

TO:- Planning Committee

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

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

Date: Tuesday, 20 October 2020

Time: 18:30

Venue: Virtual Meeting



D. Heywood
Chief Executive

AGENDA**Part I – Public Session**

- | | | |
|----------|---|------------------|
| 1 | Minutes
To confirm the minutes of the Planning Committee meeting held on the 15 September 2020 | 3 - 6 |
| 2 | Apologies
To receive any apologies for non-attendance. | |
| 3 | Declarations of Interest
To receive any declarations of interest. | |
| 4 | Determination of Planning Applications
Report of Development Management Team Manager | 7 - 170 |
| 5 | Monthly Update Report
Report of the Lead Planning Manager | 171 - 180 |

RECORDING

Please note that this meeting will be recorded.

PUBLIC SPEAKING

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

E-mails to SpeakingatPlanningCommittee@sstaffs.gov.uk

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

PUBLIC ACCESS TO AGENDA AND REPORTS

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

Minutes of the meeting of the **Planning Committee** South Staffordshire Council held in the Virtual Meeting [Venue Address] on Tuesday, 15 September 2020 at 18:30

Present:-

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

77 **MINUTES**

RESOLVED: that the minutes of the Planning Committee held on 27 July 2020 be approved and signed by the Chairman subject to the following amendment:

20/200008/FUL Weatheroaks, Lawnswood Drive, Lawnswood

Correction: **RESOLVED:** that the application be approved WITH amended wording to condition 11

78 **APOLOGIES**

Apologies for non-attendance were submitted on behalf of Councillor L Bates BEM

79 **DECLARATIONS OF INTEREST**

There were no declarations of interest

80 **DETERMINATION OF PLANNING APPLICATIONS**

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

19/00859/FUL – HOLLY HOUSE, BICKFORD ROAD, WHISTON, STAFFORD, ST19 5QH - APPLICANT – MR AND MRS D HYDE – PARISH – PENKRIDGE

A statement against the application which had been circulated to members before the meeting was read out by the Corporate Director, Planning and Infrastructure on behalf of and supplied by Jayne Lewis.

Councillor J Chapman was concerned about the presence of two containers which had been on the site for over a year and wanted reassurance that these would be moved.

Condition 16 addressed this issue: The consent includes the temporary retention of 3 no. shipping containers and a static caravan as indicated on the amended Site Plan reference 8851PL3 entitled 'Site Plan'. These shall

be removed from the application site within 1 month from the first occupation of the dwelling house approved.

Councillor Cope asked whether the proposed dwelling breached the permitted development size increase rules. It was confirmed that the material difference is within the accepted parameters of 10-20%.

RESOLVED that the application be **APPROVED** subject to the conditions contained in the Planning Officers Report.

**19/00863/FUL – LAND ADJACENT TO BRINSFORD BRIDGE,
STAFFORD ROAD, COVEN HEATH – APPLICANT – MR PATRICK
DUNNE - PARISH – BREWOOD AND COVEN**

RESOLVED that the application be **APPROVED** subject to the conditions contained in the Planning Officers Report.

**20/00373/FUL – STONE HOUSE, HOLYHEAD ROAD, KINGSWOOD,
WOLVERHAMPTON WV7 3AN – APPLICANT – MR AND MRS I
WILLIAMS – PARISH – PERTON**

A statement for the application which had been circulated to members before the meeting was read out by the Corporate Director, Planning and Infrastructure on behalf of and supplied by the applicant Vicki Williams.

Councillor P Davis as local member made no comment.

Councillor Allen noted that a similar development had been granted permission recently in the same road and that the site was untidy and would be improved by the development. She also suggested the reference in paragraph 5.3.6 that there are limited opportunities to use public transport in the location and as such, there will be the reliance on the private car was not necessary as all residents had their own car.

Kelly Harris was aware of the similar development in the locality but said that each case should be judged on its merits. Further, she accepted that all residents had cars but the development would be contrary to Paragraph 103 of the NPPF and Core Policy 1 of the Core Strategy which was about sustainability.

Members voted against the recommendation to refuse the proposed development. The Planning Solicitor, Manjit Dhillon advised the committee that in accordance with Planning protocol, if members wish to vote against the officer's recommendation for refusal, they must clearly set out the material reasons which lead to their decision.

Councillor Cope moved a motion to defer determination of the proposed development to allow members time to consider reasons for approval.

Councillor Boyle seconded the motion.

The motion was carried.

RESOLVED That consideration of the application be **DEFERRED**

**20/00412/FUL – MILE FLAT, HOUSE MILE, FLAT GREENSFORGE,
KINGSWINFORD, DY6 0AU – APPLICANT – MR DEAN HISCOX –**

PARISH – KINVER

Councillor Hingley as local member supported the recommendation for approval.

RESOLVED that the application be **APPROVED** subject to the conditions contained in the Planning Officers Report.

20/00456/VAR – LAND WEST OF THE WHITE HOUSE, SANDY LANE, HATHERTON, CANNOCK, WS11 1RW – APPLICANT – MR RAYMOND CLEE – PARISH – HUNTINGTON

Councillor Benton as local member made no comment.

RESOLVED that the application be **APPROVED** subject to the conditions contained in the Planning Officers Report.

20/00499/FUL – NEW HOUSE FARM, GUNSTONE LANE, CODSALL, WOLVERHAMPTON WV8 1EL – APPLICANT – MISS BENTLEY – PARISH – CODSALL

Councillor Ewart as local member supported the recommendation for approval.

RESOLVED that the application be **APPROVED** subject to the conditions contained in the Planning Officers Report.

REPORT FOR URGENT BUSINESS – APPLICATION SITE HOBNOCK ROAD, ESSINGTON APPLICATION NO. 20/00135/VAR

The Committee considered the report of the Corporate Director of Planning and Infrastructure.

RESOLVED that the Resolution of the Planning Committee of 16 June 2020 for application 20/135/VAR be amended so that the date for completion of the Section 106 Agreement is altered to 20 October 2020 and with an addition that if by 20 October 2020, the Section 106 Agreement has not been fully executed by all parties the Chairman will have delegated authority to agree a further short extension to allow for final execution and completion of the Agreement.

Councillor Steel asked for his name to be recorded as against the recommendation.

81 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.

23 September 2020

The Meeting ended at: 19:55

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 20 OCTOBER 2020****DETERMINATION OF PLANNING APPLICATIONS****REPORT OF DEVELOPMENT MANAGEMENT TEAM MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

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

2. RECOMMENDATIONS

2.1 That the planning applications be determined.

3. SUMMARY IMPACT ASSESSMENT

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

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

PART B – ADDITIONAL INFORMATION

4. INFORMATION

All relevant information is contained within the Appendix.

Advice to Applicants and the Public

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

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

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

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

Equality Act Duty

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

Human Rights Implications

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

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

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

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

Consultations Undertaken

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

CONSULTEES

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

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

Details if issue has been previously considered

7. BACKGROUND PAPERS

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

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

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

Report prepared by: Sue Frith, Development Management Team Manager

App no	Applicant/Address	Parish and Ward Councillors	Recommendation	Page
20/00373/FUL DEFERRED ITEM	Mr and Mrs I Williams Stone House Holyhead Road Kingswood WOLVERHAMPTON WV7 3AN	PERTON Cllr Philip Davis	Refuse	13-26
19/00017/OUT MAJOR	Rob Oakley Land On North West Side Stafford Road Penkridge	PENKRIDGE Cllr Josephine Chapman	Approve	27-82
19/00966/FUL NON MAJOR	Mr Palminder Singh The New Cottages Pattingham Road Perton	PERTON Cllr Philip Davis	Approve	83-94
19/00989/FUL MAJOR	Prime Oak Ltd Whitehouse Lane Swindon DUDLEY DY3 4PE	SWINDON Cllr Roger Lees	Approve	95-122
19/00990/FUL MAJOR	Prime Oak Ltd Heath Mill Road Wombourne	WOMBOURNE Cllr Vince Merrick Cllr Mike Davies	Approve	123-136
20/00451/FUL NON MAJOR	Mr & Mrs Patrick Nicholls The Shielings Trysull Road Trysull WOLVERHAMPTON WV5 8DQ	WOMBOURNE Cllr Robert Reade Cllr Barry Bond Cllr Dan Kinsey	Approve	137-152
20/00579/FUL NON MAJOR	Dale Hitch Lawn Farm House Lawn Lane Coven WOLVERHAMPTON WV9 5BA	BREWOOD & COVEN Cllr Wendy Sutton Cllr Joyce Bolton Cllr Diane Holmes	Approve	153-158

20/00627/FUL NON MAJOR	Mr Ian Middleton 6 Beech Hurst Gardens Seisdon WOLVERHAMPTON WV5 7HQ	TRYSULL & SEISDON Cllr Victoria Wilson	Approve	159-164
20/00639/COU NON MAJOR	Mr M Mehan Bearnett House Nursing Home Bearnett Drive Lloyd Hill WV4 5NN	WOMBOURNE Cllr Robert Reade Cllr Barry Bond Cllr Dan Kinsey	Approve	165-170

DEFERRED

20/00373/FUL

Mr and Mrs I Williams

PERTON

NON-MAJOR

Cllr Philip Davis

Stone House Holyhead Road Kingswood WOLVERHAMPTON WV7 3AN

Demolition of two existing outbuildings and the erection of a new self-contained detached single storey dwelling.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 See Appendix A

1.2 See Appendix A

2. APPLICATION DETAILS

2.1. Proposal - See Appendix A

3. POLICY CONTEXT - See Appendix A

4. CONSULTATION RESPONSES - See Appendix A

5. APPRAISAL

5.1 The application was deferred at September's planning committee to allow Members to consider a motion to approve the application

5.2 Full appraisal at Appendix A

6. CONCLUSION

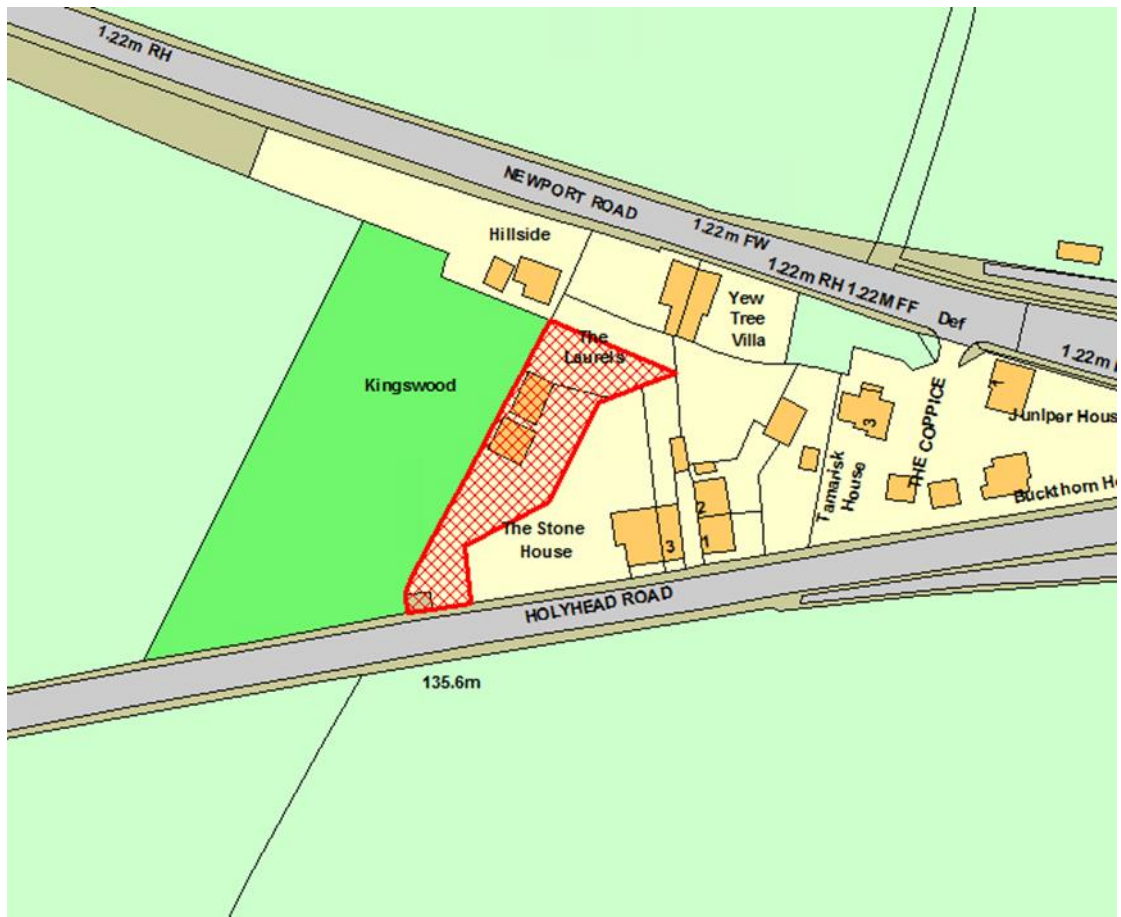
6.1 See Appendix A

7. RECOMMENDATION - REFUSE –

Reasons

1. The proposed development fails to comply with Core Policy 1 of the Core Strategy which states that Other Villages and Hamlets are not identified for growth. CP1 identifies that growth within the District should be located at the most accessible and sustainable locations in accordance with the Council's settlement hierarchy, to ensure that adequate infrastructure services and villages are available to support growth. It is noted that Kingswood has limited public transport and services or facilities to support the development. The occupants of the new dwelling would therefore be dependent on the use of a private car to gain access to everyday facilities, contrary to paragraph 103 of the NPPF.

2. The proposed development would be an unnecessary visual intrusion into the Green Belt and would be prejudicial to the openness, character and amenity of this part of the Green Belt, contrary to the policies set out in policies GB1 and EQ4 of the adopted Core Strategy.
3. The removal of the trees would be harmful to the character and appearance of the area, the development would also put pressure on the removal of remaining trees which would be further detrimental to the character and appearance of the area. The development is therefore considered to be contrary to Policy EQ4 of the Core Strategy which, amongst other things, requires the design and location of new development not to have a detrimental impact on the immediate environment and to take full account of the nature and distinctive qualities of the local landscape.
4. The proposed dwelling would appear cramped and physically constrained within the application site. The predominant character of the area is of large well- spaced properties in good sized plots. The proposal would not reflect the existing character of the area and as such would be contrary to Policy EQ11 of the Core Strategy and the National Planning Policy Framework.



Stone House, Holyhead Road, Kingswood, WOLVERHAMPTON WV7 3AN

APPENDIX A

**20/00373/FUL
NON-MAJOR**

Mr and Mrs I Williams

PERTON

Cllr Philip Davis

Stone House Holyhead Road Kingswood WOLVERHAMPTON WV7 3AN

Demolition of two existing outbuildings and the erection of a new self-contained detached single storey dwelling.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application site is north of Holyhead Road, A464. It presently forms part of the garden of the dwelling known as 'The Stone House' a two-storey semi-detached property.

1.1.2 Adjacent to the site to the east is 'Stone Cottage' attached to 'The Stone House' the host property. To the west open farm land. To the north are the rear gardens of properties facing onto the A41, Newport Road.

1.1.3 A number of mature trees are present on the site.

1.2 Planning History:

19/00745/FUL - The development proposes the demolition of two existing outbuildings and the erection of a new self-contained detached dwelling. The existing outbuildings, a garage and store building are ancillary to the existing dwelling on the site and have been only used for domestic non-trade purposes. - withdrawn - 04 05 20

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The application proposes the demolition of a garage and shed and the construction of a single storey three-bedroom dwelling. The building is proposed to be rectangular in shape and sited adjacent to the western boundary of the application site. The dwelling is proposed to be constructed of render with facing brickwork and tiles for the roof. Full details of the materials have not been confirmed and are stated to be confirmed at a later date.

2.1.2 The dwelling is proposed to be approximately 17.2 metres long and 6.7 metres wide, 2.3 metres tall to the eaves and 3.9 metres tall to the ridge. A porch is proposed on the eastern elevation of the building which is proposed to be approximately 1.4 metres deep and 2.5 metres wide. The dwelling is proposed to have a floor area of approximately 119m² and a volume of approximately 350 m³.

2.1.3 The two existing outbuildings proposed to be removed are a garage and a shed. The garage measures approximately 6.7 metres wide and 7.4 metres long, 2 metres to the eaves and 3.8 metres tall to the ridge. The shed measures approximately 6 metres wide and 9

metres long, being 2 metres tall to the eaves and 3.8 metres tall to the ridge. They have a combined floor area of approximately 104m². The buildings have a combined volume of 300m³.

2.1.4 The existing shed on site is in a dilapidated condition surrounded by and overgrown by dense vegetation on all sides. Portions of the interior have collapsed due to the weight of the vegetation above.

2.1.5 An arboricultural impact assessment survey and report has been submitted to support the application. Amongst other information it details approximately 8 mature trees are proposed to be removed in order to facilitate the development. These include an apple tree, wild cherry, leylandii, Fir and a Sycamore tree as well as a group of trees which include Malus sp., Cypress sp., Cherry Laurel, Elder, Common Holly and ornamental planting.

2.1.6 The application site is proposed to be accessed via the existing vehicular access to 'The Stone House'. Two car parking spaces are proposed for the new dwelling, two car parking spaces would remain for the host dwelling.

3. POLICY CONTEXT

Within the Green Belt

Core Strategy

Core Policy 1 - The Spatial Strategy for South Staffordshire.

GB1: Development in the Green Belt.

EQ1: Protecting, Enhancing and Expanding Natural Assets

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

EQ9: Protecting Residential amenity

EQ11: Wider Design Considerations

H1: Achieving a Balanced Housing Market

Core Policy 11: Sustainable Transport

EV11: Sustainable Travel

EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space about Dwellings Standards

National Planning Policy Framework

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting Sustainable Transport

Chapter 12: Achieving well designed places

Chapter 13: Green Belt

South Staffordshire Design Guide 2018

4. CONSULTATION RESPONSES

Ward Councillor - Councillor Philip Davis (received 08/06/2020) - *I would like to call in the Planning application Ref 20/00373/FUL. The applicant Mrs Williams would like to speak in support of the application at the relevant Planning Committee meeting.*

Parish Council (received 16/06/20) - *have no objections to this planning application subject to space about dwellings. This development will have little impact or harm on the openness of the green belt because it is within an existing residential development wedge between the two roads in Kingswood*

Tree Officer (received 27 07 20) - *My previous comments still stand (made on application 19/00745/FUL); I object to the proposed due to insufficient information on regarding the effect on other trees that provide amenity and are important to the street scene.*

The scheme is likely to require further loss of trees which have not been considered by the proposal.

County Highways (expired 22 06 20) - no comments received.

Severn Trent Water *advise that there is a public 150mm foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.*

Flood Risk Management Team (received 25/08/20) - *The site is not within the uFMfSW 1 in 100 year outline and we hold no records of flooding hotspots within 20m or Ordinary Watercourses within 5m. There appears to be no significant change to the impermeable area and so little change to the surface water runoff generated by the site. The Flood Team therefore have no further comments to offer on this occasion*

Neighbours (received 06/06/20) - *one objection was received from a local resident*

The proposed construction, being on higher ground than my property, will overlook my property.

The proposal to connect the proposed dwelling to the existing drainage system is a cause for concern. The drainage system was constructed in the nineteenth century when the houses were built. It has not been adopted by the local water authority, and drainage from Stone House drains into the drains on my property. There have been problems with the drains at Stone House which have impacted on my property.

The planning proposal does not specify how mains water, or gas, will be supplied to the proposed property. The nearest water-main is outside my property, and would entail excavation of the public footpath along the length of my property, and Stone House, to provide this service to the proposed building. The gas main is further away, and on the opposite side of the road. It would require closure of the road, while excavation took place to establish a gas supply. While this was in progress, supplies to my home would be interrupted.

Stone House, and my own property, Stone Cottage, stand at the lower end of a steep rise. To the West of Stone House, and immediately adjoining the property is a large area of land that slopes down from this rise. The garden of Stone House is on higher ground than mine, and slopes downwards to my property. During heavy rainfall water flows down into my garden, and has flooded my garage and drive, as well as submerging most of my garden. As the slope from my garden to the properties East of mine is much less, it takes time for this water to eventually drain away. At least one of the houses to the East of my property has been flooded during heavy rainfall.

To erect a permanent dwelling house on land that has only held a garage and garden shed would certainly exacerbate the flooding risk to all properties below the level of the construction.

The proposal to build hardstanding for car-parking will also contribute to the flood risk. There are proposals for four cars in total to be accommodated on the property, but as it stands on a busy main road where parking is not practical, visitor parking would be required, with a subsequent higher level of hardstanding needed. This will certainly increase the risk of flooding to neighbouring properties.

The proposal to cut down mature trees, who's roots take up a great deal of groundwater, will also add to the flood risk to neighbouring properties. The proposal to plant new trees would not alleviate this problem, as it would take many years for them to grow sufficiently to be able to take up the excess groundwater.

The area is green belt, and to grant this application would set a precedent, as well as causing serious problems for the properties in the area.

There is no shortage of housing in the area. There are new homes being built in Codsall, Albrighton and Shifnal. There are two park-home sites here in Holyhead Road that provide single-storey accommodation.

5. APPRAISAL

5.1 The application has been called to Committee by Councillor Philip Davis, to enable the applicant to speak at the meeting.

5.2 Key Issues

- Principle of development
- Green Belt
- Impact upon the character and appearance of the area
- Trees
- Impact on neighbouring amenity
- Future occupier amenity
- Highways/Parking

5.3 Principle of development

5.3.1 Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth, focusing development in locations which are sustainable through limiting the need to travel and offering a choice of transport modes. This approach of guiding development to areas considered to offer the best potential for promoting sustainable development is reflected in Policy CP1 of the adopted core strategy.

5.3.2 Core Policy 1 of the Core Strategy establishes a settlement hierarchy and strategy for the area. The Policy sets out the strategic approach to the delivery of new homes in the district over the plan period. Core Policy 1 defines the 'main service villages' for the main focus for housing growth; 'Local Service Villages' for limited development, 'Small Service Villages' for very limited development and 'Other Villages and Hamlets' as not identified for housing growth.

5.3.3 The application site is located within Kingswood. Kingswood is identified to be in the 'Other Village and Hamlet' category by Core Policy 1.

5.3.4 The Core Strategy details that 'Other Villages and Hamlets' in the District have very limited if any community facilities and services and generally rely on the larger villages for schools, social care and health facilities, shops, and the provision of other goods and services. Because of the limited services available, these villages and hamlets are not considered suitable locations for development. The focus for these villages therefore will be for very limited change. Development will be limited to rural affordable housing schemes delivered through rural exception sites and the conversion and re-use of redundant rural buildings to appropriate uses.

5.3.5 The proposed development would not meet any of the exceptions that allow for new dwellings in this locations and thus there is clear conflict with Core Policy 1 of the Core Strategy.

5.3.6 There are very few services or facilities in Kingswood to meet everyday needs. The proposed additional dwelling would not alter this. Travel outside the village would therefore be inevitable. There are limited opportunities to use public transport in the location to offer a realistic or reasonable alternative to the car for most trips from this location. As such, there will be the reliance on the private car. This would be contrary to Paragraph 103 of the NPPF and Core Policy 1 of the Core Strategy.

5.4 Appropriate development in the Green Belt

5.4.1 Section 13 of the NPPF deals with protecting Green Belt land. It details the Government attaches great importance to Green Belts and the fundamental aim of the Policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 details that the construction of new buildings as inappropriate development and lists a number of exceptions.

5.4.2 The applicant contends that the development falls within the provisions of one of these exceptions. The partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

5.4.3 The applicant has made reference to the Court of Appeal judgement *Dartford Borough Council V The Secretary of State for Communities and Local Government and Others* [2017]. As the application site is within a private garden in a rural area and therefore land not in a built up area, it is accepted, based on the Court of Appeal Judgement that the application site would constitute Previously Developed Land and therefore be an exception to inappropriate development within the Green Belt as detailed by paragraph 145 g of the Framework

5.5 Impact upon the openness of the Green Belt

5.5.1 The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.

5.5.2 The proposed dwelling would result in an increase in volume of building of approximately 17% and increase of floor area of approximately 14%.

5.5.3 The Council's Green Belt and Open Countryside Supplementary Planning Document (SPD) states that in considering whether a new building is materially larger or not the floor area should fall within a 10-20% range of the existing building.

5.5.4 The proposal would on paper not constitute a materially larger development on site. However, existing buildings on site are not all of a permanent sound construction. Existing buildings on site to be replaced consist of a block work and rendered garage and a shed. Whilst the garage is of a permanent construction, it is noted the existing shed is in a dilapidated condition surrounded by and overgrown by dense vegetation on all sides. Portions of the interior have collapsed due to the weight of the vegetation above. It has been consumed by onsite vegetation and has been very much absorbed into and blended into the landscape. It is considered the shed is a temporary building and not a permanent structure.

5.5.5 Existing buildings are well screened, particularly the shed which is overgrown with vegetation. The proposed dwelling would be substantially more visible and could not be concealed in a similar manner as existing buildings. As a consequence, this would lead to the erosion of the visual openness of the locality.

5.5.6 There would be benefits to openness due to the removal of the existing outbuildings, however, these buildings, particularly the shed, are more temporary buildings and would not outweigh the harm arising to openness from a permanent form of development, the proposed dwelling. The proposed dwelling would also likely lead to ancillary domestic structures, paraphernalia and parking which would further erode the openness of the Green Belt.

5.5.7 The proposed dwelling would be larger in scale than the existing buildings and structures and would be more visible, such that the development would have a greater impact on the openness of the Green Belt.

5.5.8 It is acknowledged the site falls within the parameters of previously developed land. However, due to the overall size of the development and condition of existing temporary building on site, it would have a greater impact on openness. Consequently, the development constitutes inappropriate development as set out in paragraphs 145 and 146 of the Framework and Policy GB1 of the Core Strategy.

5.6 Impact upon the character and appearance of the area

5.6.1 Policy EQ11 of the Core Strategy states that all developments should respect local character and distinctiveness including that of the surrounding development and landscape. The policy goes on to state that 'in terms of scale, volume, massing and materials, development should contribute positively to the street-scene and surrounding buildings whilst respecting the scale of spaces and buildings in the local area'.

5.6.2 The proposal is sited amongst a small group of detached dwellings which are well spaced in good size plots, near the road junction of the A41 and A 464. Dwellings are predominantly two storey detached and facing the public highway. In order to accommodate the proposed dwelling on the application site, the proposed dwelling has been set back from the highway and facing towards the private amenity area of the host dwelling. The proposed unconventional position and siting supports the view that the proposal is a cramped and

contrived form of development which would be harmful to the character and appearance of the area and contrary to Policy EQ11 of the Core Strategy

5.7 Trees

5.7.1 Policy EQ4 states that the rural character and local distinctiveness of the landscape should be maintained and where possible enhanced. This includes the protection of trees and hedgerows unless it can be demonstrated that removal is necessary.

5.7.2 The applicant has submitted an Arboricultural Impact Assessment in order to support the application. Amongst other information it details approximately 8 mature trees are proposed to be removed in order to facilitate the development. These include an apple tree, wild cherry, leylandii, Fir and a Sycamore tree as well as a group of trees which include Malus sp., Cypress sp., Cherry Laurel, Elder, Common Holly and ornamental planting.

5.7.3 Despite the report the Council's Tree Officer considers insufficient information has been submitted to determine the effect on the trees that remain and provide amenity to the street scene and that the scheme is likely to result in further loss of trees which have not been considered by the proposal. There are also concerns regarding the long term effect on retained trees when a new residential dwelling is in place with future occupiers wishing to remove retained trees due to shading, detritus from trees and an overbearing effect of the trees.

5.7.4 The removal of the trees would be harmful to the character and appearance of the area; the development would also put pressure on the removal of remaining trees which would be further detrimental to the character and appearance of the area.

5.7.5 The development is therefore considered to be contrary to Policy EQ4 of the Core Strategy which, amongst other things, requires the design and location of new development not to have a detrimental impact on the immediate environment and to take full account of the nature and distinctive qualities of the local landscape.

5.8 Impact on neighbouring amenity

5.8.1 Policy EQ9 of the Core Strategy states that all development proposals should take into account the amenity of any nearby residents with regard to privacy, noise, disturbance and provision of daylight.

5.8.2 The proposal is for a low-level single storey dwelling. The proposal would be sufficient distance away from adjacent dwellings to prevent any overlooking, loss of light or other issues to harm adjacent residential amenity. Appropriate boundary treatments could be conditioned on any approval to ensure protection of privacy of adjacent residents.

5.8.3 Objection comments submitted have detailed concerns regarding on site drainage, the application site is within flood zone 1 so is at very low risk of river flooding. Surface water drainage issues could be addressed by an appropriate drainage condition on any approval to mitigate any potential surface water drainage issues.

5.9 Future occupier Amenity

5.9.1 Appendix 6 of the Core Strategy sets out the Council's Space About Dwellings standards. The standards require that dwellings have access to a reasonable area of private

amenity space to provide outdoor space for activities such as gardening, garden stores and children playing. The minimum requirement for a private rear garden to a 3 bedroomed dwelling is 10.5m in length and 65 sq.m in area. The application proposes a garden of an irregular shape. Whilst it is of an irregular shape, the garden has a length of at least 11.5 metres in length and significantly in excess of the required 65 sq.m in area. The proposal would therefore comply with the Council's Space About Dwellings in terms of private amenity area and internal room sizes.

5.10 Ecology

5.10.1 A preliminary Ecological appraisal was submitted in support of the application. In regard to protected species the report detailed that, the poor structure of the building and heavy vegetation encroachment were considered to limit the overall suitability of the building for roosting bats. The buildings on site to be demolished were also assessed to have a negligible suitability to support roosting bats. There was no current evidence of breeding birds was recorded at the time of the survey; however, the assessment was undertaken outside of the active nesting period. There was no evidence that breeding birds had previously occupied the building during the internal inspection. No evidence of reptiles was recorded during the survey; however, the site supported some habitats considered suitable to support individual reptiles such as grass snake. The habitats on site are considered to be sub-optimal and limited in size with poor site connectivity in the locality.

5.10.2 In response to the recent identical application on the site withdrawn in May 2020 the Council's Ecologist had no objection to the proposal although recommended the appropriate conditions. It is therefore considered the proposed development would have no adverse impact upon local wildlife and protected species.

5.11 Highways/Parking

5.11.1 The site is proposed to be accessed via the existing site access for the dwelling.

5.11.2 Policy EV12 and Appendix 5 (Parking Standards) of the Core Strategy specify a minimum parking requirement of 2 spaces for 2 and 3 bed dwellings.

5.11.3 The plan provided indicates that the parking requirement could be accommodated within the frontage of the application site and sufficient car parking would remain for the host dwelling.

5.11.4 Whilst County Highways have not commented on this application in response to the recent identical application withdrawn may this year County Highways had no objection to the application.

6.0 Conclusion

6.1 The new dwelling would be located within an area not identified for growth, offering limited opportunities for public transport, sustainable forms of travel and public services, representing an unsustainable location for new development.

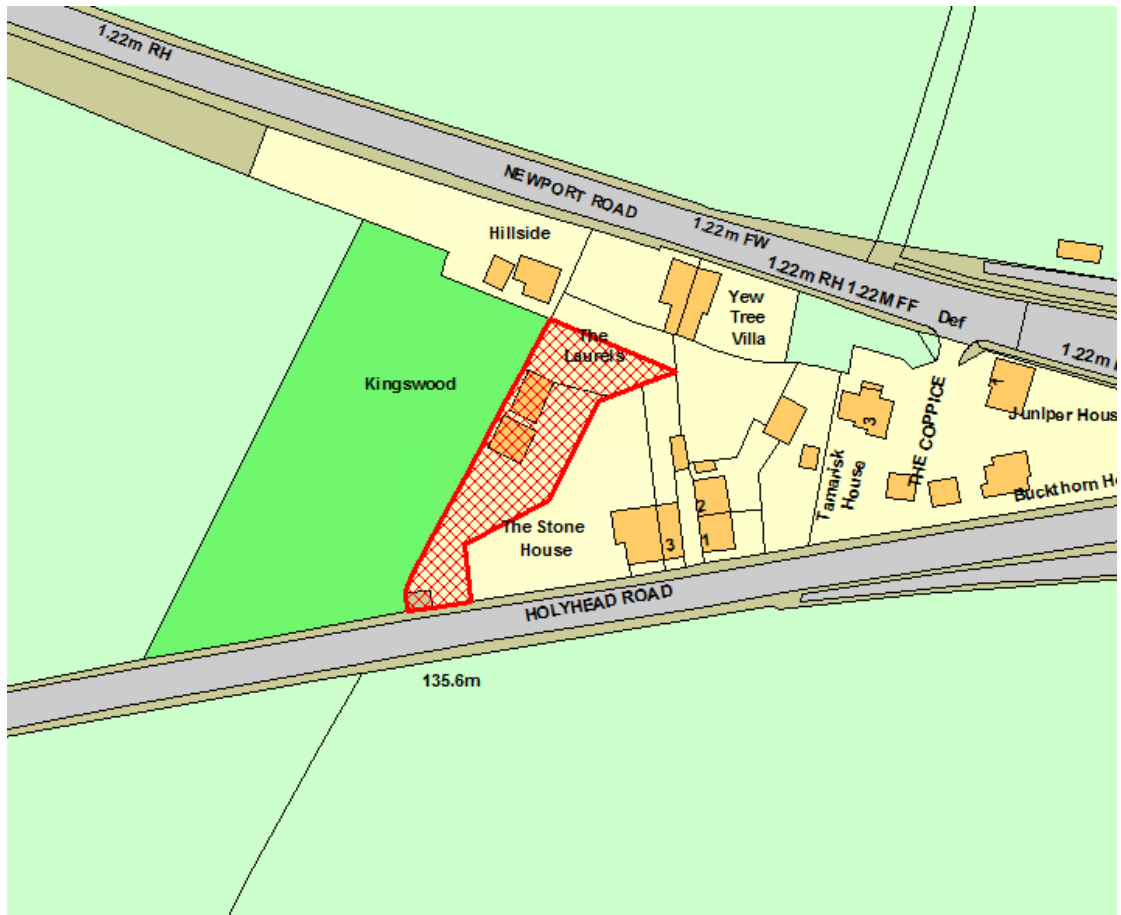
6.2 The development would constitute inappropriate development within the Green Belt that would erode its openness and conflict with the purposes of including land within it. As such it would be contrary to Policy GB1 of the CS which seeks the aforesaid aims. For similar reasons, the development does not fall within the exceptions outlined in the Framework.

6.3 The proposal is a cramped and contrived form of development which would be harmful to the character and appearance of the area and contrary to Policy EQ11 of the Core Strategy. The development is also contrary to Policy EQ4 of the Core Strategy which, amongst other things, requires the design and location of new development not to have a detrimental impact on the immediate environment and to take full account of the nature and distinctive qualities of the local landscape.

7. RECOMMENDATION - REFUSE

Reasons

1. The proposed development fails to comply with Core Policy 1 of the Core Strategy which states that Other Villages and Hamlets are not identified for growth. CP1 identifies that growth within the District should be located at the most accessible and sustainable locations in accordance with the Council's settlement hierarchy, to ensure that adequate infrastructure services and villages are available to support growth. It is noted that Kingswood has limited public transport and services or facilities to support the development. The occupants of the new dwelling would therefore be dependent on the use of a private car to gain access to everyday facilities, contrary to paragraph 103 of the NPPF.
2. The proposed development would be an unnecessary visual intrusion into the Green Belt and would be prejudicial to the openness, character and amenity of this part of the Green Belt, contrary to the policies set out in policies GB1 and EQ4 of the adopted Core Strategy.
3. The removal of the trees would be harmful to the character and appearance of the area, the development would also put pressure on the removal of remaining trees which would be further detrimental to the character and appearance of the area. The development is therefore considered to be contrary to Policy EQ4 of the Core Strategy which, amongst other things, requires the design and location of new development not to have a detrimental impact on the immediate environment and to take full account of the nature and distinctive qualities of the local landscape.
4. The proposed dwelling would appear cramped and physically constrained within the application site. The predominant character of the area is of large well- spaced properties in good sized plots. The proposal would not reflect the existing character of the area and as such would be contrary to Policy EQ11 of the Core Strategy and the National Planning Policy Framework.



Stone House, Holyhead Road, Kingswood, WOLVERHAMPTON WV7 3AN

19/00017/OUT

Rob Oakley

PENKRIDGE

Cllr Josephine Chapman

Land On North West Side Stafford Road Penkridge

Outline application for up to 24 dwellings, with all matters, including access, layout, design, scale, appearance and landscaping, reserved.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Background

1.1.1 Members will recall that this application for the erection of up to seventeen dwellings on the site was approved by the planning committee at the 16 July 2019 meeting, subject to the completion of a Section 106 legal agreement (S106) and Unilateral Undertaking (UU). A copy of this committee report is attached at Appendix B.

1.1.2 Following the committee's resolution, and having reappraised the scheme, the applicant requested that this outline application be amended, initially increasing the maximum number of units to be built on site to 29. As the S106 had yet to be completed, officers agreed to this request. After further reappraisal of the scheme, the applicant decided to reduce the maximum number of dwellings to be built on site to 24. The description of development has been amended to reflect this revision and Indicative plans showing up to 24 dwellings have been submitted. All consultees and interested parties have been re-consulted on this amendment. Members are therefore requested to re-consider this outline application which increases the density of development proposed on the site.

1.2 Site Description

1.2.1 The site measures approximately 0.94 hectares in area and immediately adjoins the village of Penkridge on its southern boundary. It is located in close proximity to existing residential development in Grocott Close and Nursery Drive, with houses in Stafford Road immediately to the south-west. To the north lies the site of a former residential property previously known as 'Rowan House', beyond which is open agricultural land.

1.2.2 The site itself comprises of a vacant field, with a combination of trees and hedgerows defining its boundaries. Planning permission has recently been granted on appeal for up to 200 houses on land directly to the north and west of the site (17/01022/OUT; Appeal Ref: APP/C3430/W/18/3213147). The implications of this decision and its relevance to the current application are discussed in detail in the main body of the report.

1.3 Site History

1.3.1 18/00248/FUL - Erection of Retirement Living Accommodation (43 apartments and 11 bungalows) together with communal facilities, landscaping and car parking on same site - Application withdrawn.

1.4 Pre-application discussions

1.4.1 None.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The application seeks outline planning permission for the residential development of up to 24 dwellings on land to the west of Stafford Road, Penkridge. All matters, including access, layout, design, scale, appearance and landscaping are reserved for subsequent approval.

2.1.2 The amended scheme is seeking to increase the density of development on site to around 25 dwellings per hectare, slightly lower than the density of 37 dwellings per hectare approved on the adjacent Bloor Homes site. An amended Preliminary Ecological Appraisal, Drainage Strategy and SUDS Assessment, together with a Phase 1 Site Appraisal have also been submitted with this revised proposal.

2.1.3 Although all matters are reserved, the indicative layout plan shows a mix of 'low rise' detached and semi-detached properties arranged in a linear pattern on either side of a central access road. It is proposed that the development will comprise up to 40% affordable dwellings, in accordance with the requirements of Policy H2 in the adopted Core Strategy. The affordable housing will comprise 50% affordable for rent and 50% shared ownership also in compliance with Policy H2.

2.1.4 Comments have been received from local residents expressing their concerns that the supporting reports and plans did not all refer to the revised proposal for up to 24 units (i.e. make reference to the previous proposals for 17 and 29 units respectively). Revised reports and supporting documents have since been provided correcting any inaccuracies in the supporting information.

