

**22/01009/FUL
NON MAJOR**

Mr Robin Winwood

**BREWOOD & COVEN
Cllr W Sutton
Cllr J Bolton
Cllr D Holmes**

Pendeford Hall Farm Pendeford Hall Lane Coven Staffordshire WV9 5BD

Demolition of Existing Barn (approved for conversion to 3 dwellings under 20/00280/AGRRES) and construction of 4 Terraced Dwellings

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

1.1.1. The application relates to a steel portal framed agricultural building (used for seed storage) situated south-west of Pendeford Hall Lane. The site is occupied by a current agricultural enterprise 'Hallmarket Turf Ltd.', a well-established business specialising in the growing of turf and in the design and assembly of the associated specialised machinery. The enterprise is split by the lane itself with a number of agricultural buildings to the northern side of the lane. The land immediately beyond the application site consists of several portal frame buildings and an old stable block.

1.1.2. The Shropshire Union Canal (and Conservation Area) is located immediately west of the site, separated by a boundary hedgerow. The site is also in close proximity to the Grade II Listed Hattons Bridge over the Shropshire Union Canal.

1.1.3. The site is located in a rural area characterised by open fields and agricultural uses. Coven Village is situated approximately 2 miles to the north-east and Codsall village is around 1.5 miles to the south-west.

1.2 Planning History

2022, Proposed demolition of existing barn (approved for conversion to 3 dwellings under 20/00280/AGRRES) and construction of 3 dwellings, approved (21/01008/FUL)

2020, Existing agricultural unit to be converted into 3 dwelling houses, approved (20/00280/AGRRES)

2020, New roller door, fire escape and internal work space to be added to existing warehouse, approved (20/00109/FUL)

2014, Retention of the pole barn, small container and stables for equestrian and agricultural purposes including the storage of horse drawn carriages, approved (14/00358/FUL)

2013, Planning application for replacement building, approved (13/00207/FUL)

2012, Change of use of former agricultural buildings and stables to manufacture and assembly of horticultural equipment within use class B2 plus associated office and administration, with the repositioning of existing vehicle access, approved (12/00759/FUL)

2005, Proposed dwelling and garage, approved (05/00596/FUL)

2005, Proposed garage (agricultural use), refused (05/00201/FUL)

2004, Agricultural dwelling, approved (04/00691/FUL)

2004, Agricultural dwelling, refused (03/01211/FUL)

2003, Agricultural building for cattle housing, approved (03/00714/AGR)

2003, Agricultural building, approved (03/00169/AGR)

2002, Erection of dwelling, approved (02/01140/OUT)

2002, Erection of dwelling, refused (01/00991/OUT)

2001, Agricultural building cattle housing/grain store, approved (01/00230/AGR)

2000, Covered cattle yard, approved (00/00076/AGR)

1999, Agricultural Building, approved (98/01140/AGR)

1999, Agricultural Building, refused (AGR/98/00014)

1996, Implement Storage Building, approved (96/00836)

1995, Driveway and Barn, approved (95/00583)

1994, Stables, approved (94/00804)

1994, Extension to agricultural building , approved (94/00005/AGR)

1.3 Agents submission

1.3.1. The application is accompanied by the following supporting documents:

- Planning Statement
- Heritage Statement
- Bat Survey Report

2. APPLICATION DETAILS

2.1 Proposal

2.1.1. The application proposes to demolish the existing agricultural building and replace it with 4 No. 4-bed dwellings on the same footprint of the existing building. Each of the dwellings would have 3 No. parking spaces and a rear garden, and the properties would be accessed via a new access road off the existing entrance into the site.

2.1.2. The dwellings are designed with tiled pitched roofs, brick exterior walls, casement style windows and headers.

2.1.3. This is a further submission of application reference 21/01008/FUL which was approved during October 2022 for a building of exactly the same dimensions albeit sub-divided into three dwellings rather than the four dwellings proposed here.

