, full details of a scheme of foul and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first use of the development.
6. Prior to the commencement of development, protective fencing and other protective measures to safeguard existing trees and/or hedgerows on the site, shall be provided in accordance with the details shown within the approved Arboricultural Report (reference THL-R22-116) and Construction Method Statement (dated September 2023) and to British Standard 5837: 2012 and retained for the duration of construction (including any demolition and / or site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed. Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced in the following planting season. The species, size, nursery stock type and location of such replacements, shall be first submitted to and approved in writing by the Local Planning Authority.

7. Prior to the commencement of development, excluding groundworks, full details of an Ecological Enhancement Plan (EEP) shall be submitted to and approved in writing by the Local Planning Authority. The EEP shall include details of habitat enhancements appropriate to the scale and nature of the development, including the number, model and siting of any enhancement measures and any necessary future maintenance requirements. The enhancements detailed within the approved EEP will be installed prior to the first occupation of the building and shall thereafter be retained for the life of the development.
8. Prior to commencement of development, including site clearance or ground works, an invasive species management plan, which details good working practices to preclude the spread of invasive species from the site into the wild (i.e., via wheel washing, appropriate disposal of Schedule 9 plant species, material storage etc.) must be submitted to and approved by the Local Planning Authority in writing. The submitted management plan will thereafter be implemented in full for the duration of the construction works.

CONDITIONS to be complied with PRIOR to the first occupation of the units:

9. Prior to the first occupation of the development, excluding groundworks, full details of the erection and operation of any proposed external lighting, including full details of the means of illumination, design of the lighting systems, and both horizontal and vertical luminance plans shall be submitted to and approved in writing by the Local Planning Authority. The means of external lighting shall thereafter be implemented and installed, prior to the first occupation of the building, in accordance with the approved details and shall not thereafter be amended or altered without the prior written approval, on application, to the Local Planning Authority.
10. Prior to first occupation of the development hereby approved, the development shall be inspected by a qualified ecologist and a statement of conformity submitted to and approved in writing by the Local Planning Authority, to confirm that all of the measures for ecological enhancement, as approved under the requirements of condition 8, have been fully implemented.
11. Prior to first occupation of the development hereby approved, a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP must include details of how created habitats will deliver the specified minimum improvement of 35.23% for habitat units and 20.47% for hedgerow units and meet the target condition, as detailed within the submitted biodiversity metric, including ground preparation, seed mixes and seeding, planting (incl. planting densities and specifications), and subsequent management and monitoring requirements.

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

The approved plan shall be implemented concurrently with the development and completed within 12 months of the completion of the development.

12. Prior to first occupation of the development hereby approved, the parking, servicing and turning areas as shown on approved plan, reference AP22014-L01 REV E, shall be provided in a bound material and be sustainably drained, with the individual bays clearly delineated. The Active Electric Vehicle Charging Points and passive infrastructure, shall be installed, prior to 90% occupation of the site, to serve the identified parking spaces and thereafter, the parking, EV Charging, servicing and turning areas shall be retained for their designated purposes, for the life of the development.
13. Prior to the first occupation of the development hereby approved, the new vehicular access to serve the development, from Carter Avenue, shall be completed within the limits of the public highway, in accordance with approved plan, reference AP22014-L01 REV E. The visibility splays to serve the access, shall be kept free of all obstructions to visibility, with nothing placed or allowed to remain forward of the visibility splays, over a height of 0.6m above the adjacent carriageway level. The access and visibility splays are thereafter to be retained for the life of the development.

All other CONDITIONS to be complied with:

14. The cycle parking facilities for staff and visitors and shower/ locker/ changing facilities for staff, as shown on approved plans 102 and AP22014-L07 Revision A shall be constructed in accordance with the approved details, prior to the first occupation of the site and thereafter shall be retained for the life of the development.
15. The Travel Plan shall be implemented in accordance with the timetable set out in the approved document reference T22585 dated 03/04/2023 received on 14/04/2023. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning permission to the Local Planning Authority for approval for a period of five years from first occupation of the development.
16. The approved landscape and planting scheme shown on plans reference 102 and CS221104-109, shall be implemented within eight months of the first occupation of the development.
17. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site, which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next planting season with others of the same or similar size and species.
18. The boundary treatments, gates, hard landscaping, shed and bin store as shown on approved plans 102, AP22014-L01 REV E and CS221104-107, shall be erected or installed, prior to the first occupation of the building and thereafter shall be retained for the life of the development.
19. The development hereby approved shall be undertaken in accordance with the recommendations and methods of working as detailed within the Preliminary Ecological Appraisal, reference 22-2091.01.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactment thereof, no

fences, walls or other means of enclosure shall be erected within the site, other than those approved by this planning permission, without the prior written permission, on application to the Local Planning Authority.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, unless specifically agreed pursuant to other conditions of this permission, no external lighting shall be provided within the application site, without the prior permission on application by the Local Planning Authority.

Reasons

1. 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. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy EQ11 and Core Policy 4 of the Local Plan Strategy and the National Planning Practice Guidance.
3. To safeguard the character and appearance of the development, surrounding area and neighbouring non-designated heritage asset, in accordance with the requirements of Core Policy 2 and Policies EQ3 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design, Village Design Guide and Historic Environment and Character Assessment Supplementary Planning Documents and the National Planning Policy Framework.
4. In the interests of highway safety, to ensure the free flow of traffic on the local highway network, to reduce the risk of surface water flooding, to safeguard protected species and their habitat and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
5. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policies 3 and 4 of the Core Strategy and the National Planning Policy Framework.
6. To ensure the high quality form and appearance of the development, protect the amenity of neighbouring residents and to protect the natural habitat, in accordance with the requirements of Core Policies 2 and 3 and Policies EQ1, EQ9, EQ11 and EQ12 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design Code and the National Planning Policy Framework.
7. In order to deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
8. In order to ensure compliance with the Wildlife and Countryside Act 1981 (as

amended) in relation to the spread of invasive non-native species to the wild, Policy EQ1 of the Core Strategy and the National Planning Policy Framework.

9. To ensure the satisfactory appearance of the development, to safeguard protected species and their habitat and to safeguard the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
10. In order to prevent harm to and provide enhanced habitats for protected species in accordance with Policy EQ1 of the adopted Core Strategy and the National Planning Policy Framework.
11. In order to deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
12. In the interests of highway safety, to promote more sustainable modes of transportation, to ensure the delivery of sustainable drainage and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
13. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
14. To promote the use of sustainable modes of transportation in accordance with the requirements of Core Policy 2 and Policies EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
15. To promote the use of sustainable modes of transportation in accordance with the requirements of Core Policy 2 and Policies EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
16. To ensure that the approved landscaping scheme is implemented in a speedy and diligent way, to protect natural habitat and deliver biodiversity net gain within the scheme, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ3 and EQ11 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design and the National Planning Policy Framework.
17. To ensure that any initial plant losses to the approved landscaping scheme are overcome, to protect natural habitat and delivery Biodiversity net gain within the scheme, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Design Guide and Sustainable Design Supplementary

Planning Documents, the National Model Design and the National Planning Policy Framework.

18. To safeguard the appearance of the development and to protect the amenity of future residents, in accordance with Core Policy 2 and Policies EQ1, EQ9 and EQ11 of the Core Strategy, the Sustainable Design Historic Environment and Character Assessment Supplementary Planning Documents and the National Planning Policy Framework.
19. In order to prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy and the National Planning Policy Framework.
20. To safeguard the privacy of neighbouring residents in accordance with Policy EQ9 of the Core Strategy and the National Planning Policy Framework.
21. To safeguard the character and appearance of the development, surrounding area and neighbouring non-designated heritage asset, in accordance with the requirements of Core Policy 2 and Policies EQ3 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design, Village Design Guide and Historic Environment and Character Assessment Supplementary Planning Documents and the National Planning Policy Framework.