2.2 Agents Submissions:

Planning Statement and cover letter for amended scheme
Archaeological Desk Based Assessment
Tree constraints Plan
Phase 1 Site Appraisal - ground conditions
Preliminary Ecological Appraisal
Precautionary Method of Works: Amphibians, Reptiles and Nesting Birds
Drainage Strategy and SUDS Assessment
Engineering Strategy
Tank and pipe report

Draft Unilateral Undertaking securing contributions towards the Cannock Chase Special Area of Conservation to be submitted

3. POLICY CONTEXT

3.1 The application site is situated in the Open Countryside immediately adjacent to the Main Service Village of Penkridge.

Core Strategy Development Plan Document, adopted 11 December 2012:

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 6 - Housing Delivery

OC1 - Development in the Open Countryside Beyond the West Midlands 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
EQ5 - Sustainable Resources and Energy Efficiency
EQ7 - Water Quality
EQ8 - Waste
EQ9 - Protecting Residential Amenity
EQ11 - Wider Design Considerations
EQ12 - Landscaping
EQ13 - Development Contributions
H1 - Achieving a Balanced Housing Market
H2 - Provision of Affordable Housing
H4 - Delivering Affordable Housing
EV11 - Sustainable Travel
EV12 - Parking Provision

Site Allocations Document, adopted September 2018

SAD7 - Open Space Standards
SAD9 - Key Development Requirements

Staffordshire & Stoke on Trent Joint Waste Local Plan (2010-2026)

Minerals Local Plan for Staffordshire (2015-30)
Housing Market Assessment (2017) - Longer Term Balancing Market Housing Report

South Staffordshire Design Guide Supplementary Planning Document (SPD) and the Sustainable Development SPD adopted by Council on 26 June 2018.

National Planning Policy Framework 2019 (the Framework)

Chapter 2 [Para 7-14]: Achieving Sustainable Development
Chapter 3 [Para 15-37]: Plan-making
Chapter 4 [Para 38-58]: Decision-making
Chapter 5 [Para 59-79]: Delivering a sufficient supply of homes
Chapter 13 [Para 133-147]: Protecting Green Belt land
Chapter 15 [Para 170-183]: Conserving and enhancing the natural environment Annex 1 [Para 212-217]: Implementation

National Planning Practice Guidance (NPPG), 2018

4. CONSULTATION RESPONSES

No Councillor comments - expired 27.07.2020

Penkridge Parish Council - No amended comments received.

Previous comments (18.05.2020) - Councillors strongly object on the grounds of clarity. The information being submitted to support the application is the same details as for the McCarthy Stone application and the two applications are very different. Also concerned with regard to adequacy of parking, highway safety, excess noise, density and nature conservation.

Staffordshire County Council Ecologist (14.07.2020) - *The Precautionary Method of Works: Amphibians, Reptiles and Nesting Birds (RammSanderson, June2020) expands on the detail previously included in the Preliminary Ecological Appraisal (Ramm Sanderson, Updated version, March 2019) and now allows for the contingency of encountering individual Great Crested Newts, with further actions to be taken if further newts are found. The methods to be used follow current best practice. Conditions recommended.*

Regeneration and Housing Strategy Officer (29.07.2020) - *The outstanding issues relating to affordable housing integration and housing mix have now been addressed.*

Environment Agency - *No amended comments received, previously raised no objections.*

Staffordshire County Council Flood Risk Management Team (15.09.2020) - *We are satisfied with the proposals outlined. The proposals demonstrate that it would be feasible to achieve an acceptable SUDS design with the proposed development. Condition recommended regarding the submission of a detailed surface water design.*

Staffordshire County Council School Organisation Team (27.07.2020) - *Requests an education contribution, funding 4 first school and 3 middle school places that are likely to be generated by the proposed development.*

Natural England (15.05.2020) - *Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.*

Environmental Health Officer (17.06.2020) - *Recommends conditions regarding hours of construction, operation of equipment and deliveries, together with measures to prevent debris being deposited on the highway and erection of screening during construction, in order to safeguard the amenities of nearby residents.*

Ramblers Association (22.05.2020) - *Footpath No 31 of Penkridge Parish passes down the south side of the development site. This footpath must be respected by the developer and not obstructed by development.*

Staffs County Highways (19.05.2020) - *No objections.*

Highways England (05.05.2020) - *No objections.*

Staffordshire County Council Historic Environment Officer Archaeology (22.05.2020) - *To appropriately assess the unknown archaeological potential, particularly relating to*

prehistoric activity, it is advised that further archaeological investigation is undertaken. This work can be secured via condition.

Conservation Officer No comments received. *Previous response: 'No objections, the design, appearance and materials of the dwellings will need to be considered at reserved matters stage'.*

Severn Trent Water (15.05.2020) - *No objections, subject to conditions regarding foul and surface water flows.*

Staffordshire County Council Planning (06.05.2020) - *No comments.*

The following consultees were re-consulted on the amended application but have made no further comments:

- o Landscape Officer;
- o Arboricultural Officer;
- o Badger Conservation Group;
- o Conservation Consultant;
- o CPRE;
- o Staffordshire Fire and Rescue Service;
- o Local Plans;
- o Cadent Gas Limited (formerly National Grid);
- o Open Spaces Society;
- o Crime Prevention Design Advisor;
- o Staffordshire Wildlife Trust;
- o Development and Waste Management Unit.

Any previous responses received from these consultees on the 17-dwelling scheme can be viewed in the original committee report (Appendix 1). As the revised details only seek to amend the indicative site layout, with all matters reserved for subsequent approval, the absence of these consultation responses is not fundamental to the determination of the application.

Site notice expired 19.08.2020

Advert expired 26.02.2019

Public Comments

In addition to the comments received in relation to the original proposal for up to 17 dwellings (Appendix 1), three further representations have been received from members of the public, all objecting to the proposal. These responses are set out in full in public access and include the following concerns:

- o *The proposed layout does not reflect the pattern, layout and scale of surrounding properties;*
- o *The more densely developed housing away from existing properties;*
- o *Potential impact of the development on great crested newts*
- o *The applicant should not be allowed to seek further revisions to the scheme;*
- o *It is unclear from the submitted documents and plans what is being proposed;*
- o *Inaccuracies in submitted information;*
- o *Requests details of housing need for the development;*
- o *What infrastructure requirements are needed for the development;*

- o *How would the development accord with the Local Transport Note 1/20 regarding cycle infrastructure design.*

5. APPRAISAL

5.1 This application is being referred to the Planning Committee as the proposal is a departure from the development plan - being contrary to Policy OC1 (Development in the Open Countryside Beyond the West Midlands Green Belt) of the adopted Core Strategy.

5.2 Key Issues

- o Principle of development and 5 Year Housing Land Supply;
- o Impact upon landscape character;
- o Cannock Chase Special Area of Conservation;
- o Ecological value;
- o Historical Environment and Archaeological Value;
- o Best and most versatile agricultural land;
- o Recreational Value;
- o Housing mix;
- o Sustainability of development;
- o Highways/transport;
- o Flood risk and drainage;
- o Air Quality & Noise;
- o Residential amenity and design;
- o Housing Market Area (HMA) - Unmet Housing Needs;
- o Local Financial Considerations;
- o Representations;
- o Planning Obligations [Section 106];
- o Unilateral Undertaking (UU) for Cannock Chase SAC o Planning Balance and Conclusion.

5.3 Principle of development and 5 Year Housing Land Supply

5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA) states that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.

5.3.2 Core Strategy Policy 1 (The Spatial Strategy for South Staffordshire) sets out the strategic approach to the delivery of new homes in the district over the plan period. Core Policy 1 defines the main service villages for the main focus for housing growth, employment development and service provision.

5.3.3 The site lies within the Open Countryside, immediately adjacent to the settlement boundary of the Main Service Village of Penkridge. Policy OC1 of the Core Strategy (CS) seeks to protect the open countryside for its own sake, but, through a series of criteria, sets out specific types of development which may be acceptable. The proposal does not fall under any of these criteria and therefore conflicts with Policy OC1 of the CS. However, when assessing the weight which can be attached to Policy OC1 of the CS, it is necessary to consider whether it is consistent with more up to date policy in the National Planning Policy Framework (the Framework) which is clearly also an important material consideration in the assessment of this case.

5.3.4 The Framework promotes a presumption in favour of sustainable development (para 11).

However, where a proposal would conflict with an up-to-date development plan the Framework states that permission should not usually be granted (para 12). When deciding if relevant development plan policies should be considered up to date the Framework identifies a number of key considerations, including whether there is a five year housing land supply.

5.3.5 Government policy seeks to promote a significant boost in the supply of housing (Framework Paragraph 59) and is looking to local planning authorities to identify a sufficient and varied supply of land to meet this objective. When determining the minimum level of housing need the Framework requests that a local housing need assessment is undertaken using the Standard Method (SM) as set out in national planning guidance. The Framework also requires that strategic policies take account of any unmet housing needs arising from neighbouring areas when determining the amount of housing to be planned for (para 60).

5.3.6 The Framework seeks to address the supply and delivery of sites for housing by requiring local planning authorities to identify and update annually a supply of deliverable sites sufficient to provide a minimum of five years supply of housing (para 73). This is measured against the housing requirement in adopted strategic policies or the local housing need as identified using the SM where strategic policies are more than five years old. Where a five year supply of housing land cannot be demonstrated then development plan policies which are relevant for the determination of residential planning proposals are to be considered to be out of date (paragraph 11(d)).

5.3.7 The relationship of the development plan to the Framework is also a significant consideration when determining what weight should be applied to development plan policies. Where a development plan pre-dates the Framework, paragraph 213 of the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework. This matter was considered in detail in the recent appeal decision on the adjoining land by Bloor Homes (Ref: APP/C3430/W/18/3213147). In the appeal case, the Inspector concluded that although Policy OC1 did have some consistency with the Framework objective to recognise the intrinsic character and beauty of the countryside, there is also inconsistency created by the policy requirement to protect the countryside for its own sake. This factor combined with the role of settlement boundaries in housing allocations and the reliance of the CS on an outdated housing requirement, together with the Council's lack of a five year housing land supply, meant that the Inspector only gave 'limited weight' to the conflict with Policy OC1 when allowing the appeal. The relevant paragraphs of this decision are set out below:

Policy OC1 concerns development in the open countryside beyond the West Midlands Green Belt. The Policy seeks to protect the open countryside for its own sake but, through a series of criteria, outlines specific types of development which may be acceptable.

There is agreement between the parties that Policy OC1 is not fully consistent with the Framework. For the Council, the inconsistency arises from the apparent restrictive nature of Policy OC1 in protecting the totality of the countryside for its own sake, rather than recognising, different levels of protection for landscapes, and the countryside's intrinsic character and beauty in line with paragraph 170 a and b of the Framework, as recognised within the Courts.

The appellant further asserts that as the development plan is based on an out of date OAN and the Council is unable to demonstrate a five year housing land supply, then the settlement boundaries which determine site allocation and the extent of the open countryside to be protected are also out of date. Moreover, as the Council is unable to demonstrate a five year housing land supply then, in accordance with footnote 7 of paragraph 11 of the Framework, the Policy must be out of date.

The fact that Policy OC1 allows some development, albeit limited, displays that the Policy does not impose a blanket ban on new development within the open countryside. The Framework seeks to protect and enhance valued landscapes and distinguish between the hierarchy of international, national and locally designated sites, allocating land with the least environmental or amenity value where consistent with other policies in the Framework. While Policy OC1 does not seek to differentiate between different landscapes within the countryside, the Framework also recognises the intrinsic character and beauty of the countryside. Therefore, the underlying objective of the Policy has some consistency with the Framework. Consequently, any conflict with it still attracts some weight in this respect.

Although the Council stated that settlement boundaries are not defined by housing requirements, paragraph 6.14 of the CS states that detailed boundaries of the Green Belt and villages will be reviewed as necessary in the SAD. Paragraph 10.3 of the SAD refers to changing settlement boundaries to reflect planning permissions that have been approved by the Council on Safeguarded Land in the 1996 Local Plan. Furthermore, paragraph 10.4 states that "Given the commitment in the SAD to identify land to meet development and growth needs, the following areas will be removed from Green Belt or Open Countryside, or alterations made to settlement boundaries". Policy SAD6 of the SAD then goes on to set out details of the locations of where the Green Belt, Open Countryside, or Development Boundaries will be amended to accommodate new development. It seems to me therefore, that settlement boundaries exist not only to protect the open countryside, but also to assist with housing allocations.

It is agreed between the parties within the SOCG that housing supply and allocation policies within the CS and the SAD are out of date for reasons I have already covered. Therefore, as the settlement boundaries reflect an out of date housing requirement, and the Council is unable to demonstrate a five year housing land supply, then the weight to be given to protecting the countryside outside those settlement boundaries should be reduced, a concept supported in the Supreme Court.

The Council suggested that Policy OC1 is not an environmental policy such as those referred to in the judgement, and also pointed out that the judgement relates to the previous 2012 Framework. I appreciate the importance of Policy OC1 to the Council, it lies at the heart of its development plan, seeking to protect the limited amount of countryside that is not afforded Green Belt designation. However, in my view, given its status as a countryside protection policy then it can reasonably be viewed as an environmental policy. Furthermore, although the judgement predates the latest iteration of the Framework, the objective of the Framework to boost significantly the supply of housing, and the general principle to which the judgement relates remain.

Therefore, I accept that Policy OC1 has some consistency with the Framework's requirement to recognise the intrinsic beauty and character of the countryside. However, there is inconsistency created with the Policy requirement to protect the countryside for its own sake. This, together with the role of settlement boundaries I have identified in housing allocations, given the reliance of the Plan on an outdated housing requirement, together with the

Council's lack of five year housing land supply, which it is agreed is significant, means I give the agreed conflict with Policy OC1 limited weight.

The parties disagree as to whether Policy OC1 is out of date by virtue of footnote 7 to paragraph

11 of the Framework. Whatever my finding on this matter, as pointed out by the Council the Suffolk Coastal judgement and others make it clear that even if a Policy is out of date, weight can still be given to conflict with that Policy by the decision maker. Irrespective of my finding on this matter therefore, I have already determined that the agreed conflict with Policy OC1 should attract limited weight.

As it has already been established that paragraph 11(dii) of the Framework is engaged due to the Council being unable to demonstrate a five year housing land supply, my findings as to whether Policy OC1 is out of date are also not critical in this respect."

5.3.8 As a consequence of COVID19, the Council is still in the process of publishing an updated Housing Monitoring and Five Year Housing Land Supply report (HM5YHLSR) covering the period 2019-2020. It is anticipated that the HM5YHLSR will be published in Autumn 2020. Therefore, the current HM5YHLSR relates to the period 2018-19 and was published in May 2019. Using the Standard Method as advocated by the Framework indicates an annual local housing need figure for South Staffordshire of 254 dwellings. This translates into a five year housing supply requirement including a 5% buffer of 1334 dwellings. An examination of sources of deliverable supply indicates a figure for total net commitments as at 1 April 2019 of 1535 dwellings. Relating the annual need figure to this supply (including the 5% buffer) indicates that a housing land supply figure of 5.75 years can be demonstrated. Relevant policies for determining residential planning proposals should therefore not be considered out-of-date in terms of paragraph 11(d) of the Framework owing to a lack of an adequate housing supply.

5.3.9 Notwithstanding that the Council can now demonstrate a five year housing land supply, taking account of the Inspectors conclusions above, in my view Policy OC1 is not entirely consistent with the Framework and the weight that can be apportioned to it is reduced. Consequently, the presumption in favour of sustainable development (due to the lack of a five year housing supply) as outlined in paragraph 11(d) of the Framework is not engaged. Although I accept that the weight that can be attached to the conflict with Policy OC1 is reduced, the proposal would still conflict with this development plan policy. Therefore, as set out in S38(6) of the PCPA it is necessary to establish if permission should be granted for development that is not in accordance with the development plan.

5.3.10 The revised scheme would increase the overall density of development from around 18 dwellings per hectare to 25. Although this would be slightly lower than the density approved on the adjacent Bloor Homes site, by increasing the maximum number of dwellings, the revised scheme would accord with the Framework's objective to make efficient use of land. This further weighs in support of the scheme.

5.4 Impact upon Landscape Character

5.4.1 The application site lies within Natural England's Character Area (NCA): 61 "Shropshire, Cheshire and Staffordshire Plain and 67 'Cannock Chase and Cank Wood'. It also falls under the 'Staffordshire Plain' and 'Cannock Chase and Cank Wood' regional character areas as defined in the Planning for Landscape Change: Supplementary Planning Guidance 2001 (SPG). The SPG defines the landscape character type of the site and its immediate

surroundings as 'Ancient Clay Farmland'. The afore mentioned landscape character assessments identify the key characteristics of the landscape in these areas to include, gently undulating, large scale rolling landscape, well defined irregular field boundaries with mature hedgerows and some trees, dispersed settlement patterns, low lying built form, with the exception of churches, and mixed arable and pastoral farmland.

5.4.2 The site itself is a small field of rough grassland which is enclosed on all sides by established hedgerow and tree planting. Therefore, it is not reflective of the pattern of larger scale piecemeal enclosure characteristic of the agricultural landscape to the north of the site, and only makes a limited contribution to the character and appearance of the wider landscape referred to above. The site is also viewed alongside existing residential development immediately to the south, with the recent planning permission, if implemented, for 200 dwellings on land to the north and west (Ref: APP/C3430/W/18/3213147) effectively enclosing the current application site on all sides (i.e. it would read as part of the built form of the village).

5.4.3 It is acknowledged that the proposal is likely to require the removal of part of the hedgerow along the main Stafford Road (A449) to provide for the necessary visibility splays. However, providing appropriate replacement planting is introduced at reserved matters stage, this over time would retain the verdant character of the site frontage. Moreover, as set out in the submitted tree constraints plan, it would be possible to either retain, cut down and allow to regrow or introduce new trees and hawthorn hedging along the remaining boundaries on the site, preserving these important landscape features.

5.4.4 Overall, although the revised proposal would extend out into the open countryside and increase the level of built form on the site, the structure of the wider rural landscape would remain largely intact, limiting any wider adverse effects of the development. Thus, over time, and particularly if the adjacent development is implemented, the proposal would have a neutral impact on landscape character.

5.4.5 In respect of the visual impacts of the proposal, the scheme's visual envelope is limited by the intervening transport infrastructure (A449 and railway line) and existing vegetation which acts to filter and block views to the site from surrounding public viewpoints. The development would also not be prominent in views from along the Teddesley Road and would be seen in the context of existing residential properties along the Stafford Road. The increase in the density of the proposed development would not materially alter this impact. Furthermore, any views from this river corridor setting would be filtered through existing and proposed tree planting.

5.4.6 The development would not appear prominent in any views to the site from the public right of way (PRoW) 1km to the north, as the roofscape of the proposal will blend into that of the surrounding village from this distance. The PRoW which runs immediately to the north of the site will experience views of the development, although these will be localised to a short extent of the footpath, past which the West Coast Mainline acts to screen the majority of the development in views to the proposed site. The development would be largely screened from road users of the A449 as they enter the village due to the existing intervening planting. For these receptors, the proposed development would only become prominent upon the immediate approach to the village and in any event road users are generally less sensitive visual receptors than, for example, users of recreational spaces or footpaths. Furthermore, by respecting the existing building line and density of development in the adjacent streetscene, there would be no significant adverse effects on the character of the adjacent residential area along Stafford Road.

5.4.7 I am mindful that a reserved matters application is likely to require the removal of a section of hedgerow to allow for the appropriate visibility splays. However, given the modest width of the plot, the potential for replacement planting along the site frontage, and the fact that public views would only be available from the A449 directly opposite the site, this element would not have an adverse long-term visual impact on the landscape.

5.4.8 The Inspector's conclusions on character and appearance for the 200 houses on the adjoining land are also of relevance to the current application. It is important to note that the appeal scheme occupied a significantly larger site and, unlike the current scheme, displayed many of the characteristics of the surrounding landscape. It was also physically 'detached' from the settlement limits of the village (the current proposal would directly abut properties in Stafford Road, Grocott Close and Nursery Drive. Consequently, there are clear differences between the two proposals. That said, even when accounting for the aforementioned considerations, the Inspector only attracted limited negative weight to the harm the appeal scheme would cause to the character and appearance of the area. Clearly, the current scheme, due to the size, position and nature of the development would have a significantly reduced impact on the character of the landscape when compared with the appeal proposal.

5.4.9 Turning to the proposed indicative layout, the linear pattern of the development shown on the illustrative plans has not altered significantly from the 17 dwelling scheme, with the revised proposal altering the house types, introducing more semi-detached and terraced properties along the southern boundary and increasing the density of development on the northern part of the site. Given that the site is flanked by existing/approved development to the south and north, the amended layout would not have a materially greater impact on the character and appearance of the area than the scheme previously considered by committee. The indicative layout also includes landscaping between parking spaces and to the front of the properties, with sufficient space along the site frontage to introduce new landscaping. Furthermore, a footpath is indicated at the north-west end of the site, potentially linking the proposed development through to the Bloor Homes site, increasing connectivity and legibility between this development and the centre of Penkridge. Thus, whilst these plans are for illustrative purposes only and do not form part of the assessment of this outline application, there is no significant issues with the indicative layout.

5.4.10 In conclusion, I acknowledge that the development would extend the built form of the settlement out into the open countryside and therefore conflict with Policy OC1. However, for the reasons set out above, the proposal would not have a harmful impact on the landscape character of the area. Indeed, if the permission for 200 houses on the adjoining land is implemented, the current application site would read as part of the built-up envelope of Penkridge rather than a small enclosed field within the open countryside. In this regard it would accord with Policies EQ4 and EQ11 of the CS and the Framework, which, amongst other things, seek to ensure that development recognises the intrinsic character and beauty of the countryside.

5.5 Cannock Chase Special Area of Conservation

5.5.1 The application site is situated about 6 km from the Cannock Chase Special Area of Conservation (SAC) and therefore lies within the 15 km zone of influence identified around the SAC. This zone is estimated to encompass the area from which 75% of visits to the SAC

are generated. Core Policy EQ2 (Cannock Chase Special Area of Conservation) relates to the Cannock Chase SAC.

5.5.2 The Habitat Regulations place restrictions on the ability of a 'competent authority' to agree to a plan or project where it will adversely affect the integrity of the European site (such as the Cannock Chase SAC). The site lies within the Zone of Influence for the Cannock Chase SAC where evidence, supported by Natural England, clearly demonstrates that any net increase in housing will have an adverse effect on the SAC. However, the Council has an agreed approach to mitigation with Natural England, which indicates that such impacts can usually be satisfactorily mitigated and avoided through the provision of a commuted sum of £232 per unit towards an agreed set of mitigation projects. This sum has been agreed and will be secured through a Unilateral Undertaking (UU) - see Section 5.18 below. This ensures that there are no adverse impacts on the Cannock Chase SAC arising from the development, meaning that, with the secured commuted sum, the Council has the legal authority to decide this planning application without acting outside of the scope of the Habitat Regulations.

5.6 Ecological Value

5.6.1 The Framework seeks to minimise impacts and provide net gains in biodiversity. This is echoed within Policy EQ1 (Protecting, Enhancing and Expanding Natural Assets) which states that permission will be granted for development that does not cause significant harm to sites or habitats of nature conservation. As part of this amended application, and after reports of great crested newts nearby, an Updated Preliminary Ecological Appraisal (PEA) and Precautionary Method of Works: Amphibians, Reptiles and Nesting Birds (PMOW) report have been submitted. This is an outline application and so there is scope within the details (and through imposition of conditions) to establish a coherent ecological network through the development of this site in accordance with the policy set out in the Framework.

5.6.2 The County Ecologist has concluded that, providing the recommendations of the PMOW are followed, allowing for contingency of encountering individual great crested newts, with further actions to be taken if further newts are found, and all site works, including vegetation clearance comply with the methods outlined in the PMOW, then the development would not adversely impact on great crested newts.

5.6.3 in addition, the County Ecologist has requested further conditions requiring the provision of bat/bird boxes to be installed within the development, submission of a lighting strategy, introduction of appropriate tree and hedgerow protection measures, and to ensure that all site works comply with the methods outlined in the Precautionary Method of Works. Furthermore, the County Ecologist has requested that an updated ecological survey is submitted for approval if the development, including any site clearance works or reserved matters approval, has not commenced by 28 February 2021. This is to ensure that any movement by species on or around the site in the spring is accounted for (i.e. the existing surveys identify the position on the ground at present and during winter when many species will be in hibernation).

5.6.4 Overall, subject to the above conditions and detailed design elements to be submitted at reserved matters stage (i.e. gaps in boundary walls/fences to provide access for hedgehogs etc), the development would protect and introduce modest biodiversity enhancements on site and accord with the aims of Policy EQ1 of the CS and the Framework.

5.7 Historic Environment & Archaeological Value

5.7.1 The site lies on the edge of Penkridge and would not therefore directly impact on the setting of any designated heritage assets (i.e. the Penkridge Conservation Area or listed buildings).

5.7.2 Turning to the potential impact of the development on archaeology, an Archaeological Desk-Based Assessment (ADBA) has been submitted with the application which has assessed the known and potential archaeological resource utilising information held by the Staffordshire Historic Environment Record (HER) and other appropriate documents. The County Archaeologist agrees with the conclusions of the ADBA that there is a low potential for significant archaeological remains to be present within the development site. However, in order to appropriately assess the unknown archaeological potential of the site, particularly relating to prehistoric activity which is currently poorly understood within the wider landscape, it is advised that further archaeological investigation is undertaken. This, as suggested in the ADBA can be secured by an appropriately worded condition.

5.7.3 Subject to the afore mentioned condition, the proposal would preserve the historic environment. It would therefore accord with Policy EQ3 of the CS and paragraphs 188 and 199 of the Framework which, amongst other things require developers to describe the significance of heritage assets, the potential impact of development on them and record and advance understanding of the significance of heritage assets.

5.8 Agricultural Value

5.8.1 Paragraph 170 of the Framework requires local planning authorities to take into account the economic and other benefits of best and most versatile agricultural land (BMV) and that areas of poorer quality should be used in preference to areas of higher quality. Policy OC1 of the CS refers to protecting the countryside for its own sake particularly for, amongst other things, its agriculture. The best and most versatile agricultural land is defined in the Framework as land in Grades 1, 2 and 3a of the Agricultural Land Classification.

5.8.2 On first inspection it would appear that the Agricultural Land Classification for the site is Grade 3. However, evidence presented in the appeal for the adjacent development suggests that the current application site is to be regarded as Grade 3a agricultural land. I will assess this application on this basis.

5.8.3 It is also important to note the Inspectors conclusions in respect of best and most versatile agricultural land when allowing the appeal on the adjoining land. In this case, which included Grade 2, 3a and 3b land, with Grade 2 land being in shorter supply than Grade 3a land in the surrounding area the Inspector concluded that:

'I appreciate that there is no definition of significant, in this context, within the Framework. However, given the amount of land classified as Grade 2 on the appeal site then the harm caused by its loss would be limited. This is reinforced by the likelihood that a significant proportion would be reused within the landscaped areas, open space and gardens within the development, resulting in the soil profile retaining the same functions as prior to the development....

While therefore, there is some conflict with Policy OC1 and the Framework with regard to the loss of BMV, there would be limited resultant harm.'

5.8.4 Taking into account of the above considerations, the significantly smaller scale of the current application site and the potential for a large proportion of the land to be re-used as

informal landscaped areas and gardens within the development therefore retaining the same function as prior to the development, the resultant policy conflict with OC1 of the CS and the Framework and harm to BMV land would be limited.

5.9 Recreational Value

5.9.1 The site is private grassland and therefore cannot be considered to be of recreational value. Local residents have raised concerns that there is insufficient recreational space in the vicinity of the site to service the needs of the development. SAD7 requires sites of 10-24 dwellings to provide an off-site sum towards the provision of Public Open Space which is addressed in more detail later in the report.

5.10 Housing Mix

5.10.1 Policy H1 of the CS seeks to achieve a balanced housing market, with Policy H2 setting out the expected provision for Affordable Housing. The amended scheme continues to comply with the requirements of Policy H2, requiring 40% affordable housing split 50:50 between social rent and shared ownership. The amended indicative layout plan illustrates an improvement in integration of the affordable housing, looking specifically at parking layouts etc., with reduced front of property parking and therefore less clear distinction between market and affordable homes. This appears to demonstrate that a layout can be achieved with suitable integration of affordable homes on the site, subject to detail at reserved matters stage. The housing mix can be secured through planning condition. The delivery of affordable housing, in accordance with Policy H4 (Delivering Affordable Housing), can be secured through Section 106. The housing mixes are as follows:

Market housing

35% 2 bedroom properties

45% 3 bedroom properties

20% 4 bedroom properties

A minimum of 10% of market housing to be provided as bungalows

Affordable housing

Social rented housing:

50% 2 bedroom properties

50% 3 bedroom properties

Shared ownership housing:

60% 2 bedroom properties

40% 3 bedroom properties

A minimum of 10% of affordable housing to be provided as bungalows

5.11 Sustainability of Development

5.11.1 Core Policy 1 of the CS seeks to distribute growth in the most accessible and sustainable locations in accordance with the Settlement Hierarchy, with the Council working with partners to deliver the infrastructure, facilities and services required to support this growth. Whilst the site lies in the open countryside, it is located immediately adjacent to the settlement boundary of the Main Service Village of Penkridge, within a reasonable walking distance of a varied range of services and facilities available in the village.

5.11.2 A number of regular bus services (54, 75, 76 and 878) run via Penkridge on its route between Stafford, Cannock and Wolverhampton; Mondays - Saturdays. Additionally, a rail service between Penkridge and Birmingham New Street operates every 30 minutes. In addition, Stafford Town can be accessed from Penkridge by train with a frequency of approximately one hour. I am mindful that the recently published Local Transport Note 1/20 'Cycle Infrastructure Design' (LTN) aims to increase opportunities for cycling. Given the proximity of the site to the centre of Penkridge and the potential for cyclists to share side roads/footways with other road users/pedestrians, I consider that the existing infrastructure would provide a reasonably attractive option for potential future occupiers to access the range of services and facilities in the village, and accord with the overall aims of the LTN.

5.11.3 It can therefore be said that the application site is well served by public transport and is in a sustainable location. Public comments of objection have referred to the doctor's surgery being at full capacity and having to wait too long for an appointment. However, it is understood that the medical practice is failing to attract sufficient number of GPs hence the waiting time problem. This issue could not be justified as a planning reason to refuse this application.

5.11.4 Public comments of objection have also referred to increased pressure on school places.

County Education have commented that this development falls within the catchment areas of Marshbrook First School, Penkridge Middle School and Wolgarston High School. The development is scheduled to provide up to 24 dwellings, potentially adding 4 First School aged pupils, 3 Middle School aged pupils, 2 High School aged pupils and 1 sixth form pupil.

5.11.5 Marshbrook First School and Penkridge Middle School are projected to have insufficient space to accommodate the likely demand from pupils generated by the development and the following education contribution is therefore requested towards First School and Middle School provision:

o 4 First School places ($4 \times £13,165 = £52,660$) and 3 Middle School places ($3 \times £15,140 = £45,420$). This gives a total request of £98,080 for up to 24 houses.

5.11.7 Wolgarston High School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request will be made towards High School provision. Overall, although the development will put additional pressure on school places, current pupil demographics indicate that the schools should be able to accommodate the likely demand from pupils generated by the development.

5.11.8 Economically, the construction and fitting out of the dwellings and creation of new road infrastructure would create employment and generate demand for services as well as for various plant and material. The increase in the population of Penkridge will potentially boost the spending power of the local economy to some extent. I attribute moderate weight in favour of the development (in the 'planning balance') because of these economic benefits.

5.11.9 Socially, the proposed development would provide additional housing required to meet the needs of present and future generations with accessible local services that reflect the communities' needs and supports its health, social and cultural well-being. The proposed development would deliver 40% affordable housing, a mix of market and affordable homes and would provide a further choice of new homes in a sustainable location. This would boost South Staffordshire's existing housing supply in accordance with paragraph 59 of the

Framework and Policy H1 of the CS. I attribute significant weight (in the 'planning balance') in favour of the proposed development because of the delivery of market and affordable housing.

5.11.10 Environmentally, whilst the development would involve the development of an existing field within the open countryside, it would preserve the landscape character of the area. If the extant permission for up to 200 houses on the adjoining land is implemented, this would have the effect of enclosing the site within the built-up envelope of Penkridge, further limiting the schemes impact.

5.11.11 Overall, there would be a net gain in terms of achieving sustainable development as a result of this application and this is compliant with the objectives of the Framework as set out in Chapter 2 (Achieving Sustainable Development) [Paragraphs 7 to 14]. In addition, for the reasons set out, it could also be argued that the development is in an accessible and sustainable location and therefore accords with the overall aims of Core Policy 1.

5.12 Highways/Transport

5.12.1 A significant number of the representations received from members of the public relate to concerns about vehicular access, highway safety and the impact on residential amenity of neighbouring residents from increased traffic generation. It is clear that these issues require careful consideration when assessing the principle of residential development on the site despite access being a reserved matter. The latter relates to the impact of the development on the residential amenity of nearby residents and is therefore discussed in section 5.15 of this report.

5.12.2 The indicative layout plan shows a new vehicular access in a roughly central location on the site. Subject to the remove of the existing hedgerow along the site frontage to allow for the appropriate visibility splays and given the linear alignment of Stafford Road, clear and unrestricted visibility is likely to be available in both directions for vehicles emerging from the site access. Similarly, due to the relatively modest number of vehicular movements which would be associated with the use and occupation of up to 24 dwellings, drivers waiting in the highway in order to access the development is unlikely to cause significant obstruction to users of Stafford Road. In any case, such matters, including the specifications of the road layout and vehicle crossing will be considered in detail at reserved matters stage. Therefore, based on the information before me, the principle of residential development on the application site is unlikely to have an unacceptable impact on highway safety and therefore accord with paragraphs 108 and 109 of the Framework.

5.12.3 Turning to on-site parking provision, the indicative layout plan appears to provide appropriate levels of off-street parking which is in line with guidance contained in the Council's parking standards.

5.13 Flood risk and drainage

5.13.1 The site lies within Flood Zone 1 and is less than 1 hectare in size. It is therefore considered to be at low risk of flooding and of causing flooding to adjacent lands. Following comments from the Local Lead Flood Engineer (LLFE), requesting additional information regarding details of the proposed drainage system, the applicant has submitted a revised Drainage Strategy and SUDS Assessment (DSSA). The LLFE are now satisfied with the details outlined in the revised DSSA, with the proposals demonstrating that it would be feasible to achieve an acceptable SUDS design within the proposed development. The detailed drainage

design to be submitted with any reserved matters approval should be in accordance with the drainage strategy taking into account the constraints identified. Therefore, subject to a condition requiring the submission of a detailed surface water drainage design, it is considered that the proposed development would be resilient to climate change and flooding in accordance with the Framework and Policy CP3 of the CS.

5.14 Air Quality & Noise

5.14.1 The application site is situated off the main Stafford Road, the main arterial route between Wolverhampton and Stafford. Despite this, there is potential for the proposed dwellings to be set back from the main road frontage roughly in line with existing residential development on Stafford Road. The provision of additional landscaping in this area would further reduce this impact. Thus, subject to the detailed design and layout of the development there is potential for up to 24 dwellings to be accommodated on site without potential future occupiers experiencing air quality or noise related issues.

5.15 Residential Amenity and Design

5.15.1 The application is in outline with all matters reserved at this stage. The layout, appearance, landscaping and scale of the development are to be considered at reserved matters stage. The illustrative layout plan submitted with the application does demonstrate that suitable separation distances could be achieved, however condition 4 makes it clear that no indicative drawings are agreed at this stage.

5.15.2 The indicative layout plan shows a central vehicular access. In such circumstances, any noise associated with vehicle movements into and out of the site would be largely obscured from residential properties to the east by the proposed dwellings which would be positioned between the access and the adjacent properties. In any case, as layout and access are reserved matters, the detailed design of the scheme would be considered in full at reserved matters stage. To ensure the amenities of nearby residents are protected, in accordance with Policy EQ9 (Protecting Residential Amenity), a construction management plan will be conditioned (condition no. 7).

5.16 Housing Market Area (HMA) - Unmet Housing Needs

5.16.1 Planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions (Paragraphs 2 & 47). The achievement of sustainable development is the golden thread that runs through the Framework (Paragraph 11). 'Significantly boosting the supply of homes' is a principal policy driver in the Framework (Paragraph 59).

5.16.2 In March 2018 the Government consulted on the revised Framework. The introduction to the draft revised Framework stated: -

'The country does not have enough homes. For decades the number of new homes has not kept pace with rising demand. That has created a market that fails to work for far too many families, resulting in soaring prices and rising rents. The Government is clear that the country needs radical, lasting reform that will allow more homes to be built.'

Government published the (revised) Framework on Tuesday 24 July 2018.

For these reasons, I consider that unmet housing needs within the Housing Market Area (HMA) is another material consideration that should be afforded significant weight in the 'planning balance' in considering the merits of this proposed development.

5.16.3 The Localism Act 2011 introduced local financial considerations as another material consideration in planning decisions. It is for the decision-taker to decide how much weight should be attributed in each specific case.

5.16.4 Accordingly, I shall assess the significance of these other material considerations under 2 headings: -

A) Greater Birmingham Housing Market Area (GBHMA) - Housing Shortfall B) Local financial considerations

A) Greater Birmingham Housing Market Area (GBHMA) - Housing Shortfall

5.16.5 The Birmingham Development Plan 2011-2031 (BDP) was adopted in January 2017 and commits Birmingham City Council to work with the 13 other local planning authorities within the GBHMA in order to address the housing shortfall within emerging local plans. Birmingham's objectively assessed housing needs (OAN) were evidenced in the plan as 89,000 dwellings. There is a shortfall of 37,900 dwellings to be delivered from the BDP. More recently the Greater Birmingham Housing Market Area Growth Study published in 2018 (GBHMAGS) was jointly commissioned by the Housing Market Authorities to further consider strategic development options to meet housing need across the housing market area.

5.16.6 Whilst the unmet housing need from other authorities is a material consideration, the GBHMAGS is not a policy document and the appropriate place to consider the allocation of unmet housing need is through individual local plan examinations, and therefore attracts very limited weight in the assessment of this case. Moreover, the council does recognise the presence of a significant housing shortfall arising from within the wider GBHMA and has been actively engaged with neighbouring authorities in seeking an appropriate response to this issue. These discussions have not yet concluded and therefore a statement of common ground establishing the extent of the contribution towards the neighbouring housing shortfall has not been agreed.

B) Local financial considerations

5.16.7 The Localism Act 2011 brought about changes to primary planning legislation which means that local financial considerations are capable of being material considerations in the outcome of planning decisions. How much weight should be attached is for the decision-taker to decide based on the circumstances of the individual case. In this case it is considered that local financial considerations should carry moderate weight in favour of the proposed development. The local financial considerations are the generation of increased council tax payments, potential payment of New Homes Bonus, the construction and fitting out of the dwellings would financially be of benefit locally, together with employment creation, generating demand for materials and the increase in the population of Penkridge will contribute to the spending power of the local economy to some extent.

5.17 Representations

5.17.1 There have been 10 public comments of objection to this application. These are set out in Section 4 Consultation Responses (Public Comments). I have sought to address these concerns throughout the report.

5.17.2 The Ramblers Association have commented that the proposal should not obscure or block public footpath number 31 of Penkridge Parish. There is a field separating this footpath from the application site. Therefore, the development or any construction work associated with it is unlikely to obstruct this public right of way.