3. POLICY CONTEXT

3.1 Within the Green Belt and adjacent to the Shropshire Union Canal Conservation Area

3.2 Adopted Core Strategy

Core Policy 1 (CP1) - The Spatial Strategy for South Staffordshire

GB1 - Development in the Green Belt

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

EQ9 - Protecting Residential Amenity

EQ11 - Wider Design Considerations

EQ12 - Landscaping

EV12 - Parking Provision

Appendix 5 - Parking Standards

Appendix 6 - Space About Dwellings

3.3 NPPF

Chapter 12: Achieving well-designed places

Chapter 13: Protecting Green Belt Land

Chapter 16: Conserving and enhancing the historic environment

3.4 Supplementary Planning Guidance

Green Belt and Open Countryside SPD

4. CONSULTATION RESPONSES

Councillors (expired 29/11/22) No comments received

Parish Council (expired 29/11/22) No comments received

Arboricultural Officer (expired 29/11/22) No comments received

Environmental Health (expired 29/11/22) No comments received

Conservation Officer (comments received 29/11/22) The application is for the demolition of an existing barn and the construction of a new structure to form residential accommodation. The existing barn already has planning permission for conversion to residential.

The site is adjacent to the Shropshire Union Canal Conservation Area, and there are already large agricultural buildings on the site. Based upon the plans it appears that the new structure is to be of the same form and in the same location as the existing building, which is screened from direct views by a line of trees.

There was permission for the conversion of the existing structure, but it is now proposed to demolish the existing and replace with a very similar building. In principle there are no conservation objections to this new scheme, which will not have a greater impact upon the

character of the area than the previously approved scheme, subject to the satisfactory agreement of materials.

County Highways (comments received 19/12/22) I would suggest they spin plot 4's car parking through 90 degrees so they are outside of plot 4. As submitted anyone using the end 2 spaces on plot 4 would have to reverse all the way down the drive. Other than that the application looks ok.

County Ecologist (comments received 02/12/22) The bat survey found no evidence of bats in the building. The Planning Statement (5.8) confirms that two integrated bat boxes will be provided within the west facing gable, which is welcomed. The application site is in a green Impact Risk Zone (IRZ) for Great Crested Newt (GCN), and as such no further action for GCN is required.

Biodiversity net gain - The proposal will be within the footprint of existing buildings and hardstanding, and it is therefore considered that there will be no net loss to biodiversity. Modest landscape planting (trees, hedges) should be required by condition to achieve a suitable gain in line with NPPF 174.

NatureSpace Officer (expired 29/11/22) No comments received

Natural England (comments received 29/11/22) No objection subject to mitigation. We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Cannock Chase Special Area of Conservation. In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- delivering mitigation, for recreational impacts on Cannock Chase SAC, by means of the Strategic Access Management & Monitoring (SAMM) measures.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions., providing that all mitigation measures are appropriately secured in any permission given.

Canal and River Trust (comments received 28/11/22) This application follows on from a previous planning application, that has since been approved, for the demolition of existing barn (approved for conversion to 3 dwellings under 20/00280/AGRRES) and construction of 3 dwellings¹. The current proposal is more or less identical with the same built form proposed, but divided into four rather than three units, with an amended parking area to serve an additional unit.

In our previous response we requested conditions, that were subsequently attached to the planning permission, covering:

- drainage plans for the disposal of foul and surface water;

- a Construction Environmental Management Plan to cover both demolition and construction phases to include measures to prevent pollutants and disturbance to the canal;
- the implementation of the submitted Ecological Assessment recommendations, including lighting scheme, canalside buffer and landscaping scheme; as well as an informative relating to the use of Shropshire Union Canal Number 5 Upper Hattons Bridge by abnormal loads.

These matters are still relevant to the current proposal, and we request that the conditions and informative are repeated in any future planning permission.

Severn Trent Water (comments received 24/11/22) As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Neighbours (expired 29/11/22) No comments received

Site Notice (expired 14/12/22) No comments received

Advertisement (expired 13/12/22) No comments received

5. APPRAISAL

5.1 This application has been referred to Planning Committee as the proposal constitutes inappropriate development within the Green Belt, as such is contrary to Policy GB1 of the Core Strategy.