INFORMATIVES

1. The applicant's attention is drawn to The Town and County Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
2. Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.
3. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 07/03/2023. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
4. The applicants' attention is drawn to the comments from the Staffordshire Fire and Rescue Service dated 15/02/2023.
5. The applicants' attention is drawn to the comments from the Council's Environmental Health Team dated 01/03/2023.
6. The applicants' attention is drawn to the comments from Severn Trent Water dated 13/03/2023.

7. The surface water drainage scheme to be submitted to discharge the requirements of condition 5 shall demonstrate the following:
 - Surface water drainage system(s) shall be designed in full accordance with the Non Statutory Technical Standards for sustainable drainage systems (SuDS), DEFRA, March 2015.
 - Sustainable Drainage System(s) shall be designed in full accordance with the Staffordshire County Council (LLFA), SuDS Handbook and all relevant policies and standards within.
 - Finished floor levels shall be set at an appropriate level (at least 300mm as far as is reasonably practicable), above surrounding ground levels.
 - Limiting the surface water run-off generated by all event scenarios up to and including the 1 in 100 year plus 40% (for climate change) return period, critical duration storms so that it will not exceed 5 l/s from the site and not increase the risk of flooding off site.
 - Provision of adequate surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
 - The incorporation of adequate surface water treatment shall be provided, in accordance with CIRIA C753 – The Simple Index Approach to Water Quality Management – to mitigate water quality pollution.
8. The proposed site access and off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council 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 highway.agreements@staffordshire.gov.uk. The applicant is advised to begin this process well in advance of any works taking place to meet any potential timescales. <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>.
9. Any vegetation that is suitable for nesting birds (i.e. hedgerow) must either be removed outside of the nesting bird season (generally this is considered to be March-August inclusive) or it must be checked by an ecologist no more than 24 hours prior to removal. Should nesting birds be found the nests must be left until chicks have fledged and the nest is no longer in use.
10. This planning permission does not override or preclude the requirement to comply with protected species legislation. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.



Former Bilbrook House Carter Avenue Bilbrook Staffordshire WV8 1HH

**23/00700/COU
NON MAJOR**

Miss J Cowles

SWINDON

Councillor R Lees

The Old Chapel Chapel Lane Smestow DUDLEY DY3 4PL

Change of use of land to extend residential garden

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
n/a	n/a	20 October 2023

SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1 The application relates to a residential property off Chapel Lane, a private road in Smestow. There is a gravel drive/parking area to the side of the dwelling, which has recently been granted a certificate of lawfulness (23/00218/LUE); and there is a small amenity area at the rear and side of the dwelling.

1.2 The Proposal

1.2.1 The application proposes to change the use of agricultural land to the west of the house adjacent to the existing drive/parking area, to extend the residential garden. The area of land measures around 240sqm. It is proposed to enclose the garden with a post and rail fence and a native hedgerow.

1.2.2 The recently refused application (23/00485/FUL) was for a much larger site area and included land to the north and west. It occupied an area of around 1450sqm (0.35acres).

1.3 Agents Submission

1.3.1 The application is accompanied by a planning statement which details the very special circumstances.

Date of site visit - 30 June 2023

SITE HISTORY

Planning Applications

93/00927 Change Of Use And Alterations To Form A Dwelling **Refuse** 3rd December 1993
85/00839 Change Of Use And Extensions To Chapel To Form A House And Garage **Refuse** 17th December 1985
77/00377 Conversion Of Existing Chapel To Dwelling **Approve Subject to Conditions** 17th August 1977
91/01208 Change Of Use And Extension To Form A Dwelling **Approve Subject to Conditions** 10th March 1992
23/00218/LUE Certificate of Lawfulness for use of land for parking and garden area in connection with the residential property, The Old Chapel. **Approve** 2nd May 2023
23/00485/FUL Change of use of land to extend residential garden **Refuse** 1st August 2023

POLICY

Constraints

Green Belt
Great Crested Newt Green Impact Zone
D Class Road

Policies

National Planning Policy Framework
National Planning Practice Guidance

Core Strategy
Core Policy 1: The Spatial Strategy
Policy GB1: Development in the Green Belt
Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape
Policy EQ9: Protecting Residential Amenity
Policy EQ11: Wider Design Considerations
Policy EV12: Parking Provision

Supplementary Planning Documents

Green Belt and Open Countryside SPD

CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
29 September 2023	n/a
Any comments received will be added to the committee late list and addressed	

Ms Jenny Cree

15th September 2023

Recommend refusal on the grounds that the greenbelt land should not be converted into garden land as it would result in a loss of Greenbelt land.

Councillor Roger Lees J.P - Himley And Swindon Ward

No Response Received

Contributors

No Response Received

APPRAISAL

The application is to be heard at Planning Committee as the proposal is inappropriate development in the Green Belt contrary to policy GB1 of the Core Strategy.

1. Policy & principle of development
2. Layout, design & appearance
3. Access, parking & highway safety
4. Residential Amenity

5. Ecology & biodiversity

6. Arboriculture

7. Human Rights

1. Policy & principle of development

Green Belt and Impact on Openness

1.1 The site is within the Green Belt, where there is a presumption against inappropriate development. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness derives from an absence of built form. Safeguarding the countryside from encroachment is one of the purposes of including land within the Green Belt.

1.2 The change of use from agricultural to garden land is not a use which is considered to be acceptable within the Green Belt as it leads to encroachment and creates additional domestic paraphernalia. Whilst lawn or planting associated with the proposed garden would have no discernible effect on the openness of the Green Belt, domestic paraphernalia such as play equipment or garden sheds would reduce the openness of the Green Belt.

1.3 The conversion of The Chapel into a residential dwelling was approved (91/01208) on the basis that there would be no adverse harm on the openness or visual amenity of the Green Belt and as such the residential curtilage was tightly defined. Further, whilst the proposal represents a much smaller area than previously proposed and refused (23/00485/FUL) it would still result in encroachment into the Green Belt, and it would introduce domestic paraphernalia, causing harm to the openness of the Green Belt. At the time of the site visit there was a trampoline and football equipment outside of the defined residential area and these items would likely increase with formal sitting areas, washing lines etc if formal permission is granted.

1.4 For the reasons mentioned above the proposed development represents inappropriate development in the Green Belt harmful by definition and contrary to GB1 of the Core Strategy and should not be approved except in very special circumstances, as noted in paragraph 147 of the National Planning Policy Framework.

Very Special Circumstances

1.5 Paragraph 148 of the NPPF [2018] states that 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.

1.6 The planning statement in support of the application provides that:

- The proposal would create a commensurately sized garden area for the dwelling with other neighbouring properties in the locality, with notably 'Pudding Cottage' to the immediate west, and 'The Homestead' to the west having much larger garden areas. The existing garden area for The Old Chapel residential property is highly constrained and out of character with the surrounding plot sizes;
- The proposals would not result in the loss of productive agricultural land, as the site has not been used for any agricultural purposes since at least 2003 based on aerial photography. Furthermore, it is not reasonably considered that given the restricted size of the land and as it has no separate vehicular access, it could be utilised for any meaningful agricultural purposes. In any case, the proposals retain the majority of the field in an agricultural use;
- The proposals would allow the current, and indeed future occupiers of the property, a suitable amenity space to support reasonable health and wellbeing.