5.18 Planning Contributions

5.18.1 Core Strategy Policy EQ13 (Development Contributions) states that contributions will be sought from developers where necessary to achieve sustainable development. Paragraph 56 of the Framework requires that planning obligations must only be sought when they are; necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Although the application is in outline form with all details reserved, it is common practice to try and get the particulars that would require entering into a Section 106 Agreement secured at this (the outline) stage.

5.18.2 Core Strategy Policy H2 (Provision of Affordable Housing) seeks 40% affordable housing on greenfield land for 10 or more dwellings. Policy H4 states that affordable housing should be secured in perpetuity and set 50% social rental and 50% intermediate tenures. The applicant has agreed that 40% of the dwellings constructed will be affordable and comprise 50% social rented units and 50% intermediate housing units. This is considered to be acceptable for when the final S106 is finalised, complying with policies EQ13, H1 (Housing Delivery), H2 (Provision of Affordable Housing) and H4 (Delivery of Affordable Housing).

5.18.3 The draft heads of terms for the S106 state that an educational contribution is to be paid. Staffordshire County Council have confirmed that there are less than five legal agreements for each education project for which a contribution is sought (see paragraph 5.18.5 below). As such, the draft S106 Agreement is not affected by the pooling limit restrictions in respect of CIL Regulation 123(3).

5.18.4 Policy SAD7 of the SAD requires that off-site contributions equivalent to 0.01ha of community open space per dwelling to be provided on-site on schemes of 10-24 dwellings. Typically, this will take the form of a contribution to cover both provision and maintenance of offsite greenspace provision, or the improvement an existing nearby open space. As such, the Council will require the payment of £993 per dwelling on schemes of 10-24 dwellings. The applicant has agreed to provide the afore mentioned contribution

5.18.5 The Heads of Terms (which will include financial contributions) to be agreed are as follows:

Affordable Housing - In terms of quantum of houses 40% affordable housing for residential dwellings.

Educational contribution - The education contribution for a development of this size is;

4 First School places (4 x £13,165 = £52,660) and 3 Middle School places (3 x £15,140 = £45,420). This gives a total request of £98,080 for up to 24 houses.

Off-site open space contribution = 24 x £993

5.19 SAC Unilateral Undertaking (UU)

5.19.1 The site lies within the Zone of Influence for the Cannock Chase SAC where evidence, supported by Natural England and set out in Policy EQ2 of the Core Strategy clearly demonstrates that any net increase in housing will have an adverse effect on the SAC. To assist in mitigating this impact a developer contribution of £232 per unit has been agreed and is considered acceptable provided this is secured through Unilateral Undertaking (UU).

5.19.2 In April 2018 the European Court of Justice (ECJ) issued what appears to be a landmark judgment [People over Wind and Sweetman Collite Teoranta] from the Irish Republic on habitats regulation assessment (HRA). Under the European Union (EU) habitats directive, local planning authorities are required to carry out these assessments to make sure plans or projects affecting sites in and around EU designated special areas of conservation (SACs) or special protection areas (SPAs) have no harmful effect on them. An Appropriate Assessment (AA) has been carried out for this proposed development and it is considered that the UU, which is supported by Natural England (NE), will provide satisfactory mitigation for the effect of granting planning permission for up to 24 new homes adjacent to Penkridge. Natural England has confirmed that it has no objections to the proposed development, subject to the UU payment of £232 x 24 = £5,568.

5.19 Conditions

5.19.1 Having regard to advice in paragraphs 54 and 55 of the Framework and the National Planning Practice Guidance (PPG), in addition to the standard conditions relating to outline permissions and the submission of reserved matters, a condition regarding landscaping is needed to clarify the measures to be within the scheme and its implementation. A condition requiring measures to be submitted to protect the existing trees and hedgerows on site prior to the commencement of works is necessary to preserve the character and appearance of the area, and to avoid damage to the existing landscaping.

5.19.2 A Construction Management Plan is required prior to work commencing on site to protect the residential amenities of existing residents and existing hedgerows/trees. It is necessary to require the provision of bat and bird boxes, together with details of lighting prior to work commencing on site to ensure that habitats of birds and bats are protected. Further conditions are also needed, requiring that all site works comply with the methods outlined in the Precautionary Method of Works and if the development, including any reserved matters approval has not commenced in 2020, an updated ecological survey will be needed to protect biodiversity.

5.19.3 A condition regarding the design of a surface water drainage scheme is necessary to reduce risk of surface water flooding to the development and properties downstream for the lifetime of the development, and secure appropriate disposal of foul water. In addition, a condition regarding levels is necessary to protect the character and appearance of the area. The details of ground levels need to be submitted prior to commencement of development of construction to ensure accurate details of existing conditions are recorded.

5.19.4 A pre-commencement condition regarding archaeology is needed to protect and record heritage assets. A condition securing the housing mix for the scheme is necessary to

ensure that the scheme complies with Policy H1 of the CS and provide for an identified housing need in the SHMA.

6. Planning Balance and Conclusion

6.1.1 The application site is not an allocated site for residential development within the Council's SAD. It also lies outside the defined Penkrige settlement boundary and does not fall within any of the categories of development which may be permitted by Policy OC1 of the CS. As such, it conflicts with the development plan (Policy OC1) which S38(6) of the PCPA demands applications should be determined in accordance with unless material considerations indicate otherwise. That said, this conflict with the development plan is tempered given that it is not entirely consistent with the Framework and should therefore be given reduced weight in the assessment of this application. In addition to the aforementioned policy conflict, I have also found that the loss of BMV agricultural land would cause limited harm to which limited weight should be attached in the planning balance.

6.1.2 Turning to the benefits of the scheme, there would be some environmental benefits in terms of improved surface water management and biodiversity enhancements. These constitute moderate environmental improvements associated with the scheme.

6.1.3 The Council can now demonstrate a five year housing land supply. However, the Framework seeks to significantly boost the supply of housing. Although the scheme is only for up to 24 dwellings, it would still make an important, albeit modest contribution to boosting the supply of housing in a sustainable location to which significant positive weight should be attached. Furthermore, the scheme would make a more efficient use of land than the earlier proposal for up to 17 dwellings in accordance with the aims of paragraph 117 of the Framework, provide a mix of market housing that would meet the requirements of Policy H1 of the CS and the housing need identified in the Strategic Housing Market Assessment. In addition, 10% of the dwellings would be delivered as bungalows, which is supported by the requirements of Policy H1, for new housing developments to make a contribution to meeting the need of the district's rapidly ageing population. This mix can be secured by condition.

6.1.4 The scheme would deliver 40% of the housing as affordable units. Given that there is still an undersupply of affordable housing that has been delivered in the District, the provision of up to 10 affordable units in an accessible location is a considerable benefit which should attract some positive weight. There would be some economic benefits associated with the construction and subsequent occupation of the dwellings to local businesses and services in Penkrige to which I attach moderate positive weight. In addition, limited positive weight should also be attached to increased council tax payments and potential payment of New Homes Bonus associated with the development

6.1.5 Overall, I find that that despite the conflict with Policy OC1 and limited harm caused by the loss of BMV agricultural land, the other material considerations listed in paragraphs 6.1.26.1.4 indicate that that planning permission should be granted for development that is not in accordance with the development plan. On this basis it is recommended that planning permission should be GRANTED, subject to the following conditions.

7. RECOMMENDATION - **Delegate APPROVAL** to the Team Manager to issue the decision on completion of a satisfactory Section 106 agreement and Unilateral Undertaking. If by 16 February 2021, the Section 106 Agreement has not been fully executed by all the parties, the

Chairman is to have delegated authority to agree a further short extension to allow for final execution and completion of the Agreement.

Subject to the following condition(s):

1. Details of the site access, appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. An application for approval of reserved matters must be made no later than the expiration of 3 years from the date of this decision.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. This permission does not grant or imply consent for the indicative layout shown on Drawing No D31 Rev E, nor does it grant or imply consent for any other indicative layout sketches/drawings included within the documentation submitted as part of this application.
5. The landscaping scheme submitted under Condition 1 shall include a timetable for implementation, planting to compensate for any hedgerow/ tree loss and details of planting associated with the Sustainable Urban Drainage works, and long-term management arrangements.
6. Before the development commences, details of a site specific tree and hedgerow protection method statement and plan shall be submitted to and agreed in writing by the local planning authority. The development shall be implemented in strict accordance with the tree and hedgerow protection method statement and plan.
7. Prior to the commencement of any construction, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGVs, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. It shall also include a method of clearance and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme. Development shall be carried out in accordance with the approved details.
8. No development shall commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall seek to reduce the amount of light projecting on to hedgerows and trees that are identified as important habitats for bats and nesting birds. The agreed lighting scheme shall be implemented in full concurrently with the approved development.

9. All site works, including vegetation clearance, must comply with the methods outlined in the Precautionary Method of Works: Amphibians, Reptiles and Nesting Bird (RammSanderson, June 2020) should be accepted as an approved document.
10. If the development hereby permitted including any reserved matters approval has not commenced by 28th February 2021, no site clearance, excavation or construction works shall take place on site until an updated ecology survey has been submitted to and approved in writing by the local planning authority. The development, including any site clearance works shall be undertaken in accordance with the updated ecological survey.
11. No development shall commence until details of the type and location of biodiversity enhancement measures (all of wood-concrete composite type and installed on buildings, not trees) including at least 15 x bird nesting and 5 x bat roosting devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.
12. No development shall begin until a detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the overall strategy and key design parameters set out in the Drainage Strategy & SUDS Assessment report (Patrick Parsons, Revision 6, dated 26-08-20). The design must demonstrate:

- o Surface water drainage system(s) designed in accordance with national and local standards, including the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015);

- o Both existing ponds must be maintained;

- o SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.;

- o Limiting the discharge rate generated by all rainfall events to a level in accordance with the principles outlined in the Drainage Strategy & Page 3 SUDS Assessment report (Patrick Parsons, Revision 6, dated 26-08- 20);

- o Evidence of permission to discharge surface water flows from the site to a receiving watercourse or sewer. This should include the rate and exact location. If applicable, evidence of the capacity of the receiving watercourse or sewer should also be provided;

- o Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
- o Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance;

- o Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and the contact details for the organisation responsible for carrying out

these duties. Development shall be carried out in accordance with the approved details.

13. Before development commences details of the existing and proposed ground levels of the site (and finished floor levels of the buildings) shall be submitted to and approved in writing by the Local Planning Authority. All finished floor levels must be set no lower than 83.830m AOD, which is 150mm above the crest level for the existing road. The development shall be carried out to the approved levels.
14. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post excavation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approved details.
15. The details pursuant to this outline planning permission shall comprise the following housing mix unless otherwise approved in writing by the local planning authority:

Market housing

35% 2 bedroom properties

45% 3 bedroom properties

20% 4 bedroom properties

A minimum of 10% of market housing to be provided as bungalows

Affordable housing

Social rented housing:

50% 2 bedroom properties

50% 3 bedroom properties

Shared ownership housing:

60% 2 bedroom properties

40% 3 bedroom properties

A minimum of 10% of affordable housing to be provided as bungalows

Reasons

1. To define the permission.
2. In order to define the permission, to avoid doubt and to safeguard the amenity of the area.
3. To define the permission.
4. To define the permission.
5. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

6. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
7. To safeguard the amenities of nearby residents in accordance with policy EQ9 of the adopted Core Strategy
8. To safeguard the amenity of the area and protect important habitats for bats and nesting birds in accordance with policies EQ1 and EQ11 of the adopted Core Strategy.
9. To ensure the development does not have a detrimental impact on protected species, including great crested newts, in accordance with policies EQ1 and EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
10. To safeguard the amenity of the area and protect important habitats for biodiversity in accordance with policies EQ1 and EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
11. To safeguard the amenity of the area and protect important habitats for bats and nesting birds in accordance with policies EQ1 and EQ11 of the adopted Core Strategy.
12. To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with policies EQ7 and EQ11 of the adopted Core Strategy.
13. To safeguard the amenity of the area in accordance with Policies EQ4, EQ7 and EQ11 of the adopted Core Strategy.
14. In order to preserve and record any items of archaeological interest in accordance with policy EQ3 of the adopted Core Strategy.
15. To comply with Policy H1 of the adopted Core Strategy
16. Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.
17. **INFORMATIVES**

Severn Trent

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

Crime Prevention

In order to prevent crime and reduce the fear of crime I recommend that this development attains Police Secured by Design (SBD) accreditation. There is no charge for my advice or for the Secured by Design award, and once awarded the Police SBD logo can be used on advertising material.



Land On North West Side, Stafford Road, Penkridge

APPENDIX B

19/00017/OUT

Stafford Road Limited

**PENKRIDGE
Councillor J Chapman**

MAJOR

Land on North West Side, Stafford Road, Penkridge

Outline application for up to seventeen dwellings.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The site measures approximately 0.94 hectares in area and immediately adjoins the village of Penkridge on its southern boundary. It is located in close proximity to existing residential development in Grocott Close and Nursery Drive, with houses in Stafford Road immediately to the south-west. To the north lies the site of a former residential property previously known as 'Rowan House', beyond which is open agricultural land.

1.1.2 The site itself comprises of a vacant field, with a combination of trees and hedgerows defining its boundaries. Planning permission has recently been granted on appeal to Bloor Homes for up to 200 houses on land directly to the north and west of the site (17/01022/OUT; Appeal Ref: APP/C3430/W/18/3213147). The implications of this decision and its relevance to the current application are discussed in detail in the main body of the report.

1.2 Site History

1.2.1 18/00248/FUL - Erection of Retirement Living Accommodation (43 apartments and 11 bungalows) together with communal facilities, landscaping and car parking on same site – Pending consideration.

1.3 Pre-application discussions

1.3.1 None.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The application seeks outline planning permission for the residential development of up to 17 dwellings on land to the west of Stafford Road, Penkridge. All matters, including access, layout, design, scale, appearance and landscaping are reserved for subsequent approval.

2.1.2 It is proposed that the development will comprise up to 40% affordable dwellings, in accordance with the requirements of Policy H2 in the adopted Core Strategy. The affordable housing will comprise 50% affordable for rent and 50% shared ownership also in compliance with Policy H2.

2.1.3 Although all matters are reserved, the indicative layout plan shows a mix of 'low rise' detached and semi-detached properties arranged in a linear pattern on either side of a central access road.

2.2 Agents Submissions:

Planning Statement
Archaeological Desk Based Assessment
Tree constraints Plan
Phase 1 Site Appraisal - ground conditions
Draft Unilateral Undertaking securing contributions towards the Cannock Chase Special Area of Conservation

3. POLICY CONTEXT

3.1 The application site is situated in the Open Countryside immediately adjacent to the Main Service Village of Penkridge.

The local and national planning policies relevant to the determination of this application are as follows:

Core Strategy Development Plan Document, adopted 11 December 2012:

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 6 - Housing Delivery

OC1 – Development in the Open Countryside Beyond the West Midlands 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
EQ5 - Sustainable Resources and Energy Efficiency
EQ7 - Water Quality
EQ8 - Waste
EQ9 - Protecting Residential Amenity
EQ11 - Wider Design Considerations
EQ12 - Landscaping
EQ13 - Development Contributions
H1 - Achieving a Balanced Housing Market
H2 - Provision of Affordable Housing
H4 - Delivering Affordable Housing
EV11 - Sustainable Travel
EV12 - Parking Provision

Site Allocations Document, adopted September 2018

SAD7 – Open Space Standards
SAD9 – Key Development Requirements

Staffordshire & Stoke on Trent Joint Waste Local Plan (2010-2026)

Minerals Local Plan for Staffordshire (2015-30)

Housing Market Assessment (2017) - Longer Term Balancing Market Housing Report

South Staffordshire Design Guide Supplementary Planning Document (SPD) and the Sustainable Development SPD adopted by Council on 26 June 2018.

National Planning Policy Framework 2019 (the Framework)

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (Paragraphs 2 & 47 of the Framework).

The Framework is a material consideration in planning decisions (Paragraph 2 of the Framework) and sets out the national overarching aims for planning with a presumption in favour of sustainable development. Development that is sustainable should be favoured, without delay, and should be seen as a golden thread running through both plan-making and decision-taking (revised Paragraph 11).

Chapter 2 [Para 7-14]: Achieving Sustainable Development

Chapter 3 [Para 15-37]: Plan-making

Chapter 4 [Para 38-58]: Decision-making

Chapter 5 [Para 59-79]: Delivering a sufficient supply of homes

Chapter 13 [Para 133-147]: Protecting Green Belt land

Chapter 15 [Para 170-183]: Conserving and enhancing the natural environment

Annex 1 [Para 212-217]: Implementation

National Planning Practice Guidance (NPPG), 2018

4. CONSULTATION RESPONSES

No **Councillor** comments - expired 20.02.2019

Penkridge Parish Council (28.02.2019) – *Councillors strongly object to the Planning Application. There was currently a Planning Application for this piece of land (Ref: 18/00248/FUL), it was in Open Countryside, not contained within the current SSC Plan, there was protected wildlife on the land the entrance/exit was onto a very busy road.*

Natural England (22.05.2019) - *No objections, following the completion of a Habitat Regulations Assessment.*

Ramblers Association (05.03.2019) - *The proposal will have no adverse effect of Public Right of Way No 31 of Penkridge Parish.*

Highways England (19.02.2019) – *No objections.*

Staffs County Highways (08.02.2019) – *No objections.*

Campaign to Protect Rural England: Staffordshire (CPRE)(13.02.2019): *A 33 page response has been submitted by the CPRE effectively repeating their comments made in relation to the recent appeal on the adjoining land. Their comments are summarised as follows:*

- *The proposal should be assessed against the Core Strategy, Site Allocations Document and the National Planning Policy Framework;*
- *No further greenfield sites need to be identified or released prior to the Local Plan Review;*
- *The proposal conflicts with the development plan;*
- *The development plan is not absent, silent or out of date in relation to the Framework's policies.*

Badger Conservation Group (07.02.2019) – *No comments*

Gordon Scott – Staffordshire Police Crime Prevention Design Advisor (01.02.2019) –*Secured by Design advice is attached as an informative.*

Severn Trent Water (05.02.2019) *No objections, subject to conditions*

Environment Agency (04.02.2019) – *No comments.*

Staffordshire County Council Flood Risk Management Team (20.06.2019) –
We would therefore recommend that a condition is imposed requiring the submission and approval of a detailed surface water drainage scheme for the development.

Staffordshire County Council Planning (11.02.2019) – *No objections.*

Staffordshire County Council Historic Environment Officer Archaeology (19.02.2019)
However, in order to appropriately assess the unknown archaeological potential, particularly relating to prehistoric activity which is currently poorly understood within the wider landscape, it is advised that further archaeological investigation is undertaken. This work would most appropriately be secured via a condition attached to any planning permission.

Conservation Consultant (19.02.2019) The location is not within the setting of any designated heritage assets (conservation area or listed buildings).

There are no objections to the proposed layout of the site, with the denser development being placed closer to the existing settlement edge. The construction of just four dwellings on the open boundary of the plot helps to reduce the impact of this side of the development. The properties which face onto Stafford Road have been set back and follow the existing building line, which is acceptable. As well as the design, the scale of the properties will be important in this location.

Staffordshire County Council Ecologist (22.03.2019) – Appendix 3 of the Preliminary Ecological Appraisal (PEA) now contains details of measures to avoid harm to species. This should now be accepted as an approved document. Appendix 4 of the PEA has not been reinstated, so the suggested condition for bird and bat boxes remains.

The (Updated) Preliminary Ecological Appraisal (Ramm Sanderson, March 2019) refers to bat-friendly lighting strategy. This is welcomed; details should be submitted for approval. Conditions are recommended.

Staffordshire County Council School Organisation Team (27.02.2019) - This development falls within the catchments of Marshbrook First School, Penkridge Middle School and Wolgarston High School. The development could add 3 First School aged pupils, 2 Middle School aged pupils and 3 High School aged pupils. Marshbrook First School and Penkridge Middle School are projected to have insufficient space to accommodate the likely demand from pupils generated by the development and we will therefore be requesting towards First School and Middle School provision.

Wolgarston High School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request will be made towards High School provision.

Local Plans (20.06.2019) – Comments detailed below:

The National Planning Policy Framework

The NPPF is an important material consideration which together with the adopted development plan has to be taken into account when determining planning applications. The NPPF promotes a presumption in favour of sustainable development (para 11) however, where a proposal would conflict with an up-to-date development plan the NPPF states that permission should not usually be granted (para 12). When deciding if relevant development plan policies should be considered up to date the NPPF identifies a number of key considerations, including whether there is a five year housing land supply.

Government policy seeks to promote a significant boost in the supply of housing (NPPF Paragraph 59) and is looking to local planning authorities to identify a sufficient and varied supply of land to meet this objective. When determining the minimum level of housing need the NPPF requests that a local housing need assessment is undertaken using the Standard Method (SM) as set out in national planning guidance. The NPPF also requires that strategic policies take account of any unmet housing needs arising from neighbouring areas when determining the amount of housing to be planned for (para 60).

The NPPF seeks to address the supply and delivery of sites for housing by requiring local planning authorities to identify and update annually a supply of deliverable sites sufficient to provide a minimum of five years supply of housing (para 73). This is measured against the housing requirement in adopted strategic policies or the local housing need as identified using the SM where strategic policies are more than five years old. Where a five year supply of housing land cannot be demonstrated then development plan policies which are relevant for the determination of residential planning proposals are to be considered to be out of date (paragraph 11(d)).

The relationship of the development plan to the NPPF is also a significant consideration when determining what weight should be applied to development plan policies. Where a development plan pre-dates the NPPF paragraph 213 of the NPPF states that due weight should be given to existing policies according to their degree of consistency with the Framework.

The Five Year Housing Land Supply Situation

*In May 2019 the Council published an updated Housing Monitoring and Five Year Housing Land Supply report covering the period 2018-2019. Using the Standard Method as advocated by the NPPF indicates an annual local housing need figure for South Staffordshire of 254 dwellings. This translates into a five year housing supply requirement including a 5% buffer of 1334 dwellings. An examination of sources of deliverable supply indicates a figure for total net commitments as at 1 April 2019 of 1535 dwellings. Relating the annual need figure to this supply (including the 5% buffer) indicates that a housing land supply figure of **5.75 years** can*

be demonstrated. Relevant policies for determining residential planning proposals should therefore not be considered out-of-date in terms of NPPF paragraph 11(d) owing to a lack of an adequate housing supply.

Development Plan Policies

This section will consider the most relevant aspects of the adopted development plan in relation to determination of the current proposal and indicate the relationship between these adopted development plan policies and the NPPF2019.

The Spatial Strategy for South Staffordshire (Policy CP1)

Policy CP1 of the adopted core strategy establishes the overarching policy approach when seeking to guide new development to meet the needs of the district. Development is steered towards those settlements considered to be the most sustainable owing to their access to local services, community facilities and sustainable transport opportunities. The approach of guiding development to such locations is considered to be consistent with the NPPF. The NPPF states that “significant development should be focussed on locations which are or can be made sustainable” (Paragraph 103) and that planning policies should take into account “the availability and capacity of infrastructure and services – both existing and proposed – as well as the potential for further improvements and the scope to promote sustainable travel modes that limit future car use” (Paragraph 122). It is considered therefore that weight can continue to be attributed to the approach outlined in CP1 when determining development proposals, as this local policy reflects these NPPF provisions at a local level.

The site is adjacent to the settlement boundary of Penkridge, which is identified as one of the Main Service Villages in the adopted Core Strategy and development will therefore benefit from ready access to a range of services and facilities and travel by a choice of means of transport. The area to the south of the site is characterised by residential development and the open countryside to the north and west has recently been the subject of a planning appeal decision which granted outline approval for 200 dwellings. The site is however outside of the development boundary as identified in the adopted Local Plan and is therefore in an area classified as open countryside.

Development in the Open Countryside (Policy OC1)

Policy OC1 seeks to ‘protect the open countryside for its own sake’. The 2019 NPPF also requires development to ‘recognise the intrinsic character and beauty of the countryside’ (Paragraph 170.b). It is considered that elements of Policy OC1 still accord with the requirement at NPPF paragraph 170 to recognise “the intrinsic character and beauty of the countryside”, specifically as the policy seeks to protect the Open Countryside for its landscapes. Therefore, the complementary role that Policy OC1 plays alongside Policies EQ4 and EQ11 of the Core Strategy in protecting the landscape character of the Open Countryside means that the policy still attracts some weight from its consistency with NPPF paragraph 170.

Landscape Character (Policies EQ4, EQ11 (c))

The landscape character protection policies in the Core Strategy seek to protect and enhance the intrinsic rural character and local distinctiveness of the South Staffordshire landscape. This is an approach with clear parallels in paragraph 170 of the NPPF and the impact of this proposal on the landscape character is evidently a matter requiring careful consideration.

The landscape comments are directed at the scheme’s impact on the character of the area and its degree of compliance with Policy EQ11(e) and EQ4. Specific impacts of the development on trees in and around the site should be picked up by comments offered by the

Council's Senior Arboricultural Officer. With regards to the landscape character, the primary effect of the scheme would be the loss of an undeveloped area of grassland enclosed by a mixture of tree and hedge planting on the northern edge of Penkridge. However, the site itself is not reflective of the pattern of larger scale piecemeal enclosure characteristic of the agricultural landscape to the north of the site, and is largely screened from the landscape to the north by a well-established hedgeline. Therefore, the structure of the wider rural landscape would remain largely intact, limiting any wider adverse effects.

With regard to visual effects, the scheme's visual envelope is limited by the intervening transport infrastructure and vegetation which acts to filter and block views to the site from surrounding public viewpoints. The development would not be prominent in views from along the Teddesley Road and would be seen in the context of existing residential properties along the Stafford Road. Furthermore, any views from this river corridor setting would be filtered through existing and proposed tree planting. The development would not appear prominent in any views to the site from the PRoW 1km to the north, as the roofscape of the proposal will blend into that of the surrounding village from this distance. The PRoW which runs immediately to the north of the site will experience views to the development, although these will be localised to a short extent of the footpath, past which the West Coast Mainline acts to screen the majority of the development in views to the proposed site. The development would be largely screened from road users of the A449 as they enter the village due to the existing intervening planting. For these receptors, the proposed development would only become prominent upon the immediate approach to the village and in any event road users are generally less sensitive visual receptors than, for example, users of recreational spaces or footpaths. Furthermore, by respecting the existing building line and density of development in the adjacent streetscene, there would be no significant adverse effects on the character of the adjacent residential area along Stafford Road.

Having regard to the above, the scheme is considered compliant with the relevant provisions of Policy EQ4 and EQ11 of the Core Strategy. A detailed landscape plan, with associated maintenance proposals, should be submitted as part of any future reserved matters scheme.

Affordable housing

The NPPF recognises the role of planning policies in establishing a requirement for affordable housing to address the housing needs of the local area (paragraphs 62 and 64). Policy H2 confirms that developments of 10 units or more in Penkridge, a main service village, are required to make an affordable housing contribution. On greenfield land, the requirement is 40% of the development. In accordance with the Affordable Housing and Housing Mix SPD, where the percentage does not equal a whole number, the figure will always be rounded up. Policy H2 also confirms that the affordable housing should then be split 50:50 between social rent and intermediate tenure i.e. shared ownership. In cases where an odd number of affordable units are provided, the split will be in favour of social rent. These requirements will be secured via a S106 agreement.

Housing Mix

Policy H1 requires that proposals for new housing development provide a wide mix of housing sizes, types and tenures to contribute to creating mixed and sustainable communities. This approach is supportive of the strategy outlined in the NPPF paragraph 61. Policy H1 particularly encourages the provision of more 2 and 3 bedroom properties across all areas of the district in order to better balance the local housing market. Mix should also be informed by local need as identified in the Strategic Housing Market Assessment (SHMA).

The 2017 SHMA indicated in this area:

- *Market housing – there is a large need for 2 and 3 bedroom homes, and a small need for 1 and 4 bedroom properties*
- *Affordable housing – there is a need for 1-3 bedroom properties, and a small need for 4 bedroom homes*

Policy H1 also confirms that new development should include provision of housing to meet the needs of the district's ageing population. 10% of the properties to be provided as bungalows is considered a suitable contribution.

A detailed housing mix has not been provided by the applicant. The Council will require both the market and affordable housing mixes to be secured via condition as follows:

The mix of properties to be the following (unless otherwise agreed in writing with the Council):

Market housing

35% 2 bedroom properties

45% 3 bedroom properties

20% 4 bedroom properties

A minimum of 10% of market housing to be provided as bungalows

Affordable housing

Social rented housing:

50% 2 bedroom properties

50% 3 bedroom properties

Shared ownership housing:

60% 2 bedroom properties

40% 3 bedroom properties

A minimum of 10% of affordable housing to be provided as bungalows

Strategic Housing Requirement – Greater Birmingham HMA Strategic Growth Study

The strategic housing requirement identified in the adopted Core Strategy was based on the now abolished West Midlands Regional Spatial Strategy. Work is on-going in relation to identifying and agreeing a revised approach for addressing the issue of strategic housing growth. A joint West Midlands Housing Market Area Growth Study was produced in 2018 which identified a potential shortfall in housing supply arising primarily from the West Midlands conurbation of 28,000 for the period to 2031 rising to a total shortfall of nearly 61,000 for the period to 2036. The study, sought to identify potential future strategic growth locations within the Greater Birmingham Housing Market Area which could contribute to meeting this identified shortfall. Among the options considered within South Staffordshire District was the potential for an urban extension to the north of Penkridge. This suggestion was ultimately identified as one of the recommended potential strategic growth areas by the study. The levels of growth under active consideration as constituting a strategic growth option are defined in the range of 1,500-7,500 homes for such urban extensions. This would suggest a potential allocation well in excess of the current proposal.

The council does recognise the presence of a significant housing shortfall arising from within the wider Greater Birmingham Housing Market Area and has been actively engaged with

neighbouring authorities in seeking an appropriate response to this issue. These discussions have not yet concluded and therefore a statement of common ground establishing the extent of the contribution towards the neighbouring housing shortfall has not been agreed.

Other Matters

The site lies within the 0-15km zone of influence of the Cannock Chase SAC, and is also within the 0-8km zone around the SAC. Existing evidence suggests that development within these areas will have a significant effect on the SAC, and as such mitigation should be provided in accordance with the Council's Cannock Chase SAC – Guidance to Mitigate the Impact of New Residential Development. As this is a windfall site which is not identified in levels of growth planned for in the Council's adopted Core Strategy, Natural England should be consulted to determine whether the standard contribution of £232 per net dwelling is appropriate in this instance.

Among the matters which will need to be considered through any subsequent reserved matters application is the provision of public open space. Policy SAD7 of the Site Allocations Document Publication Plan sets out the open space and landscaping requirements which may be necessary to make the development acceptable in planning terms.

Conclusion

The council is able to demonstrate a healthy five year housing land supply and therefore the presumption in favour of sustainable development (due to the lack of a five year housing supply) as outline in paragraph 11(d) of the NPPF is not engaged. It is recognised that the site is situated adjacent to a recently approved housing proposal which will surround the application site to the north and west. The site is still however classified as being within the open countryside and this proposal would result in a localised degree of harm contrary to the protection afforded by Policy OC1.

Senior Arboricultural Officer (04.07.2019) I have no objection in principle to the application/development on the land. If this is approved then at reserved matters/full application stage we will require a full BS5837 Arboricultural Impact Assessment with the layout taking into consideration the (adequate) space required for the Oak (T7) and with clear proposals/recommendations for tree retentions and removals and hedge retentions and or management and with all retentions & removals clearly shown on plan(s).

Site notice expired 08.03.2019

Advert expired 26.02.2019

Public Comments

8 comments have been received from members of the general public [set out in full on Public Access – Council Website]. **All** of these public responses are objections, with concerns including:

- *Penkridge already exceeded its housing target set out in the Core Strategy – no need for more residential development;*
- *Contrary to Policy OC1 of the Core strategy regarding development in the open countryside;*
- *Village infrastructure, services and facilities cannot cope with more housing development;*

- *Adversely impact on the living conditions of nearby residents;*
- *Overdevelopment of the site and harm the character and appearance of the area;*
- *Highway safety concerns from increased traffic generation;*
- *Impact on wildlife/biodiversity;*
- *Limited recreational space in the vicinity to serve the proposed development.*

5. APPRAISAL

5.1 This application is being referred to the Planning Committee as the proposal is a departure from the development plan - being contrary to Policy OC1 (Development in the Open Countryside Beyond the West Midlands Green Belt) of the adopted Core Strategy.

5.2 Key Issues

- *Principle of development and 5 Year Housing Land Supply;*
- *Impact upon landscape character;*
- *Cannock Chase Special Area of Conservation;*
- *Ecological value;*
- *Historical Environment and Archaeological Value;*
- *Best and most versatile agricultural land;*
- *Recreational Value;*
- *Housing mix;*
- *Sustainability of development;*
- *Highways/transport;*
- *Flood risk and drainage;*
- *Air Quality & Noise;*
- *Residential amenity and design;*
- *Housing Market Area (HMA) – Unmet Housing Needs;*
- *Local Financial Considerations;*
- *Representations;*
- *Planning Obligations [Section 106];*
- *Unilateral Undertaking (UU) for Cannock Chase SAC*
- *Planning Balance and Conclusion.*

5.3 Principle of development and 5 Year Housing Land Supply

5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA) states that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.

5.3.2 Core Strategy Policy 1 (The Spatial Strategy for South Staffordshire) sets out the strategic approach to the delivery of new homes in the district over the plan period. Core Policy 1 defines the main service villages for the main focus for housing growth, employment development and service provision.

5.3.3 The site lies within the Open Countyside, immediately adjacent to the settlement boundary of the Main Service Village of Penkridge. Policy OC1 of the Core Strategy (CS) seeks to protect the open countryside for its own sake, but, through a series of criteria, sets out specific types of development which may be acceptable. The proposal does not fall under any of these criteria and therefore conflicts with Policy OC1 of the CS. However, when assessing the weight which can be attached to Policy OC1 of the CS, it is necessary to consider whether it is consistent with more up to date policy in the National Planning Policy Framework (the Framework) which is clearly also an important material consideration in the assessment of this case.

5.3.4 The Framework promotes a presumption in favour of sustainable development (para 11). However, where a proposal would conflict with an up-to-date development plan the Framework states that permission should not usually be granted (para 12). When deciding if relevant development plan policies should be considered up to date the Framework identifies a number of key considerations, including whether there is a five year housing land supply.

5.3.5 Government policy seeks to promote a significant boost in the supply of housing (Framework Paragraph 59) and is looking to local planning authorities to identify a sufficient and varied supply of land to meet this objective. When determining the minimum level of housing need the Framework requests that a local housing need assessment is undertaken using the Standard Method (SM) as set out in national planning guidance. The Framework also requires that strategic policies take account of any unmet housing needs arising from neighbouring areas when determining the amount of housing to be planned for (para 60).

5.3.6 The Framework seeks to address the supply and delivery of sites for housing by requiring local planning authorities to identify and update annually a supply of deliverable sites sufficient to provide a minimum of five years supply of housing (para 73). This is measured against the housing requirement in adopted strategic policies or the local housing need as identified using the SM where strategic policies are more than five years old. Where a five year supply of housing land cannot be demonstrated then development plan policies which are relevant for the determination of residential planning proposals are to be considered to be out of date (paragraph 11(d)).

5.3.7 The relationship of the development plan to the Framework is also a significant consideration when determining what weight should be applied to development plan policies. Where a development plan pre-dates the Framework, paragraph 213 of the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework. This matter was considered in detail in the recent appeal decision on the adjoining land by Bloor Homes (Ref: APP/C3430/W/18/3213147). In the appeal case, the Inspector concluded that although Policy OC1 did have some consistency with the Framework objective to recognise the intrinsic character and beauty of the countryside, there is also inconsistency created by the

policy requirement to protect the countryside for its own sake. This factor combined with the role of settlement boundaries in housing allocations and the reliance of the CS on an outdated housing requirement, together with the Council's lack of a five year housing land supply, meant that the Inspector only gave 'limited weight' to the conflict with Policy OC1 when allowing the appeal. The relevant paragraphs of this decision are set out below:

Policy OC1 concerns development in the open countryside beyond the West Midlands Green Belt. The Policy seeks to protect the open countryside for its own sake but, through a series of criteria, outlines specific types of development which may be acceptable.

There is agreement between the parties that Policy OC1 is not fully consistent with the Framework. For the Council, the inconsistency arises from the apparent restrictive nature of Policy OC1 in protecting the totality of the countryside for its own sake, rather than recognising, different levels of protection for landscapes, and the countryside's intrinsic character and beauty in line with paragraph 170 a and b of the Framework, as recognised within the Courts.

The appellant further asserts that as the development plan is based on an out of date OAN and the Council is unable to demonstrate a five year housing land supply, then the settlement boundaries which determine site allocation and the extent of the open countryside to be protected are also out of date. Moreover, as the Council is unable to demonstrate a five year housing land supply then, in accordance with footnote 7 of paragraph 11 of the Framework, the Policy must be out of date.

The fact that Policy OC1 allows some development, albeit limited, displays that the Policy does not impose a blanket ban on new development within the open countryside. The Framework seeks to protect and enhance valued landscapes and distinguish between the hierarchy of international, national and locally designated sites, allocating land with the least environmental or amenity value where consistent with other policies in the Framework. While Policy OC1 does not seek to differentiate between different landscapes within the countryside, the Framework also recognises the intrinsic character and beauty of the countryside. Therefore, the underlying objective of the Policy has some consistency with the Framework. Consequently, any conflict with it still attracts some weight in this respect.

Although the Council stated that settlement boundaries are not defined by housing requirements, paragraph 6.14 of the CS states that detailed boundaries of the Green Belt and villages will be reviewed as necessary in the SAD. Paragraph 10.3 of the SAD refers to changing settlement boundaries to reflect planning permissions that have been approved by the Council on Safeguarded Land in the 1996 Local Plan. Furthermore, paragraph 10.4 states that "Given the commitment in the SAD to identify land to meet development and growth needs, the following areas will be removed from Green Belt or Open Countryside, or alterations made to settlement boundaries". Policy SAD6 of the SAD then goes on to set out details of the locations of where the Green Belt, Open Countryside, or Development Boundaries will be amended to accommodate new development. It seems to me therefore, that settlement boundaries exist not only to protect the open countryside, but also to assist with housing allocations.

It is agreed between the parties within the SOCG that housing supply and allocation policies within the CS and the SAD are out of date for reasons I have already covered. Therefore, as the settlement boundaries reflect an out of date housing requirement, and the Council is unable to demonstrate a five year housing land supply, then the weight to be given to

protecting the countryside outside those settlement boundaries should be reduced, a concept supported in the Supreme Court.

The Council suggested that Policy OC1 is not an environmental policy such as those referred to in the judgement, and also pointed out that the judgement relates to the previous 2012 Framework. I appreciate the importance of Policy OC1 to the Council, it lies at the heart of its development plan, seeking to protect the limited amount of countryside that is not afforded Green Belt designation. However, in my view, given its status as a countryside protection policy then it can reasonably be viewed as an environmental policy. Furthermore, although the judgement predates the latest iteration of the Framework, the objective of the Framework to boost significantly the supply of housing, and the general principle to which the judgement relates remain.

Therefore, I accept that Policy OC1 has some consistency with the Framework's requirement to recognise the intrinsic beauty and character of the countryside. However, there is inconsistency created with the Policy requirement to protect the countryside for its own sake. This, together with the role of settlement boundaries I have identified in housing allocations, given the reliance of the Plan on an outdated housing requirement, together with the Council's lack of five year housing land supply, which it is agreed is significant, means I give the agreed conflict with Policy OC1 limited weight.