5.2 Key Issues

- Principle of development
- Case for Very Special Circumstances
- Impact on the openness, function and visual amenity of the Green Belt
- Impact on Heritage Assets
- Neighbour and occupier amenity
- Ecology/Trees
- Highways/Parking

5.3 Principle of development

5.3.1. Core Policy 1 (CP1) of the Core Strategy sets out the Council's approach to the location of new housing development. The site is located approximately 2.5 miles south-west of Coven (a Small Service Village) and approximately 1.2 miles north-west of Bilbrook (a Main Service Village). Whilst the site is within a rural location it is well placed to access a range of facilities and services and would not therefore result in an isolated new home within the Countryside. In any case, the principle of development was established under an agricultural to residential permitted development approval.

5.3.2. The site is located within the Green Belt where, in line with Policy GB1 of the Core Strategy, there is a presumption against inappropriate forms of development. In line with NPPF paragraph 149, LPA's are expected to regard the construction of new buildings as inappropriate in Green Belt, subject to a number of exceptions. One of the exceptions listed

within paragraph 149 and Policy GB1 is the replacement of existing buildings provided they are not materially larger than the original building and are in the same use.

5.3.3. The original building is an agricultural building and therefore the proposal for a replacement building in a different use does not meet this exception. As such, the proposal does not meet with the definition of a 'replacement building' as described within the Green Belt and Open Countryside SPD or Policy GB1 of the Core Strategy and would therefore constitute inappropriate development.

5.3.4. In line with Paragraph 147 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to say 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 resulting from the proposal, is clearly outweighed by other considerations. The case for Very Special Circumstances is discussed as follows.

5.4 Case for very special circumstances (VSC)

5.4.1. During 2020 prior approval was granted for the conversion of the existing agricultural building into 3 dwellings (planning application reference 20/00280/AGRRES) hereafter referred to as the 'fallback' scheme. The development was granted under Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 (as amended) and gave consent for conversion of the existing building to three No. 4-bed dwellings.

5.4.2 In October 2022, planning permission was granted (application reference 21/01008/FUL) for the demolition of the existing building and its replacement with a building of the same layout and size as the fallback scheme, again for three No. 4-bed dwellings. In that case, the applicant sought to re-build rather than convert as a new build would be more energy efficient and sustainable. The provision of a brick-built structure was also considered to give the development a more traditional appearance than the fallback scheme. Whilst the development was inappropriate in Green Belt terms, the fallback scheme had a realistic prospect of being implemented, which was considered to hold significant weight in the balance of considerations.

5.4.3. The current application is a further submission of application reference 21/01008/FUL for a building of exactly the same dimensions, albeit sub-divided into four 4-bed dwellings rather than the three 4-bed dwellings approved previously. The design and appearance of the proposed dwellings is very similar to that of the previous approval, albeit with an amended fenestration arrangement to reflect the addition of one extra dwelling and necessary changes to the parking and gardens.

5.4.4. The considerations for this application are the same as those for approved scheme reference 21/01008/FUL. The dimensions of the proposed building are the same as those of the building to be demolished, and the same as those approved under 20/00280/AGRRES and 21/01008/FUL. It is also worthy of note that due to changes to the permitted development rights for change of use from agricultural to residential, up to five new dwellings, albeit of a smaller footprint, could now potentially be applied for.

5.4.5. The Planning Statement explains that the applicant is seeking to re-build rather than convert as a new build would be more energy efficient and sustainable. The provision of a

brick-built structure would also give the development a more traditional appearance than the fallback scheme and the proposal for four dwellings rather than three would better contribute to housing need.

5.4.6. The Class Q approval is a key consideration in this application, and recent appeal decisions have held that whilst a fallback position should not automatically guarantee planning permission, it is an important material consideration that carries significant weight in the decision-making process, providing that there is a real prospect of the fallback scheme being implemented. In this case, the existing approvals for very similar developments on the site ought to hold significant weight in the balance of considerations. Other matters that weigh in the balance of consideration are discussed as follows.