1.7 It is acknowledged that the The Old Chapel has a restrictive garden area, and whilst a small extension to the garden may be acceptable to allow a reasonably sized usable area for health and wellbeing, this needs to be weighed against the need to protect the openness and visual amenity of the Green Belt. In the previous application The Council had suggested a smaller area of land which runs parallel from the parking area to the rear boundary of No.37 (extending the existing lawful garden area). This application proposes land to the west of the parking area, on a similar floor area. Space has been left for a potential access to the agricultural land from Chapel Lane if the need arises.

1.8 Paragraph 130 (f) of the NPPF provides that planning policies and decisions should ensure that developments *“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*.

1.9 The Council's space about dwellings standards, appendix 6 of Local Plan (1.5, d) provides that the provision of adequate space is important, and the following should be provided *“a reasonable area of private amenity space to allow such uses as drying washing, gardening and children's play space, together with space for garden sheds, greenhouses and an extension to the dwelling”*.

1.10 The proposed extension would allow the dwelling to have a higher standard of amenity space where children can play, and the amended plan shows how the parcel of land will be separated from the surrounding agricultural land. The land being adjacent to the road, would follow the form and layout of the surrounding dwellings, and would therefore have a limited impact on the openness and visual amenity of the Green Belt, if permitted development rights for outbuildings, fencing and hardsurfacing are removed. If any ancillary buildings are required (sheds etc) these can be placed within the existing curtilage of the property (side or rear of dwelling) under existing permitted development rights, where less harm will be caused on the character and appearance of the area.

1.11 Careful consideration must be given to the benefits of outdoor residential amenity for existing and future occupiers alongside the purpose of the Green Belt. On balance it is considered that very special circumstances exist which clearly outweigh the policy objection.

2. Access, Parking & Highway Safety

2.1 There are no highway or access issues.

3. Residential Amenity

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

3.2 The use of the land as residential garden would cause no adverse harm on neighbouring amenity. There is no conflict with policy EQ9.

4. Ecology & Biodiversity

4.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site. Strategic Access Management and Monitoring Measures (SAMMMs) document.

4.2 The application is not likely to impact the biodiversity of the site or affect any protected species. The application site is however in a Green Impact Zone for GCN and an informative is proportionate.

5. Arboriculture

5.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that "The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved".

5.2 There are no arboricultural considerations.

6. Human Rights

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

7. CONCLUSIONS

7.1 The proposal is considered to be inappropriate development in the Green Belt, however very special circumstances exist which includes the need to provide existing and future occupants with usable outdoor amenity space comprising of a small area and this clearly outweighs the potential harm. The proposal will not impact on the amenity of neighbouring residential properties and there are no highway or ecological implications. Approval is therefore recommended subject to appropriate conditions.

8. RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The proposed hedgerow 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. 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).

4. Before the development is brought into use a post and rail fence shall be erected in the position shown on the approved plan and shall thereafter be retained in the approved position throughout the life of the development.
5. 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 hereby approved, without the prior approval of the Local Planning Authority:

Schedule 2, Part 1, Class E— buildings etc incidental to the enjoyment of a dwellinghouse
Schedule 2, Part 1, Class F— hard surfaces incidental to the enjoyment of a dwellinghouse
Schedule 2, Part 2, Class A— gates, fences, walls etc.

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 amenity of the area in accordance with policy EQ11 of the adopted Core Strategy. To prevent further encroachment into the Green Belt, in accordance with policy GB1 and Chapter 13 of the NPPF.
5. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy. To preserve the openness and visual amenity of the Green Belt, in accordance with policy GB1 and Chapter 13 of the NPPF.

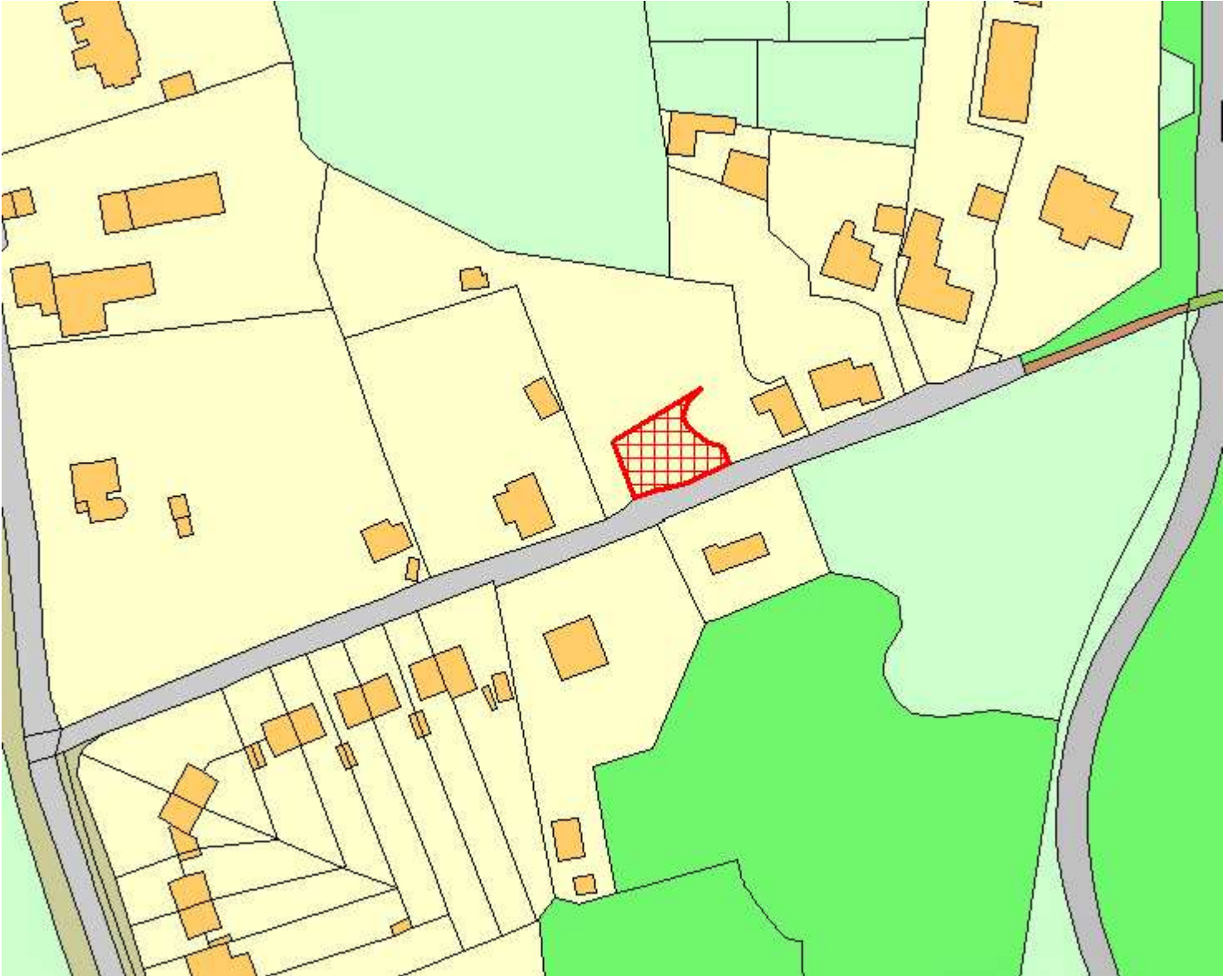
Informative

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

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

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Location Plan			12 September 2023



The Old Chapel Chapel Lane Smestow DUDLEY DY3 4PL

**23/00717/FULHH
NON MAJOR**

Mr & Mrs M Evans

WOMBOURNE

**Councillor M Davies
Councillor M Evans
Councillor V Merrick**

2 Stoneybrook Leys Wombourne WOLVERHAMPTON WV5 8JE

Single storey side extension including minor re-alignment of garden wall

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
No	No	20 October 2023

1. SITE DESCRIPTION

1.1 The application property is a two storey detached dwelling at the northwest corner of Stoneybrook Leys and Millfields Lane, to the southwest of the main service village of Wombourne. The dwelling faces and is accessed via Stoneybrook Leys. The side of the dwelling faces Millfields Lane with a brick garden wall and hedges planted adjacent to the pavement.