The parties disagree as to whether Policy OC1 is out of date by virtue of footnote 7 to paragraph 11 of the Framework. Whatever my finding on this matter, as pointed out by the Council the Suffolk Coastal judgement and others make it clear that even if a Policy is out of date, weight can still be given to conflict with that Policy by the decision maker. Irrespective of my finding on this matter therefore, I have already determined that the agreed conflict with Policy OC1 should attract limited weight.

As it has already been established that paragraph 11(dii) of the Framework is engaged due to the Council being unable to demonstrate a five year housing land supply, my findings as to whether Policy OC1 is out of date are also not critical in this respect."

5.3.8 In May 2019 the Council published an updated Housing Monitoring and Five Year Housing Land Supply report covering the period 2018-2019. Using the Standard Method as advocated by the Framework indicates an annual local housing need figure for South Staffordshire of 254 dwellings. This translates into a five year housing supply requirement including a 5% buffer of 1334 dwellings. An examination of sources of deliverable supply indicates a figure for total net commitments as at 1 April 2019 of 1535 dwellings. Relating the annual need figure to this supply (including the 5% buffer) indicates that a housing land supply figure of **5.75 years** can be demonstrated. Relevant policies for determining residential planning proposals should therefore not be considered out-of-date in terms of paragraph 11(d) of the Framework owing to a lack of an adequate housing supply.

5.3.9 Notwithstanding that the Council can now demonstrate a five year housing land supply, taking account of the Inspectors conclusions above, in my view Policy OC1 is not entirely consistent with the Framework and the weight that can be apportioned to it is reduced. Consequently, the presumption in favour of sustainable development (due to the lack of a five year housing supply) as outlined in paragraph 11(d) of the Framework is not engaged. Although I accept that the weight that can be attached to the conflict with Policy OC1 is reduced, the proposal would still conflict with this development plan policy. Therefore, as set out in S38(6) of the PCPA it is necessary to establish if permission should be granted for development that is not in accordance with the development plan.

5.4 Impact upon Landscape Character

5.4.1 The application site lies within Natural England's Character Area (NCA): 61 "*Shropshire, Cheshire and Staffordshire Plain*" and 67 "*Cannock Chase and Cank Wood*". It also falls under the '*Staffordshire Plain*' and '*Cannock Chase and Cank Wood*' regional character areas as defined in the Planning for Landscape Change: Supplementary Planning Guidance 2001 (SPG). The SPG defines the landscape character type of the site and its immediate surroundings as '*Ancient Clay Farmland*'. The afore mentioned landscape character assessments identify the key characteristics of the landscape in these areas to include, gently undulating, large scale rolling landscape, well defined irregular field boundaries with mature hedgerows and some trees, dispersed settlement patterns, low lying built form, with the exception of churches, and mixed arable and pastoral farmland.

5.4.2 The site itself is a small field of rough grassland which is enclosed on all sides by established hedgerow and tree planting. Therefore, it is not reflective of the pattern of larger scale piecemeal enclosure characteristic of the agricultural landscape to the north of the site, and only makes a limited contribution to the character and appearance of the wider landscape referred to above. The site is also viewed alongside existing residential development immediately to the south, with the recent planning permission, if implemented, for 200 dwellings on land to the north and west (Ref: APP/C3430/W/18/3213147) effectively enclosing the current application site on all sides (i.e. it would read as part of the built form of the village).

5.4.3 It is acknowledged that the proposal is likely to require the removal of part of the hedgerow along the main Stafford Road (A449) to provide for the necessary visibility splays. However, providing appropriate replacement planting is introduced at reserved matters stage, this over time would retain the verdant character of the site frontage. Moreover, as set out in the submitted tree constraints plan, it would be possible to either retain, cut down and allow to regrow or introduce new trees and hawthorn hedging along the remaining boundaries on the site, preserving these important landscape features.

5.4.4 Overall, although the proposal would extend out into the open countryside, the structure of the wider rural landscape would remain largely intact, limiting any wider adverse effects of the development. Thus, over time, and particularly if the adjacent development is implemented, the proposal would have a neutral impact on landscape character.

5.4.5 In respect of the visual impacts of the proposal, the scheme's visual envelope is limited by the intervening transport infrastructure (A449 and railway line) and existing vegetation which acts to filter and block views to the site from surrounding public viewpoints. The development would also not be prominent in views from along the Teddesley Road and would be seen in the context of existing residential properties along the Stafford Road. Furthermore, any views from this river corridor setting would be filtered through existing and proposed tree planting.

5.4.6 The development would not appear prominent in any views to the site from the public right of way (PRoW) 1km to the north, as the roofscape of the proposal will blend into that of the surrounding village from this distance. The PRoW which runs immediately to the north of the site will experience views of the development, although these will be localised to a short extent of the footpath, past which the West Coast Mainline acts to screen the majority of the development in views to the proposed site. The development would be largely

screened from road users of the A449 as they enter the village due to the existing intervening planting. For these receptors, the proposed development would only become prominent upon the immediate approach to the village and in any event road users are generally less sensitive visual receptors than, for example, users of recreational spaces or footpaths. Furthermore, by respecting the existing building line and density of development in the adjacent streetscene, there would be no significant adverse effects on the character of the adjacent residential area along Stafford Road.

5.4.7 I am mindful that a reserved matters application is likely to require the removal of a section of hedgerow to allow for the appropriate visibility splays. However, given the modest width of the plot, the potential for replacement planting along the site frontage, and the fact that public views would only be available from the A449 directly opposite the site, this element would not have an adverse long-term visual impact on the landscape.

5.4.8 The Inspector's conclusions on character and appearance for the 200 houses on the adjoining land are also of relevance to the current application. It is important to note that the appeal scheme occupied a significantly larger site and, unlike the current scheme, displayed many of the characteristics of the surrounding landscape. It was also physically 'detached' from the settlement limits of the village (the current proposal would directly abut properties in Stafford Road, Grocott Close and Nursery Drive. Consequently, there are clear differences between the two proposals. That said, even when accounting for the afore mentioned considerations, the Inspector only attracted limited negative weight to the harm the appeal scheme would cause to the character and appearance of the area. Clearly, the current scheme, due to the size, position and nature of the development would have a significantly reduced impact on the character of the landscape when compared with the appeal proposal.

5.4.9 In conclusion, I acknowledge that the development would extend the built form of the settlement out into the open countryside and therefore conflict with Policy OC1. However, for the reasons set out above, the proposal would not have a harmful impact on the landscape character of the area. Indeed, if the permission for 200 houses on the adjoining land is implemented, the current application site would read as part of the built-up envelope of Penkridge rather than a small enclosed field within the open countryside. In this regard it would accord with Policies EQ4 and EQ11 of the CS and the Framework, which, amongst other things, seek to ensure that development recognises the intrinsic character and beauty of the countryside.

5.5 Cannock Chase Special Area of Conservation

5.5.1 The application site is situated about 6 km from the Cannock Chase Special Area of Conservation (SAC) and therefore lies within the 15 km zone of influence identified around the SAC. This zone is estimated to encompass the area from which 75% of visits to the SAC are generated. Core Policy EQ2 (Cannock Chase Special Area of Conservation) relates to the Cannock Chase SAC.

5.5.2 The Habitat Regulations place restrictions on the ability of a 'competent authority' to agree to a plan or project where it will adversely affect the integrity of the European site (such as the Cannock Chase SAC). The site lies within the Zone of Influence for the Cannock Chase SAC where evidence, supported by Natural England, clearly demonstrates that any net increase in housing will have an adverse effect on the SAC. However, the Council has an agreed approach to mitigation with Natural England, which indicates that such impacts can usually be satisfactorily mitigated and avoided through the provision of a commuted sum of £232 per unit towards an agreed set of mitigation projects. This sum has been agreed and

will be secured through a Unilateral Undertaking (UU) – see Section 5.18 below. This ensures that there are no adverse impacts on the Cannock Chase SAC arising from the development, meaning that, with the secured commuted sum, the Council has the legal authority to decide this planning application without acting outside of the scope of the Habitat Regulations.

5.6 Ecological Value

5.6.1 The Framework seeks to minimise impacts and provide net gains in biodiversity. This is echoed within Policy EQ1 (Protecting, Enhancing and Expanding Natural Assets) which states that permission will be granted for development that does not cause significant harm to sites or habitats of nature conservation. As part of the application several documents were provided to address ecological impact and an Updated Preliminary Ecological Appraisal (PEA) was submitted by the applicant during the application process. This is an outline application and so there is scope within the details (and through imposition of conditions) to establish a coherent ecological network through the development of this site in accordance with the policy set out in the Framework.

5.6.2 The County Ecologist has reviewed the documents submitted with the application and concludes that, subject to conditions requiring the provision of bat/bird boxes to be installed within the development, submission of a lighting strategy and introduction of appropriate tree and hedgerow protection measures would protect and introduce modest biodiversity enhancements on site. Thus, subject to the afore mentioned conditions, the development would accord with the aims of Policy EQ1 of the CS and the Framework.

5.7 Historic Environment & Archaeological Value

5.7.1 The site lies on the edge of Penkridge and would not therefore directly impact on the setting of any designated heritage assets (i.e. the Penkridge Conservation Area or listed buildings).

5.7.2 Turning to the potential impact of the development on archaeology, an Archaeological Desk-Based Assessment (ADBA) has been submitted with the application which has assessed the known and potential archaeological resource utilising information held by the Staffordshire Historic Environment Record (HER) and other appropriate documents. The County Archaeologist agrees with the conclusions of the ADBA that there is a low potential for significant archaeological remains to be present within the development site. However, in order to appropriately assess the unknown archaeological potential of the site, particularly relating to prehistoric activity which is currently poorly understood within the wider landscape, it is advised that further archaeological investigation is undertaken. This, as suggested in the ADBA can be secured by an appropriately worded condition.

5.7.3 Subject to the afore mentioned condition, the proposal would preserve the historic environment. It would therefore accord with Policy EQ3 of the CS and paragraphs 188 and 199 of the Framework which, amongst other things require developers to describe the significance of heritage assets, the potential impact of development on them and record and advance understanding of the significance of heritage assets.

5.8 Agricultural Value

5.8.1 Paragraph 170 of the Framework requires local planning authorities to take into account the economic and other benefits of best and most versatile agricultural land (BMV) and that areas of poorer quality should be used in preference to areas of higher quality.

Policy OC1 of the CS refers to protecting the countryside for its own sake particularly for, amongst other things, its agriculture. The best and most versatile agricultural land is defined in the Framework as land in Grades 1, 2 and 3a of the Agricultural Land Classification.

5.8.2 On first inspection it would appear that the Agricultural Land Classification for the site is Grade 3. However, evidence presented in the appeal for the adjacent development suggests that the current application site is to be regarded as Grade 3a agricultural land. I will assess this application on this basis.

5.8.3 It is also important to note the Inspectors conclusions in respect of best and most versatile agricultural land when allowing the appeal on the adjoining land. In this case, which included Grade 2, 3a and 3b land, with Grade 2 land being in shorter supply than Grade 3a land in the surrounding area the Inspector concluded that:

'I appreciate that there is no definition of significant, in this context, within the Framework. However, given the amount of land classified as Grade 2 on the appeal site then the harm caused by its loss would be limited. This is reinforced by the likelihood that a significant proportion would be reused within the landscaped areas, open space and gardens within the development, resulting in the soil profile retaining the same functions as prior to the development....

While therefore, there is some conflict with Policy OC1 and the Framework with regard to the loss of BMV, there would be limited resultant harm.'

5.8.4 Taking into account of the above considerations, the significantly smaller scale of the current application site and the potential for a large proportion of the land to be re-used as informal landscaped areas and gardens within the development therefore retaining the same function as prior to the development, the resultant policy conflict with OC1 of the CS and the Framework and harm to BMV land would be limited.

5.9 Recreational Value

5.9.1 The site is private grassland and therefore cannot be considered to be of recreational value. Local residents have raised concerns that there is insufficient recreational space in the vicinity of the site to service the needs of the development. Due to the relatively modest size of the development, it does not meet the threshold for providing on-site public open space or a contribution towards off-site provision. The extant permission on the adjacent site includes on-site open space which could also provide nearby provision for the occupiers of this development once implemented.

5.10 Housing Mix

5.10.1 Turning to housing mix, Policy H1 of the CS seeks to achieve a balanced housing market, with Policy H2 setting out the expected provision for Affordable Housing. **The housing mix can be secured through planning condition.** The delivery of affordable housing, in accordance with Policy H4 (Delivering Affordable Housing), can be secured through Section 106. The housing mixes are as follows:

Market housing mix:

- i) 35% 2 bed properties
- ii) 40% 3 bed properties
- iii) 20% 4 bed properties

iv) 10% of the total market housing to be provided as bungalows.

Affordable housing mix:

Social Rent:

v) 50% 2 bedroom properties

vi) 50% 3 bedroom properties

Intermediate Housing (i.e. shared ownership):

x) 60% 2 bedroom properties

xi) 40% 3 bedroom properties

A minimum of 10% of affordable housing to be provided as bungalows

Market housing mix:

5.11 Sustainability of Development

5.11.1 Whilst located outside the development boundary of Penkridge, the site is located within a reasonable distance of the local services and facilities that are provided within the village of Penkridge.

5.11.2 A number of regular bus services (54, 75, 76 and 878) run via Penkridge on its route between Stafford, Cannock and Wolverhampton; Mondays – Saturdays. Additionally, a rail service between Penkridge and Birmingham New Street operates every 30minutes. In addition, Stafford Town can be accessed from Penkridge by train with a frequency of approximately one hour.

5.11.3 It can therefore be said that the application site is well served by public transport and is in a sustainable location. Public comments of objection have referred to the doctor's surgery being at full capacity and having to wait too long for an appointment. However, it is understood that the medical practice is failing to attract sufficient number of GPs hence the waiting time problem. This issue could not be justified as a planning reason to refuse this application.

5.11.4 Public comments of objection have also referred to increased pressure on school places. County Education have commented that this development falls within the catchment areas of Marshbrook First School, Penkridge Middle School and Wolgarston High School. The development is scheduled to provide up to 17 dwellings.

5.11.5 The First schools in Penkridge Town and Penkridge Middle School are projected to be full for the foreseeable future. There are plans to increase the capacity within one of the first schools in Penkridge and increase capacity at Penkridge Middle School in order for this development and other approved developments to be mitigated; options are currently being explored and considered.

5.11.7 Wolgarston High School is projected to have limited vacancies based on the current and projected pupil numbers available at this time. Although the development will put additional pressure on school places, current pupil demographics indicate that the schools should be able to accommodate the likely demand from pupils generated by the development.

5.11.8 The education contribution for a development of this size is;

- First School places (3 x £11,031 = £33,093) and 2 Middle School places (2 x £13,827 = £27,654). This gives a total request of £60,747 for up to 17 houses.

5.11.9 Economically, the construction and fitting out of the dwellings and creation of new road infrastructure would create employment and generate demand for services as well as for various plant and material. The increase in the population of Penkridge will potentially boost the spending power of the local economy to some extent. I attribute moderate weight in favour of the development (in the 'planning balance') because of these economic benefits.

5.11.10 Socially, the proposed development would provide additional housing required to meet the needs of present and future generations with accessible local services that reflect the communities' needs and supports its health, social and cultural well-being. The proposed development would deliver 40% affordable housing, a mix of market and affordable homes and would provide a further choice of new homes in a sustainable location. This would boost South Staffordshire's existing housing supply in accordance with paragraph 59 of the Framework and Policy H1 of the CS. I attribute significant weight (in the 'planning balance') in favour of the proposed development because of the delivery of market and affordable housing.

5.11.11 Environmentally, whilst the development would involve the development of an existing field within the open countryside, it would preserve the landscape character of the area. If the extant permission for up to 200 houses on the adjoining land is implemented, this would have the effect of enclosing the site within the built-up envelope of Penkridge, further limiting the schemes impact.

5.11.12 Overall, there would be a net gain in terms of achieving sustainable development as a result of this application and this is compliant with the objectives of the Framework as set out in Chapter 2 (Achieving Sustainable Development) [Paragraphs 7 to 14].

5.12 Highways/Transport

5.12.1 A significant number of the public comments of objection relate to concerns about vehicular access, highway safety and the impact on residential amenity of neighbouring residents from increased traffic generation. It is clear that these issues require careful consideration when assessing the principle of residential development on the site despite access being a reserved matter. The latter relates to the impact of the development on the residential amenity of nearby residents and is therefore discussed in section 5.15 of this report.

5.12.2 The indicative layout plan shows a new vehicular access in a roughly central location on the site. Subject to the remove of the existing hedgerow along the site frontage to allow for the appropriate visibility splays and given the linear alignment of Stafford Road, clear and unrestricted visibility is likely to be available in both directions for vehicles emerging from the site access. Similarly, due to the relatively modest number of vehicular movements which would be associated with the use and occupation of up to 17 dwellings, drivers waiting in the highway in order to access the development is unlikely to cause significant obstruction to users of Stafford Road. In any case, such matters, including the specifications of the road layout and vehicle crossing will be considered in detail at reserved matters stage. Therefore, based on the information before me the principle of residential development on the application site is unlikely to have an unacceptable impact on highway safety and therefore accord with paragraphs 108 and 109 of the Framework.

5.13 Flood risk and drainage

5.13.1 The County Flood Risk Team has advised that the proposed development will only be acceptable if the appropriate measures are incorporated in an acceptable surface water drainage scheme, to be secured by way of planning conditions on any planning permission. The measures that they would require to be secured are set out in their comments in Section 4 and in condition 10 of this committee report.

5.14 Air Quality & Noise

5.14.1 The application site is situated off the main Stafford Road, the main arterial route between Wolverhampton and Stafford. Despite this, there is potential for the proposed dwellings to be set back from the main road frontage roughly in line with existing residential development on Stafford Road. The provision of additional landscaping in this area would further reduce this impact. Thus, subject to the detailed design and layout of the development there is potential for up to 17 dwellings to be accommodated on site without potential future occupiers experiencing air quality or noise related issues.

5.15 Residential Amenity and Design

5.15.1 The application is in outline with all matters reserved at this stage. The layout, appearance, landscaping and scale of the development are to be considered at reserved matters stage. The illustrative layout plan submitted with the application does demonstrate that suitable separation distances could be achieved, however condition 4 makes it clear that no indicative drawings are agreed at this stage.

5.15.2 The indicative layout plan shows a central vehicular access. In such circumstances, any noise associated with vehicle movements into and out of the site would be largely obscured from residential properties to the east by the proposed dwellings which would be positioned between the access and the adjacent properties. In any case, as layout and access are reserved matters, the detailed design of the scheme would be considered in full at reserved matters stage. To ensure the amenities of nearby residents are protected, in accordance with Policy EQ9 (Protecting Residential Amenity), a construction management plan will be conditioned (condition no. 7).

5.16 Housing Market Area (HMA) – Unmet Housing Needs

5.16.1 Planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions (Paragraphs 2 & 47). The achievement of sustainable development is the golden thread that runs through the Framework (Paragraph 11). ‘Significantly boosting the supply of homes’ is a principal policy driver in the Framework (Paragraph 59).

5.16.2 In March 2018 the Government consulted on the revised Framework. The introduction to the draft revised Framework stated: -

‘The country does not have enough homes. For decades the number of new homes has not kept pace with rising demand. That has created a market that fails to work for far too many families, resulting in soaring prices and rising rents. The Government is clear that the country needs radical, lasting reform that will allow more homes to be built.’

Government published the (revised) Framework on Tuesday 24 July 2018.

For these reasons, I consider that unmet housing needs within the Housing Market Area (HMA) is another material consideration that should be afforded significant weight in the 'planning balance' in considering the merits of this proposed development.

5.16.3 The Localism Act 2011 introduced local financial considerations as another material consideration in planning decisions. It is for the decision-taker to decide how much weight should be attributed in each specific case.

5.16.4 Accordingly, I shall assess the significance of these other material considerations under 2 headings: -

- A) Greater Birmingham Housing Market Area (GBHMA) - Housing Shortfall
- B) Local financial considerations

A) Greater Birmingham Housing Market Area (GBHMA) - Housing Shortfall

5.16.5 The Birmingham Development Plan 2011-2031 (BDP) was adopted in January 2017 and commits Birmingham City Council to work with the 13 other local planning authorities within the GBHMA in order to address the housing shortfall within emerging local plans. Birmingham's objectively assessed housing needs (OAN) were evidenced in the plan as 89,000 dwellings. There is a shortfall of 37,900 dwellings to be delivered from the BDP. More recently the Greater Birmingham Housing Market Area Growth Study published in 2018 (GBHMAGS) was jointly commissioned by the Housing Market Authorities to further consider strategic development options to meet housing need across the housing market area.

5.16.6 Whilst the unmet housing need from other authorities is a material consideration, the GBHMAGS is not a policy document and the appropriate place to consider the allocation of unmet housing need is through individual local plan examinations, and therefore attracts very limited weight in the assessment of this case. Moreover, the council does recognise the presence of a significant housing shortfall arising from within the wider GBHMA and has been actively engaged with neighbouring authorities in seeking an appropriate response to this issue. These discussions have not yet concluded and therefore a statement of common ground establishing the extent of the contribution towards the neighbouring housing shortfall has not been agreed.

B) Local financial considerations

5.16.7 The Localism Act 2011 brought about changes to primary planning legislation which means that local financial considerations are capable of being material considerations in the outcome of planning decisions. How much weight should be attached is for the decision-taker to decide based on the circumstances of the individual case. In this case it is considered that local financial considerations should carry moderate weight in favour of the proposed development. The local financial considerations are the generation of increased council tax payments, potential payment of New Homes Bonus, the construction and fitting out of the dwellings would financially be of benefit locally, together with employment creation, generating demand for materials and the increase in the population of Penkridge will contribute to the spending power of the local economy to some extent.

5.17 Representations

5.17.1 There have been 8 public comments of objection to this application. These are set out in Section 4 Consultation Responses (Public Comments). I have sought to address these concerns throughout the report.

5.18 Planning Contributions

5.18.1 Core Strategy Policy EQ13 (Development Contributions) states that contributions will be sought from developers where necessary to achieve sustainable development. Paragraph 56 of the Framework requires that planning obligations must only be sought when they are; necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Although the application is in outline form with all details reserved, it is common practice to try and get the particulars that would require entering into a Section 106 Agreement secured at this (the outline) stage.

5.18.2 Core Strategy Policy H2 (Provision of Affordable Housing) seeks 40% affordable housing on greenfield land for 10 or more dwellings. Policy H4 states that affordable housing should be secured in perpetuity and set 50% social rental and 50% intermediate tenures. The applicant has agreed that 40% of the dwellings constructed will be affordable and comprise 50% social rented units and 50% intermediate housing units. This is considered to be acceptable for when the final S106 is finalised, complying with policies EQ13, H1 (Housing Delivery), H2 (Provision of Affordable Housing) and H4 (Delivery of Affordable Housing).

5.18.3 The draft heads of terms for the S106 state that an educational contribution is to be paid. Staffordshire County Council have confirmed that there are less than five legal agreements for each education project for which a contribution is sought (see paragraph 5.18.5 below - CHECK). As such, the draft S106 Agreement is not affected by the pooling limit restrictions in respect of CIL Regulation 123(3).

5.18.4 The Heads of Terms (which will include financial contributions) to be agreed are as follows:

Affordable Housing - In terms of quantum of houses 40% affordable housing for residential dwellings.

Educational contribution - The education contribution for a development of this size is;

First School places (3 x £11,031 = £33,093) and 2 Middle School places (2 x £13,827 = £27,654). This gives a total request of £60,747 for up to 17 houses.

5.19 SAC Unilateral Undertaking (UU)

5.19.1 The site lies within the Zone of Influence for the Cannock Chase SAC where evidence, supported by Natural England and set out in Policy EQ2 of the Core Strategy clearly demonstrates that any net increase in housing will have an adverse effect on the SAC. To assist in mitigating this impact a developer contribution of £232 per unit has been agreed and is considered acceptable provided this is secured through Unilateral Undertaking (UU).

5.19.2 In April 2018 the European Court of Justice (ECJ) issued what appears to be a landmark judgment [*People over Wind and Sweetman Collite Teoranta*] from the Irish Republic on habitats regulation assessment (HRA). Under the European Union (EU) habitats directive, local planning authorities are required to carry out these assessments to make sure plans or projects affecting sites in and around EU designated special areas of conservation (SACs) or special protection areas (SPAs) have no harmful effect on them. An Appropriate Assessment (AA) has been carried out for this proposed development and it is

considered that the UU, which is supported by Natural England NE), will provide satisfactory mitigation for the effect of granting planning permission for up to 17 new homes adjacent to Penkrudge. Natural England has confirmed that it has no objections to the proposed development, subject to the UU payment of £232 x 17 = £3.944.

6. Planning Balance and Conclusion

6.1.1 The application site is not an allocated site for residential development within the Council's SAD. It also lies outside the defined Penkrudge settlement boundary and does not fall within any of the categories of development which may be permitted by Policy OC1 of the CS. As such, it conflicts with the development plan (Policy OC1) which S38(6) of the PCPA demands applications should be determined in accordance with unless material considerations indicate otherwise. That said, this conflict with the development plan is tempered given that it is not entirely consistent with the Framework and should therefore be given reduced weight in the assessment of this application. In addition to the aforementioned policy conflict, I have also found that the loss of BMV agricultural land would cause limited harm to which limited weight should be attached in the planning balance.

6.1.2 Turning to the benefits of the scheme, there would be some environmental benefits in terms of improved surface water management and biodiversity enhancements. These constitute moderate environmental improvements associated with the scheme.

6.1.3 The Council can now demonstrate a five year housing land supply. However, the Framework seeks to significantly boost the supply of housing. Although the scheme is only for up to 17 dwellings, it would still make an important, albeit modest contribution to boosting the supply of housing in a sustainable location to which significant positive weight should be attached. Furthermore, the scheme would provide a mix of market housing that would meet the requirements of Policy H1 of the CS and the housing need identified in the Strategic Housing Market Assessment. In addition, 10% of the dwellings would be delivered as bungalows, which is supported by the requirements of Policy H1, for new housing developments to make a contribution to meeting the need of the district's rapidly ageing population. This mix can be secured by condition.

6.1.4 The scheme would deliver 40% of the housing as affordable units. Given that there is still an undersupply of affordable housing that has been delivered in the District, the provision of up to 7 affordable units in an accessible location is a considerable benefit which should attract some positive weight. There would be some economic benefits associated with the construction and subsequent occupation of the dwellings to local businesses and services in Penkrudge to which I attach moderate positive weight. In addition, limited positive weight should also be attached to increased council tax payments and potential payment of New Homes Bonus associated with the development

6.1.5 Overall, I find that that despite the conflict with Policy OC1 and limited harm caused by the loss of BMV agricultural land, the other material considerations listed in paragraphs 6.1.2-6.1.4 indicate that that planning permission should be granted for development that is not in accordance with the development plan. On this basis it is recommended that planning permission should be **GRANTED**, subject to the following conditions.

7. Conditions

7.1.1 Having regard to advice in paragraphs 54 and 55 of the Framework and the National Planning Practice Guidance (PPG), in addition to the standard conditions relating to outline

permissions and the submission of reserved matters, a condition regarding landscaping is needed to clarify the measures to be within the scheme and its implementation. A condition requiring measures to be submitted to protect the existing trees and hedgerows on site prior to the commencement of works is necessary to preserve the character and appearance of the area, and to avoid damage to the existing landscaping.

7.1.2 A Construction Management Plan is required prior to work commencing on site to protect the residential amenities of existing residents and existing hedgerows/trees. It is necessary to require the provision of bat and bird boxes, together with details of lighting prior to work commencing on site to ensure that habitats of birds and bats are protected.

7.1.3 A condition regarding the design of a surface water drainage scheme is necessary to reduce risk of surface water flooding to the development and properties downstream for the lifetime of the development, and secure appropriate disposal of foul water. In addition, a condition regarding levels is necessary to protect the character and appearance of the area. The details of ground levels need to be submitted prior to commencement of development of construction to ensure accurate details of existing conditions are recorded.

7.1.4 A pre-commencement condition regarding archaeology is needed to protect and record heritage assets. A condition securing the housing mix for the scheme is necessary to ensure that the scheme complies with Policy H1 of the CS and provide for an identified housing need in the SHMA.

8. RECOMMENDATION - Delegate APPROVAL to the Team Manager to issue the decision on completion of a satisfactory Section 106 Agreement and Unilateral Undertaking (UU). If these have not been achieved by 15th October 2019 this application will be referred back to the Planning Committee.

Subject to the following condition(s):

- 1) Details of the site access, appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) An application for approval of reserved matters must be made no later than the expiration of 3 years from the date of this decision.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) This permission does not grant or imply consent for the indicative layout shown on Drawing No D31, nor does it grant or imply consent for any other indicative layout sketches/drawings included within the documentation submitted as part of this application.
- 5) The landscaping scheme submitted under Condition 1 shall include a timetable for implementation, planting to compensate for any hedgerow/ tree loss and details of planting associated with the Sustainable Urban Drainage works, and long-term management arrangements.
- 6) Before the development commences, details of a site specific tree and hedgerow protection method statement and plan shall be submitted to and agreed in writing

- by the local planning authority. The development shall be implemented in strict accordance with the tree and hedgerow protection method statement and plan.
- 7) Prior to the commencement of any construction, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGVs, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. It shall also include a method of clearance and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.
- 8) No development shall commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall seek to reduce the amount of light projecting on to hedgerows and trees that are identified as important habitats for bats and nesting birds. The agreed lighting scheme shall be implemented in full concurrently with the approved development.
- 9) No development shall commence until details of the type and location of bird boxes/brick and bat boxes/bricks within the proposed development have been submitted to and approved in writing by the local planning Authority. The development shall be constructed in accordance with the approved details.
- 10) No development shall begin until a detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the overall strategy and key design parameters set out in the Drainage Strategy & SuDS Assessment (Patrick Parsons Ref: B17392, Rev 1, 01/03/2019) and subsequent Drainage Feasibility Plan (Drawing No. B17392-SK03, Rev P3). The design must demonstrate:
- Surface water drainage system(s) designed in accordance with national and local standards, including the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015);
 - SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria;
 - Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change critical rain storm to 4.4l/s to ensure that there will be no increase in flood risk downstream;
 - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
 - Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance;
 - Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and

frequencies and contact details for the organisation responsible for carrying out these duties.

- 11) Before development commences details of the existing and proposed ground levels of the site (and finished floor levels of the buildings) shall be submitted to and approved in writing by the Local Planning Authority. All finished floor levels must be set no lower than 83.830m AOD, which is 150mm above the crest level for the existing road. The development shall be carried out to the approved levels.
- 12) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post excavation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approved details.
- 13) The details pursuant to this outline planning permission shall comprise the following housing mix:

Market housing mix:

- i) 35% 2 bed properties
- ii) 40% 3 bed properties
- iii) 20% 4 bed properties
- iv) 10% of the total market housing to be provided as bungalows.

Affordable housing mix:

Social Rent:

- v) 50% 2 bedroom properties
- vi) 50% 3 bedroom properties

Intermediate Housing (i.e. shared ownership):

- x) 60% 2 bedroom properties
- xi) 40% 3 bedroom properties

A minimum of 10% of affordable housing to be provided as bungalows

Reasons

1. To define the permission.
2. In order to define the permission, to avoid doubt and to safeguard the amenity of the area.
3. To define the permission.
4. To define the permission.
5. To safeguard the amenity of the area in accordance with policy EQ11 and EQ12 of the adopted Core Strategy
6. To safeguard the amenity of the area in accordance with policy EQ11 and EQ12 of the adopted Core Strategy

7. To safeguard the amenities of nearby residents in accordance with policy EQ9 of the adopted Core Strategy
8. To safeguard the amenity of the area and protect important habitats for bats and nesting birds in accordance with policies EQ1 and EQ11 of the adopted Core Strategy.
9. To safeguard the amenity of the area and protect important habitats for bats and nesting birds in accordance with policies EQ1 and EQ11 of the adopted Core Strategy.
10. To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with policies EQ7 and EQ11 of the adopted Core Strategy.
11. To safeguard the amenity of the area in accordance with Policies EQ4, EQ7 and EQ11 of the adopted Core Strategy.
12. In order to preserve and record any items of archaeological interest in accordance with policy EQ3 of the adopted Core Strategy.
13. To comply with Policy H1 of the adopted Core Strategy

PROACTIVE STATEMENT

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

INFORMATIVES

Severn Trent

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

Crime Prevention

In order to prevent crime and reduce the fear of crime I recommend that this development attains Police Secured by Design (SBD) accreditation. There is no charge for my advice or for the Secured by Design award, and once awarded the Police SBD logo can be used on advertising material.

Research shows that adopting SBD can reduce burglary by 50%, car crime and criminal damage by 25%, therefore the carbon costs of replacing door-sets and windows on SBD developments as a result of criminal activity is more than 50% less than on non SBD

developments, the cost of installing SBD approved products equals 0.2% of the total build cost.

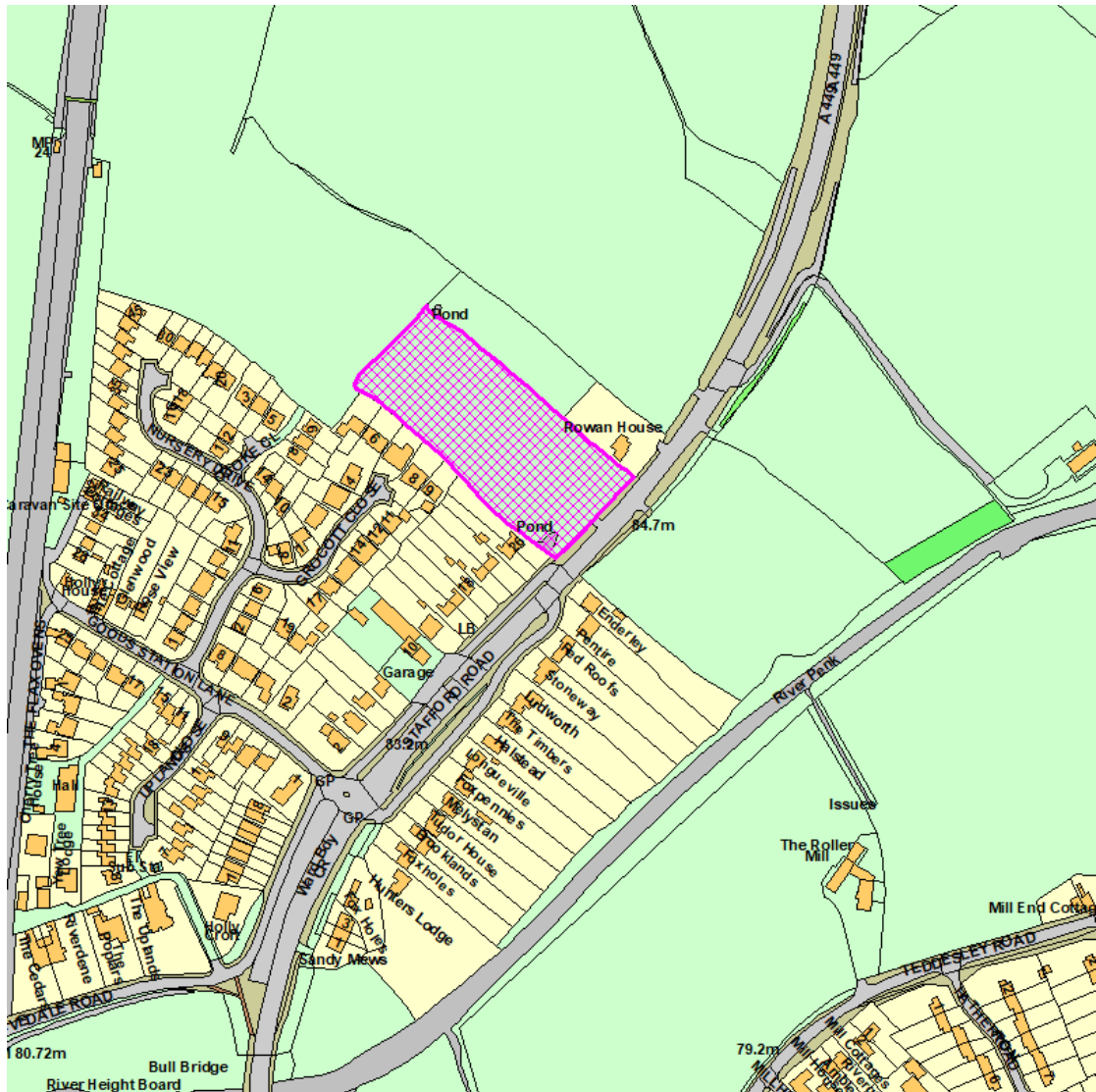
Further information on Secured by Design and accredited security products can be found at www.securedbydesign.com and www.soldsecure.com

Environment Agency

The applicant / developer should refer to our document 'The Environment Agency's approach to groundwater protection', available from gov.uk. This sets out our position on a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heating and cooling
- Drainage
- Storage of pollutants and hazardous substances
- Management of groundwater resources

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).



19/00966/FUL

Mr Palminder Singh

PERTON

NON MAJOR

Cllr Philip Davis

The New Cottages Pattingham Road Perton

Demolition of pair of semi-detached dwellings with proposed new dwelling and garage

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 Nos 1 and 2 New Cottages comprise of a pair of semi-detached dwellings which front onto Pattingham Road. There is a detailed planning history relating to this site, with planning permission granted in 2015 for two storey extensions to both properties, and confirmation that prior approval is not required for single storey rear additions. Certificates of proposed use or development were also issued in 2015 for new garages to Nos 1 and 2 New Cottages.

1.1.2 In 2016 planning permission was granted to demolish the existing pair of semi-detached houses and erect a new dwelling and garage. The 2015 householder planning permissions, prior approval extensions and certificates were used as a fallback position to justify a larger dwelling in 2016. This permission and the 2015 approval for two storey side extensions to Nos 1 and 2 have now lapsed.

1.1.3 The Council has confirmed in September this year that prior approval is not required for single storey side/rear extensions to both properties. Planning permission has also recently been granted for extensions to Nos 1 and 2 which have effectively renewed the extensions approved in 2015.

The site lies in the West Midlands Green Belt.

1.2 Relevant planning history

20/00663/LHSHLD - Single storey rear extension no more than 6m deep and single storey side extension no more than half the width of the house - Prior approval not required (No 1 The New Cottages)

20/00670/LHSHLD - Single storey rear extension no more than 6m deep and single storey side extension no more than half the width of the house - Prior approval not required (No 2 The New Cottages)

20/00457/FUL - Two storey side extension - Approved (No 1 The New Cottages)

20/00454/FUL - Two storey side extension - Approved (No 2 The New Cottages)

16/00248/FUL - Demolition of pair of semi-detached dwellings with proposed new dwelling and garage - Approved.

15/00394/LUP - Certificate of proposed use/development for construction of new detached double garage - Certificate issued (No 1 The New Cottages)

15/00395/LUP - Certificate of proposed use/development for construction of new detached double garage - Certificate issued (No 2 The New Cottages)

15/00393/FUL - 2 storey side extension - Approved (No 2 The New Cottages)

15/00392/FUL - 2 storey side extension - Approved (No 1 The New Cottages)

15/00325/EXT - Single storey rear extensions (length beyond original rear wall 6m, maximum height 4m and 3m, eaves height 2.5m and 3m) - Planning permission not required (No 2 The New Cottages)

15/00322/EXT - Single storey rear extensions (length beyond original rear wall 6m, maximum height 4m and 3m, eaves height 2.5m and 3m) - Planning permission not required (No 1 The New Cottages)

2. APPLICATION DETAILS

2.1 Proposal

2.1.1 This application seeks to demolish the existing pair-of semi-detached cottages and erect a new dwelling and garage. The new property would be a two storey building, occupying a roughly 't-shaped footprint, with a dual gable and two storey bay windows facing Pattingham Road. The replacement building would occupy a similar position to the existing pair of semi-detached cottages which currently occupy the site, with the ground level lowered by 0.5m to accommodate a basement.