5.5 Impact on the openness, function and visual amenity of the Green Belt

5.5.1. Whilst the proposal does not strictly meet the definition of a 'replacement building' (as defined within Policy GB1 and the accompanying SPD) in order to avoid any harm to the Green Belt, the proposed development must not be materially larger than the fallback scheme (20/00280/AGRRES) or the previously approved scheme (21/01008/FUL). In order to judge whether a replacement building is materially larger, the Council's Green Belt and Open Countryside SPD advocates that a range of floor area increases between 10-20% should be used.

5.5.2. The fallback scheme (which related to the conversion of the existing building) had a combined floor area of around 882 sq.m set across two floors, with a roof height of 7.7m (to ridge, 5.7m to eaves). The current proposal is identical in terms of floor area and height to the existing building and has the same shallow pitch roof design. The rear gardens combined are of the exactly same overall dimensions as the fallback scheme, albeit each dwelling has a smaller garden than the previous application due to the addition of one extra dwelling. The parking has also increased slightly with the addition of three extra spaces albeit the parking area would still be accommodated within the same area of land at the front of the building.

5.5.3 Although the proposed development would have more of an impact on the Green Belt than the existing agricultural building (due to the addition of garden boundaries, parked vehicles and domestic paraphernalia) there would be no greater impact on the openness, function or visual amenity of the Green Belt than the fallback scheme approved under application reference 20/00280/AGRRES or the previous scheme approved under application reference 21/01008/FUL. Although the current proposal would involve three additional parked vehicles at the frontage of the site, which would reduce the opportunity for landscaping, the parking area would be confined to the same area of land as the previously approved application and would not, in itself, be harmful to the openness or visual amenity of the Green Belt.

5.6 Impact on Heritage Assets

5.6.1. The site is adjacent to the Shropshire Union Canal Conservation Area and approximately 30 metres from Upper Hattons Bridge which is Grade II Listed.

5.6.2. Policy EQ3 of the Core Strategy requires that the significance of Heritage Assets (and their setting) is considered and accounted for within all development proposals. 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. Paragraph 197 of the NPPF also advocates that LPA's should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

5.6.3. The surrounding area is of rural character with limited built form other than the agricultural buildings that are close to the site. The Listed bridge is of stone construction although is of limited visibility from the application site due to intervening trees and hedges

5.6.4. As previously mentioned, the application proposes the use of roof tiles, brick exterior walls, casement style windows and window headers. The fallback scheme comprised of the existing timber cladding, with render below and contemporary rectangular openings which was not considered to be particularly sensitive to the location although it was reflective of the buildings original agricultural use.

5.6.5. The Council's Conservation Officer has considered the information that has been provided and agrees with the findings of the Heritage Statement, which concludes that the site is well screened from the Heritage Assets and has a very limited effect on their setting. Given that the new structure is to be of the same form and in the same location as the existing building, no conservation objections to the proposed scheme are raised subject to the satisfactory agreement of materials.

5.6.6. On that basis it is considered that the proposal would result in no harm to the character and appearance of the Heritage Assets or the general area, and the proposal complies with Policies EQ3 and EQ11 of the Core Strategy.

5.7 Neighbour and occupier amenity

5.7.1. Policy EQ9 states that new development 'should take into account the amenity of any nearby residents, particularly with regard to privacy [...] and daylight.' The closest residential properties are around 300m away from the site, as such there would be no harm to residential amenity.

5.7.2. The proposed dwellings would sit within an existing agricultural setting, however as noted by the Council's Environmental Health Officer as part of the previous application, there is an extant permission to convert the existing barn into 3 residential units, whereas this application is for demolition and rebuild. On that basis no objections are raised as modern construction techniques will offer more sound insulation than the current barn, therefore helping mitigate any noise from neighbouring units.

5.7.3. In terms of amenity space for the dwellings, Appendix 6 of the Core Strategy sets out minimum standards, which for a 4 bed dwelling would be a garden length of 10.5m and area of 100 sq.m.