2. APPLICATION DETAILS

2.1 The application proposes a single storey side extension between the dwelling and Millfields Lane, measuring 3m wide by 7.7m long. The extension is proposed with a hipped roof, eaves height of 2.4m and ridge height of 3.6m. The extension is proposed with brick and render facing materials to match the existing dwelling.

2.2 The application also proposes a realignment of the existing brick garden wall. The wall currently terminates at the existing rear building line of the dwelling but is stepped slightly out towards Millfields Lane. As proposed, a portion of the garden wall (approximately at the rear building line of the existing conservatory) would be relocated approximately 1.7m towards the highway, in order to align with the proposed side building line of the extension.

Date of site visit – 31 August 2023

SITE HISTORY

None relevant

POLICY

Constraints

Canal and River Trust - Major Buffer Name: Canal And River Trust - Major Buffer:
Canal and River Trust - Minor Buffer Name: Canal And River Trust - Minor Buffer:
Within Development Boundary Name: Wombourne Development Boundary:
Newt - Impact Risk Zone White Name: Impact Risk Zone White:
D Class Road D4545

Policies

National Planning Policy Framework
National Planning Practice Guidance

Policy EQ9: Protecting Residential Amenity
Policy EQ11: Wider Design Considerations

Supplementary Planning Documents

Supplementary Planning Document - Sustainable Development 2018
Supplementary Planning Document - Design Guide 2018

CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

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

National Grid Electricity Distribution

No Response Received

Councillor Vincent Merrick - Wombourne South Ward

No Response Received

Wombourne Parish Council

No Response Received

Contributors

No comments received

APPRAISAL

This application is being heard by the Planning Committee as the applicant is an elected member and the Chairman of the Planning Committee.

1. **Policy & principle of development**
2. **Layout, design & appearance**
3. **Access, parking & highway safety**
4. **Residential and Occupier Amenity**
5. **Human Rights**

1. **Policy & principle of development**

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

1.2 The property is within the development boundary, where alterations to dwellings are generally an acceptable form of development, provided they adhere to amenity and parking space standards and cause no adverse impact on neighbouring properties or the character of the area.

2. Layout, Design and Appearance

2.1 Policy EQ4 of the Core Strategy advises that “the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views”. Core Policy 4 similarly seeks to promote high quality design and respect and enhance local character and distinctiveness of the natural and built environment. Policy EQ11 advises that new development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally, the Council's Design Guide SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.

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

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

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

2.4 No 2 Stoneybrook Leys occupies a corner plot location and the space between the dwelling and the pavement does contribute to the openness of the area. However, the proposed extension is clearly subservient to the original dwelling given its single storey nature. The proposed front and rear building lines will also meet the existing building lines. Whilst a portion of the brick garden wall is proposed for relocation closer to the pavement, approximately 2.7m will remain between the relocated garden wall and the pavement. As noted on the proposed Block Plan, the existing hedge and shrub planted adjacent to the pavement is noted to remain. It is therefore considered that the extension would not materially impact the openness of the area.

2.5 Given the single storey nature of the proposed extension, the remaining space between the extension and garden wall and the pavement, as well as the retained hedge and shrubs, the proposed extension and relocated garden wall is considered acceptable in design, scale, siting and materials, with no demonstrable harm on the character of the property or the street scene; in accordance with Policy EQ11.

3. Access, Parking & Highway Safety

3.1 Paragraph 110 of the NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 goes on to state that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

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

3.3 Appendix 5 of the Core Strategy provides guidance on the Council's off street car Parking Standards for new development. The proposed floor plans do indicate one additional bedroom within the extension. However, no changes are proposed to the existing parking configuration, which includes two paved spaces to the front of the dwelling, a detached garage to the rear of the dwelling, as well as a paved drive on the northern side of the dwelling which has adequate space for two vehicles. As such there is space for five vehicles on the property which meets the requirements of the Parking Standards in Appendix 5.

4. Residential and Occupier Amenity

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

4.2 In considering the potential impact on the dwelling to the south, No 1 Stoneybrook Leys, the facing window proposed for the front elevation of the extension measures 16m from the front elevation of No 1. The Core Strategy requires 15m between facing windows to habitable rooms over public space. As such, the proposal meets the requirements of the Core Strategy and there would be no impact on neighbouring amenity. No neighbour objections have been received.

4.3 Given the siting and distance to other adjacent dwellings, it is considered that the proposal would raise no undue concerns in respect of neighbour amenity and as such the development complies with Policy EQ9 of the Core Strategy.

4.4 Occupier Amenity: The single storey side extension would not impact the garden size or length of No 2 Stoneybrook Leys. Whilst the area proposed for the extension is currently a grassy area, it is not included within the existing brick garden wall which delineates the designated outdoor amenity area. The repositioning of the garden wall towards Millfields Way would slightly increase the area of the garden by widening the area to the east of the existing conservatory. As such, Space About Dwellings standards will continue to be met and are not a concern with the current proposal.

5. Human Rights

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

6. CONCLUSIONS

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

6.2 The proposed development is considered acceptable in principle and is not considered to cause harm to either visual or residential amenity. There would be no material harm to neighbouring amenity and there would be no adverse effect on the street scene. The development also raises no material concerns in relation to parking or highway safety. The proposal is therefore considered compliant with both national and local planning policy and associated guidance.

7. RECOMMENDATION – APPROVE Subject to Conditions

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The materials to be used on the external walls and roof of the extension shall match those of the external walls and roof of the existing building unless otherwise agreed in writing by the Local Planning Authority.
4. As noted on the Block Plan 500/1 (received 22/8/23) the existing hedge and shrubs located between No 2 Stoneybrook Leys and the highway are to be retained on this location for the life of the development. In the event that the hedge and/or shrubs die, they are to be replaced with a similar species/mix within six months and within the next available planting season.