2.1.2 A new double garage is proposed to the rear of the dwelling, with the new property utilising the existing vehicular access off Pattingham Road.

2.1.3 The proposed new dwelling has not changed from that previously approved in 2016. However, as previously stated, the 2016 consent is no longer extant, hence the submission of this application.

3. POLICY CONTEXT

3.1 The site is within the Green Belt.

3.2 Adopted Core Strategy (CS)

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

Core Policy 1: The Spatial Strategy

Policy GB1: Development in the Green Belt

Core Policy 4: Promoting High Quality Design

Policy EQ1 Protecting, Enhancing and Expanding Natural Assets

Policy EQ4 Protecting and enhancing the character and appearance of the Landscape

Policy EQ9 Protecting Residential Amenity

Policy EQ11 Wider Design Considerations

Core Policy 6: Housing delivery

Policy H1: Achieving a Balanced Housing Market

Policy EV12 Parking Provision

Core Policy 11: Sustainable Transport

Appendix 5 Car parking standards

Appendix 6 Space About Dwellings

3.3 South Staffordshire Design Guide (SPD)

Green Belt and Open Countryside Supplementary Planning Guidance (GBOC SPD)

3.4 National Planning Policy Framework (the Framework)

Chapters 5, 12, 13, 14 and 15

4. CONSULTATION RESPONSES

No Councillor comments

Perton Parish Council (12.03.2020) - *No objections, subject to all construction traffic being parked off the highway.*

Staffs CC Highways (20.03.2020) - *No objections, subject to conditions regarding the reconstruction of the existing access, driveway and parking area being constructed in accordance with the submitted plans, retention of garage for the parking of vehicles, and no gates being located within 6m of the highway.*

Staffs CC Ecologist (29.07.2020) - *The measures detailed in the mitigation strategy should be adequate to secure a license. Conditions recommended regarding lighting, provision of bat and bird boxes, retention of trees and hedgerows, and recommendations of Preliminary Ecological Appraisal being followed.*

Site notice expired 06.04.2020

5. APPRAISAL

5.1 The application is referred to Planning Committee as it is contrary to Policy GB1.

5.2 Key Issues

- Whether the proposal is inappropriate development in the Green Belt;
- Openness of the Green Belt and the purposes of including land in the Green Belt;
- Case for very special circumstances
- Ecology;
- Residential and occupier amenity
- Highway safety/parking;
- Drainage

5.3 Whether inappropriate development in the Green Belt

5.3.1 Paragraph 145 of the National Planning Policy Framework (the Framework) confirms that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt unless they fall under certain exceptions. Included in this list, and not therefore to be regarded as inappropriate development is

the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

5.3.2 Policy GB1 of the CS closely follows paragraph 145 (d) regarding the replacement of existing buildings in the Green Belt and is therefore broadly consistent with the Framework in this regard. Additional guidance on replacement buildings is provided in the Council's Green Belt and Open Countryside Supplementary Planning Document (SPD). It defines 'materially larger' as an increase of between 10-20% in floor area over the existing building.

5.3.4 The site currently comprises of a pair of semi-detached cottages. Although the bathroom extensions to the rear of the properties are more than likely a later addition to the cottages, their condition and design indicate to me that they have been there a considerable amount of time. Thus, with no conflicting evidence before me, I consider that these additions form part of the original building.

5.3.5 In light of the above, I calculate that the existing building(s) occupies a floor area of around 164m² (89 m² ground floor and 75 m² at first floor level), with a ridge height of about 8m. The proposed replacement building and garage would occupy an overall floor area of approximately 291 m², with a ridge height of between 6.9m and 9m. Consequently, the floor area of the new dwelling would be around 77% larger than the building(s) it is replacing. This is clearly significantly greater than the percentage range referred in the SPD to establish if a proposal is 'materially larger'. As such, the replacement building would represent inappropriate development in the Green Belt, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'.

5.4 Openness

5.4.1 One of the essential characteristics of Green Belts are their openness. As set out in R. (on the application of Samuel Smith Old Brewery) v North Yorkshire CC [2020] UKSC 3 when assessing impact on openness it is possible to take into account both the spatial and visual impact of a development. The proposed new dwelling would be significantly wider and deeper than the existing pair of semi-detached cottages which currently occupy the site. Therefore, due to its considerable scale, bulk and massing, the new building would have a harmful spatial impact on the openness of the Green Belt. However, as it would replace existing built development, this harm would only be moderate.

5.4.2 Turning to the visual impact, the new building would be set back from Pattingham Road and only be around 1m taller than the existing cottages. As such, the visual impact of the replacement building on Pattingham Road and the surrounding open countryside would be limited.

5.4.3 Notwithstanding my conclusions on its visual impact, I have found that the new building would have a harmful, albeit moderate, spatial impact and therefore harm the openness of the Green Belt. That said, in assessing the overall impact of the development on openness, consideration will need to be given to the weight to be applied to the extant planning permissions, certificates of proposed use and prior approvals (i.e. the fallback position). This matter will be assessed in detail in the 'other considerations' and 'conclusions' sections of this report.

5.4.4 The proposed dwelling would occupy a similar footprint to the existing pair of semi-detached cottages and be contained within the existing enclosed residential curtilages. As such, it would not conflict with one of the five main purposes of including land in the Green Belt, to assist in safeguarding the countryside from encroachment.

5.5 Case for Very Special Circumstances

5.5.1 The applicant has submitted a Design and Access Statement which set out the 'other considerations' that they consider represent the very special circumstances required to justify inappropriate development in the Green Belt. This focuses on the extant planning permissions, prior approvals and certificates of proposed use for various extensions and detached garages to the existing cottages (i.e. 'the fallback position'). The 2016 planning application for a replacement dwelling which is identical to that now proposed was approved on this basis. Following the renewal of the planning permissions/prior approvals for extensions to the cottages there is also no change to the fallback position previously accepted in 2016.

5.5.2 The High Court ruling *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314 etc) confirmed the legal considerations in determining the materiality of a fallback position as a planning judgement were the basic principle that for a prospect to be a 'real prospect', it does not have to be probable or likely: a possibility will suffice. It also concluded that there is no rule of law that, in every case, the 'real prospect' will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. The judge concluded that this will always be a matter for the decision-makers planning judgement in the particular circumstances of the case in hand.

5.5.3 The approval of the afore mentioned planning applications, prior approvals and certificates of proposed use in my view demonstrates a 'real prospect' that this fallback position would be implemented. Moreover, due to the slight reduction in the overall floor area of the new dwelling (291 m² compared with 296 m²), and lowering of the ground level, the proposal would not have a more harmful impact on the openness of the Green Belt than the fallback position. As such, I attach significant weight to the fallback position. This also effectively cancels out the harm I have identified to the openness of the Green Belt from the new building set out in the Green Belt section of this report.

5.6 Ecology

5.6.1 The Framework seeks to minimise impacts and provide net gains in biodiversity. This is echoed within Policy EQ1 (Protecting, Enhancing and Expanding Natural Assets) which states that permission will be granted for development that does not cause significant harm to sites or habitats of nature conservation.

5.6.2 A Preliminary Ecological Appraisal was submitted with the application which identified that precautionary working methods for hedgehogs were required and that the buildings and vegetation on site have high bird nesting potential. The PEA recommended that further surveys for bats and reptiles are undertaken.

5.6.3 Subsequent bat activity surveys have been carried out which have found evidence of small day roosts of common pipistrelle and brown long-eared bats. The County Ecologist (CE) is satisfied that, despite the presence of bats on site, the measures detailed in the mitigation strategy should be adequate to secure a licence by Natural England, and satisfy the requirements of the Conservation of Species Habitats Regulations 2017 for development affecting European Protected Species.

5.6.4 To ensure that there is no adverse impact on bat flight routes, conditions are recommended regarding any potential external lighting. Whilst a reptile survey has not been submitted, the CE is satisfied that the precautionary working method set out for hedgehogs should ensure that harm is avoided during site clearance.

5.6.5 The replacement of the existing buildings will result in the loss of nesting sites for birds which were noted during survey work. As species nesting on buildings do not use vegetation, a condition is suggested for nest boxes specific to these species. Subject to the imposition of the afore mentioned conditions, the proposal would not adversely impact on biodiversity and therefore accord with Policy EQ1 of the CS and the Framework in this respect.

5.7 Residential amenity

5.7.1 The proposed site has no immediate neighbours, with the closest residential property located on the southern side of Pattingham Road, over 80m away. Consequently, the proposal would not adversely impact on the amenities of nearby occupiers and therefore accord with Policy EQ9 of the CS and paragraph 127 of the Framework which, amongst other things, seeks to provide a high standard of amenity for existing and future users.

5.8. Highway safety/parking

5.8.1 The existing access off Pattingham Road would be used to serve the new dwelling. Adequate parking and turning space is shown on the proposed driveway/hardstanding area to serve a dwelling of this size, and enable vehicles to manoeuvre before exiting the site in a forward gear. Therefore, I do not consider it is either necessary or reasonable to impose the condition recommended by the highway authority requiring the garage to be retained for the parking of vehicles (i.e. 4 on-site parking spaces provided outside the garage). However, conditions are deemed necessary requiring the provision of the parking and turning areas, any physical alterations to the access and the location of any new gates, to ensure that safe and suitable access is provided to the site.

5.9 Flooding/Drainage

Paragraph 163 of the Framework requires new development to consider the risk of flooding to the site and elsewhere. The site is located within Flood Zone 1 and therefore considered to be at 'low risk' of flooding. A condition is recommended to ensure that appropriate foul and surface water drainage is provided. As such, the proposed development would be resilient to climate change and flooding in accordance with the Framework and CP3 of the CS.

6. CONCLUSIONS

6.1 The proposed dwelling would represent inappropriate development in the Green Belt and when compared with the existing buildings which currently stand on-site would harm openness. Paragraph 144 of the Framework confirms 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.

6.2 On the other hand, there is a 'real prospect' that the extant planning permissions, prior approvals and certificates of proposed use (i.e. the fallback position) will be fully implemented which would have a similar impact on the openness of the Green Belt as the new building. I therefore attach significant weight to the fallback position. In addition, the development provides certain social and economic benefits, through the construction and subsequent occupation of the new dwelling of some positive weight. These considerations clearly outweigh the totality of harm that I have identified in this report. Consequently, very special circumstances have been demonstrated and planning permission should be APPROVED, subject to the following Condition(s):

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: 980/A/060 Rev A, and 980/A/061 Rev A received 16 September 2020
3. No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. Before any development takes place a scheme for the provision and implementation of foul drainage and surface water drainage works shall be submitted for the approval of the Local Planning Authority. The development shall not be occupied/brought into use until the approved scheme has been completed.
5. No development shall take place until 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 designed and constructed so they do not seal to the ground continuously and stop the movement and dispersal of wildlife, notably hedgehogs. Boundaries must have 130mm by 130mm holes at ground level at least every 10m running length or should not seal to the ground at all between posts with a 120mm gap from fence base to ground. The approved boundary treatment shall be built/erected concurrently with the development and thereafter be retained in the approved form and position throughout the life of the development.
6. 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.
7. Any gates shall be located a minimum of 6.0m rear of the carriageway boundary and shall open away from the highway.
8. 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.

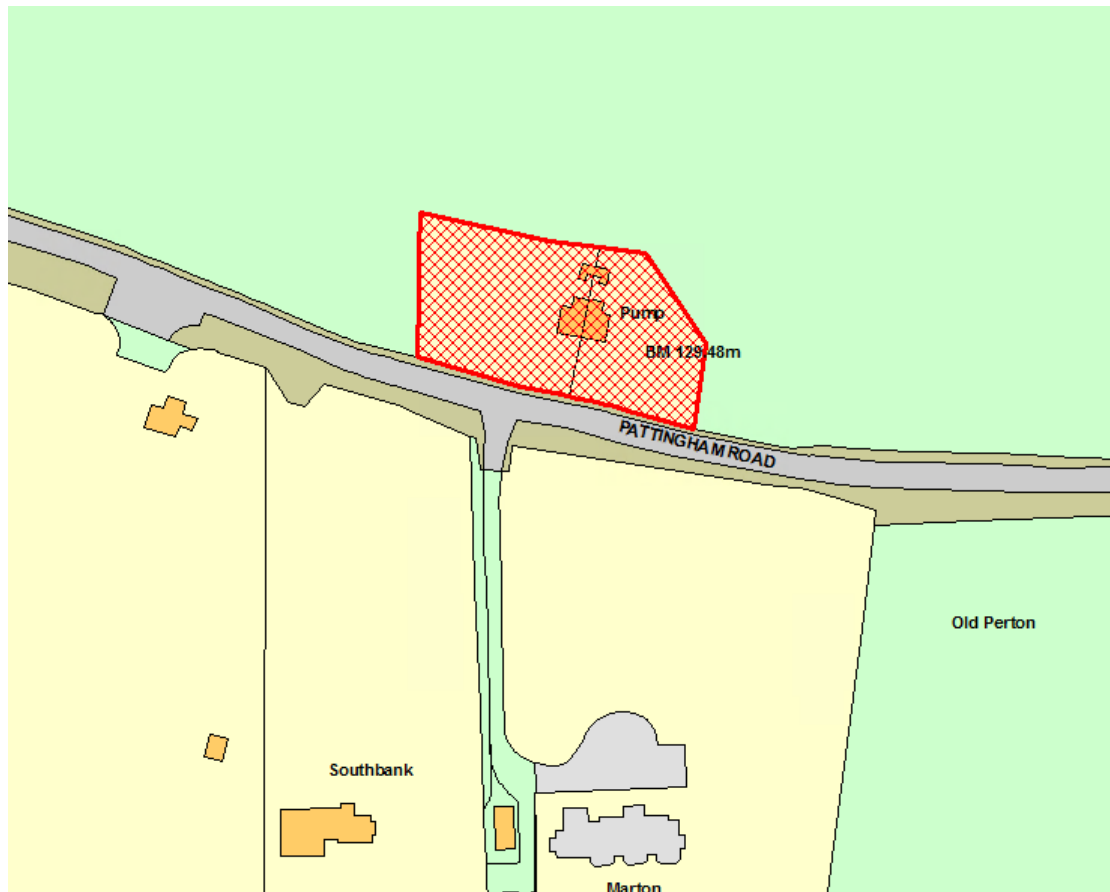
9. No development shall take place until a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme, which shall include the retention of existing boundary hedges and trees, shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2019, or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling(s) hereby approved without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
 - b. Schedule 2, Part 1, Class B - addition or alteration to the roof
 - c. Schedule 2, Part 1, Class C - any other alteration to the roof
 - d. Schedule 2, Part 1, Class D - porches
 - e. Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container
11. The mitigation measures detailed on pages 23-25 of the Activity Survey for Bats (Absolute Ecology, July 2020) shall be followed and bat boxes and ridge tiles must be installed. No breathable roof membrane shall be used in any area accessible to bats.
12. The precautionary working methods detailed in 5.34 of the Preliminary Ecological Appraisal (Absolute Ecology, February 2020) shall be followed during all site clearance work.
13. No development shall commence until details of any external lighting to be installed, including a lighting contour plan that demonstrates there will be minimal impact on receptor habitats for bats, has been submitted to and approved in writing by the local planning authority. Any new external lighting shall be installed and designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK. Development shall be carried out in accordance with the approved details.
14. No development shall commence until details of the type and location of biodiversity enhancement measures including 1 group of 3 number swift boxes and 1 number house sparrow terrace on or integrated into north- or east- facing brickwork of the new building shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the building and retained as such thereafter.

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 ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution, in accordance with Policy EQ7 of the adopted Core Strategy.
5. To safeguard the amenity of the area and ensure that the development does not have an adverse impact on biodiversity, in accordance with Policies, EQ1 and EQ11 of the adopted Core Strategy.
6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
8. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
9. To safeguard the amenity of the area and ensure that the development does not have an adverse impact on biodiversity, in accordance with Policies, EQ1 and EQ11 of the adopted Core Strategy.
10. 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
11. To ensure that the development does not have an adverse impact on biodiversity, in accordance with Policy EQ1 of the Core Strategy and the National Planning Policy Framework.
12. To ensure that the development does not have an adverse impact on biodiversity, in accordance with Policy EQ1 of the Core Strategy and the National Planning Policy Framework.
13. To ensure that the development does not have an adverse impact on bats, in accordance with Policy EQ1 of the Core Strategy and the National Planning Policy Framework.
14. To ensure that the development does not have an adverse impact on biodiversity, in accordance with Policy EQ1 of the Core Strategy and the National Planning Policy Framework.
15. Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.
16. INFORMATIVE

The existing vehicular crossing to the site shall be reconstructed in accordance with the submitted drawing No. 980/A/060 Rev A. Please note that prior to the reconstruction works taking place you require a Permit to Dig. Please contact Staffordshire County Council, Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford. ST16 2DH. (or email to nmu@staffordshire.gov.uk)



The New Cottages, Pattingham Road, Perton

19/00989/FUL

Prime Oak Ltd

SWINDON

MAJOR

Cllr Roger Lees

Prime Oak Whitehouse Lane Swindon DY3 4PE

Demolition of existing buildings and redevelopment to include erection of 9 no. new houses with associated access, parking and garden areas.

1. BACKGROUND, SITE DESCRIPTION AND PLANNING HISTORY

1.1 BACKGROUND

1.1.2 Whilst this is a free-standing planning application and is thereby capable of being determined in isolation, it is considered relevant to briefly outline the background to this application.

1.1.2 The Applicants, Prime Oak, are a high-profile manufacturer and employer within the District who celebrated 20 years in business in 2019. Theirs is a quality timber based sustainable product, drawing customers from the length and breadth of the UK.

1.1.3 Prime Oak's current business headquarters, the subject of this application, is located at Whitehouse Farm, Whitehouse Lane, Swindon, which is located within the Green Belt in close proximity to Highgate Common.

1.1.4 The Company, due to their continued success story, has now outgrown their current site and with their aspirations in terms of further growth, and the associated additional jobs that this will generate, they have identified the vacant site of the former Sage Aluminium Products Ltd on Heath Mill Road, Wombourne as their favoured location for new purpose built premises. That site has been purchased and is now owned by Prime Oak Ltd, thereby demonstrating the Company's intention to reinvest in the District and its workforce.

1.1.5 A separate planning application has been submitted to the Council for the redevelopment of the site in Heath Mill Road for the erection of new factory with associated offices, storage facilities, parking and service areas for the design and manufacture of timber framed buildings which would be the new headquarters for Prime Oak Ltd. The realisation of that development is intrinsically linked to this current application which would see resulting funds ploughed back into the Company to fund the erection of the proposed purpose-built new premises as proposed under application 19/00990/FUL.

1.2. SITE DESCRIPTION

1.2.1 The application site consists of the existing business premises for Prime Oak Ltd (i.e. the Applicant) and takes the form of a selection of former agricultural buildings previously associated with Whitehouse Farm, which were converted to their current primarily industrial use following permissions granted in 2003 and 2004.

1.2.2 The site is located within the Green Belt, approximately 1 mile (1.5km) to the west of Swindon village with 6no. existing residential properties in close proximity which along with

the application site makes up a small cluster of development within this otherwise relatively remote location.

1.2.3 Whitehouse Lane is a single-track public highway featuring no public footway and occasional pull-in opportunities to allow vehicles to pass one another. I can imagine that existing delivery and despatch vehicles in particular have some difficulty in negotiating this narrow highway, with knock-on impacts upon other users of the highway. I am also acutely aware that at weekends, high-days and holidays the surrounding lanes can become quite busy with vehicles as people travel to enjoy Highgate Common.

1.2.4 To the west of the site, beyond an existing agricultural field, which falls gently from east to west, lies an unmade car park and a bridle path which affords immediate access to Highgate Common and the network of rights of way which criss-cross this much loved natural resource, which is designated as a Site of Special Scientific Interest (SSSI). The application site is visible from this publicly accessible location when looking back in an easterly direction.

1.2.5 To the east, north and south of the site lies open countryside and agricultural land, with the topography such that the land falls in a north-west, west, and south-west direction. Whitehouse Land itself rises in a west to east direction.

1.2.6 The application site itself is linear in nature, extending from Whitehouse Lane in a generally north direction, with the majority of existing buildings on site concentrated towards the southern half of the site, with parking; service yard and storage towards the north end of the site. The site has an approximate area of 1.04 hectares (2.5 acres).

1.2.7 The site is accessed via an existing gated entrance from Whitehouse Lane behind which lies a small and over-subscribed staff car park. A single access driveway permeates the site, located towards the eastern boundary of the site. The site itself falls from south to north-west.

1.2.8 The existing buildings on site are former agricultural buildings with a mixture of brick/block or faced weatherboard finishes. Profile sheeting is the predominant roofing material. I noted from my visit to the site that those building used as offices have a better finish than the industrial buildings, which is perhaps understandable especially when receiving customers. I also noted a large area of external timber storage, focused to the north-west corner of the site. The size of these sections of timber gives a clear indication that delivery vehicles must be of a not insignificant size in order to transport such raw materials to the site.

1.2.9 A pair of semi-detached dwellings (known as Glencoe and Lochinver) lie to the west of the site, with the latter of these sharing a contiguous boundary with a section of the application site. 3 no. detached properties are located to the east of the site. I also noted a sizeable detached dwelling which is accessed via the application site itself which appears to have been constructed following the permission granted under application 07/00218/FUL (as summarised below), and I am advised that currently this property is owned/occupied by one of the Prime Oak Ltd business partners.

1.2.10 The site falls within the Green Belt and is located within Flood Zone 1 and is thereby not in an area at high risk or likelihood of fluvial flooding. None of the buildings are of architectural or historic interest or special merit. As stated above, nearby Highgate Common is a designated Site of Special Scientific Interest (SSSI).

1.3 RELEVANT PLANNING HISTORY

1.3.1 The planning history is summarised as follows:

2003: Change of use of buildings to (1) Class B2 to facilitate fabrication of timber framed buildings and (2) Class B8 to facilitate storage of timber - Approved (03/01005/COU).

2004: Demolition of buildings and change of use of redundant pig building to offices and rest room and installation of water treatment plant - Approved (04/00256/COU).

2007: Demolition of existing dwelling and associated buildings and construction of replacement dwelling with modified access - Approved (07/00218/FUL).

1.3.2 It is noteworthy that the permissions granted by applications 03/01005/COU and 04/00256/COU both include planning conditions restricting the industrial use specifically to the fabrication of timber buildings, associated storage and offices. That is to say, the B2 (fabrication), B8 (storage) and B1 (offices) are specific to that particular use/operation, but not the current operator as no "personal" condition was imposed. This means that the premises if vacated could be occupied by a similar form of operation, but the use of the site and premises for other businesses which might fall within the B2 General Industrial use class category would not be permitted and planning permission for such a change of use would be required.

1.3.3 The Government's recently introduced changes to the Use Classes System in England, on 21 July 2020, have no bearing or other direct implication upon that previously imposed restriction by condition.

2. APPLICATION DETAILS

2.1 The application as originally submitted proposed the demolition of all existing buildings on site and the redevelopment of the site for residential purposes, with 8no. dwellings. However, in responding to concerns I had expressed regarding the height and layout of part of the proposed development (which I expand upon later in this report) the scheme was subsequently amended, culminating in the revised scheme with 9no. houses now proposed.

2.2 The application has been accompanied by a full suite of plans and documents, including:

- o Planning Statement.
- o Design and Access Statement.
- o Arboricultural (Tree) Survey.
- o Transport Statement.
- o Preliminary Ecological Appraisal (supplemented by a subsequent detailed emerging Bat Survey).
- o Flood Risk Assessment (FRA) and Surface Water Drainage Strategy
- o Landscape and Visual Appraisal.
- o Geo-environmental Desk Study.

2.3 The application as amended proposes the erection of 9no. open market houses to replace the existing buildings and the existing use of the site by Prime Oak Ltd for the manufacture of timber framed buildings and associated offices, storage and facilities.

2.4 The proposed housing type/mix is summarised as follows:

- o 2 x 2 bedroom semi-detached houses.

- o 2 x 3 bedroom semi-detached houses.
- o 4 x 3/4 bedroom detached houses.
- o 1 x 4/5 bedroom detached house.

2.5 It is noteworthy that each proposed property includes a home office which are shown in addition to the bedrooms indicated. In most, but not all, cases these offices do appear to be of a size such that, depending upon the future occupiers' preferences, they could be utilised as an additional bedroom or other habitable rooms (e.g. games room; TV room; guest room). That said, and being particularly mindful of the current restrictions many are experiencing in terms of office working (with this report being compiled during the Covid-19 Pandemic of 2020), moving forwards, and with increasing numbers of people adjusting to working from home, it is possible that more new homes will start to include home office accommodation, if not as standard then certainly as an option.

2.6 Furthermore, in all cases these home offices are located at ground floor level which offers a degree of flexibility and potential "future proofing", providing an opportunity for lifetime homes and/or accommodation for a dependant relative should the need arise. I also note that in the case of the three/four and four/five-bedroom properties that in those cases, a bedroom is indicated on the ground floor. Again, that room could be used for other purposes or as shown, as a Guest Room. Regardless this ground floor bedroom offers future proofing options for those properties.

2.7 The layout and design of the proposed development is such that it takes its influences from a traditional farmstead, complete with one of the proposed new dwellings taking the appearance of "the farmhouse". The remaining properties take their design influences from traditional farm buildings, with a mixture of single storey, one and half storey and two storey buildings, in a mixture of redbrick and timber cladding. Natural slate roof tiles are proposed to pitched roofs.

2.8 The centrally located two storey, five bedroom house, features a Dutch-barn style roof with profile sheet curved roof, with the properties on either side subservient to this feature property, with gable roofs featuring throughout the remainder of the development.

2.9 Finished materials are contemporary but with traditional leanings. Opportunities to maximise natural light and solar heat are fully exploited, with full height feature windows evident within the end gables of several properties. Upper floors feature "letter-box" or linear windows in some cases, supplemented by roof lights, to maximise natural light into the buildings, but at the same time respect privacy of future occupiers.

2.10 Each property features a minimum of 2no. parking spaces, with 7no. of the properties also featuring integral double garages. Private amenity for each property varies in terms of depth and overall layout, to reflect this farmstead style of layout, which brings with it a feeling of small courtyards linked by a single shared access.

2.11 To the north end of the site, a shared communal amenity space is also indicated. This doubles as a necessary area to deal with surface and foul water, with below ground treatment plant to be located therein, subject to detailed design. This area will also allow access through onto the fields beyond.

2.12 The submitted Design and Access Statement provides a detailed breakdown, on a plot by plot basis, of the respective internal layouts and the elevational finishes and confirms that each property will be equipped with an Electric Vehicle (EV) charging point.

2.2 Pre-Application Advice

2.2.1 The proposed development, along with the "sister" application (19/00990/FUL) for the proposed new headquarters for Prime Oak Ltd at Heath Mill Road, Wombourne, has been the subject of pre-application discussions with Council Officers. Such discussions pre-date my personal involvement with this proposed development however I have seen summary notes of those discussions, which in terms of the Whitehouse Lane site indicates that the following matters were raised by Officers and which needed to be considered within the subsequent planning application:

- o Previously developed nature of the site in the Green Belt and the planning policy implications.
- o Business case for relocation from the current premises/site.
- o Potential impact upon the landscape.
- o Matters of detailed design of the then proposed houses and suggested preferences in terms of alternative design solution.
- o Height restrictions on site.
- o Restoration and enhancement of existing landscaping.
- o Proximity to Highgate Common and visibility of the site from existing public rights of way.
- o Affordable Housing requirements and housing need when considered against Council's housing supply.
- o Secure by Design expectations.

3. POLICY CONTEXT

3.1 Located within the Green Belt.

3.2 Adopted Core Strategy

National Policy 1: The Presumption in Favour of Sustainable Development

Core Policy 1: The Spatial Strategy for South Staffordshire

GB1: Development in the Green Belt

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

EQ1: Protecting, Enhancing and Expanding Natural Assets

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

Core Policy 3: Sustainable Development and Climate Change

EQ5: Sustainable Resources and Energy Efficiency

EQ6: Renewable Energy

EQ7: Water Quality

EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

EQ12: Landscaping

Core Policy 5: Infrastructure Delivery

EQ13: Development Contributions

Core Policy 6: Housing Delivery

H1: Achieving a Balanced Housing Market

H2: Provision of Affordable Housing

H4: Delivering Affordable Housing

Core Policy 11: Sustainable Transport

EV11: Sustainable Travel
EV12: Parking Provision
Core Policy 13: Community Safety
CS1: Designing Out Crime
Appendix 5: Parking Standards
Appendix 6: Space About Dwellings Standards

3.3 The National Planning Policy Framework (NPPF) taken as a whole, in particular Sections 5, 6, 9, 11, 12, 13 and 15.

3.4. Supplementary Planning Guidance and Documents

Design Guide SPD 2018
Affordable Housing and Housing Mix SPD 2014
Draft Affordable Housing and Housing Mix SPD 2019
Sustainable Development SPD 2018
Green Belt and Open Countryside SPD 2014

4. CONSULTATION RESPONSES

No Councillor Comments received.

Swindon Parish Council - Objection. *(Comments provided verbatim).*

The proposed development is contrary to the Local Plan and GB1 as the proposed housing development is not appropriate in Green Belt. It will detract from the openness of the countryside. The proposed development is contrary to the Local Plan and Core Policy 11 as it does not provide sustainable travel opportunities. The site is well outside the village boundary and bordering on the Parish of Bobbington. The development would generate an isolated community of 8 homes that would be totally reliant on private motor vehicles resulting in an unsustainable development that is contrary to the NPPF. The road for ingress/egress to the site is subject to national Speed Limit and is without any footway, cycle path or street lighting, which will effectively restrict travel to and from the location to motor vehicles. The site is totally unsustainable and contrary to supporting any measures to mitigate the Climate Emergency declared by SSSC. The provision of an electrical charging point for EV to each home is considered tokenism considering there is no obligation to use such vehicles. This provision does not outweigh other factors such as lack of footway, cycle lane or street lighting. The proposed development is contrary to the Local Plan and Core Policy 13 as it is an isolated community and residents will be vulnerable to crime due to the isolation.

Housing Strategy Officer *Housing - Amendments have been made to the housing mix, replacing Plot 8 (a 5 bedroom property) with 2 x 2 bedroom properties. Whilst the introduction of 2 bedroom homes is welcomed, the new mix does not reflect that suggested in previous comments (i.e. 35% 2 bed, 45% 3 bed and 20% 4+ bed) and is still therefore not considered compliant with Policy H1. Over 50% of the development remains as 4 and 5 bedroom homes, compared to a need for just 11% in the Strategic Housing Market Assessment (SHMA), which would add to the housing market imbalance in the area. There are also significant concerns about the size of the proposed 2 bedroom properties. They are extremely large for the number of bedrooms being provided; as an indicator of this, the internal floorspace is more than double that required by the nationally described space standard. This will have implications for property affordability and because of the increased*

cost to buyers, the properties are unlikely to make a satisfactory contribution to the 2 bed need identified in the SHMA e.g. for young families.

In order to comply with Policy H1, the proportion of 4/5 bedroom properties should be reduced further and the proportions of 2 and 3 bedroom homes increased to better reflect the mix proposed above. In addition, any 2 bedroom properties proposed should be significantly reduced in scale in order to improve affordability and ensure they will be appropriate to meet the identified need.

Affordable housing - a financial contribution in lieu of onsite affordable housing provision is considered acceptable in this case due to lack of Registered Provider (RP) interest. The contribution is calculated using the formula outlined in the Affordable Housing SPD. The required financial contribution will therefore be £231,000. This contribution is based on 9 dwellings with the current layout and floorplans and may be subject to change should the number of dwellings or floorplans change.

Strategic Planning Team Manager - *The comments provided by this internal consultee are reproduced verbatim as follows, despite some duplication/cross-over in terms of comments relating to Housing Mix and Affordable Housing:*

Green Belt - The application site is occupied by an existing employment use, with a number of associated light industrial buildings. As such, the site constitutes previously developed land. Paragraph 145(g) of the National Planning Policy Framework (NPPF) allows for the partial or complete redevelopment of previously developed land (excluding temporary buildings), subject to any proposal not having any greater impact on openness than the existing development. Subject to the case officer confirming that the buildings proposed for demolition are not 'temporary', the development may therefore fall within this category of appropriate Green Belt development within the NPPF. The applicant has submitted volume and footprint comparisons which appear to indicate a noticeable reduction in built footprint and volume within the site as a result of the proposed scheme. Subject to the case officer confirming the accuracy of these plans, this may help to establish that there is no greater impact on openness when compared with the existing development. However, it may also be necessary to consider the proposal's distribution of built mass across the site as this may be material to the degree to which the proposal impacts on openness. It currently appears that no elevations of the existing buildings on site have been provided, meaning it is difficult to draw a conclusion on this important point. This extra information is likely to be necessary before it can be concluded that the proposal is an acceptable form of Green Belt development under the terms of paragraph 145(g) of the NPPF.

Sustainability/Employment site loss - The site lies in a physically isolated location within the District's Green Belt, approximately a mile to the west of the village of Swindon (a Local Service Village). The site is currently occupied by an existing industrial/employment use in the form of Prime Oak Buildings. Paragraph 79 of the NPPF indicates that isolated rural housing will not generally be supported. Equally, Core Policy 1 of the Core Strategy indicates that outside of the service villages any housing growth will be limited to rural housing growth to meet affordable housing needs. However, these impacts should be weighed against the benefits of the scheme, which may include an evidenced and substantial reduction in vehicular trips to and from the existing site, as set out in the applicant's submitted Transport Assessment. The case officer should confirm the findings of this assessment with the Highways Authority. Notwithstanding this, the Transport Statement does appear to suggest a substantial sustainability benefit from allowing the relocation of the existing employment use, as the evidence would suggest it would lead to a substantial reduction in unsustainable

transport movements to and from the existing site. This substantial benefit should be taken in the balance with the conflict with Core Policy 1 of the Core Strategy. Equally, Policy EV1 of the Core Strategy does not support the loss of employment sites. However, Policy EV1 also allows for the redevelopment of employment sites if one of a closed list of criteria can be satisfied. These criteria include where redevelopment of a site would allow the retention of a business in the area by providing funding for an alternative site or premises and where there would be a substantial planning benefit by permitting an alternative use, for example by removing a use which introduces residential amenity issues. When taken together with the separate planning application submitted by Prime Oak on land in Wombourne Enterprise Park (19/00990/FUL) it is clear that the application would help to facilitate the relocation of the existing business onto a larger site within an existing industrial estate within the District. Therefore, the proposal is considered to meet the requirements of Policy EV1 of the Core Strategy.

Visual impact - Due to the topography and the woodland planting in the surrounding landscape, views to the site will primarily arise from the public rights of way to the west of the site (at Highgate Common's eastern edge) and those experienced from White House Lane to the south of the site. The submitted landscape and visual appraisal offers a satisfactory analysis of the key landscape and visual receptors in this context. In particular, it offers examples of the typical views which are likely to be experienced of the site from users of the adjacent public open space (Highgate Common). The views experienced from viewpoint 3 and 4 are rightly identified as being of the greatest sensitivity to new development. I concur with the findings of the submitted landscape and visual appraisal that a development with an appropriate colour palette and of a similar or reduced ridge line to the existing industrial units will have some impact on viewpoints 3 and 4, but that the beneficial effects of removing the existing industrial units and introducing satisfactory mitigatory planting would offset these impacts. However, at this time the only comparison offered between the existing and proposed buildings is in the form of a footprint and volume comparison plan, meaning there is no clear evidence that the site would achieve the reduction in ridge heights indicated by the landscape and visual appraisal. This is particularly a concern given the visual bulk and size of the two storey elements of plots 3, 4 and 5. Notwithstanding this, the design approach undertaken to inform the development is supported. In particular the application successfully responds to its rural context through use of a diverse variety of building types, drawing inspiration from 'Dutch' barns and typical farmstead buildings to create a series of courtyards. This successfully avoids the risk of the development overtly appearing as a suburban housing estate in the wider landscape. Given the above, it is likely that the proposal will be able to meet the requirements set out in of Policy EQ4 and Policy EQ11(e) of the Core Strategy, subject to provision of information which confirms the proposals would maintain/reduce the ridge heights of the site's built form, particular at the site's northern extent. To secure the provision of the necessary landscape mitigation measures, a detailed landscape planting scheme and maintenance plan should be secured for both the residential site and area of woodland planting as a pre-commencement condition.

Affordable Housing- The NPPF confirms that affordable housing should only be sought on major developments (i.e. 10 or more dwellings or a site size of more than 0.5 hectares). The site size for this development is 1.03 hectares, therefore the Council's adopted policy on affordable housing applies. Policy H2 and the adopted Affordable Housing and Housing Mix SPD confirm that developments of 2 or more dwellings in villages outside the settlement hierarchy are required to make an affordable housing contribution. On sites of 5-9 dwellings, the relevant contribution is 20 percent affordable housing, split 50:50 between social rent and shared ownership. In this case then, the affordable housing requirement based on the current layout would be for one social rented dwelling and one shared ownership dwelling.

The applicant has provided evidence to demonstrate that the affordable units cannot be provided on site due to an absence of interest from Registered Providers. The principle of providing an offsite financial contribution in lieu of onsite provision is therefore acceptable. The financial contribution will be calculated based on the formula set out in the adopted Affordable Housing and Housing Mix SPD.

Housing Mix - Policy H1 confirms that housing development should provide a mixture of property sizes, types and tenures in order to meet the needs of different groups of the community. It particularly encourages the provision of more 2 and 3 bedroom properties across all areas of the district in order to better balance the local housing market. Mix should also be informed by local need as identified in the Strategic Housing Market Assessment. The latest assessment confirms in this area:

Market housing - there is a substantial need for 2 and 3 bedroom homes, with a small need for 1 and 4 bedroom homes.

The Council considers the provision of 10% of properties as bungalows a suitable contribution. It is noted that a number of the proposed properties provide downstairs bedroom accommodation which is welcomed in order to meet the changing needs of occupiers. This flexibility should be retained as much as possible whilst making the required changes to the housing mix.

Internal Space - The Council has an adopted policy on internal space in Appendix 6 of the Core Strategy. 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 housing developments to meet the nationally described space standards (NDSS). The properties currently exceed the required standard but the applicant must ensure these requirements continue to be met when changes to the housing mix are made.

County Highways - No objections, subject to conditions. Also comment that although ordinarily this site would be viewed as unsustainable for a residential development due to its location, approval of the proposed development has been considered appropriate due to the present use of the site (for employment purposes).

County Council Flood Risk Management Team - No objections.

Conservation Officer - No objections.

Environmental Health Manager - No objections.

Arboricultural Officer - No objections.

County Planning (Minerals and Waste) - No objections.

Severn Trent Water - No objections.

Environment Agency - An initial objection was raised due to lack of information regarding potential pollution to controlled waters. However, following receipt of additional information, the Environment Agency has confirmed that it would withdraw its previous objection provided that a suitable condition is imposed focusing on the need for a remediation strategy. The Environment Agency has provided the full text of the condition it would require, which takes the form of a phased investigation and remediation strategy

requirement, and I can confirm that this condition is appropriate and relevant and will be imposed as requested.