5.7.4. The application proposes a garden to each of the dwellings measuring 6.7m in length and between 51 sq.m. and 59 sq.m which is sub-standard to the Council's requirements. However, each of the dwellings would have a floor area of around 210 sq.m. which is well in excess of the upper threshold of the required floor area for a 4-bed dwelling (as defined within the Nationally Described Space Standards) and provides generously sized internal accommodation. The site is also in a rural location with easy access to the canal. On that basis it is considered that the potential occupiers would enjoy a good standard of amenity with a sufficient amount of private space. That being said, given that the gardens are on the

small side, it is considered justifiable to remove PD rights for rear extensions and garden buildings to ensure that the dwellings retain a reasonable area of private amenity space.

5.7.5 On the basis of the above there are no undue concerns arising in respect of neighbour or occupier amenity, as such there is no conflict with Policy EQ9.

5.8 Impact on Ecology and Trees

5.8.1. Policy EQ1 provides that developments should not cause significant harm to habitats of nature conservation, including trees and hedgerows, together with species that are protected or under threat. Support will be given to proposals which enhance and increase the number of sites and habitats of nature conservation value. Policy EQ12 seeks to ensure appropriate landscaping for all developments.

5.8.2. The development falls within the green impact risk zone for great crested newts, and surrounding habitat between the GCN records and nearest ponds is very limited and heavily agricultural. As part of the previous application NatureSpace confirmed that a GCN survey is not required due to the scale and the likely impacts of the development, however an informative is recommended. There are no trees on site which would be affected by the proposed development and the County Ecologist has raised no objections subject to conditions.

5.8.3 The Canal and River Trust have requested that a Construction Management Plan is submitted to avoid pollutants / dust etc reaching the canal. They also recommend a 10m buffer to the canal which is similar to the wildflower planting strip / dark corridor recommended in the ecology report. It is also suggested that a lighting scheme and buffer strips are secured by conditions, together with the 5 No. integrated bat boxes that are indicated on the plans.

5.9 Impact on highways/Parking

5.9.1. Core Strategy Policies EV12 and Appendix 5 set out the Council's parking standards, which is 3 parking spaces for a 4-bed dwelling. The application proposes three spaces per dwelling, as such the proposal provides sufficient parking in accordance with the Council's standards. The County Highways officer has suggested that the parking for Plot 4 is rotated through 90 degrees so that the spaces are outside of Plot 4. As submitted anyone using the end two spaces on Plot 4 would have to reverse all the way down the drive. This amendment can be secured by way of condition, on that basis there are no concerns regarding highway safety subject to conditions.

6.0 Cannock Chase Special Area of Conservation (SAC)

6.0.1. The latest Footprint Ecology Report has established that any new residential development within a 15KM buffer zone of the Cannock Chase SAC will have a significant impact on the SAC in terms of increased visitor pressure (i.e. the Zone of Influence).

6.0.2. In order to satisfy separate Habitat Regulations, mitigation in a form of a financial agreement will need to be provided if any net dwellings are located within 0-15km of the SAC. In this instance the site does fall within this criteria. The payment towards the SAC is not paid for planning purposes but rather to secure compliance with the Habitat Regulations.

6.0.3. The applicant has agreed to enter into a Unilateral Undertaking with the Council to secure the required mitigation, as such there is no conflict with Core Strategy Policy EQ2.

6.0.4. The Local Planning Authority has also prepared an "Appropriate Assessment" of the application's effect on the Cannock Chase SAC, which has been agreed with Natural England. The LPA will have therefore met its duties as a competent authority under the Habitat Regulations.

6.1 CONCLUSIONS

6.1.0. The proposal for four new dwellings in the Green Belt is inappropriate in principle. Inappropriate development is harmful to the Green Belt by definition and should not be approved unless there are very special circumstances to justify the harm. In this case there is an approved fallback scheme involving the conversion of the existing building, with a realistic prospect of being implemented should this application be refused. There is also an extant approval for a replacement residential building of the same dimensions and design.

6.1.1. It is considered that the fallback scheme and the extant approval provide a compelling case for Very Special Circumstances which ought to be afforded significant weight. The current proposal to replace rather than convert the building, would be an improvement over the fallback scheme in terms of energy efficiency (and thereby residential amenity) and would benefit from higher quality materials and more a traditional appearance/design.