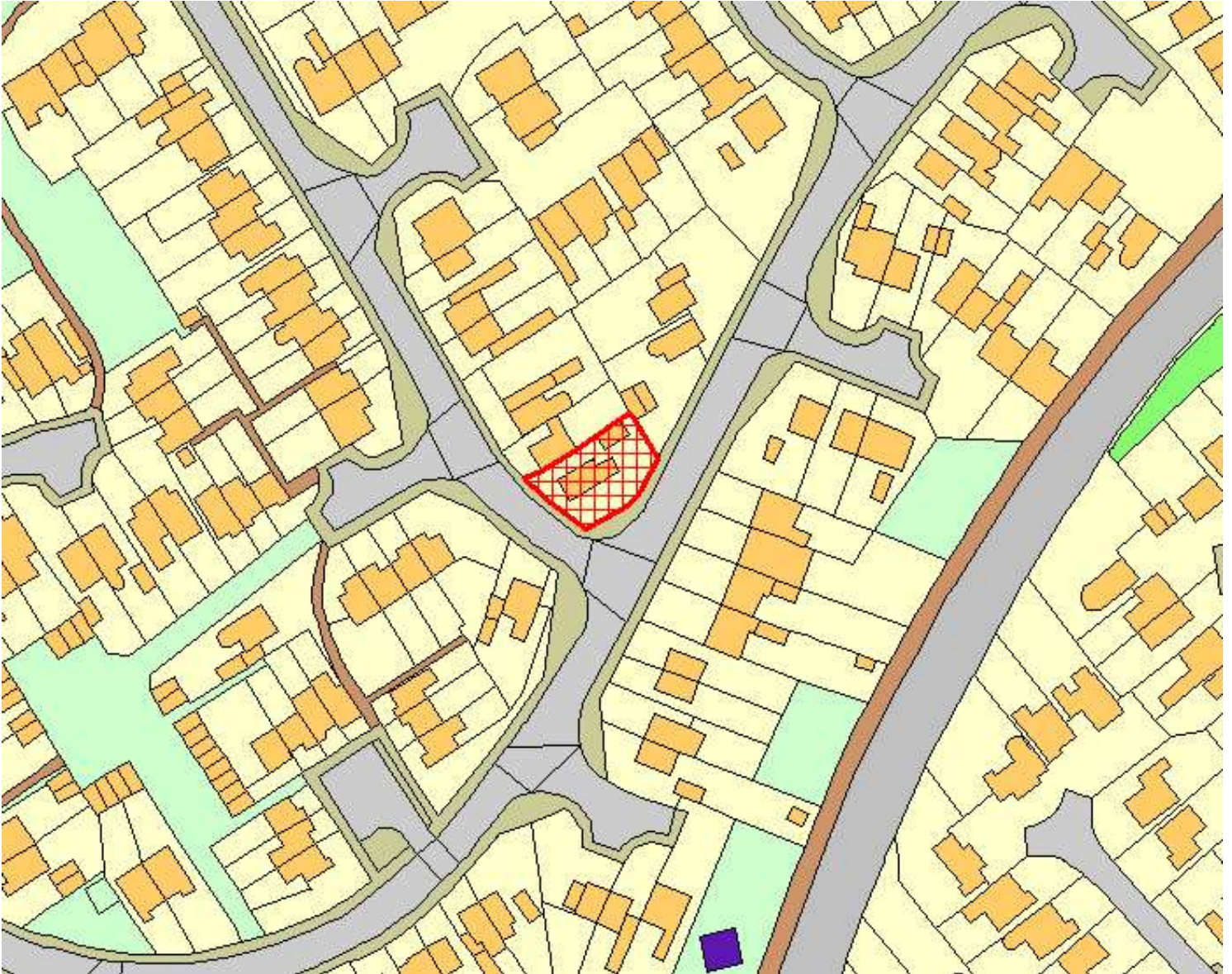
Reasons

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 amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

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

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Location Plan	1250/1		22 August 2023
Proposed Block Plan	500/1		22 August 2023
Proposed Plans and Elevations	E/02/23		22 August 2023



2 Stoneybrook Leys Wombourne WOLVERHAMPTON WV5 8JE

SOUTH STAFFORDSHIRE COUNCIL

PLANNING COMMITTEE – 17th October 2023

Planning Performance report

REPORT OF THE DEVELOPMENT MANAGEMENT TEAM MANAGER

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

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

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

1.3 Monthly Updates on:

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

1.4 Quarterly Updates on:

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

2. RECOMMENDATION

2.1 That Committee notes the content of the update report.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	

TARGET COMPLETION/ DELIVERY DATE	4 th October 2023	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.
IMPACT ON SPECIFIC WARDS	No	District-wide application.

PART B ADDITIONAL INFORMATION

Monthly Updates

4. Procedure updates/changes

- 4.1 The Statement of Community Involvement (SCI) continues to be reviewed. This document is a statutory planning document that sets out how the Local Planning Authority intends to engage with local communities and stakeholders during the process of plan preparation and when determining planning applications. It is proposed to update the method of consulting member on planning applications received. Further information will follow in this report and under separate cover.

5. Training Update

- 5.1 The schedule of both mandatory and optional training has now been completed. It is the intention to undertake training for members on bespoke topics going forward before alternate planning committees (5-6pm) in the Council chamber. This will commence in September with “Permitted Development and Fallback”.
- 5.2 The following training sessions have now been scheduled:
- November 21st 2023 Ecology and Biodiversity Net Gain – Delivered by Matt Wall (Senior Ecologist)
 - January 19th 2023 Conservation and Heritage – Delivered by Ed Higgins (Senior Conservation Officer)
 - March 19th 2024 Trees and Arboriculture – Delivered by Gavin Pearce
- 5.3 A training session will be scheduled for all members related to the use of “Consultee Access” and how best and most effectively comment on a live planning application. This is scheduled for 6pm.
- 5.4 Any area of planning and/or topics members would like guidance on then do let the author of this report know.

6. Monthly Planning Statistics

September 2023	
Applications received	108
Application determined	84

Pre-application enquiries received	11
Pre-application enquiries determined	10

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

7.1 Officers have completed and submitted a proposed response to “changes to permitted development rights” consultation which closed on the 25th September.

7.2 A bid has also been made for “Skills Gap Funding”. The bid was for £76,050 for Urban Design work and training. A decision on the success of this bid is due this month (October) an update will be provided at the planning committee meeting if further information is received.

8. Appeals

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

8.2 **Site Address:** Stourbridge Lodge, Prestwood, Stourbridge DY7 5AQ
Date of Inspectors Decision: 13th September 2023
Decision: Dismissed (notice corrected) (Appendix 1)

This appeal was against an enforcement notice served for an alleged breach of planning control consisting of the construction of a two storey front to rear extension on the western elevation, first floor extension on the eastern elevation, and remodelling of front central elevation with additional dormer extension.

The inspector corrected the enforcement notice to read:

- a) Deleting the allegation in full and replacing it with “without planning permission, unauthorised operational development at the Land consisting of the construction of a first-floor rear extension to the eastern elevation, a two-storey extension to the western elevation and the remodelling and enlargement at first floor level which has resulted in the creation of a second projecting first floor gable element that has replaced a single dormer window.”
- b) Deleting the requirements in full and replacing them with i) remove the first floor rear extension to the eastern elevation and the two storey extension to the western elevation ii) remove the additional first floor projecting gable element and restore this element to its previous condition by replacing it with a single dormer window in the same position and of the same dimensions that existed previously. iii) remove all materials arising from compliance with requirements i) and ii) from the Land

These were minor changes to the enforcement notice as drafted by officers and still ensured the removal of the unauthorised development.

The Main issues were:

- whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; •
- the effect of the development on the openness of the Green Belt; •
- the effect of the development on the character and appearance of the area, •
- whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

The inspector noted that due to the scale of the increase when compared to the original building, over 200% this constituted inappropriate development in the Green Belt and no very special circumstances existed to outweigh the resultant harm. The appellant was given 12 months to remove the unauthorised extensions.

8.3 **Planning Reference:** 22/01076/FUL

Site Address: 1 Filance Lane, Penkridge, Stafford, Staffordshire ST19 5HU

Date of Inspectors Decision: 01 September 2023

Decision: Dismissed (Appendix 2)

The development proposed is for a new dormer bungalow.