Natural England - *No objections.*

School Organisation Team - *No objections.*

County Ecologist - *No objections, following the receipt of the Emerging Bat Survey, subject to suitable conditions.*

Staffordshire Wildlife Trust - *No comments received.*

County Archaeologist - *No objections.*

Ramblers Association - *No objections.*

Campaign to Protect Rural England (CPRE) - *No comments received.*

Cadent Gas Limited - *No comments received.*

Open Spaces Society - *No comments received.*

Badger Conservation Group - *No comments received.*

Staffordshire Fire and Rescue - *No comments received.*

Crime Prevention Design Advisor - *No comments received.*

5.2 Third Party Representations - **2no. letters of objection have been received from the occupiers of the neighbouring semi-detached dwellings raising the following issues of concern:**

- o The farm was sold to Prime Oak to use for their sole purpose.*
- o Building a housing estate would destroy the wildlife and Green Belt that we have around us.*
- o Privacy - At least two houses overlooking the entirety of my garden.*
- o Loss of trees.*
- o Loss of light.*
- o Extreme impact on Wildlife, including protected species.*
- o Alleged discrepancies with visuals within submitted documents.*
- o The proposed development would form a new anonymous, isolated suburban estate settlement in the Green Belt some 2 kilometres from the village of Swindon and would not be connected to any infrastructure.*
- o The proposal obliterates White House Farm farmstead and could cause a precedent for future conversion of other farmsteads in the area.*
- o Traffic would also increase, say 16 plus vehicles especially evenings and at night.*
- o Light pollution at night would be a problem.*
- o As far as demolition goes, if the application should be granted, I have concerns about asbestos in the buildings. Most of the buildings were erected during the 1960s and 1970s and are clad in asbestos sheeting, both roof and sides. This would be a hazard to us living right alongside during demolition.*
- o Swindon already has 5 years supply of housing land.*

5. APPRAISAL

5.1 The application has been called to Planning Committee by Councillor Lees.

5.2 Key issues

- o Principle of development.
- o Sustainable credentials of the site and development.
- o Impact upon the character and openness of the Green Belt.
- o Visual impact of the development when viewed from surrounding countryside and Highgate Common.
- o Design and layout of development.
- o Housing mix.
- o Impact upon residential amenity.
- o Highways impact.
- o Ecological impact.
- o Other matters.
- o Business case.
- o S106 Agreement

5.3 Principle of development

5.3.1 The application site is located within the Green Belt. Paragraph 134 of the NPPF confirms that the Green Belt serves five purposes, one of which (sub-paragraph c) is stated as: "to assist in safeguarding the countryside from encroachment."

5.3.2 Paragraph 145 (of the NPPF) advises that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, with notable exceptions including, of particular relevance to the current application, sub-paragraph g), which allows for:

"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than existing development."

5.3.3 The Glossary at Annex 2 of the NPPF provides the definition of previously developed land, and specifically excludes land that is or was last occupied by agricultural or forestry buildings. Whilst it is the case that the application site consists of buildings which were originally built for agricultural purposes, by dint of the planning permission(s) granted in 2003 and 2004 those buildings and the associated land have been lawfully used for industrial purposes, albeit limited to specific use for the manufacture of timber buildings.

5.3.4 Nevertheless, whilst restrictions are in place which limit the industrial use to specific processes, by condition, the lawful use is an industrial (B2) use and as such I am satisfied that in terms of Paragraph 145 g) the proposed development qualifies. Therefore, the development is acceptable, in principle, and is therefore supported by the NPPF and Policy GB1 of the adopted Core Strategy, subject to considerations in terms of the impact on the openness of the Green Belt, which are addressed later in this report.

5.4 Sustainable credentials of the site and development

5.4.1 At the heart of the NPPF is a presumption in favour of sustainable development, with Paragraph 8 of the NPPF identifying the three overarching objectives in achieving sustainable development, these being economic, social and environmental objectives. These are interdependent objectives and need to be pursued in mutually supportive ways, so as to secure net gains across the objectives.

5.4.2 As indicated earlier, the application site is located alongside a small cluster of existing residential dwellings in a relatively remote and rural location, outside of any recognised development boundary. Access to the site is via a single carriageway, with occasional pull-in opportunities. There is no footway alongside the highway.

5.4.3 Not surprisingly given this location, there are no public transport services and no shops or facilities within close proximity, with the nearest such services found within the village of Swindon, approximately 1 mile away. Future occupiers, as with residents of the existing houses would, therefore, be heavily reliant on private motor vehicles.

5.4.4 Against this backdrop, there is no denying that in terms of a sustainable location, the merits of the site are questionable. However, this is no virgin greenfield site, rather it is a previously developed site and is currently occupied by an industrial based business. Current employers, with the exception of a few hearty souls who might cycle to work, will almost certainly travel to the site by car. A fact acknowledged by County Highways in their response.

5.4.5 It is the case that there are numerous existing examples of similarly located isolated clusters and/or ribbons of housing development scattered around the District, and whilst most of these are older and more longstanding, in some cases more recent additional infill development has occurred in such locations.

5.4.6 Nevertheless, Paragraph 79 of the NPPF indicates that isolated rural housing should not generally be supported. Equally, Core Policy 1 of the adopted Core Strategy indicates that outside of the service villages any housing growth will be limited to rural housing growth to meet affordable housing needs. However, I consider that these requirements should be weighed against the benefits of the scheme, which include an evidenced and substantial reduction in vehicular trips to and from the existing site, as set out in the applicant's submitted Transport Assessment. As indicated by the Council's own Strategic Planning Team Manager, this substantial benefit should be taken in the balance with the conflict with Core Policy 1 of the Core Strategy.

5.4.7 Furthermore, and being especially mindful of Policy EV1 of the adopted Core Strategy which, amongst other things provides in principle support for the redevelopment of this existing employment site at sub-paragraph EV1 d) on the basis of: "the economic benefits to the area (that) would result by allowing development, by facilitating the retention of a business in the area through funding a new site or premises." As stated elsewhere in this report, the aspirations of the Applicant is to relocate to new purposes built premises within an established industrial/employment site in nearby Wombourne, which would allow for the growth and expansion of the business from the current 49 employees to an anticipated 100 employees. A fully detailed planning application has been submitted for such a facility (Council ref: 19/00990/FUL) and the applicants have already purchased the proposed new site, demonstrating a genuine commitment to relocating and reinvesting in their workforce and the District.

5.4.8 To my mind, this factor weighs in favour of the sustainable arguments regarding this planning application and the proposed development, which from an economic and social perspective would facilitate the retention and increase in jobs within the District and deliver a small number of new homes. From an environmental perspective, the effective reuse of this previously developed land is a recognisable benefit, removing an arguably incompatible industrial use.

5.4.9 As for the sustainable credentials of the design of the development itself, the accompanying Planning Statement indicates that this would incorporate sustainable construction techniques and materials, including the use of reclaimed materials where possible and sustainable drainage solutions.

5.4.10 All plots would feature EV charging points and will feature fenestration that maximises the use of natural light and heat sources. The orientation of the site offers opportunities for solar panel installations, although none are proposed at this juncture. Retrofitting would be a realistic option.

5.4.11 I am satisfied that the Application reflects the requirements of Core Policy 3 and Policy EQ5 of the adopted Core Strategy. I accept that in terms of its location and lack of access to public transport, the site and proposed development falls short of the Council's aspirations. However, and with reference to paragraph 2.7 of the Sustainable Development SPD, it is recognised that whilst such matters are important in considering matters of sustainability;

".... There may be many other material considerations in judging a development's sustainability in determining whether a proposal represents sustainable development (site location and access to public transport) will be considered in the round alongside any other material considerations in determining a site's sustainability."

5.4.12 In light of all of the above, I take the view that, on balance, the proposed development does amount to a sustainable form of development and is thereby in line with the NPPF and the Council's Policy NP1 of the adopted Core Strategy.

5.5 Impact upon the character and openness of the Green Belt

5.5.1 As previously indicated, in line with Paragraph 145 g) of the NPPF, the nature of the development is such that it falls within one of the listed exceptions to the presumption against inappropriate development in the Green Belt. However, it is a requirement of that particular sub-paragraph that the redevelopment of previously developed land such as this should not have a greater impact on the openness of the Green Belt than the existing development.

5.5.2 The starting point in considering the impact on openness must be an appreciation of the nature and extent of the existing built development across the site. The existing buildings were originally built for agricultural purposes and including those where the current site occupiers, Prime Oak, have made some cosmetic enhancements they still take the general form and appearance of modern utilitarian agricultural buildings at heart.

5.5.3 The site falls from north to south, with a gradual overall fall in levels of some 3.5m, the result being that the buildings in the northern half of the site appear to "sit down", when compared to the southern half of the site. Existing buildings come in an assortment of sizes and build heights but are principally single and two storey pitched roof buildings, with either

brick/block and/or timber clad finishes. The buildings are orientated both east-west and north-south, with the main concentration located within the southern half of the site, with buildings also positioned directly adjacent to the east and west boundaries of the site, again in this southern half of the overall site.

5.5.4 The buildings start to thin-out in terms of concentration within the third quarter of the site, and also features a greater proportion of single storey buildings, with the final quarter of the site, to the north end of the site, open and used for external storage of materials; some staff car parking; and acts as the service yard for delivery/dispatch vehicles.

5.5.5 The application has been accompanied by a Landscape and Visual Appraisal as well as the Design and Access Statement. Context elevations have also been provided, which overlays the outline of the existing built development/heights on top of the proposed development.

5.5.6 Based upon these Context elevations, the build heights of the existing development generally vary between some 8 to 9m and 5 to 6m, with the lowest existing ridge height, to the current office buildings, being nearer to 3 to 4m in height.

5.5.7 What is also noticeable is that, particularly along the western boundary of the site, the buildings are positioned such that they closely abut and/or overlap one another, the result being that there is little in the way of gaps or other relief between the buildings along this key boundary which currently appears as an almost continual or uninterrupted built form.

5.5.8 The proposed layout, as with the current site, concentrates development to the western half of the site. There is a mix of east-west and north-south orientations, and a variety in build heights, with gaps between properties which together break-up what could, had it not been handled sensitively, have resulted in a single solid mass of built development. However, that is thankfully not the case.

5.5.9 The build heights, and roof designs vary, with the centrally located Dutch barn style of property being the most distinctive building, yet its actual impact would not be significant or strident in my view, with its roof height some 7.6m. Other properties proposed, with the possible exception of Plot 7 which takes the appearance of a farmhouse, feature great variety in roof heights, ranging between 5.3m (min) and 8.8m (max), but with the concentration of heights ranging between 5.6m and 7.6m above ground level.

5.5.10 The originally submitted scheme, for 8no. units, was such that I had concerns regarding the build heights at the northern end of the development in particular. At my request, amendments have been made, along with matters relating to housing mix which is discussed later in this report. The amended scheme for 9no. houses reduced the height and mass of the buildings at this northern end of the development and across the site where heights do increase (compared to the current buildings), there are other areas where the opposite is the case. Balancing these two variations, I do find that visually the impact upon openness of the proposed development will be no greater than the existing development and would, in my opinion, be marginally better.

5.5.11 To further illustrate this, and whilst I accept that a simple number comparison in terms of floor areas and volumes only paints part of the picture, the existing and proposed figures are noteworthy and read as follows:

- o Existing Floor Area - 2,800sq.m

- o Proposed Floor Area -2,126sq.m
- o Existing Building Mass - 12,947cu.m
- o Proposed Building Mass - 8,971cu.m

5.5.12 Clearly, based upon these figures, the proposed replacement would have a lesser impact than the existing, and would be in accordance with Policy GB1 d), in terms of replacement buildings, as well as paragraph 7.2 of the Green Belt and Open Space SPD . Even so, as I have set out above, I have considered it appropriate and entirely necessary to consider the overall physical differences between the existing and proposed, with the latter better spaced and generally of less impact, despite some height fluctuations.

5.5.13 Paragraph 7.3 of the Green Belt and Open Space SPD recognises that it can sometimes be preferable for replacement buildings to be positioned differently if this can assist or improve openness. In this regard I consider that the revised layout and build heights to be satisfactory and would not have a greater impact on the openness of the Green Belt than the existing development and thereby is in accordance with Paragraph 145 g) of the NPPF and Policy GB1 of the adopted Core Strategy.

5.6 Visual impact of the development when viewed from surrounding countryside and Highgate Common

5.6.1 As indicated above, the application has been accompanied by a Landscape and Visual Appraisal which, amongst other things, recognises that the most significant and sensitive viewpoints of the site are from the bridleway accessed off Whitehouse Lane, to the west of the site, and which falls within Highgate Common. Having taken the opportunity to view the site from a number of publicly accessible vantage points myself, I completely concur that these viewpoints, facing eastwards across open fields towards the site, are the most sensitive and critical.

5.6.2 Views during the demolition and construction phases would be particularly prominent and in the short term unsightly, but the same could be said of any development site and that would be a temporary phase only. I have therefore focused my observations on the longer-term impact.

5.6.3 Currently, views from this location look up across fields over rising ground towards woodland on the ridge that forms the skyline. The application site sits below this woodland when viewed from these vantage points, and when scanning the view from south to north the existing red-brick semi-detached houses on Whitehouse Lane are the most immediately visible and striking. Thereafter, the skylights within the first of the existing industrial buildings catches the eye. A stark profile metal roof on the next building, complete with a metal chimney flue, appears somewhat incongruous and beyond this, to the north of the site, the building heights reduce and are in part lost behind a section of bright green conifer hedge. Open storage and associated vehicles are the final noticeable feature within the site, although my eye was taken by a pair of brightly coloured structures, which appeared to be within the adjoining agricultural field and thereby outside of the application site.

5.6.4 There is no doubt in my mind that the proposed development would be clearly seen from these same viewpoints, which are perpendicular to the longest edge of the development site. Even so, the ridge lines of the proposed development are deliberately kept lower at the northern half of the site and even though the new houses are designed and so positioned to replicate the existing uneven roof lines and feature facing materials which would have a rural appearance, the new houses would be visible to the naked eye.

However, over the distances involved, it may not be immediately obvious that these are actually new homes rather than replacement agricultural buildings.

5.6.5 The submitted Landscape and Visual Appraisal does state that the sensitivity of this viewpoint or receptor is high, with a magnitude of change assessed as medium, but draws the conclusion that the effect, whilst adverse, would remove some existing incongruous features and provide an opportunity to enhance landscape character which would be beneficial. Suitable landscape enhancements and mitigation, it is stated would afford the opportunity for the site to be made more harmonious with its surroundings.

5.6.6 I have fully considered the matter of visual impact from what few public vantage points there are, with a particular focus upon the views from Highgate Common, and I conclude that the development would be acceptable in this regard and satisfies the requirements of Policies EQ4 and EQ11 e) of the adopted Core Strategy.

5.7 Design and layout of development

5.7.1 I have assessed the design and layout against Policy EQ11 and the South Staffordshire Design Guide, as well as with the reference to Section 12 of the NPPF, which sets out the Government's guidance with regard to achieving well-designed places.

5.7.2 In many respects, the layout is rather dictated by the linear nature of the site, but despite this the Architect has delivered a layout that offers variety and interest which, to my mind, sets a high bar for other potential such schemes to be judged against. In my opinion, the development proposed amounts to a high-quality scheme.

5.7.3 As I have already identified, the development as proposed takes its leanings from a traditional farmstead style of layout, and in this regard such a preference was expressed by Council Officers during pre-application discussions, which pre-dated my involvement with this application. Even so, I wholeheartedly agree that such a form of development is entirely appropriate in this rural setting and distinctly preferable to a more conventional housing scheme, which would have looked completely out of place in my opinion.

5.7.4 I have previously summarised matters relating to build heights, compared with the existing and concluded that these are favourable and as such there is no need to labour that point again here. The mixture of red-brick and vertical and horizontal timber cladding, along with aluminium fenestration preserves the agricultural feel of these proposed new homes, and I particularly favour the variety of finishes and ridge heights evident within plots 1, 2, 4, 5, 8 and 9. Furthermore, their siting and respective orientation gives the sense and feeling of traditional farmstead courtyards.

5.7.5 The variety and interest in the house types and their respective elevational treatments across the entire site ensure that repetition of house types is avoided, and careful thought has been given to the relationship between the respective properties to ensure that the amenity of future residents is respected and preserved.

5.7.6 Opportunities to retain and supplement existing landscaping have been taken, and I have every confidence that subject to a suitable landscape scheme and management plan that the overall appearance and environment for future occupiers will be a pleasant. The communal landscaped area at the north end of the site will be an asset to the development and will help to disguise the necessary below ground drainage function of this area as previously described.

5.7.7 Hard landscaping consists of block paving and other paved areas, along with short sections of tarmac finish, particularly at the access from Whitehouse Lane. The main section of communal access and turning areas, which make-up the courtyard areas, would be in a resin-bounded gravel finish. Exact details of all such finishes would be subject to suitable conditions.

5.7.8 I am satisfied that the design and layout of the development is on all fours with the Council's aspirations as set out in Policy EQ11 of the adopted Core Strategy, as well as the South Staffordshire Design Guide.

5.8 Housing mix

5.8.1 Members will have noted the comments made by your Housing Strategy Officer and Strategic Planning Team Manager, as set out above, in terms of the proposed housing mix. Whilst they acknowledge and welcome the amendments made to the house types since the initial submission, they maintain concerns regarding the mix which they correctly state is still weighted in favour of larger properties.

5.8.2 The stated preference in terms of the housing mix in this case is stated as being:

2 Bedroom Houses -	35%
3 Bedroom Houses -	45%
4+ Bedroom Houses -	20%

5.8.3 The proposed housing mix, based upon the flexibility of the three/four and four/five-bedroom properties as proposed, including those amendments already secured amounts to:

Where 3/4 bedroom houses are treated as 4 bedroom properties:

2 x 2 Bedroom Houses =	22%
2 x 3 Bedroom Houses =	22%
5 x 4+ Bedroom Houses =	56%

or;

Where 3/4 bedroom units are treated as 3 bedroom properties:

2 x 2 Bedroom Houses =	22%
6 x 3 Bedroom Houses =	66%
1 x 4+ Bedroom Houses =	12%

5.8.4 At first glance, comparing the above percentages, the disparity between that being sought and that on offer appears great, certainly in terms of the four-bedroom scenario. However, when dealing with such relatively low numbers of units in the first place, it would only take the addition of 1 or 2 additional smaller units to start to redress the balance to something nearer to that sought.

5.8.5 I am completely respectful and understanding of the comments made by the Housing Strategy Officer and Strategic Planning Team Manager. The request and reasoning for further alterations to the mix is understood. However, I am mindful that a change to the mix

as suggested would lead to an increase in the overall number of houses across the site, which I do think would be likely to have a greater urbanising effect as a result.

5.8.6 It has already been accepted by the Housing Strategy Officer that in this location the site has proven to be of no interest to Registered Providers of Affordable Housing. It strikes me that, in a similar vein, a greater concentration of smaller market homes as is being requested would not prove to be overly attractive. I do not envisage the site in this location as being an attractive location for those seeking their first home or for those seeking to downsize in retirement, partly due its remote location and the reliance upon a private car.

5.8.7 Furthermore, with changes to the mix, the resulting commuted sum payment in lieu of Affordable Housing would also change, most likely upwards, which would have the multiple impact of increasing the commuted sum payment; increasing the build costs; and, reducing the value of the site and the properties. As previously indicated, and described in more detail elsewhere in this report, the applicants are reliant upon the return from this site so that they can reinvest in their proposed new development elsewhere in the District. I consider that the further changes to the housing mix and the knock-on costs would be likely to have a significant adverse financial impact.

5.8.8 I have fully considered the consultation responses I have received with regard to the housing mix and I acknowledge that based upon the preferred mix stated above that the development would not fully accord with Policy H1 of the adopted Core Strategy. However, as a counter balance to this I have attributed weight to the desirability of supporting Prime Oak Ltd to relocate within the District and thereby preserve existing jobs, with the prospect of further job creation also, in line with Policy EV1 of the adopted Core Strategy.

5.9 Impact upon residential amenity

5.9.1 Policy EQ9 along with Appendix 6 "Space About Dwellings Standards" of the adopted Core Strategy set out the Council's requirements and expectations with regard to protecting residential amenity, not only of existing neighbouring residents but also the future occupiers of a development.

5.9.2 Within the development, I am satisfied that the layout and in particular window relationships in respect of habitable rooms meets the requirements of Appendix 6 of the adopted Core Strategy. I do note that Plots 6 and 7 do feature ground floor side facing bi-folding doors at the rear which open out onto their respective patios. In the case of Plot 6, I note what must be considered to be secondary window facing sideways towards Plot 6. I consider it appropriate for this window to be obscure glazed. In all other regards, I find fenestration positions and details to be acceptable.

5.9.3 All private gardens are of a regular shape and suitable size and are in no way contrived thereby ensuring that they are all acceptable in terms of length and area, again in line with Appendix 6 of the adopted Core Strategy.

5.9.4 Members will have noted the objections raised by the immediate neighbours to the site, as summarised above, which includes concerns about alleged loss of privacy and overlooking.

5.9.5 It is the case presently that despite the existing relationship to what is, after all, an industrial site despite looking out onto the side walls of an existing block and clad former agricultural building and the impact of employee and delivery vehicle movements, the

existing neighbours currently enjoy a high level of amenity, not least by virtue of the rural nature of this area. Views facing northwards from the rear of the neighbouring semi-detached properties fronting Whitehouse Lane are over open fields, and in a westerly direct again over fields towards Highgate Common. Such views would be unaffected by the development.

5.9.6 I accept that the introduction of new homes instead of the blank walls of an industrial building bring with it a different relationship, with Plots 1 and 2 being of most direct impact upon these existing properties, with Plot 1 in particular introducing a private garden and window openings, primarily at ground floor (with only a single first floor window) where currently there is only parked cars and a blank elevation. Even so, existing intervening trees are to be retained and supplemented by additional hedgerow planting and the distance from the corner of the nearest existing property, known as Lochinver, to the aforementioned first floor window would be some 24m and at a 45 degree angle. Appendix 6 of the adopted Core Strategy seeks for a minimum of 21m separation between facing windows. That being the case, the layout and relationship between Plot 1 and Lochinver is acceptable despite the concerns expressed by the neighbour.

5.9.7 I have assessed all other relationships between existing neighbouring properties and the proposed development, and I find no contravention of the Council's minimum distance requirements. I conclude, therefore, that there would be no adverse impact upon residential amenity and as such the development is in accordance with Policy EQ9 of the adopted Core Strategy.

5.10 Highways impact

5.10.1 Access to and egress from the site will be via the existing single access point from Whitehouse Lane, in the same way as the existing industrial premises are accessed. There is currently no footway along the public highway, nor is there any street lighting. No such features are proposed, nor are they considered necessary in this rural location.

5.10.2 Whitehouse Lane is subject to the national speed limit. The application is accompanied by a Transport Statement which, amongst other things, compares the existing traffic, vehicles types and trip generation with that which would be generated by the proposed development and concludes that the trip generation would be significantly less.

5.10.3 County Highways concur with this conclusion and raise no objections subject to suitable conditions relating to the surfacing and layout of the site access.

5.11 Ecological impact

5.11.1 The application has been accompanied by Preliminary Ecological Appraisal and following a request for more specific details and evidence from the County Ecologist, supplemented by a subsequent detailed emerging Bat Survey.

5.11.2 The County Ecologist has confirmed that, subject to suitable conditions, that there are no outstanding matters or concerns regarding and ecological impact and thereby no objections.

5.11.3 Furthermore, with the introduction of a suitable landscape scheme and management plan, which would include the enhanced communal landscape area at the north end of the site, there are opportunities to enhance the ecological characteristics of the site itself, albeit

that is surrounded by open countryside already. I am satisfied that the development accords with Policy EQ1 and EQ12 of the adopted Core Strategy.

5.12 Other matters

5.12.1 From a flooding and drainage perspective, subject to further details being submitted by condition to address the Environment Agency's requirements with regard to groundwater protection, there are no matters of concern. The site lies within Flood Zone 1; a SuDS drainage scheme is achievable and onsite foul drainage treatment is capable of being satisfactorily provided, again subject to details.

5.12.2 The Localism Act 2011 introduced changes to primary planning legislation such that local financial considerations are capable of being material considerations when arriving at a planning decision. The weight to be attributed to such matters lies with the decision taker.

5.12.3 In this case, I consider that the local financial considerations would include increased Council Tax payments; potential New Homes Bonus income; local employment opportunities during construction; the protection of existing jobs; and, the prospect of further employment as the Company continues to grow, once relocated to its proposed new site.

5.12.4 I have considered the nature of the development in this rural location, and whilst I have previously concluded that the overall visual impact would be no greater than the existing development, I am conscious that unless suitably controlled, future alterations and additions to the proposed properties may have a further impact, and could have implications in terms of the amenity of neighbours. I am therefore minded to suggest a planning condition removing certain householder permitted development rights.

5.13 Business case

5.13.1 Put simply, the proposed development is pivotal to the future plans of the Prime Oak and the associated expansion of the workforce. Notwithstanding the current Covid-19 Pandemic situation, and the impact upon many businesses, it is the case that business has continued to thrive for Prime Oak during "lock down", with no let-up in customer enquiries and productivity maintained and increasing thanks to many more new enquiries regarding the Company's products, no doubt at least in part as a result of more and more people having to work from home and seeking a home office.

5.13.2 Prime Oak has outgrown their current site and is faced with the prospect of their business being genuinely hamstrung if it cannot expand. Existing facilities are limited and other than the rural location itself there is little in the way of staff facilities. The opportunities to expand on their current site, even before the implications of the Green Belt location is factored-in are, at best, limited.

5.13.3 Against this back drop the only realistic prospect is to relocate, and as indicated earlier in this report a suitable site has been identified and purchased by Prime Oak Ltd. Furthermore, a detailed planning application, along with all the associated costs, has been submitted to deliver a new purpose built headquarters for the company within a recognised and sustainable employment area, within the South Staffordshire District. This would help secure the Company's future and allow for growth, and with it the realistic opportunity to double the workforce from the current 49 staff to an estimated 100 employees.

5.13.4 This would all only be possible if the Prime Oak can realise a healthy return on its current site via its redevelopment for residential purposes, which would allow the income generated from the sale and redevelopment of the site to be reinvested in the new site. Of course, the current site could not be developed until Prime Oak has relocated, but in securing permission for the redevelopment of the site the Company would be able to secure the necessary funding for their prospective site.

5.13.5 The economic benefits of securing the long term future of this high profile company within the District, and with it realistic prospects for its future growth are, in my opinion, material considerations in relation to this current application and carry significant weight in the planning balance. In this regard the development accords with Policy EV1 d) of the adopted Core Strategy, which provides support for redevelopment proposals which would facilitate the retention of a business in the area (District) through funding a new site or premises (again, in the District).

5.13.6 That said, I do recognise that whilst policy support does exist (under Policy EV1 d)), there does not appear to be any guidance or formal mechanism set out within the policy to ensure that in granting permission for the redevelopment of the site the current occupiers (Prime Oak Ltd) do relocate within the District. In this regard, it is worth restating that Prime Oak Ltd has already purchased their proposed new site in Heath Mill Road, Wombourne; has submitted a detailed full planning application for the proposed new headquarters (ref: 19/00990/FUL); and, has commissioned all necessary reports; surveys; and architectural drawings. This all indicates, to me, a genuine commitment to relocating and reinvesting in the District.

5.13.7 Nevertheless, in order to provide an even greater level of comfort to the Council, the Applicant has agreed to a suggested Section S106 Obligation which would tie the redevelopment of the current site (under this application) to the redevelopment of the proposed new site (under application 19/00990/FUL). That is to say, the proposed new houses on their current site could not be developed unless and until the Company had relocated to their proposed new site in Heath Mill Road.

5.14 S106 Agreement

5.14.1 As confirmed above, it is recognised that the proposed development, due to the size of the site, triggers a need for affordable housing provision in accordance with Policy H2 of the adopted Core Strategy.

5.14.2 However, the Applicant has provided clear evidence that no Registered Provider has shown any interest in taking Affordable Houses on this site. This position has been recognised and accepted by the Council's Housing Strategy Officer who has confirmed that in these circumstances a financial contribution in lieu of on-site provision would be acceptable, in accordance with Policy H2 of the adopted Core Strategy.

5.14.3 The contribution is calculated using the formula outlined in the Affordable Housing SPD. The required financial contribution will therefore be £231,000. This contribution is based on 9no. dwellings with the current layout and floorplans.

5.14.4 The Applicant has provided written confirmation agreeing to this figure and has instructed Solicitors to act on their behalf in this matter.

5.14.5 Furthermore, as indicated above (at para 6.13.7), a further S106 Obligation is deemed necessary to restrict the redevelopment of the application site for houses until Prime Oak Ltd has developed and occupied their proposed new site at Heath Mill Road, Wombourne. To this end, the following wording has been agreed with the Applicants and their Solicitors, on the assumption that the "sister" application is approved of course:

"The approved residential redevelopment of the application site, which is currently occupied as the business premises of the Applicant (Prime Oak Ltd), shall not commence unless and until the Applicant (Prime Oak Ltd) has constructed and occupied its proposed new premises within the South Staffordshire District, at Heath Mill Road, Wombourne, (as approved under planning application 19/00990/FUL), in accordance with Policy EV1d) of the adopted Core Strategy"

5.14.6 Again, the Applicant has provided written confirmation agreeing to this S106 clause and has instructed Solicitors to act on their behalf in this matter.

5.14.7 Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

5.14.8 The planning obligations have been assessed against Regulation 122 and for the reasons given consider they are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

6. CONCLUSIONS

6.1 This is a Green Belt location, however, the development has been found to be acceptable, in principle, for the reasons set out above. The development would have no greater impact on openness of the Green Belt than the status quo and would remove an existing incompatible, non-conforming, and unsustainable industrial use which sits adjacent to a small number of dwellings in a rural location.

6.2 The sustainability of the site in terms of its physical location and lack of access to public transport is clearly questionable. However, Sustainable Development is multifaceted with location and accessibility just one consideration, as clearly recognised in the Council's Sustainable Development SPD and I have concluded, very much in the round, that this development does meet the economic; social; and, environmental objectives set out within the NPPF and does therefore amount to Sustainable Development.

6.3 I accept that the proposed housing mix is not fully compliant with Policy H1 of the adopted Core Strategy, but I have weighed that policy shortfall against the benefits that allowing the site's redevelopment will help deliver in terms of the retention and expansion of a valued and high profile employer within the District, in line with Policy EV1 of the adopted Core Strategy. To my mind, the wider benefits that the scheme can help to deliver outweigh the shortcomings in terms of full compliance with the preferred housing mix and full adherence to Policy H1.

6.4 In all other regards the development has been fully assessed in terms of detailed matters of design and appearance; potential impact upon Highgate Common; impact upon neighbouring properties; and with due consideration of the relevant technical matters at play in this case, such as highways; drainage and water quality; and, ecological issues.

6.5 The application is found to be in accordance with Policies GB1, EQ1, EQ4, EQ5, EQ7, EQ9, EQ11, EQ12, H2, EV1, and EV12 of the adopted Core Strategy, and I therefore recommend that the application be supported for the reasons set out above.

7. RECOMMENDATION – Delegate APPROVAL to the Team Manager to issue the decision on completion of a satisfactory Section 106 agreement. If by 16 February 2021, the Section 106 Agreement has not been fully executed by all the parties, the Chairman is to have delegated authority to agree a further short extension to allow for final execution and completion of the Agreement.

Subject to the following condition(s):

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

Location Plan drawing No Whitehouse/01
SLP Plan drawing No. 7982-03-001
Site Layout drawing No. 7982-03-004 Rev A
Site Layout drawing No. 7982-03-005 Rev B
Plot 1 Plans and Elevations drawing No. 7982-03-006
Plot 2 Plans and Elevations drawing No. 7982-03-007
Plot 3 Plans and Elevations drawing No. 7982-03-008
Plot 4 Plans and Elevations drawing No. 7982-03-009
Plot 5 Plans and Elevations drawing No. 7982-03-010
Plot 6 and 7 Plans and Elevations drawing No. 7982-03-011
Plot 8 Plans and Elevations drawing No. 7982-03-012 Rev A
Plot 9 Plans and Elevations drawing No. 7982-03-013
Context Elevations drawing No. 7982-03-014 Rev A

3. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- (1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

(3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

4. Before any development takes place a scheme for the provision and implementation of foul drainage and surface water drainage works shall be submitted for approval of the Local Planning Authority, which shall include full technical details of the proposed foul treatment plant. The development shall not be occupied until the approved scheme has been completed.
5. The development hereby permitted shall not be brought into use until the access driveway, parking, servicing and turning areas have been provided in accordance with the approved plans.
6. Prior to commencement of any site works including vegetation clearance and demolition, submission of precautionary method statements for the prevention of accidental harm to protected species, specifically bats and lizards, shall be submitted to and approved by the Local Planning Authority. Thereafter such works shall be undertaken in accordance with the approved methodology.
7. Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season (1st March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.
8. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of:

Routing of Construction vehicles.

Wheel washing facilities.

Measures to remove any mud or other deleterious material deposited on the highway.

Car parking facilities for staff and visitors.

Timetable for implementation.

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

9. Before development commences details of the finished floor levels of the buildings shall be submitted to the Local Planning Authority for approval. The development shall be carried out to the approved levels.
10. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) to cover the management of habitats within the communal open space/landscape area at the north of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/landscape area shall be retained and maintained in accordance with the approved LEMP.
11. No works above damp-proof level shall take place until full details of all external lighting of the properties, parking areas and access driveway have been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme should be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK and shall include a lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as hedges.
12. No works above damp-proof level shall take place until full details and specifications of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority, in accordance with the Landscape Strategy (dwg no. 1136 001 B) and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; proposed and existing functional services above and below ground (e.g. drainage and sewers, power and communication cables, pipelines etc. indicating lines, manholes supports etc.); retained historic landscaping features and proposals for restoration, where relevant.

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

13. Notwithstanding the information shown on the plans hereby approved, before the development is first occupied details of all boundary treatments around and within the site shall be submitted to and approved in writing by the Local Planning Authority. Boundary treatments for the proposed gardens shall include gaps of a minimum of 130sq.mm at ground level at 10m distances or shall not seal to the ground between post to allow wildlife to pass unhindered, and shall thereafter be retained in the approved form and position throughout the life of the development.
14. No works above damp-proof level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local

Planning Authority. Thereafter, development shall be carried out in accordance with the approved details.

15. Details of the type and location of biodiversity enhancement measures including:

1 group of 3 number swift boxes
2 number house sparrow terraces on or integrated into north- or east- facing brickwork of the new buildings
5 number 1B Schwegler bird boxes in the following sizes: 2 x 26mm Hole, 2 x 32mm Hole, 1 x Oval Hole positioned on suitable trees along the northern and southern sides of the development,
2 number bat boxes of Schwegler 1F type or similar to be located on trees in the south west of the site
5 number bat tubes (Schwegler 2ER type) or boxes (Schwegler 1FF type) to be installed on or within walls of new buildings on south or south west sides

shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.

16. The side (north facing) ground floor secondary window serving the dining room to Plot 6 shall be fitted with obscure or fritted glazing and maintained as such throughout the lifetime of the development.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any subsequent equivalent order revoking and re-enacting that Order with or without modification) no development within the following classes of development shall be carried out to the dwellings hereby approved without the prior approval of the Local Planning Authority:

Schedule 2, Part 1,

Class A - enlargement, improvement or other alteration of a dwellinghouse.

Class B - additions etc to the roof of a dwellinghouse.

Class C - other alterations to the roof of a dwellinghouse.

Class E - buildings etc incidental to the enjoyment of a dwellinghouse.

Class G - chimney, flue or soil and vent pipe.

Schedule 2, Part 1

Class A - gate, wall, fence or other means of enclosure.

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 ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and Policy EQ7 of the adopted Core Strategy.

4. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution, in accordance with policy EQ7 of the adopted Core Strategy.
5. 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 order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
7. In the interest of biodiversity in accordance with Policy EQ1 of the adopted Core Strategy.
8. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
9. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
10. In the interest of biodiversity in accordance with Policy EQ1 of the adopted Core Strategy.
11. In order to protect any protected species on the site and to control the night time visual impact of the development in this rural setting in accordance with EQ1 of the adopted Core Strategy.
12. In the interests of amenity and to ensure a satisfactory form of development in accordance with policies EQ11 and EQ12 of the adopted Core Strategy.
13. In the interest of biodiversity and to provide unrestricted access for wildlife in accordance with Policy EQ1 of the adopted Core Strategy
14. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
15. In the interest of biodiversity in accordance with Policy EQ1 of the adopted Core Strategy.
16. To safeguard the privacy of neighbouring residents in accordance with Policy EQ9 of the adopted Core Strategy.
17. To protect and preserve the openness of the Green Belt and the character and appearance of the surrounding countryside, in accordance with Policies GB1 and EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
18. Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2019.



Prime Oak, Whitehouse Lane, Swindon, DUDLEY DY3 4PE

19/00990/FUL

WOMBOURNE

MAJOR

**Cllr Vince Merrick
Cllr Mike Davies**

Prime Oak Limited Heath Mill Road Wombourne

Redevelopment of existing site to include erection of new factory with associated offices, storage facilities, parking and service areas for the design and manufacture of timber framed buildings

1. BACKGROUND, SITE DESCRIPTION AND PLANNING HISTORY

1.1 BACKGROUND

1.1.1 Whilst this is a free-standing planning application and is thereby capable of being determined in isolation, it is considered relevant to briefly outline the background to this application.

1.1.2 The Applicants, Prime Oak, are a high-profile manufacturer and employer within the District who celebrated 20 years in business in 2019. Theirs is a quality timber based sustainable product, drawing customers from the length and breadth of the UK.

1.1.3 Prime Oak's current business headquarters is located within the District at Whitehouse Farm, Whitehouse Lane, Swindon, which is located within the Green Belt adjacent to Highgate Common. Their current site is home to the manufacturing processes which take place within former agricultural buildings; offices and support facilities within additional purpose-built Prime Oak timber buildings; and a large area of external storage. This is isolated and somewhat constrained site, with access routes along the surrounding highway not especially ideal for larger delivery vehicles. On site staff and visitor parking are very much at a premium.

1.1.4 The Company, due to their continued success story, has now outgrown their current site and with their aspirations in terms of further growth, and the associated additional jobs that this will generate, they have identified the vacant site of the former Sage Aluminium Products Ltd on Heath Mill Road as their favoured location for new purpose built premises. I am advised by the Applicant that the site has been purchased and is now owned by Prime Oak Ltd, thereby demonstrating the Company's intention to reinvest in the District.

1.1.5 A separate planning application has been submitted to the Council for the redevelopment of the current site at Whitehouse Farm for a residential redevelopment of what is a previously developed site in the Green Belt for housing, consisting of 9 no. dwellings (ref: 19/00889/FUL). The returns from the sale of those properties would be ploughed back into the Company and would help to fund the erection of the new purpose built premises which are the subject of this current planning application.

1.2 SITE DESCRIPTION

1.2.1 The application site is located on the west side of Heath Mill Road, Wombourne, sandwiched between the sizeable McCain's premises (to the south) and the Fives building (to

the north). Heath Mill Road, including the application site is located within an allocated Industrial/Employment area.

1.2.2 With an approximate area of 1.0 hectares (2.48 acres) the site is essentially flat and currently vacant, with all previous permanent buildings and structures having been cleared, with the exception of 2 no. existing brick electricity sub-stations located along the north and south boundaries of the site. It is understood that these will be retained.

1.2.3 The front of the site has an approximate 53m wide highway frontage. The rear (west) boundary of the site sits on the top of an embankment which falls to the land below, which is located within the Green Belt and is designated as the Heath Mill and Smestow Local Wildlife Site (LWS). There is a public right of way which runs east to west from Heath Mill Road which is located between the boundaries of the application site and the McCain's site. The nearest public transport (bus) services operate along Bridgnorth Road.

1.2.4 The site falls within the Wombourne Development Boundary and is located within Flood Zone 1 and is thereby not in an area at high risk or likelihood of fluvial flooding.

1.3 RELEVANT PLANNING HISTORY

1982: Brick building to house gas meters - Approved (82/00752).

1984: Offices - Approved (84/00348).

2016: Demolish existing industrial factory - Approved (16/00958/DEM).

2. APPLICATION DETAILS

2.1 The application as submitted is for the erection of a purpose built 3,965sq.m (gross internal floorspace) headquarters for Prime Oak Ltd, being home to all aspects of the manufacture process; delivery and despatch; and associated office space, along with associated parking, timber storage and delivery/loading facilities. The current existing workforce is stated as being 49 employees, with the proposed new headquarters and associated expansion of the business aimed at accommodating 100 employees (i.e. allowing for a 100% increase in staff, over time).

2.2 This represents a significant financial investment by Prime Oak Ltd, who recognise that they have outgrown their current home at Whitehouse Lane, Swindon and now wish to relocate to this proposed purpose-built facility, within the District.

2.3 The application has been accompanied by a full suite of plans and documents, including:

- o Planning Statement.
- o Design and Access Statement.
- o Arboricultural (Tree) Survey.
- o Transport Statement.
- o BREEAM Assessment.
- o Preliminary Ecological Appraisal (supplemented by a subsequent Reptile Report).
- o Flood Risk Assessment (FRA) and Surface Water Drainage Strategy (supplemented by a subsequent amendment to the FRA).
- o Geo-Environmental Desk Study.

2.4 The new development centres upon the erection of a purpose-built steel portal framed factory building set back some 35m from the highway frontage. With maximum dimensions

of 81m x 40m, and a height of 11m, this flat roof building features elevations consisting of a mix of black and green variations of horizontal and vertical coated cladding. The front section of the building features the two storey, 9m high, timber clad offices and glazed reception area, with the timber cladding wrapping around the north and south corners of the main building and featuring a full height atrium and a "brise soleil". The associated open courtyard is home to cycle parking and provides an amenity area for staff.

2.5 Internally the building includes a staff canteen and the usual array of meeting space and welfare facilities and storage, partly contained within a mezzanine section oversailing the ground floor manufacturing, storage, assembly and showroom areas of the factory building. Effectively, everything under one roof. This is a significant step forward and improvement upon the current somewhat limited facilities that Prime Oak Ltd can provide upon their existing somewhat constrained site.

2.6 Externally, vehicular access to the site, for staff, visitors and deliveries, will be via an improved access/egress in the approximate same position as the existing access gates, albeit with enhanced width. Delivery and despatch vehicles will access the building from the rear, via a driveway which runs along the north side of the building, thereby minimising any unnecessary conflict with pedestrians and private vehicles.

2.7 An area of external racked storage for timber is also to be provided around the periphery of the delivery yard, along (the west, south and north boundaries, in part). I am advised that the maximum height of this timber storage would not exceed the height of the proposed fencing, as referred to below.

2.8 A total of 75 no. car parking spaces are proposed (including 4 no. disabled parking bays), predominantly to the front of the building, with the remainder located off the side service driveway, along with additional cycle parking. This would be more than enough for the current staff levels and would future proof the building and the stated growth aspirations of the business in this accessible location.

2.9 The existing site boundary features a predominance of tired looking chain link and barbed wire fencing. It is intended to replace this with 2.4m high paladin fencing along all boundaries, supplemented by hedge style planting along the front (east) boundary, with additional landscape planting focused around the front of the building, as well as along the north boundary adjacent to the car parking.

Pre-Application Advice

2.10 The proposed development, along with the "sister" application for the redevelopment of Prime Oak's current Whitehouse Farm site has been the subject of pre-application discussions with Council Officers, with the Planning Officers' indicating a clear in-principle support for this development within an established industrial area, with only matters of detailed design and layout requiring subsequent refinement. Officers also stressed a requirement for the new Prime Oak headquarters to aim to meet BREEAM (Building Research Establishment's Environmental Assessment Method) "Excellent" standards, which would thereby meet the requirements of Policy EQ5 of the adopted Core Strategy.

3. POLICY CONTEXT

3.1 Located within the Wombourne Development Boundary and the Heath Mill Road Industrial Estate.

3.2 Adopted Core Strategy

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

EQ1: Protecting, Enhancing and Expanding Natural Assets

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

Core Policy 3: Sustainable Development and Climate Change

EQ5: Sustainable Resources and Energy Efficiency

EQ6: Renewable Energy

EQ7: Water Quality

EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

Core Policy 7 Employment and Economic Development

EV1: Retention of Existing Employment Sites

Core Policy 11: Sustainable Transport

EV11: Sustainable Travel

EV12: Parking Provision

3.3 The National Planning Policy Framework (NPPF) taken as a whole, in particular Sections 6, 9, 11, 12, 14 and 15.

3.4 Supplementary Planning Documents (SPDs)

South Staffordshire Design Guide 2018

4. CONSULTATION RESPONSES

No Councillor Comments received.

Wombourne Parish Council - *No objection and welcome the proposal from Prime Oak Ltd to relocate from their current rural site.*

Regeneration and Housing Strategy - No comments received.

Local Plans - No comments received.

County Highways - *No objections, subject to conditions.*

County Archaeologist - *No objections.*

County Council Flood Risk Management Team - *No objections following receipt of additional information regarding drainage and water quality, subject to conditions.*

Conservation Officer - *No objections.*

Environmental Health Manager - *No objections.*

Arboricultural Officer - *No objections.*

County Planning (Minerals and Waste) - *No objections.*

Severn Trent Water - *No objections, subject to conditions.*

Environment Agency - *Raised an initial objection, due to lack of information regarding potential for pollution of controlled waters. However, following receipt of additional information via an updated Geo-Environmental Report the Environment Agency has subsequently confirmed that they are now content to withdraw their objection and are now supportive of the application subject to planning conditions relating to the need for Phase II intrusive site investigations.*

Natural England - *No objections.*

County Ecologist - *No objections following receipt of additional information and additional Reptile Survey, subject to conditions.*

Staffordshire Wildlife Trust - No comments received.

Cadent Gas Limited - No comments received.

Staffordshire Fire and Rescue - No comments received.

Crime Prevention Design Advisor - No comments received.

No third-party comments received following press advertisement; posting of a site notice; and direct notification of neighbouring premises.

5. APPRAISAL

5.1 The application has been called to Planning Committee by Councillor Lees due to its relevance to its sister application, 19/00989/FUL which is also on the Planning Committee Agenda.

5.2 Key Issues

- o Principle of development.
- o Design and siting of development.
- o Visual impact of the development.
- o Other matters.

5.3 Principle of development

5.3.1 Being located within the Heath Mill Road Industrial Estate, a development of this nature in this location is acceptable in planning policy terms, in principle.

5.3.2 The application site is clearly defined and has previously been home to other industrial and employment development, albeit that it now currently stands vacant save for a pair of brick enclosed electrical sub-stations and some seemingly abandoned temporary structures.

5.3.3 Whilst technical matters, including the detailed design and siting of the development, are discussed in more detail below, it is the case that the principle of the development is found to be acceptable in line with Section 6 of the NPPF; and Core Policy 7 and Policy EV1 of the adopted Core Strategy.

5.4 Design and siting of development

5.4.1 At 11m in height (maximum) and with maximum external dimensions of 81m x 40m, this is by no means an insignificant building, and it results in a significant bulk and mass which, with some notable exceptions, might appear alien elsewhere within the District, however within this established Industrial Estate such a type and form of building is to be expected.

5.4.2 Based upon historic aerial photography, it is clear to me that the proposed new building will occupy a similar position to the former, since demolished, Sage Aluminium building which once occupied the site, albeit with a notable reduced depth of footprint.

5.4.3 As previously described, the new building will be set back from the highway frontage, with the main staff and visitor car park and associated landscaping providing something of a buffer between the building and Heath Mill Road.

5.4.4 Whilst the building taken as a whole is essentially a large box, the external appearance and the clever use of contrasting finishes results in a rather grander appearance. The timber clad front section is designed so as to showcase the nature of Prime Oak's business, namely bespoke oak framed buildings, and I consider the use of the variations of green coated vertical cladding along with a black horizontal contrast to be entirely suitable and acceptable in appearance.

5.4.5 The use of the vertical green cladding in increasing levels towards the rear of the building helps to soften the impact of the building and gives a subtle "nod" towards the natural greenery of the Heath Mill and Smestow LWS which lies beyond.

5.4.6 Taken as a whole, the proposed combination of external finishes certainly "raises the bar" in this area in terms of design and appearance, in my opinion, when compared with some of the older existing, rather tired and more functional looking, buildings along Heath Mill Road.

5.4.7 At my request, a street scene illustration was prepared and submitted which serves to demonstrate that whilst a sizeable building, it does not appear overbearing or in any way out of place when considered against its neighbours, with the McCain's building in particular featuring a rather large tower section, which far exceeds the maximum height of the Prime Oak facility.

5.4.8 The street scene illustration also helps to emphasise the space around the building in relation to the existing neighbouring buildings. To my mind, there is absolutely no appearance or feeling that the development is cramped, over intensive, or excessive in terms of the footprint when viewed from the Heath Mill frontage, rather it confirms that the building will sit comfortably within its surroundings.

5.4.9 The building, I am advised, is so designed to meet the BREEAM "excellent" standard for sustainability performance, as evidenced by the accompanying BREEAM Assessment, which indicates that a score of 73% is achievable based upon the nature of the site and the detailed design considerations, along with future management and operations. The threshold to achieve the "excellent" BREEAM standard is 70%. That being the case, the requirements of Policy EQ5 are satisfied.

5.4.10 In terms of the overall design, I find that despite being a functional industrial building at heart, the layout and finishes have been carefully thought out by the Architect resulting in a building which is much more than the sum of its parts. I find that the development accords with Core Policy 4 and Policy EQ11 of the adopted Core Strategy.

5.5 Visual impact of the development

5.5.1 Notwithstanding my previous supportive comments regarding the design and layout of the development, I do find it necessary to consider the potential wider visual impact of the development.

5.5.2 Whilst the site and the existing surrounding industrial development sits within the Wombourne Development Boundary, it is the case that the Heath Mill Road Industrial Estate appears as a linear section of the Development Boundary which does rather jut-out into the otherwise surrounding countryside and Green Belt.

5.5.3 Distant views of the wider Industrial Estate do exist, across the open fields facing in a westerly direction, from sections of Bridgnorth Road, which rises in a west to east direction. That said, as the development site lies on the west side of Heath Mill Road, I am content that having assessed such views that the new building would be effectively obscured by the existing industrial development on the east side of Heath Mill Road, and any views of the new facility that might exist would be so far distant as to be insignificant.

5.5.4 I conclude, therefore, that on this matter there would be no adverse visual impact or detriment to the surrounding countryside and Green Belt nor the character and appearance of the surrounding landscape.

5.5.5 There are no residential properties which would be in anyway adversely impacted by this development in my opinion, and those dwellings which face southwards onto Bridgnorth Road are so far distant that there would be no impact whatsoever. I am satisfied that Policies EQ4, EQ9 and EQ11 of the Core Strategy are satisfied.

5.6 Other matters

5.6.1 As previously described, the proposed development features a 75no. space car park; cycle storage facilities; and a separate delivery/service yard located to the rear of the building, all accessed via an improved new vehicular access located in the approximate same position as the access gates which are evident on site.

5.6.2 County Highways Officers have assessed the development and in doing so have raised no objections to the proposed access and parking arrangements, subject to suitable conditions. Further conditions have been suggested in relation to the construction phase of the development, which are understandable and reasonable, in order to keep Heath Mill Lane free from obstacles and/or mud from the wheels of construction traffic, for the benefit of established businesses on the Industrial Estate.

5.6.3 In terms of public transport, the site is better served than many within the District, with bus services operating along nearby Bridgnorth Road.

5.6.4 Matters of surface water drainage and potential impact upon ground water quality were raised as concerns by both the Environment Agency and the County Council's Flood Risk Management Team (FRM Team), which necessitated the submission of additional

information and clarification. This has since been confirmed as being acceptable by both the Environment Agency and the FRM Team, subject to conditions which are linked to ensuring water quality is not impacted upon, primarily through the disturbance of previously contaminated land; and, the overall foul and surface water drainage strategy as submitted.

5.6.5 Foul drainage proposals have been confirmed as acceptable by Severn Trent Water, subject to planning conditions, again linked to the overall drainage strategy as submitted.

5.6.6 From an Ecological perspective and being particularly mindful of the proximity of the site to the Heath Mill and Smestow LWS, I look to the comments of the County Ecologist to assist me with this matter.

5.6.7 Whilst supportive of the application, the County Ecologist did initially identify some deficiencies with the overall extent of the species surveyed for, in particular an absence of a Reptile Survey. This has since been rectified and the County Ecologist has confirmed that, subject to the imposition of several conditions relating to such matters as vegetation clearance; drainage and, lighting, that there are no outstanding matters and there are no objections. The application thereby accords with Policy EQ1 of the adopted Core Strategy.

6. CONCLUSIONS

6.1 The application site lies within an established Industrial/Employment area within the District, which provides good connectivity to the wider highway network via Bridgnorth Road which is located at the north end of Heath Mill Road.

6.2 The Applicants are a high profile and valuable employer within the District, and clear in-principle planning support exists for this proposal which would enable them to expand and increase local employment opportunities, whilst remaining within the District, which is very much a "good news story" and to be welcomed.

6.3 This new purpose-built facility would more befit the Company's high profile and status, than their current facility in the rural outskirts of nearby Swindon, which has now arguably served its purpose. The design and appearance of the new building is such that it presents a clear and confident statement of a successful and growing business which sends out all the right messages to their existing and would-be customers.

6.4 The development has been fully assessed in terms of not only the principle but also with regard to detailed matters of design and appearance and with due consideration of the relevant technical matters at play in this case, such as highways; drainage and water quality; and, ecological issues.

6.5 The application is found to be in accordance with Policies EQ1, EQ4, EQ5, EQ7, EQ9, EQ11, EV1, EV11 and EV12 of the adopted Core Strategy, and I therefore recommend that the application be supported for the reasons set out above.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

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

2. The development shall be carried out in complete accordance with the approved plans and details contained in the application:

Location Plan Drg No SAGE/01
Site Location Plan 7983-03-001 P1
Proposed Site Plan 7983-03-003 P1
Proposed Ground Floor Plan 7983-03-004 P2
Proposed First Floor Plan 7983-03-005 P2
Proposed Elevations 7983-03-006 P1
Proposed Roof Plan 7983-03-007 P1
Landscape Strategy 1136 001 B
3. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

(1). A targeted site investigation scheme, based on the Phase I Desk Study (PJA, March 2020) submitted in support of this application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

(2). The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(3). A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.
4. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the Flood Risk Assessment and Surface Water Drainage Strategy for Heath Mill Road, Industrial Estate, Wombourne, Wolverhampton, doc no. 003, dated 25-02-2020, has been implemented. Thereafter the drainage scheme shall be retained and maintained in accordance with the SUDS Management and Maintenance Plan contained within Appendix-K of the report.
5. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
6. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.

7. The development hereby permitted shall not be brought into use until the access road, parking, servicing and turning areas have been provided in accordance with the approved plans.
8. Prior to commencement of any site works, including vegetation clearance, a Construction Environmental Management Plan (CEMP) that demonstrates how silt, oil etc will be prevented from entering the Smestow Brook and its tributaries; and, details of site lighting during the construction of the development that ensures habitats to the west of the site remain unlit, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the recommendations of the CEMP shall be fully implemented as approved.
9. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of:
 - Routing of Construction vehicles.
 - Wheel washing facilities.
 - Measures to remove any mud or other deleterious material deposited on the highway.
 - Car parking facilities for staff and visitors.
 - Timetable for implementation.

has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.
10. Before development commences details of the finished floor levels of the buildings shall be submitted to the Local Planning Authority for approval. The development shall be carried out to the approved levels.
11. All site works including vegetation clearance must comply with mitigation measures for species detailed in Sections 7.3, 7.4, 7.6, 7.7 of the Preliminary Ecological Appraisal (PEA) (Brindle and Green, Sept 2019) and section 7 (Mitigation Strategy) of the Reptile Report (FPCR, May 2020).
12. No works above damp-proof level shall take place until full details of all external lighting of the building, car park and service yard have been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme should be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK and shall include a lighting contour plan that demonstrates there will be minimal impact on receptor habitats to the west of the site.
13. No works above damp-proof level shall take place until full details and specifications of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority, in accordance with the Landscape Strategy (dwg no. 1136 001 B) and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; proposed and existing functional services above and below ground (e.g. drainage and sewers, power and

communication cables, pipelines etc. indicating lines, manholes supports etc.); retained historic landscaping features and proposals for restoration, where relevant.

Soft landscape works shall include [planting plans; reptile enhancement measures, in line with Section 8 of the Reptile Report (FPCR, May 2020); written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation program]. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.

14. Notwithstanding the information shown on the plans hereby approved, before the development is first occupied details of all boundary treatment around and within the site shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained in the approved form and position throughout the life of the development.
15. No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
16. Prior to first occupation of the development, details shall be submitted to and approved by the Local Planning Authority of the installation of bird boxes as specified in section 7.4 of the Preliminary Ecological Appraisal (PEA) (Brindle and Green, Sept 2019). Thereafter, the approved installations shall take place prior to the first occupation of the development.
17. No materials stored outside the premises shall be stacked or deposited to a height exceeding 2.2 metres.
18. This permission does not grant or imply consent for the display of any sign shown on the submitted plans.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EQ9 of the adopted Core Strategy.
4. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to

minimize the risk of pollution, in accordance with policy EQ7 of the adopted Core Strategy.

5. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution, in accordance with policy EQ7 of the adopted Core Strategy.
6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
8. To avoid pollution of the water environment in accordance with policy EQ7 of the adopted Core Strategy.
9. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
10. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
11. In order to protect any protected species on the site in accordance with EQ1 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 safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
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16. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
17. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
18. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
19. Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2019.

20. INFORMATIVE 1

- A. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

INFORMATIVE 2

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



Prime Oak Limited, Heath Mill Road, Wombourne

20/00451/FUL

Mr And Mrs Patrick Nicholls

WOMBOURNE

NON MAJOR

**Cllr Robert Reade
Cllr Barry Bond
Cllr Dan Kinsey**

The Shielings Trysull Road Trysull WOLVERHAMPTON WV5 8DQ

Demolition of a derelict farm shop and 2 storey house, erection of a single bungalow and a two storey house with associated garage. Replacement of an existing dilapidated Nissen Store with a new Nissen store of the same size. New site access.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application site measures approximately 2.15 acres and consists of a derelict farm shop, a pair of semi-detached dwellings and a disused agricultural building. The site is located north of Trysull Road, on the north-western outskirts of the Village of Wombourne.

1.1.2 The building previously used as a farm shop has been vacant for several years and has fallen into disrepair. It consists of a single storey building with corrugated pitched roof and timber/render elevations. There is a hardstanding layby to the frontage as well as a grassed area which is at a slightly higher level than the highway.

1.1.3 North-west of the former farm shop is 'The Shielings', a pair of 1950's/1960s semi-detached dwellings with pitched roof and forward gables. The dwellings are understood to have been converted to one house at some point and have been extended with a flat roofed lean-to type structure to the frontage.

1.1.4 The north-eastern section of the site (to the rear of the farm shop and The Shielings) consists of a mixture of lawn and overgrown vegetation and is accessed via a grassed vehicular track coming off Trysull Lane at the north-western corner of the site. An existing agricultural building (a Nissen store) is constructed of steel with brick ends and base. There is also a small brick boiler house as well as dwarf walls remaining from greenhouses which previously occupied the site.

1.1.5 Adjacent to the site to the south-east is No. 122 Trysull Road, a detached two storey dwelling beyond which are further residential uses. To the north-west and opposite the site are open fields.

1.2 Planning History

2019, Demolition of farm shop and erection of 2 No. detached bungalows, approved [19/00526/FUL]

1990, Extension, approved [90/01030]

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1. The following works are proposed:

- o Demolition of the existing farm store and the erection of a bungalow.
- o Demolition of 'The Shielings' and the erection of a new two storey dwelling with detached garage.
- o Replacement of the half-cylindrical Nissen store with a new Nissen store.

2.1.2 The bungalow, which would be positioned in the southern corner of the site, would have two bedrooms, two parking spaces on the frontage and a private rear garden. It would be constructed of red brick with pitched roof [maximum ridge height 5.5m], forward gable and timber clad sections.

2.1.3. The two-storey dwelling would be positioned roughly centrally in the site with a detached garage adjacent to the east. The dwelling is of contemporary design with two gables [maximum ridge height 8.6m] linked by a lower glass section and is proposed to be constructed of soft red brick with timber cladding, zinc roof and curtain glazing. The proposal incorporates a formal garden, nature pond and kitchen garden/orchard to the rear. The Nissen store to the rear would be constructed like for like in the same position as the existing.

2.1.4 The proposal includes the creation of a new vehicular access into the site (in the position of the existing layby) which would serve both of the dwellings in addition to the existing access.

2.2 Agents Submission

The applicant has submitted a Design and Access Statement, Bat Activity Report, Bat Roost Assessment, Badger Report, Ecological Appraisal and an Arboricultural Impact Assessment for consideration.

3. POLICY CONTEXT

3.1 The site is within the Green Belt

3.2 Core Strategy

Core Policy 1: The Spatial Strategy for South Staffs

Policy GB1: Development in the 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 H1: Achieving a Balanced Housing Market

Policy EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space About Dwellings Standards

3.3 National Planning Policy Framework [NPPF]

Chapter 12: Achieving well-designed places

Chapter 13: Protecting Green Belt Land

3.4 Supplementary Planning Documents

Green Belt and Open Countryside SPD

4. CONSULTATION RESPONSES

Councillors [expired 17/07/20] No comments received

Parish Council [expired 17/07/20] No comments received

Arboricultural Officer [comments received 05/08/20] *No objections subject to conditions.*

County Highways [comments received 17/07/20] *No objections on highways grounds subject to conditions to include the submission of a visibility splay plan.*

County Highways [further comments received 06/08/20] *No objections on highways grounds subject to conditions.*

County Ecologist [comments received 18/07/20] *The ecology reports submitted refer to the need for a badger licence and for precautionary working to avoid harm to badgers and other species; these can be supported by condition if minded to approve. Bat surveys did not identify any concerns with bats; I have recommended an informative note because bats are highly mobile species. Currently the site comprises mature garden and trees. These habitats have an ecological function and they provide a degree of ecological connectivity. The current proposals would increase built development and hardstanding. This clearly represents a small net loss to biodiversity, contrary to NPPF 170 and 175, which could be mitigated onsite by landscape design that maximises opportunities for wildlife; advice is given in R2 of the Preliminary Ecological Appraisal. I have suggested a condition for this.*

Boundary fences and walls will present solid barriers to wildlife, particularly hedgehogs. This is important because a third of hedgehogs have been lost in the last 20 years, and one major cause is barriers to foraging behaviour that force them onto roads or other unsuitable places. A viable population needs access to about 90 hectares of connected land. Hedgehogs are listed as a species of Principal Importance under the NERC Act (2006). A 13 x 13 cm gap should be provided at the base of barriers between gardens so that all garden space is accessible.

County Ecologist [further comments received 04/08/20] *The ecology reports submitted previously referred to the need for a badger licence and for precautionary working to avoid harm to badgers and other species; a badger method statement has now been submitted. Condition #3 of my previous response (17 July 2020) is now not required.*

July 2020 bat surveys did not identify any concerns with bats; as long as demolition work is not delayed beyond the Spring 2022 these should remain valid. The informative note recommended in my previous response is now not required.

Landscape design that maximises opportunities for wildlife has now been submitted, retaining orchard areas and adding ponds and meadow areas, plus tree planting etc. I have recommended an informative note regarding wildlife becoming trapped in ponds, particularly steep-sided formal ones. Condition #1 of my previous response is now not required.

Badger Conservation Group [expired 17/07/20] No comments received

Severn Trent Water [comments received 12/08/20] *With Reference to the above planning application the company's observations regarding sewerage are as follows.*

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and*
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.*

Neighbours [expired 17/07/20] No comments received

Site Notice [expired 26/07/20] No comments received

5. APPRAISAL

5.1 The application is brought before the Planning Committee as part of the proposal is contrary to policy GB1 of the Core Strategy, 2012 and the provisions of the NPPF.

5.2 Key Issues:

- Principle of development
 - Green Belt
 - Case for Very Special Circumstances
 - Spatial Strategy
- Housing mix
- Impact on the visual amenity of the Green Belt and character of the area
- Impact on neighbouring amenity/space about dwelling standards
- Trees/Landscaping/Ecology
- Drainage
- Parking/Highways

5.3 Principle of Development

5.3.1. Green Belt

5.3.2. The application site is located within the Green Belt. As set out within paragraph 145 of the NPPF, Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt, subject to a number of exceptions. One of those exceptions (which is followed through within Policy GB1 of the Core Strategy) is “proportionate extensions, alterations or replacements of an existing building which are in the same use and not materially larger than the original”.

5.3.3. There are three elements to this proposal:

- o Replacement of existing dwelling/s (The Shielings) with a two-storey dwelling
- o Replacement of former shop with a bungalow
- o Replacement of Nissen Store (like for like)

They will be addressed in turn, as follows:

o Replacement two storey dwelling

5.3.4. As mentioned above, Paragraph 145 of the NPPF and Policy GB1(d) indicates that the replacement of an existing building may be acceptable providing it is in the same use and not materially larger than the building it replaces. As a guide, the Council's Green Belt and Open Countryside SPD clarifies that a building is not materially larger than the one it replaces providing the floor area does not increase by more than 10-20%. The application proposes to demolish 'The Shielings' (a pair of semi-detached dwellings which have been converted internally to a single residence) and replace them with a single two storey dwelling.

5.3.5. The approximate floor area of the existing dwelling(s) is 246 sq.m. whilst the combined floor area of the proposed dwelling and detached garage would amount to approximately 449 sq.m, an overall increase in floor area of around 82%. The replacement dwelling is clearly materially larger and above the 10-20% guidance contained within the SPD. The proposal would therefore constitute inappropriate development. Paragraphs 143-144 of the NPPF state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt (by virtue of the development's inappropriateness) together with any other harm, is clearly outweighed by other considerations.

o Replacement of former shop with a single storey dwelling

5.3.6. In terms of replacement buildings, as mentioned above Paragraph 145 of the NPPF and Policy GB1(d) indicate that the replacement of an existing building may be acceptable providing it is in the same use and not materially larger than the building being replaced.

5.3.7 The replacement of a farm shop with a dwelling would not be in the same use and could not therefore be considered to constitute a 'replacement' building in the context of paragraph 145 of the NPPF and Policy GB1(d). The proposal would therefore constitute inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

o Replacement of Nissen Store

5.3.8 Within the northern corner of the site is a semi-circular structure referred to as a Nissen store which has a floor area of 203 sq.m. The proposed replacement Nissen store would be of the same height and floor area as the existing. It is understood that the site was previously used for the production of fruit and vegetables. The applicant (who also owns the field adjacent to the site to the north) has confirmed that the building would be used for the storage of equipment including a tractor, hay etc in relation to the maintenance of the land therefore the use of the building would be the same as the existing.

5.3.9 As specified within paragraph 145 of the NPPF and Policy GB1 of the Core Strategy, the replacement of a building which is not materially larger and is in the same use as the existing is an appropriate form of development within the Green Belt. This part of the proposal is therefore acceptable in principle.

5.4 Case for Very Special Circumstances

5.4.1. As discussed within the previous section of this report, the proposed replacement of the existing two storey dwelling(s) with a single two storey dwelling that is materially larger than the original would constitute inappropriate development within the Green Belt, contrary to Paragraph 145 of the NPPF and Policy GB1 of the Core Strategy. In addition, the replacement of a farm shop with a bungalow would be in a different use, thereby also constituting an inappropriate form of development within the Green Belt.

5.4.2 The case for very special circumstances relates to the following:

- The extant approval for re-development of the farm shop (19/00526/FUL) and the overall impact of the development on the Green Belt.
- The quality of the development proposal.

They are discussed in turn as follows:

- **Extant approval and overall impact on the Green Belt.**

5.4.3. There is an existing extant approval for the replacement of the farm shop with two bungalows (planning application reference 19/00526/FUL). If that approval were to be implemented, the farm shop (which has a floor area of 206 sq.m) would be replaced with two bungalows (each with a floor area of 103 sq.m.) equating to the same overall floor area of 206 sq.m.

5.4.4. The current application proposes a single bungalow providing 101 sq.m of floor space which is around half that of the existing building. The proposal would involve an increase in roof height of 1.6m, however the proposed bungalow is much narrower than the existing building, offsetting any harm from the increased overall roof height. In addition, the forward and rear building lines of the proposed bungalow would line through with the forward/rear building lines of the adjacent dwelling (No. 122) and their roof height would be around 2.25m lower. The replacement as currently proposed would result in a reduction in floor area of 105 sq.m over the existing development and a reduction of 105 sq.m. from the previously approved scheme.

5.4.5. Offsetting this floor area against the combined proposed floor area of the new two storey dwelling and detached garage would reduce the floor area increase across the site to just under 22% which is marginally over the 10-20% increase in floor area recommended within the Green Belt and Open Countryside SPD.

5.4.6. As set out within the SPD, the opportunity to offset floor area from ancillary buildings in lieu of a larger replacement building will be dealt with on a case by case basis. Following discussion with the Planning Team, the proposed two storey building has been re-positioned within the site, closer towards the existing built form in order to eliminate any concerns regarding encroachment into the Green Belt. The proposed development of a large dwelling set back, with a detached garage to its east and single bungalow in the south would keep the expanse of built form still fairly compact within the site whilst allowing views through to the Green Belt beyond. Whilst the two storey dwelling incorporates more floor area at first floor level than the existing buildings on site, it is considered that there would be no harm to the openness of the Green Belt as a result of the proposal in light of the position of the dwelling set back within the site away from the highway with land surrounding and views beyond the dwelling towards open fields. In addition, the roof structure of the

dwelling has been designed with two pitches separated by a flat roofed glazed section, breaking up the bulk of the second floor element and further reducing its visual impact. The submitted Street Elevation Plans which show the height and massing of the proposed in comparison to the existing demonstrate that the roof structure of the proposed two storey dwelling would arguably less bulky and impactful on openness than that of the existing dwelling.

5.4.7. It is therefore considered that, taking into consideration both elements of the proposal (the bungalow and the two storey dwelling) in the context of the existing development and the extant approval, the development would result in a very similar amount of floor area and would not have a materially greater impact on the openness of the Green Belt. These factors, coupled with the potential to remove PD rights for any further development, would carry significant weight in the balance of considerations. Other factors are discussed as follows:

- The quality of the development proposal

5.4.8. As outlined within paragraph 124 of the NPPF, the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 131 states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area.

5.4.9. The character of the locality is mixed, characterised by a range of dwellings of differing periods and designs. The appearance of the farm shop is fairly unobtrusive from wider view given that it is set back slightly from the highway however it does have an unkept appearance owing to its lack of use and maintenance for many years. The Shielings, whilst not unattractive, has a fairly unremarkable appearance and does little to mark the entrance into Wombourne from the north-west.

5.5.0 As discussed within the Council's Design Guide SPD, (paragraph 37.9d) new development adjacent to the open countryside should create a more diverse and active edge, noting local village precedents with a variety of scales and varied building lines with open spaces and tree/hedgerow planting.

5.5.1. The current proposal is of a bespoke contemporary design, which is visually attractive as a result of good architecture and layout, incorporating high quality materials. In addition to the quality of the dwelling itself, the proposal includes a formal garden, nature pond, orchard, kitchen garden and natural wood surrounding the building. Owing to its distinctive and innovative contemporary design and position within the application site it is considered that the proposed dwelling would create a distinctive threshold at this entrance into the Village, enhancing the setting of its north-western edge.

5.5.2. Moreover, the proposed bungalow would reflect some of the design features and materials of the two storey dwelling, unifying the scene in design terms and representing an improvement on the extant approval (reference 19/00526/FUL) which is of a more standardised design.

5.5.3. On the basis of the above it is considered that the high quality and innovative nature of the proposal would provide further weight to the case for Very Special Circumstances weighing in favour of the proposal.

5.5.4 In conclusion, it is considered that the previous extant approval and the limited impact on the Green Belt, coupled with the innovative design would together carry significant weight in justifying the current proposal. It is considered that the benefits of the proposal would carry sufficient weight in the planning balance, clearly outweighing the potential harm to the Green Belt by reason of inappropriateness.

5.6. Spatial Strategy

5.6.1. The Council's Spatial Strategy (Core Policy 1) identifies that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the settlement hierarchy, to ensure that the necessary infrastructure, facilities and services are available to support growth.

5.6.2 The site is located on the edge of Wombourne a Main Service Village which is identified as a main focus for housing growth within the District. The policy states that the focus will be to make efficient use of land with priority being given to the use of previously developed sites in sustainable locations which are not of high environmental value. The site is located on a main road into Wombourne from the north-west and is well placed to gain access to the range of services and facilities offered by the village centre.

5.7. Housing Mix

5.7.1. Policy H1 states that proposals for new housing development should be informed by the Housing Market Assessment and the Sub-Regional Housing Market Assessment. Policy H1 specifies that more 2 bed units are needed in the District to support the Council's aim of delivering a better-balanced housing market. The provision of a 2-bed bungalow would also potentially support the ageing population which is encouraged by Policy H1.

6. Impact on the visual amenity of the Green Belt and character of the area

6.1.1 Policy EQ11 of the Core Strategy requires that in terms of scale, volume, massing and materials, developments should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area. Policy EQ4 states that the design and location of new development should take account of the characteristics and sensitivities of the landscape.

6.1.2. The site is located in a rural area on the edge of the village. The dwellings in the immediate locality are largely detached and of varying scale and design. The farm shop proposed to be removed is of rural appearance and is set back from the road with an attractive green frontage and stone dwarf wall. However, the building has been vacant for some time and has an unkempt appearance.

6.1.3. The proposed dwellings would be of similar height to the existing and given the varied character of the locality would not appear out of character with other dwellings in the vicinity. The proposed site plan incorporates tree planting along both sides of the access track on the north-western boundary of the site, which once matured would serve to screen the side of the new two storey dwelling from long distance views, and the large areas of glazing proposed would break up and soften its appearance. As discussed within previous sections of the report, the proposal is considered to be of a high-quality contemporary design, with detailing such as burnt timber cladding to add interest. It is therefore considered that the proposal complies with Core Strategy Policy EQ11.

6.2 Impact on neighbouring amenity/space about dwelling standards

6.2.1 New development should avoid harming the amenity of neighbouring properties and should not have any adverse impacts in respect of loss of privacy, loss of light or overlooking to neighbouring properties, as set out in Policy EQ9 of the Core Strategy. Policy EQ11 sets out the Council's Space about Dwellings standards in Appendix 6. For privacy and outlook, the guidance states that single storey dwellings should be a minimum distance of 21m between facing habitable room windows and 10.5m between front or rear habitable room windows to a flank side wall over private space.

6.2.2. There are no dwellings to the rear or front of the site which could be affected by the proposed development. Adjacent to the site to the east is The Stables however it is positioned over 60m away from either of the proposed dwellings. There is an existing dwelling adjacent to the proposed bungalow (No. 122 Bratch Lane) however the only opening proposed is a small bathroom window, which would be screened by the boundary treatment. The development would raise no concerns in respect of overlooking or loss of privacy for existing occupiers. In addition, as the proposed bungalow is single storey only there would be no concerns in respect of overbearing or loss of light.

6.2.3. In terms of the proposed two storey dwelling, the south-east facing elevation would look towards the rear gardens of existing dwellings along Bratch Lane, however there are only two narrow windows proposed at first floor level and there would be a distance of 22m between these windows and the rear garden of the proposed bungalow (the closest of the existing and proposed dwellings). It is therefore considered that there would be no undue concerns arising in terms of overlooking.

6.2.4. Appendix 6 also specifies minimum standards for amenity space. Dwellings with 2 beds require a garden with minimum length of 10.5m and area of 42 sq.m (100 sq.m. for dwellings with 4 or more bedrooms). Both plots are provided with a private garden in excess of these standards. There are no infringements with the Council's Space about Dwellings standards for either of the proposed dwellings.

6.3 Trees, Landscaping & Ecology

6.3.1 Policy EQ12 emphasises that the landscaping of new developments should be an integral part of the overall design. Policy EQ1 provides that developments should not cause significant harm to habitats of nature conservation, including woodlands 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.

6.3.2. An Arboricultural Impact Assessment has been submitted which identifies that all of the trees on site are of low quality and/or limited life expectancy, with the exception of one Elder tree which is deceased and needs to be removed. However, a Tree Protection Plan has been submitted which identifies the trees which are to be retained on site and provided with protective fencing. The hedge at the front of the site would also be retained. The Council's Arboricultural Officer has been consulted and has raised no objections subject to conditions to include the provision of a landscaping scheme.

6.3.3. A Preliminary Ecological Appraisal including Badger Annexe and Method Statement, Bat Roost Assessment and Bat Activity Report have been submitted. The County Ecologist has reviewed the submitted information and has raised no objections subject to conditions to secure a landscaping scheme which maximises opportunity for wildlife, including

hedgehog gaps. Precautionary working methods should also be adopted. The proposal is therefore compliant with policies EQ12 and EQ1.

6.4 Drainage

Policy EQ7 of the Core Strategy advises that development will be permitted where proposals do not have a negative impact on water quality, either directly through pollution of surface or groundwater or indirectly through overloading of wastewater treatment works. Severn Trent Water have been consulted who have requested a pre-commencement condition to secure foul and surface water drainage plans.

6.5 Parking/Highways

6.5.1. Policy EV12 of the Core Strategy states that provision for off street parking must be made within all development proposals. Appendix 5 of the Core Strategy sets out the Council's minimum parking requirements. For dwellings with 2 bedrooms, 2 parking spaces are required, and 3 spaces are required for dwellings with 3 beds or more. The proposal for the bungalow incorporates a new site access and two parking spaces to the frontage.

6.5.2. The proposed two storey dwelling would utilise the new access as well as the existing access on the north-west edge of the site and a garage/car port is proposed which incorporates 3 parking spaces. The proposed development complies with the parking standards set out within Policy EV12 and County Highways Officer has raised no objections to the proposal subject to conditions.

7.0 CONCLUSION

7.1 The proposed replacement Nissen store would be an appropriate form of development within the Green Belt. The proposal for a replacement two-storey dwelling which is materially larger would constitute inappropriate development, as would the replacement of the farm shop with a bungalow. However, the case for very special circumstances is considered to demonstrate that there would be no undue harm to the Green Belt when taking into consideration the overall floor area increase across the site coupled with the innovative design of the proposed scheme. The proposal is appropriate in terms of design and scale and would not have a detrimental impact upon the Green Belt or the character of the area. In addition, there are no concerns arising in respect of neighbour amenity, highways or ecology.

8. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings:
TS-GNA-XX-ST-DR-A-1000 Location Plan;
TS-GNA-XX-XX-DR-A-1101 Proposed Bungalow Layout;
TS-GNA-XX-XX-DR-A-1102 Proposed Garage and Car Port Layout;
TS-GNA-XX-XX-DR-A-1103 Proposed Nissen Store Layout;
TS-GNA-XX-ST-DR-A-1004_B Proposed Site Plan showing Roof Plan;
TS-GNA-XX-ST-DR-A-1005_B - Proposed Site Plan showing Roof Plan;

TS-GNA-XX-ST-DR-A-1006_B - Proposed Site Plan showing Ground Floor Plan;
TS-GNA-XX-ST-DR-A-1007_B - Proposed Site Plan showing Ground Floor Plan;
TS-GNA-XX-ST-DR-A-1009 - Visibility Splay Plan;
TS-GNA-XX-XX-DR-A-2000_A - Street Elevations;
TS-GNA-XX-XX-DR-A-9000_A - View from Trysull Road;
TS-GNA-XX-XX-DR-A-9001 View of Main Entrance to House;
TS-GNA-XX-XX-DR-A-9002 View from Formal Garden;
TS-GNA-XX-XX-DR-A-9003 View from Drive.

3. No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. Prior to the commencement of any works above damp proof course (DPC) level, a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
5. Before the development commences the existing trees, shrubs and hedges on the site shall be protected by fencing constructed in accordance with BS 5837:2012 (trees in relation to design, demolition and construction - recommendations) in positions to be agreed with the Local Planning Authority which shall be retained throughout the development of the site in the approved positions.
6. Before development commences all construction work, drainage runs and other excavations within the protective fencing/root protection areas of the trees shown to be retained on the approved plan shall be agreed by the Local Planning Authority. All work shall be carried out in accordance with BS 5837:2012 (trees in relation to design, demolition and construction - recommendations).
7. The destruction by burning of any materials during the construction period shall not take place within 6 metres of the canopy spread of any trees or hedges shown to be retained on the approved plans.
8. There shall be no storage of construction materials or equipment or oil tanks within the protective fencing/root protection areas of the trees or hedges shown to be retained on the approved plans.
9. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The agreed foul and surface water drainage

scheme shall be implemented in accordance with the approved details before the development is first brought into use.

10. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.
11. 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.
12. 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.
13. The development hereby permitted shall not be brought into use until the visibility splays shown on drawing No. TS-GNA-XX-ST-DR-A-1009 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.
14. The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.
15. Any gates shall be located a minimum of 6.0m rear of the carriageway boundary and shall open away from the highway.
16. All final developed landscaped site and internal boundary structures (fences, walls etc.,) to be designed and constructed so that they do not seal to the ground continuously and stop the movement and dispersal of wildlife, notably hedgehogs. Boundaries must have 130mm by 130mm holes at ground level at least every 10m running length or should not seal to the ground at all between posts with a 120mm gap from fence base to ground
17. Prior to the commencement of any works above DPC level, details of biodiversity enhancement measures including 2 number integrated bat tubes or bat boxes within the new building, located on south facing aspects shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
18. Prior to the commencement of any works above DPC level, details of the type and location of biodiversity enhancement measures including 1 group of 3 number swift boxes and 2 number house sparrow terraces on or integrated into north- or east-facing brickwork of the new buildings shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
19. 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, the subject of this approval, without the prior approval of the Local Planning Authority:

- a. Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
 - b. Schedule 2, Part 1, Class B - addition or alteration to the roof
 - c. Schedule 2, Part 1, Class C - any other alteration to the roof
 - d. Schedule 2, Part 1, Class D - porches
 - e. Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container
20. The development hereby approved and referred to as a 'Nissen Store' shall not be occupied at any time other than for agricultural purposes ancillary to the use of the application site and the field adjacent to the north.

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.
5. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
6. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
7. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
8. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
9. to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with Policy EQ7 of the Core Strategy.
10. In the interest of highway safety and to comply with Staffordshire County Council requirements for a vehicular access crossing.
11. In the interest of highway safety and to comply with the principles set out in the National Planning Policy Framework.

12. In the interest of highway safety and to comply with the principles set out in the National Planning Policy Framework.
13. In the interest of highway safety and to comply with the principles set out in the National Planning Policy Framework.
14. 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
15. In the interest of highway safety and to comply with the principles set out in the National Planning Policy Framework.
16. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
17. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
18. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
19. 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
20. 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

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

ECOLOGY INFORMATIVE

Wildlife, such as small mammals, and even amphibious species such as toads and newts can become trapped in ponds which have steep sides. New ponds should have a permanent method of escape built in, such as a ramp or sloped edge.

HIGHWAYS INFORMATIVE

The new dropped crossing to the site shall be constructed in accordance with the submitted drawing. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application Form for a dropped crossing. Please complete and send to the address indicated on the application form, which is Staffordshire County Council, Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford. ST16 2DH.
(or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>



The Shielings, Trysull Road, Trysull, WOLVERHAMPTON, WV5 8DQ

20/00579/FUL

Dale Hitch

BREWOOD & COVEN

NON MAJOR

Cllr Wendy Sutton

Cllr Joyce Bolton

Cllr Diane Holmes

Lawn Farm House Lawn Lane Coven WV9 5BA

Demolition of existing outbuilding timber structure and erection of new outbuilding timber structure, part enclosed, part open

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The site relates to a large traditional farmhouse on the west side of Lawn Lane, outside the village boundary of Coven. Directly adjacent are the farms barns, that have since been converted into residential dwellings. The dwelling sits in a large residential curtilage and be bounded by an established hedge and mature planting/trees.

1.2 Planning History

2017 New entrance gates and double garage plus extended gravel driveway, approved (certificate of lawful development 17/00988LUP)

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Planning permission is sought for a detached timber L shaped outbuilding that is open on the western side with a 'summer room' area with floor to ceiling glazed doors. It measures 9m by 10m with a ridge height of 4.76m.

3. POLICY CONTEXT

The site lies within the West Midlands Green Belt.

South Staffordshire Core Strategy, adopted 2012

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

Adopted Local Guidance

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

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

4. CONSULTATION RESPONSES

No Councillor comments (expired 25/08/2020)

Brewood Parish Council (received 25/08/2020) *No comments*

Site Notice expired 09/09/2020

No neighbour comments (expired 29/09/2020)

5. APPRAISAL

5.1 The application is brought before the Planning Committee as the proposal is in the Green Belt, contrary to GB1

5.2 Key Issues

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

5.3 Principle of development and Green Belt

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

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

5.3.3 The proposal is to replace an existing domestic structure, but this replacement by far exceeds what would be considered to be 'materially larger'. Paragraph 145 part g) of the NPPF does allow for the limited infilling or the partial redevelopment of previously development land provided that the proposal does not have a greater impact on openness than the existing development. A residential garden that is not in a built-up area is considered to satisfy the definition of PDL. Lawn Farm House is a large imposing Victorian farmhouse and there is a detached wooden garage building to the rear (south west) of the site towards the rear boundary. The proposed building will be situated to the north west of the host property where the small domestic structure is, but that is otherwise free from built

development and laid to grass. The proposed replacement outbuilding is open on one side and looks from the plans that it will provide cover to a hot-tub along with a 'summerhouse' area that provides around 22sqm of floor area, with a ridge height of 4.76m.

5.3.4 I consider that there will inevitably be some impact on openness from the erection of the building. Given the size of the existing dwelling on site, and the other domestic outbuilding, the matter of whether there will be any greater impact on openness is in my opinion, finely balanced. However, as this area of the garden is relatively open, and the building is fairly large for a domestic structure; I consider the proposal has to be deemed as inappropriate development. The proposal is therefore contrary to Policy GB1 of the Core Strategy, the guidance contained within the Green Belt and Open Countryside SPD, 2014 together with the objectives of the NPPF. In order for inappropriate development to be acceptable, material considerations amounting to very special circumstances must be advanced to justify a grant of planning permission and clearly outweigh the harm (albeit it limited) to the openness of the Green Belt.

5.4 Very Special Circumstances

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

5.4.2 Here, there is an extremely plausible and likely Permitted Development fallback position that I attach significant weight to. The outbuilding proposed is able to satisfy all of the relevant parameters of Part 1 Class E of the GPDO with one exception; it is above the required 4m in height. The proposed building is in fact 4.76m in height. When read in the context of the host dwelling, an increase of slightly over half a metre in ridge height would not give rise to any greater material harm to openness above the PD allowances. When combined with the loss of the existing domestic structure, and the removal of PD rights to prevent the erection of any further outbuildings at the site; I consider that this amounts to the very special circumstances needed to clearly outweigh any potential harm in line with GB1 and paragraphs 145 and 146 of the NPPF.

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

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

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

5.5.3 The site is well screened on all sides, preventing any views into the site. Lawn Lane is not a road used regularly by walkers. Any views of the development would be limited. Notwithstanding this however, the building is sensitively designed and is akin to many found within domestic curtilages such as this. I consider therefore that the proposal would comply with Policies EQ4 and EQ11 of the Core Strategy, 2012.

5.6 Impact on Neighbouring Amenity

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

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

5.7 Highways and Parking implications

5.7.1 Core Strategy policy EV12 parking provision requires that adequate parking be included with schemes for new housing. Appendix 5 Parking Standards provides guidance on the recommended number of vehicle parking spaces to be provided. There is no impact on access nor parking provision from the erection of the outbuilding.

6. CONCLUSION

6.1 The garden is considered to satisfy the definition of previously land, and whilst finely balanced, due to the size of the host property and existing outbuilding, there would be only a marginal impact on openness. Any impact on openness however (within the realms of paragraph 145) is considered to render the proposal as inappropriate and harmful to the openness of the Green Belt by definition. In order to justify such inappropriate development, the applicant must advance material considerations amounting to very special circumstances.

6.2 In this instance if the building were to be lowered by 76cm, it could be erected under the Permitted Development allowances, when read within the context of the large host dwelling, I do not consider that this additional height would give rise to any material harm on openness above the building that could be erected without planning permission from the Council. When combined with the loss of the existing small structure and the removal of PD rights to restrict any further erection of outbuildings at the site, any harm to the Green Belt, by reason of inappropriateness is clearly outweighed.

6.3 There are no neighbour or highway implications and any impact on the character of the area would be limited due to acceptable design and the existing mature screening on the sites boundaries. I am therefore recommending the approval of planning permission subject to appropriate conditions.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: 20_1975_003, 20_1975_004, 20_1975_005 received 13/07/2020
3. The garage shall be used only for purposes incidental to, and in connection with, the use of the site as a dwelling.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other subsequent equivalent order, no

development within the following classes of development shall be carried out within the garden area hereby approved without the prior approval of the Local Planning Authority:

a. Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. In order to define the permission and to avoid doubt.
4. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
5. Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



Lawn Farm House, Lawn Lane, Coven, WOLVERHAMPTON WV9 5BA

20/00627/FUL

Mr Ian Middleton

TRYSULL & SEISDON

NON MAJOR

Cllr Victoria Wilson

6 Beech Hurst Gardens Seisdon WV5 7HQ

Proposed two storey side extension with dormer and proposed canopy to frontage

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application relates to a large detached property off the cul-de-sac Beech Hurst Gardens in Seisdon. There is a drive and small garden at the front of the site. The rear backs onto open fields with neighbouring properties adjoining either side.

1.2 Planning History

No relevant history

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The application proposes to demolish part of the existing single storey garage and erect a new two storey side extension, comprising a garage, with bedroom and en-suite above, together with a front canopy. The two-storey element will be flush with the original building lines of the house. The single storey rear projections will remain unchanged. The proposal will also include a roof dormer [creating a 2nd floor in the roof] on the rear which will feature a Juliette balcony and the front canopy would extend between 1.6m and 2.5m. A separation gap of 0.9m would be maintained between the buildings.

2.1.2 The proposal would turn the property from a four bed into a five bed. The space created in the roof would provide a mezzanine to the master bedroom.

2.1.3 The proposal includes a garage and the block plan shows three car parking spaces on the existing drive.

2.2 Agents Submission

2.2.1 Not applicable

3. POLICY CONTEXT

3.1 Within the Development Boundary

3.2 Core Strategy

Core Policy 1: The Spatial Strategy

National Policy 1: The Presumption in Favour of Sustainable Development

Core Policy 4 Promoting High Quality Design

Policy EQ9: Protecting Residential Amenity
Policy EQ11: Wider Design Considerations
Policy EV12: Parking Provision
Appendix 5: Parking Standards
Appendix 6: Space about Dwellings

3.3 National Planning Policy Framework

3.4 Supplementary Planning Document
South Staffordshire Design Guide 2018

4. CONSULTATION RESPONSES

Councillor Wilson [11/08/2020]: *I would like to call in the above application, due to impact to the local area and community, and on parking grounds.*

Trysull and Seisdon Parish Council [13/08/2020]: *Although Trysull and Seisdon Parish Council have, in principle, no objections to an extension of this property, considerable concerns exist regarding the impact of this proposed development on the well-being of neighbours and the street scene. Beech Hurst Gardens is already a concentrated area of development on which 10 detached houses are built in a small rural cul de sac. Many of these have already been extended but it is felt that the effect on the street scene of this very large proposed application would be detrimental to the local environment and will change the visual aspect of the street if granted.*

The Parish Council do feel that this proposed development will set a precedent and the area will look like a row of terraced houses. Councillors are concerned to note the rear elevation extends beyond the neighbours dwelling and overlooks the property at no5. Due to very close proximity to the boundary there is insufficient access for maintenance to the left side of proposed building when viewed from the front unless permission were to be granted by the neighbours at no 5, which is unlikely. It is also noted that the proposed addition of a 'mezzanine' on the third floor would further invade the privacy of those same neighbours when in their own rear garden. The canopy at the front of the proposed development goes beyond the building line of the existing dwelling and extends beyond the building line of the property at no. 7.

The Parish Council would point out that Beech Hurst Gardens is narrow in its layout and any roadside parking restricts vehicles turning into and out of driveways. The proposed extension will reduce the availability of on-property parking to an insufficient level and road side parking would constitute a loss of amenity to other residents. Overcrowded parking may potentially block other residents' access to their own driveways and have the potential for neighbour disputes and parking restrictions in the future.

It would be unfortunate if the application were to be approved in its present format as it would have an adverse impact on other residents and the character of the cul de sac.

Neighbours: Representations have been received from the occupiers of 7 dwellings which has expressed concerns over parking, design/impact on the character of the area, impact on neighbouring amenity [loss of light, overlooking and privacy] and disruption during construction works.

5. APPRAISAL

5.1 The application has been referred to planning committee by Councillor Wilson as there are concerns over parking, impact on the character of the area and neighbouring amenity.

5.2 Key Issues

- Principle of development
- Impact on neighbouring properties
- Impact on the character of the area
- Space about dwelling standards
- Parking
- Representations

5.3 Principle of development

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

5.4 Impact on neighbouring properties

5.4.1 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.

5.4.2 The two-storey side extension [with rear roof dormer] would sit 2.9m behind the front building line of No.5 and project 1.9m to the rear with a separation gap of 0.9m. In terms of loss of light there are no habitable windows on the neighbour's side elevation and whilst the two storey extension would project 1.9m to the rear, the rear elevation and garden are north-east facing therefore the extension would have little impact with regards to a loss of light. The single storey rear projections will remain the same.

5.4.3 There has been concerns raised by both neighbouring dwellings over the inclusion of the Juliette balcony within the proposed roof dormer [mezzanine area] and a loss of privacy. Both neighbouring gardens are presently overlooked by the neighbour's upstairs windows and whilst the Juliette balcony would sit at a higher level and have a larger reveal in comparison, the balcony would directly face the open fields and I do not consider that would be a significant intrusion on privacy to warrant a refusal. The proposal is compliant with Policy EQ9.

5.5 Impact on the character of the area

5.5.1 Policy EQ11 of the Core Strategy states that proposals should respect local character and distinctiveness including that of the surrounding development and landscape. The South Staffordshire Design Guide provides that extensions should be subservient to the main building, respecting the scale and form and relationship to adjacent buildings.

5.5.2 In this instance the two-storey side extension would be flush with the original building lines and ridge height. Whilst the Council encourages extensions to be subservient [i.e. lower

ridges, set in etc], the key question is whether the current scheme would adversely affect the character of the area to a harmful degree.

5.5.3 Amended plans have been submitted throughout the process that has reduced the length of the front canopy and corrected the relationship of the site with the neighbouring dwellings. No changes have been made to the design of the two-storey extension.

5.5.4 The application sits within a small development of contemporary detached houses and bungalows which have no historical, architectural or cultural significance. There are a variety of separation distances between buildings and styles of extensions within the existing cul-de-sac.

5.5.5 There would a separation gap maintained between the buildings of 0.9m and the two storey projection would be set back from the neighbour's front building line by 2.9m. Whilst there may be glimpses of the site from Post Office Road it is not considered that there would be any adverse harm caused on the nearby conservation area, with the site sitting on a modern estate. The visual impact of the proposed extensions on the street scene is therefore considered acceptable.

5.6 Space about Dwellings

5.6.1 There is no infringement with the Council's space about dwelling standards.

5.7 Parking

5.7.1 The Council's parking standards for dwellings with 4 bedrooms or more is for three off road car parking spaces [2.4m x 4.8m].

5.7.2 The application includes the retention of a garage space and there are also three spaces on the existing driveway for the parking of vehicles. The application is therefore compliant with the Council's parking standards contained in Appendix 5 of the Local Plan.

5.8 Representations

5.8.1 Most of the comments received from interested parties have been addressed in the main body of the report. Throughout the course of the application the plans have been updated to correct the building lines of the neighbouring dwelling.

5.8.2 The concerns expressed from an adjoining neighbour over future maintenance is not a material planning consideration and a certain minor level of disturbance during building works is inevitable and short lived. Prior to the construction of the extension, building regulation approval would also need to be obtained to demonstrate that the structure is safe.

6. CONCLUSIONS

6.1 The proposed extensions are an acceptable form of development within the Development Boundary; no harm will be caused on the character of the area or neighbouring amenity in accordance with Policies EQ9 and EQ11; I therefore recommend the application for approval.

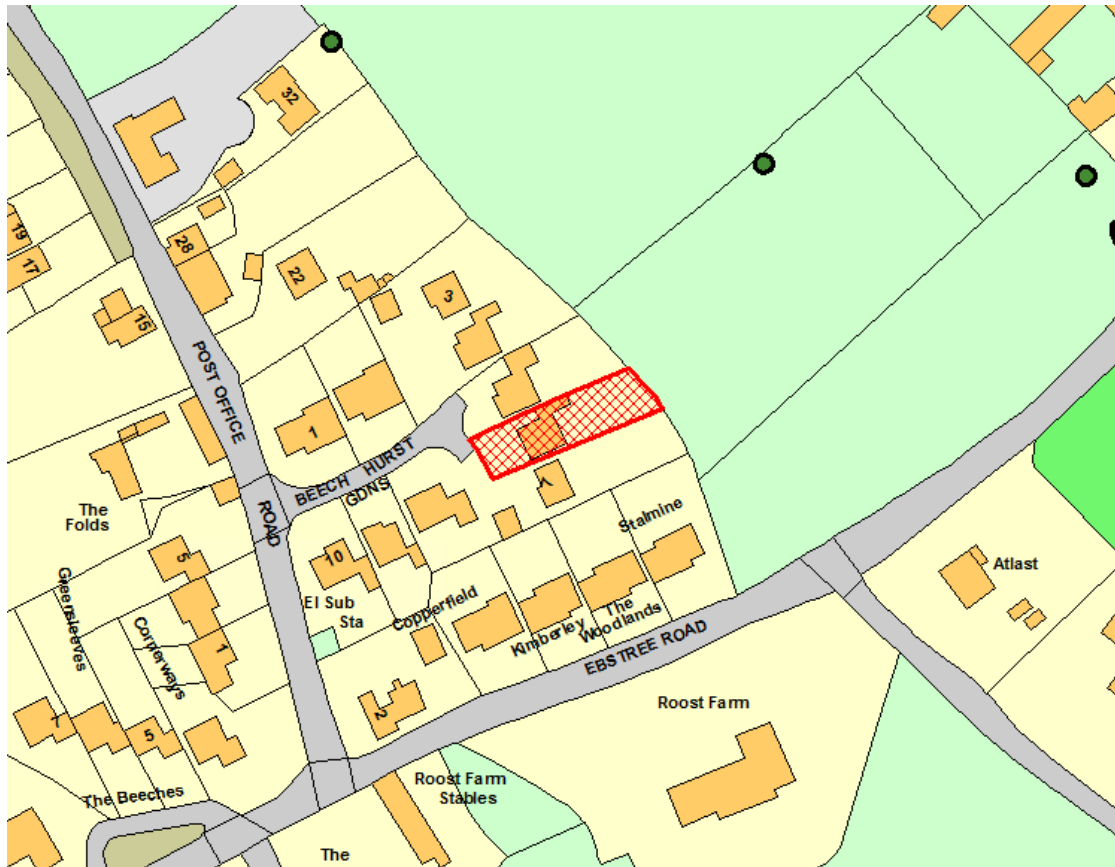
7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: 2237/P100 REV B and Block Plan received 26/08/2020
3. The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner in accordance with paragraph 38 of the National Planning Policy Framework 2019.



6 Beech Hurst Gardens, Seisdon, WOLVERHAMPTON WV5 7HQ

20/00639/COU

Mr M Mehan

WOMBOURNE

NON MAJOR

**Cllr Robert Reade
Cllr Barry Bond
Cllr Dan Kinsey**

Bearnett House Nursing Home Bearnett Drive Lloyd Hill WV4 5NN

Use of premises as a Residential Institution (Use Class C2)

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 Bearnett House Nursing Home is situated off Bearnett Drive in Lloyd Hill, Wombourne. The building sits in the middle of a small residential estate, comprised of detached style houses and bungalows.

1.1.2 The former care home was registered to accommodate 25 people, over two floors and there was a communal lounge, a dining area, a library and conservatory and a garden.

1.1.3 The site is Grade II Listed and there are Tree Preservation Orders on trees in the grounds. As the application is for the change of use of the building, these are not affected by the proposal.

1.2 Relevant Planning History

1986: Alterations to form an Elderly Persons Home, approved [86/00148/FUL & 86/00008/LBC]

1986: External fire escape and lift, approved [86/00756/FUL and 86/00025/LBC]

1990: Extensions to Nursing Home, approved [90/00035/LBC and 90/00790/FUL]

2020: Use of the former nursing home as a children's home - Use Class Order C2 - Residential Institutions, certificate of lawfulness refused [20/00509/LUP]

1.2.1 The 2020 application [20/00509/LUP] was a certificate of lawfulness application which concluded that planning permission would be required to change the use of the property into a children's home, as there is a restrictive condition on the 1986 consent that states:

'The premises shall be used for Elderly Persons Homes and for no other purpose (including any other purpose in Class XIV of the Schedule to the Town and Country Planning (Use Classes) Order 1972' [Condition 1 of 0148/86]'

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The application proposes to change the use of the site into a children's residential home.

2.1.2 The site would be run by Aston Children's Care and would provide permanent accommodation for 9 children with learning disabilities. A further 3 beds would be provided for respite care.

2.1.3 Staffing levels will be 1:1 in the daytime [awake hours] and reduced overnight. The planning statement provides that the 'day-time' one to one care staff would be on site from 07.00 until 22.00, with the night-time staff being present from 21.45 to 07.15. These short overlaps would be in place in order to enable a managed 'hand over' at the beginning and end of their shift. In addition to the care staff, a general manager and catering staff would also attend the site as necessary throughout the week.

2.1.4 There is an existing car park with 8 spaces.

2.2 Agents Submission

2.2.1 A planning statement has been submitted with the application.

3. POLICY CONTEXT

3.1 Within the Development Boundary and is Grade II Listed

3.2 South Staffordshire Core Strategy

NP1 - The Presumption in Favour of Sustainable Development

CP1 - The Spatial Strategy

CP2 - Protecting and Enhancing the Natural and Historic Environment

Policy EQ3 - Conservation, Preservation and Protection of Heritage Assets

Policy EQ9 - Protecting Residential Amenity

Policy H5 - Specialist Housing Accommodation

Policy EV12 - Parking Provision

Appendix 5 - Car Parking Standards

3.3 National Planning Policy Framework 2019

4. CONSULTATION RESPONSES

Councillor Kinsey [02/09/2020]: *Request for planning committee meeting.*

Parish Council [02/09/2020]: *No objections*

Environmental Health: *No comments received*

County Highways [20/08/2020]: *No objections*

Neighbours [31/07/2020-31/08/2020]: 67 representations have been received raising concerns over the proposed development. The comments mainly revolve around fears over potential occupants, future use of the site, parking/travel movements and the impact on neighbouring amenity.

The Council sent letters to 35 properties who surround the site. A site notice and advert was posted on the 03/08/2020 and 04/08/2020.

5. APPRAISAL

5.1 The application has been referred to planning committee by Councillor Kinsey over concerns of the impact of the proposal on neighbouring amenity.

5.2 Key Issues

- Principle of development
- Impact on neighbour amenity
- Impact on character of the area/heritage asset
- Highways/access
- Representations

5.3 Principle of development

5.3.1 The application site relates to a nursing home in a residential area. The building is within the development boundary of Lloyd Hill, which is near to Wombourne and Lower Penn.

5.3.2 Policy H5 of the local plan provides that the Council will enable and support the provision of specialist housing accommodation in South Staffordshire and proposals which would lead to a loss should be resisted.

5.3.3 Bearnett House Nursing Home is unoccupied and the application to re-use the site for an alternative specialist housing provision is in accordance with Policy H5.

5.3.4 The change of use of the building for a children's home is therefore acceptable, provided the use of the site would not have a detrimental impact on the character of the area, amenity of neighbouring residents or on highway safety.

5.4 Impact on neighbouring amenity

5.4.1 Policy EQ9 of the local plan seeks to protect the amenity of existing and future occupiers.

5.4.2 There has been large amount of comments received from neighbouring residents with concerns over noise, disturbance and fears over the occupants to be housed.

5.4.3 The nature of the proposal has been discussed with the applicant/agent in depth and they have confirmed that the site is to house children with learning disabilities, and as such it has been agreed that a planning condition will be added to this effect, limiting both the use and the occupancy level. This will ensure that the use of the site remains small-scale in nature and no material impact will be caused on the quiet residential nature of the cul-de-sac

5.4.4 Subject to the imposition of planning conditions restricting the use and occupancy levels, I find no conflict with Policy EQ9.

5.5 Impact on character of the area/Heritage Asset

5.5.1 Chapter 16 of the National Planning Policy Framework and Policy EQ3 of the adopted Core Strategy state that care and consideration must be taken to ensure no harm is caused to the character or appearance of a heritage asset.

5.5.2 Policy EQ11 of the local plan states that proposals should respect local character and distinctiveness including that of the surrounding development and landscape.

5.5.3 This application is solely for the change of use to allow the provision of care for children and young people and there are no changes proposed to the building externally or internally at this stage. The applicant is aware that the building is Grade II Listed, and if any internal or external changes are required in the future, a listed building consent application would need to be submitted to the Council.

5.5.4 There is no conflict with local plan policies EQ3 and EQ11

5.6 Highways/access

5.6.1 There are no changes proposed to the existing access or parking areas [8 spaces]. Within the local plan there are no minimum parking standards for care homes and as such each case will need to be assessed on its own merits.

5.6.2 Bearnett House Nursing Home was registered to house 25 occupants and in addition to this there would have been for example, nursing staff, general manager, caterers, hairdressers, along with family members who would visit.

5.6.3 Whilst the staffing levels for the children would be higher in the daytime, level of 1:1 then a general nursing home use there is a significant reduction in occupancy levels. In comparison to the previous use, the proposal is small scale, providing 9 beds for permanent residents and 3 beds for respite care. The agent has provided information that the children who would be resident at the home would be educated off site, and whilst there could potentially be visits to the site by therapists these are very rare and would only be required to meet any specific needs that individual children might have.

5.6.4 It is therefore considered that the proposed use would not result in a higher level of traffic movements or parking levels in comparison to the existing use of the site.

5.6.5 No concerns have been expressed by the County Highways Department.

5.7 Representations

5.7.1 The comments expressed by interested parties have been addressed in the main body of the report.

6. CONCLUSIONS

6.1 The application accords with the relevant policies of the local plan. I therefore recommend that the application be approved subject to planning conditions restricting the use and occupancy level.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

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

2. The development shall be carried out in accordance with the approved drawings: 2020 - EXPL01 received 19/09/2020.
3. The building shall only be used for the provisions of providing permanent and respite care for young people between the ages of 8 to 18 with learning disabilities.
4. The children's home will be occupied by a maximum of 12 children [permanent and respite care].

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 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.
4. 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.
5. Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



Bearnett House Nursing Home , Bearnett Drive, Lloyd Hill WV4 5NN

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 20 OCTOBER 2020****MONTHLY UPDATE REPORT****REPORT OF THE LEAD PLANNING MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

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

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

2. RECOMMENDATION

2.1 That Committee note 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	21 st July 2020	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.

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

4. INFORMATION

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

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

4.3 **Changes in National Policy:**

- 4.4 There have been no changes in national policy since last committee.

- 4.5 The consultation on the Planning White Paper: Planning for the Future is still open for comments to be made. The consultation closes on 29th October 2020 and can be viewed here: <https://www.gov.uk/government/consultations/planning-for-the-future>

- 4.6 **Planning Appeal Decisions** – every Planning Appeal decision will now be brought to the Committee for the Committee to consider. There has been 2 appeal decisions since the last Committee, a copy of the decisions are attached as Appendix 1 and 2. These relates to:

- 1 The retrospective permission for the erection of metal fencing to northern boundary at 87A Station Road, Wombourne WV5 9EW. The appeal was dismissed because the fence was considered, by way of its design and materials in such a prominent location, to harm the character and appearance of the locality and street scene. As such the Inspector concluded that the proposal would be contrary to Policy EQ11 of the Core Strategy.
- 2 The proposed demolition of a derelict former social club and the construction of a new residential apartment block at the Former Royal British Legion, off Sterrymere Gardens, Kinver DY7 6ET. The appeal was dismissed as it has not been demonstrated that the residual flood risk associated with the development could be overcome so as to ensure the safety of the occupiers of the proposed apartments. It would therefore be inconsistent with Paragraph 163 of NPPF which seeks to ensure that any residual risk can be safely managed, and that

safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 4.10 We are still awaiting the outcome of the 2 Crematoria appeal decisions. The decisions were due by 12 September 2019. We have once again written to PINS to request a decision. We have been informed there is no update from the Secretary of State, however PINS advise they will inform us when they get an update.
- 4.11 The Secretary of State for Transport has made an order granting development consent West Midlands Interchange (WMI). Documents can be seen here : <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/> Officers are now working with the site promoters to understand next steps.
- 4.12 **Relevant Planning Enforcement cases on a quarterly basis** – Performance is currently at 97%, significantly above the 80% target. There has clearly been an improvement in planning enforcement performance as a result of extra staff and a targeted triage approach to dealing with new cases. We are now fully staffed after successful recruitment, and as such the temporary staff will be leaving at the end of October 2020.
- 4.13 **The latest data produced by the Ministry of Housing Communities and Local Government** – As members will recall MHCLG sets designation targets that must be met regarding both quality and speed of planning decisions. The targets are broken into Major and Non major development. If the targets are not met then unless exceptional circumstances apply MHCLG will “designate” the relevant authority and developers have the option to avoid applying to the relevant designated Local Planning Authority and apply direct, and pay the fees, to the Planning Inspectorate. Details can be seen at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf
- 4.14 We will ensure that the Committee is kept informed of performance against the relevant targets including through the MHCLG’s own data.
- 4.15 For Speed – the 2020 target for major developments is that 60% of decisions must be made within the relevant time frame (or with an agreed extension of time) and for non-major it is 70%. For Quality – for 2020 the threshold is 10% for both major and non-major decisions. Current performance is well within these targets and the position as set out on MHCLG’s website will be shown to the Committee at the meeting – the information can be seen on the following link tables:
- 151a – speed – major
 - 152a – quality – major
 - 153 – speed – non major
 - 154 – quality – non major

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

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

Speed

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

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

Quality

152a – majors – target 10% (or below) – result = 6.1% (date up to March 2019)

154 – others – target 10% or below – result = 0.8% (date up to March 2019)

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

N/A

7. BACKGROUND PAPERS

Appendix 1 – Appeal Decision – 87A Station Road, Wombourne WV5 9EW

Appendix 2 – Appeal Decision – Former Royal British Legion off Sterrymere Gardens,
Kinver DY7 6ET

Report prepared by:

Kelly Harris

Lead Planning Manager



Appeal Decision

Site visit made on 28 July 2020 by S Watson BA(Hons) MSc

Decision by K Taylor BSc (Hons) PGDip MRTPI

An Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/C3430/D/20/3255063

87A Station Road, Wombourne WV5 9EW

- 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 & Mrs G Jakeways against the decision of South Staffordshire Council.
 - The application Ref 20/00193/FUL, dated 05 March 2020, was refused by notice dated 25 May 2020.
 - The development is described as the erection of metal fencing to northern boundary (retrospective).
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the locality and street scene.

Reasons for the Recommendation

4. The appeal site is on the south side of Station Road at the junction with Churchward Grove, it is set back from the road by a triangular verge which I understand to be in separate ownership. Between the house on the site and verge is a row of mature trees and the metal fencing being considered here. Within the site is a low dwelling facing east with its private garden to the north. The street scenes along both Station Road and Churchward Grove are characterised by low built boundaries which are often supplemented by taller planting.
5. Although the boundary fence is set back from the road it is set on higher ground and is not in any way screened along the north side. It is therefore in a prominent position visible from the highway. This is especially so when travelling towards the site from the north. The height and solid nature of the fence further increases its prominence by jarring with the soft and varied nature of the surrounding planting, as well as the predominantly low

boundaries. Although I note that the fence is a green colour this does little to improve its relationship with the character and appearance of the surrounding area.

6. In conclusion I find that the fence, by way of its design and materials in such a prominent location, harms the character and appearance of the locality and street scene. As such the proposal would be contrary to Policy EQ11 of the Core Strategy Development Plan Document, which amongst other things requires development to respect local character and distinctiveness and avoid inappropriate details.

Other Matters

7. The appellant has directed my attention to Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). They have raised the use of these rights as a fallback position in the event this appeal is dismissed. No evidence has been submitted to demonstrate that such work would be possible under this class, and it is not for me to assess whether such development could be undertaken. Moreover, the appellant has raised that the rights given by Class A have been removed from the appeal site. In all I find it very unlikely that a materially similar boundary could be erected under permitted development rights and as such find that there is no fallback position.
8. From the information before me, and my observations on site, I find that the metal fencing does not cause unacceptable harm to the living conditions of neighbouring occupiers. Nevertheless, this is not a benefit of the scheme, and as such does not outweigh the harm identified above. Although it has been brought to my attention that alternative schemes would not be tenable, I can only make my decision against the proposal before me.
9. Some anecdotal evidence has been submitted, by the appellant and a supporter, that there was a noticeable level of anti-social behaviour around, and on, the frontage of the appeal site. However, there is no substantive evidence of this so I can only give it little weight. It does not outweigh the harm identified.

Recommendation

10. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

K Taylor

INSPECTOR

Appeal Decision

Site visit made on 18 August 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2020

Appeal Ref: APP/C3430/W/20/3251508

Former Royal British Legion off Sterrymere Gardens, Kinver DY7 6ET

- 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 Ian Malyan against the decision of South Staffordshire Council.
 - The application Ref 18/00921/FUL, dated 9 November 2018, was refused by notice dated 19 March 2020.
 - The development proposed is the demolition of a derelict former social club and the construction of a new residential apartment block.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on flood risk, with regard to the safety of occupiers of the development.

Reasons

3. The appeal site formerly contained a Royal British Legion building, access to which is taken from a road that is shared with the adjoining Sports and Community Centre, via Sterrymere Gardens. The River Stour and its embankments bound the site to the south and south west.
4. The centre of the appeal site is located within flood risk zone 1 and has a low probability of flooding defined as such in National Planning Policy Guidance (NPPG). However, this central area is surrounded by areas identified as flood risk zones 2 and 3, which are in a high probability of river flooding. These higher risk areas include part of the shared access road that serves the appeal site and the adjacent sports and community centre.
5. Paragraph 155 of the National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
6. Paragraph 163 of the Framework, amongst other things, requires that d) any residual risk can be safely managed and that e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

7. I have been provided a copy of the appellant's Flood Risk Assessment (Flo October 2018) (FRA) and a Flood Warning and Evacuation Plan (Flo December 2019) (FWEP). I have also considered the comments from the Environment Agency (EA). The EA state that whilst they have not got any reasons to refuse this application, they are concerned with the means of safe access and egress and the associated risk to life, but that is out of their remit and a matter for the Council's Emergency Planning Team.
8. These concerns relate to the findings of the flood risk assessment in relation to the likely duration, depths, velocities and flood hazard rating against the design flood for the proposal. This indicates that the access road will be a danger to some people, such as the elderly and infirm due to the level of flood waters and the velocity of flow rates.
9. Section 9.3 of the FRA and 5.3 of the FWEP relate to the safe access and egress of the site during a flooding event. These documents identify that the lowest level for the access road to the west of the site is below the critical flood level, and therefore the access road likely to be flooded to a depth of up to 416mm. The report also recognises that the velocity of the water would be between 0.5 m/s and 3.0 m/s, and if unaltered would be a danger for all, and not acceptable for the emergency services ingress or egress.
10. Therefore, the proposal is to ensure that the internal access road and footpath levels are to be a minimum of 299mm below the estimated flood level (47.280m AOD), which would be 46.981m AOD. These physical mitigation measures would only be applied to areas within the development site boundary.
11. Based on the information before me, flooding affecting the access road offsite to the west would not be resolved. Therefore, to avoid these areas, the proposed evacuation plan is to direct vehicles and pedestrians out of the site along routes that are at a higher ground level, and onto the adjacent sports and community centre car park, which is not within the ownership or control of the appellant.
12. The appellant states that the Flood Warning Evacuation Management Plan (FWEP), would be based on advice given by the Emergency Management Unit at the Council. However, the Civil Contingencies Officer within the Council's Emergency Planning Team, who deals with such matters, has stated that they would not recommend using the Community Centre. Furthermore, I understand that the Kinver Sport and Community Association own and manage the site, and they have stated that they would not agree to its use.
13. Planning Practice Guidance states that when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. I have considered the imposition of a planning condition for the submission of a revised FWEP. However, for the reasons given above, I cannot be certain that safe access and escape routes could be agreed so as to mitigate the adverse effects and enable development to proceed.
14. I have taken into account that the appellant's proposal to incorporate the FWEP into legal covenants, so as to ensure its implementation, dissemination and review by future owners and managers of the development. However, it has not been demonstrated that the that safe access and escape routes can be

achieved, and the current FWEP is reliant on the use of land in third party ownership of which there is no evidence of an agreement in place with the landowner. Therefore, this does not alter my findings.

15. I note that the emergency plan was not brought up as an issue on earlier planning applications for the site. However, the EA state that this is because there have been changes to the guidance on climate change allowances since those applications were determined.
16. Therefore, I conclude, that it has not been demonstrated that the residual flood risk associated with the development could be overcome so as to ensure the safety of the occupiers of the proposed apartments. It would therefore be inconsistent with Paragraph 163 of The Framework which seeks to ensure that any residual risk can be safely managed, and that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
17. The Council's decision notice also refers to paragraphs 038, 039, and 040 of the Framework. These relate to the front loading of the planning process and pre-application engagement. This is a matter between the parties and does not directly relate to the main issue.

Other Matters

18. I have taken into account the concerns raised by Kinver Parish Council regarding the overdevelopment of the site, parking provision and potential damage to the road. However, these matters do not affect my findings on the main issue.

Conclusion

19. For the reasons given above, the appeal is dismissed.

R Cooper

INSPECTOR