6.1.2. There would be no undue harm to the openness, function or amenity of the Green Belt as a result of the proposal and there are no concerns arising in respect of heritage assets, ecology, occupier amenity or highway safety. Overall, taking all these matters into account the balance is in favour of the scheme and on that basis approval is recommended subject to conditions.

7. RECOMMENDATION - APPROVE Subject to Section 106 Agreement for SAC Cannock Chase Mitigation measures.

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. Prior to any works taking place above Damp Course Level, an amended plan showing the parking for Plot 4 rotated and positioned outside the plot shall be submitted to and approved in writing by the Local Planning Authority. 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 plan.
4. The 5 No. integrated bat boxes shown on the approved plans shall be fully constructed prior to first occupation of the development and shall be retained in-situ for the lifetime of the development.

5. Prior to any works taking place above damp proof course level, the following information shall be submitted to and approved in writing by the Local Planning Authority:
- Landscaping Plan to include an ecological buffer strip to canal measuring a minimum of 10 metres. This could be native wildflower seeding (meadow mix) or native species shrub / hedge.
 - Construction Environmental Management Plan to cover both demolition and construction phases to include measures to prevent pollutants and disturbance to the canal.

The approved Landscaping Scheme shall be implemented before first occupation of the development and the works shall be carried out in full accordance with the approved Construction Environmental Management Plan.

6. Prior to any works taking place above damp proof course level, a lighting design strategy for biodiversity for areas adjacent to the canal corridor 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 otters 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 example, for foraging; and;

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

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

7. Immediately prior to works starting, any piles of wood, brash and rubble within the working area should be dismantled by hand and removed from the working area. If any reptile or amphibian are found they should be removed to other shelter such as long grass, shrubbery, purpose-built hibernacula, by hand.
8. No works shall be commenced above damp-proof course level until details of all external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
9. Prior to the commencement of the development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved plans. The said plans should confirm that discharge to the canal, either directly or indirectly, which could affect water quality and canal

flooding, will be avoided. A standoff of at least 10m from the canal for any soakaway should be provided. Similar standoffs will be needed for any septic tanks/treatment plants, to ensure that canal water quality is protected. Standoffs would also mitigate risks on the structural integrity of the canal bank.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling(s) hereby approved without the prior approval of the Local Planning Authority:

Schedule 2, Part 1, Class A - enlargement, improvement or other alteration

Schedule 2, Part 1, Class E - buildings etc incidental to the enjoyment of the dwellinghouse

Schedule 2, Part 20, Class AC - new dwellinghouses on terraced buildings in use as dwellinghouses.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. In the interests of public and highway safety and convenience and to ensure that adequate parking facilities are available to serve the development and to conform to the requirements of policy EV12 of the adopted Core Strategy.
4. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
5. To prevent pollutants and disturbance to the canal in accordance with Policy EQ1.
6. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
7. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
8. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
9. To avoid pollution of the water environment in accordance with policy EQ7 of the adopted Core Strategy.
10. To ensure that sufficient private amenity space remains to serve the development in accordance with Policy EQ9 and because the provision of further dwellings would be harmful to the openness and function of the Green Belt, contrary to Policy GB1.

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

Policy Framework, 2021.

INFORMATIVES

The applicant is advised that vehicles up to 40T mgw (and meeting no other abnormal load criteria) are permitted to cross Shropshire Union Canal Number 5 Upper Hattons Bridge. Any indivisible abnormal load movements must be notified to the Trust via the Electronic Service Delivery for Abnormal Loads (ESDAL) website: <https://esdal.dft.gov.uk/> or by email to abnormal.loads@canalrivertrust.org.uk.

For vehicles up to 80T mgw 2 clear working days' notice is required, for vehicles 80T - 150T mgw 5 clear working days' notice is required, and for vehicles in excess of 150T mgw the timescale is subject to discussion with the Trust's Abnormal Loads team (minimum of 5 clear working days).

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.



Pendeford Hall Farm, Pendeford Hall Lane, Coven, Staffordshire WV9 5BD