The main issue was:

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

The inspector dismissed the appeal noting the appeal site occupies a spacious corner plot which contributes positively to the sense of openness in the area. The proposed dwelling would project beyond the established building line creating an abrupt visual interruption. This would be further exacerbated by the predominantly brick appearance of the side elevation and required fencing that would abut the footpath.

9. Quarterly Updates

9.1 Planning Statistics from DLUHC

Description	Target	Q1 April-June	Q2 July- September	Q3 October- December	Q4 January- March	Cumulative
22-23 Major	60%	75%	100%	100%	89%	91%
21-22 Major		100%	100%	100%	85%	93%
20-21 Major		100%	75%	100%	90%	93%
22-23 Minor	70%	89%	90%	86%	100%	91%
21-22 Minor		82%	84%	81%	89%	84%
20-21 Minor		80%	93%	70%	72%	78%
22-23 Other	70%	93%	96%	96%	96%	95%
21-22 Other		88%	87%	83%	87%	86%
20-21 Other		85%	95%	87%	82%	87%

Stats for the rolling 24 month to March 2023

Total (overall) - 90%

Major - 92%

Minor - 87%

Other - 90%

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

Position in National Performance Tables (24 months to December 2022)

Majors 124th from 329 authorities

Non-Major 157th from 329 authorities

Report prepared by:

Helen Benbow

Development Management Team Manager

Appeal Decision

Site visit made on 17 May 2023

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 13th September 2023

Appeal Ref: APP/C3430/C/22/3302201

Stourbridge Lodge, Prestwood, Stourbridge DY7 5AQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Sarah Walker against an enforcement notice issued by South Staffordshire District Council.
- The notice was issued on 27 May 2022.
- The breach of planning control as alleged in the notice is Without planning permission, unauthorised operational development on the Land consisting of the construction of a two storey front to rear extension on the western elevation, first floor extension on the eastern elevation, and remodelling of front central elevation with additional dormer extension.
- The requirements of the notice are
 - i) Remove from Stourbridge Lodge the double storey extension to the western elevations extending from front to rear with property as marked on the Plan
 - ii) Remove from Stourbridge Lodge the first floor extension to the eastern elevation as marked on the Plan.
 - iii) Remove from Stourbridge Lodge the front remodelled façade and additional dormer extension as marked on the Plan and rebuild in accordance with the Plan set out in Appendix 1
 - iv) Permanently remove from the Land all materials that arise from compliance with step i) & ii)
 - v) Permanently remove from the Land all materials that arise from compliance with step iii) above
 - vi) Following completion of steps (i), (ii) and (iii) restore Stourbridge Lodge back to its pre-existing condition that it was in before the unauthorised development commenced, and fully in accordance with the plans at Appendix 1, save for the infill extension to the rear of the property, located in the position shaded blue on Appendix 1 that was constructed in excess of four years ago that may be retained.
- The period for compliance with the requirements for steps i) ii) & (iv) is 6 months and for steps iii) v) and vi) is 12 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice is corrected and varied by
 - a) Deleting the allegation in full and replacing it with “without planning permission, unauthorised operational development at the Land consisting of the construction of a first-floor rear extension to the eastern elevation, a two-storey extension to the western elevation and the remodelling and enlargement at first floor level which has resulted in the creation of a second projecting first floor gable element that has replaced a single dormer window.”

- b) Deleting the requirements in full and replacing them with
 - i) remove the first floor rear extension to the eastern elevation and the two storey extension to the western elevation
 - ii) remove the additional first floor projecting gable element and restore this element to its previous condition by replacing it with a single dormer window in the same position and of the same dimensions that existed previously.
 - iii) remove all materials arising from compliance with requirements i) and ii) from the Land
- 2. Subject to the corrections and variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Planning History

- 3. The Council granted planning permission¹ for a two storey extension to the western and rear elevations to the appeal dwelling in July 2007. A second planning permission² was granted that year for a dormer window. Both of these permissions imposed conditions removing permitted development rights under Schedule 2 Part 1 Class A,B,C,D and E and Part 2 Class A and B of the Town and Country Planning (General Permitted Development) (England) Order as amended (GPDO).

Preliminary Matters

- 4. The appellant considers that the conditions removing permitted development rights which were imposed on the 2007 planning permissions should be removed as part of this appeal. However, the deemed planning application (the DPA) under ground (a) derives from the wording of the allegation. I do not therefore have the power within this appeal to assess or discharge conditions attached to previous permissions.
- 5. The appellant did not pursue an appeal under ground (g) in her appeal form which relates to the period for compliance with the notice. However, due to the extent and nature of the breach which alleges significant changes to a family home, the parties' views were sought and obtained with regard to timescales arising in the event of the notice being upheld and those views are addressed under ground (g).

The Notice

- 6. Although the appellant has understood the allegation, the wording of the allegation lacks clarity. The parties were given the opportunity to comment upon the wording and the Council suggested the following "Without planning permission, unauthorised operational development on the Land consisting of the construction of a first-floor rear extension to the eastern elevation, a two-

¹ 06/00966/FUL

² 07/01216/FUL

storey extension to the western elevation and the remodelling and enlargement at first floor level which has resulted in the creation of a second projecting first floor gable element that has replaced a single dormer window."

7. The proposed wording is clearer than the original wording. The requirements should flow from the amended allegation. A single requirement can require the removal of the first floor rear extension to the eastern elevation and the two storey extension to the western elevation. A second requirement can provide for the removal of the additional first floor projecting gable element and restoration to its previous condition by replacing it with a single dormer window in the same position and of the same dimensions that existed previously. This amended requirement is more precise and less onerous than the original requirement to rebuild in accordance with an attached plan.
8. A third requirement to remove all materials arising from compliance with the first two requirements from the land is appropriate and is currently part of the notice. I do not consider that the original final requirement is necessary when the development enforced against will be removed and a replacement window will be provided at the front of the property. A further overall requirement to restore the appeal dwelling to its previous condition is potentially confusing. Even amending the requirement to delete the reference to the plan does not provide enough clarity when the development commenced in 2017 and I have no details of when other elements such as the porch were constructed.
9. I do not consider that the amendments to the allegation and the requirements cause injustice to either party as they provide clarity whilst still remedying the breach. I will amend the allegation and the requirements accordingly.

The appeal under ground (a) and the deemed planning application (the DPA)

The Main issues

10. The main issues are therefore:

- whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect of the development on the openness of the Green Belt;
- the effect of the development on the character and appearance of the area,
- whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Planning Policy

11. The development plan includes South Staffordshire Core Strategy Development Plan Document Adopted 11 December 2012 (the Core Strategy). The most relevant policies are Policies GB1, EQ4 and EQ11. Policy GB1 of the Core Strategy is a specific Green Belt policy which states that extensions or alterations which are not disproportionate to the size of the original building will be permitted. Policy GB1 is broadly consistent with the Framework.

12. Policy EQ4 of the Core Strategy refers to protecting and enhancing the character and appearance of the landscape including trees unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. Policy EQ11 of the Core Strategy refers to development respecting local character and distinctiveness including the surrounding development and landscape in accordance with Policy EQ4. It also refers to development contributing positively to the streetscene and surrounding area in terms of scale, volume and massing. Core Strategy Policies EQ4 and EQ11 are not inconsistent with the Framework.
13. The Council has produced a document entitled The Green Belt and Open Countryside Supplementary Planning Document April 2014.(SPD). This provides guidance as to how certain policies including GB1 will be interpreted.

Reasons

14. Stourbridge Lodge is a detached dwelling to the front of the plot with a garden area to the rear and a detached three bay garage with accommodation above along the eastern boundary. The appeal dwelling is on Boundary Lane and is close to the junction with the A449 Wolverhampton Road. There is limited development in the immediate vicinity other than Prestwood Farm which is to the rear of the appeal site and has a variety of farm buildings. There are fields both to the side and opposite the appeal site which reflect the open character of the Green Belt.

Whether the development is inappropriate

15. The Framework states that inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. The construction of new buildings is inappropriate in the Green Belt unless it falls within one of the exceptions listed in paragraph 149.
16. Paragraph 149 c) sets out the relevant listed exception which refers to "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building". The Framework defines 'original building' as a building as it existed on 1 July 1948 or if constructed after 1 July 1948, as it was built originally³. Prior to the grant of the 2007 permission, the 'original building' as defined in the Glossary was a modest building of around 89 square metres.
17. The works permitted under the 2007 permission were implemented and added around 96 square metres in the form of a two -storey extension to the western and rear elevations to the original building. The second permission added around one square metre. The appellant calculates the percentage increase to the appeal dwelling to be 32% based on an existing dwelling of 463 square metres with the addition of unlawful extensions is 576 square metres. However, the baseline for the calculation is the 'original building' not the dwelling that existed before the development took place. The 'original building' is the dwelling of 89 square metres which existed before the 2007 permission was granted. The appellant's calculation of a 32% increase is clearly inaccurate when the 2007 permissions alone increased the size of the 'original building' by over 100%.

³ This definition is set out in Annex 2 Glossary of the Framework.

18. Although both parties rely upon a current figure of 576 square metres for the current dwelling, neither party has provided any details as to how that figure is arrived at when in 2007 the dwelling with the additions was around 185 square metres. However, the Council estimates that the east and west extensions that form part of the development add on a further 140 square metres on floor space and the appellant refers to a figure of 120 square metres for the whole development.
19. Even using the appellant's more conservative figure of 120 square metres, the development results in a further percentage increase of over 100% of the size of the original building in addition to the increase of over 100% that has already taken place in 2007. The development therefore results in a percentage increase as compared to the original building in excess of 200%.
20. The Framework does not provide a definition of disproportionate. Whilst the SPD refers to all cases being dealt with on an individual basis, it also states that *"anything above the 20-40% range will be likely to be disproportionate simply because it would not be in proportion with the host building and therefore would be likely to have an impact on openness"*. However, in this case, the development is significantly outside that range and does result in disproportionate additions over and above the size of the original building.
21. The appeal dwelling has six bedrooms to accommodate a large extended family and the appellant in her statement indicates that in the event of the notice being upheld she would be forced to demolish the house and build a similar sized dwelling. The appellant's view is that there is a 'fall back' position' in that she could demolish the appeal dwelling and build a larger replacement dwelling of between 562 and 613 square metres. Policy GB1 of the Core Strategy does permit as an exception in the Green Belt where "in the case of a replacement building, the new building is not materially larger than the building it replaces." The SPD refers to a range of between 10-20% as guidance whilst also referring to applications being made on a case by case basis.
22. However, a fallback position usually relates to what could be done on the land without any express planning permission if the development is not permitted. There is currently no lawful ability to undertake a replacement dwelling of any size. The appellant has also not explained why the appeal dwelling as it exists in its current form with substantial unauthorised extensions is the baseline for calculating the size of a new replacement dwelling.
23. In the absence of a planning permission for a replacement dwelling, I do not know what the size or design of any replacement dwelling would be. I am therefore unable to assess whether if permission were refused for the development, a replacement dwelling could be constructed that would be less desirable than the development. Any future application would be assessed by the Council, but on the information before me, and in the absence of a planning permission, I am unable to attach any weight to a fall-back position.
24. The appellant has made comparisons with what has been built at Prestwood Farm including a large agricultural storage building without prior approval. Whilst I do not have all the details of the buildings referred to, different exceptions and criteria apply to agricultural buildings in the Green Belt.
25. The development does amount to a substantial enlargement of the dwelling that represents disproportionate additions over and above the size of the

original building. Consequently, the development constitutes inappropriate development.

Openness

26. Reference is made by the appellant to the Lee Valley Judgement⁴. However, that judgement reinforced the principle that once development is found to be not inappropriate, there is no need for a subsequent assessment of the effect of the development on openness or to consider very special circumstances. In this case the development is inappropriate and an assessment of openness and very special circumstances are required.
27. The Framework indicates that openness is an essential characteristic of the Green Belt. Openness has both a spatial as well as a visual aspect. Whilst the first floor element to the rear is not visible from the road, it is visible from Prestwood Farm. The development at the front is particularly prominent and extends the width of the appeal dwelling and brings it closer to the boundary wall, changing the shape and massing of the dwelling. All of the development has a spatial impact in adding built development where it did not previously exist. The visual and spatial impact does reduce the openness of the Green Belt. The development does therefore harm and have a moderate impact upon openness of the Green Belt.
28. Furthermore, whilst the appeal extensions form part of an existing building, they physically extend the footprint of the dwelling and take the built form further towards the surrounding countryside. As such the development also fails to safeguard the countryside from encroachment.
29. I find that the development does represent disproportionate additions over and above the size of the original building. The development does not therefore fall within the exception contained in paragraph 149 c) of the Framework. It is therefore inappropriate development in the Green Belt for the purposes of Policy GB1 and the Framework. There is also a reduction in openness and conflict with one of the purposes of including land within the Green Belt contrary to paragraphs 137 and 138 of the Framework.

Character and Appearance

30. The Council has provided a street view image of the dwelling that existed in March 2009. At that stage, the dwelling had a single central dormer element in white render which extended from the eaves to the apex of the dwelling. The dormer elements to each side were of different sizes but both were significantly smaller than the central element which meant that the original shape and design of the pitched roof was visible.
31. The extent of the alterations and extensions does mean that it is not possible to identify the building that existed prior to the development taking place. The four gable elements to the front all in white render are visually incongruous and over dominant in views from the road. The appellant indicates that the work was intended to rectify an imbalance created by the smaller dormer window to the west. However, the works are extensive and include extending out at first floor level, adding a larger window, adding a fourth two storey front to rear extension to the west and a first floor rear element.

⁴ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404.

32. The extent of the works carried out has significantly altered the external appearance of the dwelling. The character of the appeal dwelling is very different to what existed previously and as well as adding bulk gives the dwelling a prominence it did not previously have. In terms of local vernacular, its size which now dominates the plot together with the overall design appears out of keeping in a countryside location.
33. For the reasons given, I do find that the development does harm the character and appearance of the area. It is therefore in conflict with Policies EQ11 and EQ4 of the Core Strategy which collectively refer to refers to development respecting local character and distinctiveness including the surrounding development and contributing positively to the streetscene and surrounding area in terms of scale, volume and massing.

Other Matters

34. Whilst the Council has asked for a survey of trees, it has not identified which trees it considers to be at risk or provided any substantiated evidence that trees were removed or harmed as a result of the development taking place. I do not therefore consider that on the evidence before me that the development has caused harm to trees.

Other considerations

35. The appeal dwelling has six bedrooms which are occupied by the appellant and her extended family which includes three generations including a grandparent and four children. The appeal statement refers to compliance with the notice resulting in the loss of two bedrooms. I have no details of the internal layout of the appeal dwelling and whether other rooms can be utilised as bedrooms or remaining bedrooms shared. As part of the later ground (g) response, the appellant refers to the family size and dependants, her husband's ill health and being unsure as to how the existing accommodation will be remodelled in the event of the notice being upheld. The appellant refers to building the accommodation in good faith and believing that the work was permitted development. I acknowledge the distress and upset that the appeal process and the consequences of upholding the notice causes the family. I therefore attach moderate weight to the appellants' family circumstances
36. The appellant has sought to rely upon the re-instatement of permitted development rights even though permitted development rights cannot be applied retrospectively. I am unable to attach any weight to this matter as permitted development rights were removed as part of the 2007 permissions.

Green Belt Balance

37. The Framework sets out that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
38. I have found that the development is inappropriate development and results in moderate harm to the openness of the Green Belt and is in conflict with one of the purposes of the Green Belt. The Framework establishes that substantial weight should be given to any harm in the Green Belt. In addition, I have found

that the development does cause harm to the character and appearance of the area. I then have to consider the other considerations which carry weight and whether they outweigh the substantial harm. I have attached moderate weight to the appellant's personal circumstances and no weight to permitted development rights. The absence of harm to trees is a matter of neutral weight. However, these other considerations do not either individually or cumulatively clearly outweigh the totality of the harm to the Green Belt.

39. Consequently, the very special circumstances necessary to justify the development do not exist and the development conflicts with the Framework and Policy GB1 of the Local Plan and Policies EQ4 and EQ11 of the Core Strategy.

Conclusion on ground (a)

40. Whilst not raised specifically by the parties, I am mindful of the rights of the appellant and her family under the Article 8 of the Human Rights Act 1998 which includes a right to a home. However, this is a qualified right whereby interference may be justified if it is in the public interest and has to be balanced with the public interest of protecting the Green Belt. In this case, the interference would be proportionate and necessary. For the reasons given, the appeal on ground (a) should fail.

The appeal under ground (g)

41. An appeal on ground (g) is that the period specified for compliance with the notice falls short of what is reasonable. The notice as drafted provided for two different periods of compliance of 6 months and 12 months. However, the Council has subsequently indicated that a 12 month period can be applied to all of the requirements. The appellant has asked for a longer period than 12 months to comply but has not specified how long. She has referred to the need to involve a structural surveyor to advise on how best to proceed as the western extension is built out of steel sections which run through the original property and also to the cost of complying with the notice.
42. Whilst it is acknowledged that it will take some time for the appellant to instruct surveyors and to proceed with the work, I have no evidence to indicate that 12 months will not be long enough to address these issues. I have to balance the personal circumstances of the appellant and her family with the public interest in seeking compliance. Based upon the information I have before me, the Council's proposal of 12 months does appear to be a reasonable period for compliance for all of the requirements. Such a period will allow the appellant time to plan and arrange her finances before commencing work. The appeal on ground (g) succeeds to that extent.

Overall conclusion

43. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act as amended.

E Griffin

INSPECTOR

Appeal Decision

Site visit made on 1 August 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2023

Appeal Ref: APP/C3430/W/23/3317081

1 Filance Lane, Penkridge, Stafford, Staffordshire ST19 5HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adam Garratt against the decision of South Staffordshire Council.
 - The application Ref 22/01076/FUL, dated 4 April 2022, was refused by notice dated 24 January 2023.
 - The development proposed is for a new dormer bungalow.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located on a prominent corner plot to the side of 1 Filance Lane (No 1). No 1 is a detached dormer bungalow at the end of a row of detached bungalows of similar architectural style. The surrounding area is predominantly residential, consisting mainly of detached and semi-detached bungalows that are set back from the road within established building lines.
4. Whilst plot sizes vary, the end corner plots typically enjoy more generous surrounding space compared to the other dwellings. These spacious corner plots, combined with the existing dwellings being set back from the road, contribute positively to an overall sense of openness in the area.
5. The proposed dormer bungalow would be located significantly closer to the road than the side elevation of No 1 and the front elevation of the neighbouring dwelling at 10 Haling Close. As such, it would project beyond the established building line, and it would uncharacteristically protrude towards the road. This deviation from the established building line would create an abrupt visual interruption, undermining the consistent set back and building line pattern that contributes to the cohesive character of the area.
6. Furthermore, the proposal's side elevation would exhibit a predominantly plain brick appearance, and this sense of blandness would be further accentuated by the inclusion of the proposal's closeboard fencing that would abut the footpath along Haling Close.
7. When observed from Haling Close and from the junction of Filance Road and Haling Close, this additional building would stand out as an incongruous

- structure, disrupting the visual balance and harmony of the existing built form. Additionally, due to the plot's irregular shape, its corner location, and the scale of the development, the proposed development would seem cramped and inconsistent with the existing patterns of development in the surrounding area.
8. Consequently, the presence and massing of the proposed dwelling would be out of keeping with the prevailing pattern of the existing development and would significantly erode the sense of openness of this prominent corner plot.
 9. I acknowledge that the proposed dwelling would be of similar height to the neighbouring bungalow and would include sympathetic detailing and matching materials that could be reasonably secured through the imposition of planning conditions. However, these acceptable aspects would not outweigh the harm identified above.
 10. Although the appellant has submitted visualisations of the proposal, these visualisations only show the alignment of the proposed dwelling with No 1. Thus, it fails to clearly show the proposal's alignment with the neighbouring dwelling at 10 Haling Close and the wider street scene.
 11. While the proposed landscape planting could provide some degree of screening and could be secured by condition, the proposal would nonetheless be highly visible from the surrounding area. This is due to the proposal's positioning on a prominent corner plot and its proximity to the highway. In addition, the proposed planting could not be guaranteed to survive or be maintained in the longer term.
 12. My attention has been drawn to an existing property at 21 Filance Lane. Whilst this property does occupy a corner plot, the side of the property that extends towards the road is a garage that is set back from the main building's front elevation and set down from its ridge height. Therefore, the garage appears subservient to the main building and its footprint is likely to be smaller than the proposal before me. Thus, it is not directly comparable to the current appeal. Its relevance is therefore limited for the purposes of my determination of this appeal.
 13. Though there are some exceptions where development has been constructed deviating from the established building line, the overriding character in the immediate vicinity of the appeal site is predominantly of linear form, set back and fronting the road. Furthermore, I am not fully aware of all the circumstances relating to these other developments. In any event, I have determined this appeal on its own merits and its site-specific characteristics.
 14. For the reasons given, the proposal would have a detrimental effect on the character and appearance of the area. As such, it would fail to accord with Policy EQ11 of the South Staffordshire Core Strategy (2012). Amongst other things, this policy seeks to ensure developments are of high quality that respect the local character and distinctiveness of the area and contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area. The proposal would also conflict with the design objectives of the National Planning Policy Framework, which seeks to ensure developments are sympathetic to local character.
 15. In reaching this conclusion I have had regard to the guidance contained within the Council's South Staffordshire Design Guide (2018), which sets out

principles for good design and seeks to ensure new development respects local character and distinctiveness. For the reasons above, the proposal would be contrary to the Council's Design Guide.

Other Matters

16. The appellant has submitted a signed Unilateral Undertaking dated 21 February 2023 to address the issue of recreation activities on the Cannock Chase Special Area of Conservation. However, given my findings in respect of the character and appearance of the area, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.
17. The proposal would make a small windfall contribution to the delivery of housing for the area on a site that is accessible to local services and facilities. However, these modest benefits would not be sufficient to outweigh the harm I have identified.
18. I acknowledge the representations submitted in support of the proposal, which included the tidying up of the site that is currently unmaintained and considered to be an eyesore. However, none of the evidence before me leads me to a different view.
19. The lack of objections from consultees and the absence of harm in respect of the living conditions of neighbours are neutral factors which do not weigh in favour or against the proposal.

Conclusion

20. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR

