

23/01011/FUL

Mr Dhanoa

LOWER PENN

Councillor Robert F Reade  
Councillor Victoria H Wilson

107 Springhill Lane Lower Penn WOLVERHAMPTON WV4 4TW

Demolition of existing dwelling and rebuilding to create an 8 room C2 care home for Young Adults (age 18 to 65) for respite care.

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
Yes	tba	19 June 2024

## 1. SITE DESCRIPTION AND APPLICATION DETAILS

### 1.1 Site Description

1.1.1 The application relates to a traditional detached bungalow located on Springhill Lane, within the West Midlands Green Belt to the east of the village of Lower Penn. The dwelling is located within an established ribbon of development, set within a generous surrounding curtilage. There is a residential care home for older persons immediately to the east of the site with surrounding residential dwellings to all other aspects. Dwellings in this area are all predominately traditional detached dwellings, with those located to the southern side of the road, all set within generous surrounding curtilages, setback from the main highway and screened by mature landscaping, varying in scale and design with more modestly sized traditional two storey detached dwellings to the northern side of the lane with minimal separation gaps.

### 1.2 Application Details

1.2.1 The application proposes the demolition of the existing bungalow and the replacement of the building with an 8 bed C2 care home for young adults aged 18-65 who are in need of respite care.

1.2.2 The proposed replacement building mirrors the plans recently approved under planning permission reference 23/00221/FUL with a two-storey element on a similar scale to the existing bungalow and single storey flat roofed projections to both side elevations and the rear elevation and a porch addition to the front elevation. The proposed building would be further set back from the highway than the existing dwelling and positioned centrally to the plot. The building would measure a maximum of 22 metres in width by 15 metres in depth (17 metres including the front porch element) with a floor area of approximately 427.7 square metres (341.35 square metres at ground floor and 86.35 square metres at first floor). Internally this will provide two living spaces, a kitchen, 8.no bedrooms, 2.no communal bathrooms, staff toilet, staff office space and a laundry. The building will have a hipped pitched roof with maximum height of 7.88 metres and an eaves height of 5.6 metres, with flat roofs to the single storey projections that have a maximum proposed height of 2.95 metres.

1.2.3 The two previously approved outbuildings to the eastern and western site elevations are also retained in this application. The first of which is a detached triple garage measuring 9.9 metres by 6.3 metres with a dual hipped pitched roof with a maximum height of 5.6 metres and an eaves height of 2.9 metres. The second outbuilding would be used as a storeroom, measuring 9.9 metres by 6.3 metres with a dual hipped pitched roof with a maximum height of 5.7 metres and an eaves height of 2.9 metres. Externally, a large number of the trees will be retained to the north-western and south-eastern corners of the site. A parking area is proposed to the

north-eastern corner with parking for 7.no vehicles, 2.no of which will be accessible parking bays. This is in addition to the 3 parking spaces withing the proposed garage.

1.2.4 The building would cater for adults with severe physical and learning difficulties providing planned short-term temporary care to the residents. The duration of stay for each resident will be from 2-3 days to a few weeks to provide a break for the resident’s normal long term care giver. Residents will remain within the home for the duration of their stay and will not require any medical visits. Staffing will generally be provided on a 1:3 ratio, although some residents may require a 1:1 ratio depending on their individual need. Staff would work on a rota basis with 5 staff members working on a permanent basis and 4 staff members working on a temporary basis. A maximum of 8 staff members will be on site during each shift pattern although this would likely only occur in rare circumstances should all 8 residents require 1:1 care ratios. There are no other supportive staff required for the day-to-day running of the facility.

1.2.5 Due to the short length of stay, the residents would not have any visitors with the majority of traffic movements being generated through staff change over times occurring at 7am, 2pm and 10pm and arrival/departure of the residents which will be staggered to avoid staff changes over times. Deliveries would occur twice per week for kitchen supplies.

1.2.6 During the course of the application amendments were received to address parking concerns and provide accessible parking bays and to better define the use and running of the care home. Amendments were also made to remove the pool from the outbuilding following concerns from the neighbours that this would lead to an increase in traffic movements and external users of the site.

### 1.3 Applicants submission

1.3.1 The applicant has submitted the following documents with the application:

- Planning Statement
- Ecology Report
- Arboricultural Report

Date of site visit - 16 February 2024

### 1.4 SITE HISTORY

#### Planning Applications

18/01032/LUP Erection of new pool hall and exercise room. **Approve** 11th February 2019

21/01024/LUP Permitted Development right extensions -indicated in proposal plans 19th October 2021

21/01113/LHSHLD Larger single-storey rear extensions extending 8 meters beyond the rear wall of the house. **Approve** 6th December 2021

21/01126/BUHOEX Erection of a new storey on top of the existing bungalow. The external materials are to match the existing. **Approve Subject to Conditions** 26th January 2022

21/01298/LUP Single storey side extensions **Approve** 28th January 2022

22/00888/FUL Demolition of existing dwelling and outbuildings and erection of replacement dwelling with detached garage and detached gym building. **Withdrawn** 11th November 2022

23/00221/FUL Proposed demolition of existing dwelling and outbuildings and erection of replacement dwelling and detached garage and detached gym building **Approve Subject to Conditions** 20th July 2023

## 2. POLICY

### 2.1 Constraints

- Coal Authority Low Risk Area
- Newt - Impact Risk Zone Amber
- C Class Road C0198

### 2.2 South Staffordshire Core Strategy 2012

Core Policy 1: The Spatial Strategy Policy

GB1: Development in the Green Belt

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

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

Core Policy 3: Sustainable Development and Climate Change Policy

EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design Policy

EQ11: Wider Design Considerations Policy

EQ12: Landscaping

CP06: Housing Delivery

H5: Specialist Housing Accommodation

Core Policy 11: Sustainable Transport

EV11: Sustainable Travel

EV12: Parking Provision

Appendix 5 Parking Standards

Appendix 6 Space About Dwellings Standards

### 2.3 Supplementary Planning Documents

Green Belt and Open Countryside

Sustainable Development

Design Guide

### 2.4 National Policies

National Planning Policy Framework 2023

Chapter 12: Achieving well-designed and beautiful places

Chapter 13: Protecting Green Belt land

## 3. CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
N/A	n/a

***Planning Officer comments: Please note that a number of consultation responses were received before there was clarity over the proposed use of the development. The comments received before the re-consultation and clarification of the proposed development will be dated before 8<sup>th</sup> April 2024.***

**Councillor Robert Reade - Pattingham, Trysull, Bobb & LPenn**

No Response Received

**Councillor Victoria Wilson - Pattingham, Trysull, Bobb & LPenn**

No Response Received

**Lower Penn Parish Council**

9<sup>th</sup> May 2024

Lower Penn Parish Council wishes to strongly OBJECT on the same grounds as previously stated in our e-mails dated 5 February 2024 and 8 February 2024 relating to the above application.

8th February 2024

Lower Penn Parish Council objects to this application for the many reasons given below.

1 Core Strategy Policy EQ9 states that any new development should not have any adverse effects on neighbouring amenity. My Council believes that changing the use from a C3 dwelling house to a C2 residential home will contravene this policy.

2 The planning statement states that The Care home will provide for young adults with physical and learning disabilities, yet no information on the level of care required or to be provided is known and more details need to be given. Further on in the planning statement it notes that Progress Care offer services in fostering and social care provision. Which service is it at this address? There would be very different needs and amenities required for the different groups. In the application form, 5 full time staff are mentioned. This seems extremely low for young adults with disabilities. What if there are needs of 2:1 care, what about a manager, a cook, educational providers, social workers, visitors. The staff will also be on a shift pattern of 3 shifts per 24 hours so there will be a lot of movement during the day in a quiet residential area. This will have an adverse effect on neighbouring amenity.

3 There seems to be some confusion with the drawings as one shows a hot tub within the house and one in an outbuilding and another one shows just the one in the outbuilding. Which is it? We also have concerns that outside users will come to use these facilities which will then cause parking issues on Springhill Lane.

4 Lower Penn has no facilities: No school, no GP, no public transport, no public park, no youth club or any similar youth orientated facility.

5 All of the transport needs will have to be met by car as there is no public transport nearby. This contravenes core policy on sustainable travel.

6 The planning statement suggests there is enough parking on site but no clear drawing of this has been provided. Again, with no clear idea of staffing requirements, visitors etc. how can we tell if this is adequate. Parking on the road would be unacceptable on this quiet single lane with limited pavement provision.

7 Unfortunately, residents have some idea of the running of Progress Care's homes because Stourbridge House is nearby. This is situated on the A449 just in Wolverhampton's border. At all times of the day parked cars block one lane of the dual carriageway and also impinge on the pavement. This is hazardous for both the pedestrian and the road user and has become a real issue for the area. When pulling out of Springhill shops on to the dual carriageway, there is zero visibility because of these parked cars. There is a real issue with parking at Stourbridge House and Lower Penn Parish Council would not want this to happen on Springhill Lane when there are already issues on roads throughout our village.

8 Lower Penn village is within a conservation area and South Staffs District Council's own Design Guide 2018 Village Summaries appendix states: Limit the traffic load on the narrow lanes within the village. New

development should not increase the traffic load already experienced due to the highly developed areas close to the settlement especially at the crossroads within the village.

In the Lower Penn Conservation Area Management Plan a key positive is the "Sedate volume and pace of traffic along Spring Hill Lane" which has already been negatively impacted by other developments. Care must be taken to address the ever-increasing volume of traffic through the conservation area. An additional commercial development will exacerbate this issue.

9 In the application form for foul drainage the box for unknown has been ticked. We would request that foul water drainage is fully assessed and approved before planning permission is granted as this can be an issue in Lower Penn.

10 South Staffs District Council has no up to date Local Plan and a shortage of housing within the 5 year housing supply. For this reason, it would be unwise to take a residential house out of the supply.

11 Is 107 a suitable employment site when there are no sustainable transport links?

Planning was granted for this significantly larger building on the grounds that it was for residential use. The new building is no longer intended for the same use and is materially larger than the one it replaces. For this reason, it is inappropriate development in the greenbelt. (NPPF 154.d)"

### **Senior Ecologist - South Staffordshire**

17th May 2024

#### Introduction

Thank you for consulting me on this application. I have reviewed the ecology reports submitted with the planning application as well as the planning statement and existing and proposed site plans.

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

#### Assessment of Submitted Documents and Plans

##### Designated Wildlife Sites

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

##### Habitats

I have no significant concerns in relation to the impacts of the proposed development to habitats.

##### Protected Species

I have reviewed the ecology reports submitted with the application by Midland Ecology and am satisfied that the assessment and conclusions are robust. I have recommended conditions below for lighting and proportionate enhancement via the inclusion of bat and bird boxes in the new building.

#### Recommendations

Should you be minded to approve the application, I recommend the following conditions and informative notes are added to any decision notice:

Condition 1 - Bat and Bird Box Scheme

Prior to development above slab level (excluding demolition and site clearance), full details shall be submitted to and approved in writing by the Local Planning authority of a bat and bird box scheme. The scheme must include a minimum of one integrated bat box and one integrated bird box and must detail locations, models, number and aspect of species-specific measures including any ongoing maintenance requirements.

The agreed scheme will be installed in full prior to the first use of the development and shall thereafter be retained for the life of the development.

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

#### Condition 2 - Site Permeability for Hedgehog

All fences installed as part of the proposed development must include a 13x13 cm gap at the base of barriers between gardens and around the perimeter of the site so that all garden space is accessible for hedgehog.

Reason: To prevent harm to species of principal importance in accordance with Policy EQ1 of the adopted Core Strategy and the biodiversity duty within the Natural Environment and Rural Communities Act 2006 (as amended).

#### Condition 3 – Compliance with Lighting Specifications

Any external lighting at the site must comply fully with the specifications detailed below:

- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- LED luminaires should be used due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.
- A warm white light source (2700Kelvin or lower) should be adopted to reduce blue light component.
- Column heights should be carefully considered to minimise light spill and glare visibility. This should be balanced with the potential for increased numbers of columns and upward light reflectance as with bollards.
- Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered - See ILP GN01
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.

All external lighting shall be installed in accordance with the above specifications, and shall be maintained thereafter in accordance with the specifications.

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

#### Informative Notes:

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

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

#### Policy and Legislative context in relation to this application

The National Planning Policy Framework (2023) s.180 states: “Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”

NPPF s.186 states that “When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused... c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”

South Staffordshire Council adopted Local Plan Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

South Staffordshire Council adopted Local Plan Core Strategy policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape states “Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved.”

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

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

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

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

- Deliberate capture or killing or injuring of an EPS
- Deliberate taking or destroying of EPS eggs
- Deliberate disturbance of a EPS including in particular any disturbance which is likely to:
  - I. impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or

- II. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- III. to affect significantly the local distribution or abundance of the species to which they belong.
  - Actions resulting in damage to, destruction of, or obstruction of an EPS breeding site or resting place.

Ecological survey results indicate that European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

### **Arboricultural Officer Consultation**

16th February 2024

Having reviewed the application and supporting information I can confirm that no tree of significant merit will be damaged, or lost, as a consequence of the proposal.

Therefore, I have no objection to the development, nor any recommendation for tree related conditions.

### **Environmental Health Protection**

31st May 2024

Having reviewed the application I would make the following comments:

These conditions are recommended in order to safeguard nearby residential occupiers from undue disturbance during development:

1. All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 1.00pm Saturdays and not at all on Sundays or Bank holidays.
2. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 1.00pm Saturdays and not at all on Sundays or Bank holidays.
3. Vehicles should not leave engines idling at any time.
4. There should be no burning on site.
5. All demolition materials shall be removed from site and properly disposed of.
6. Facilities, to be agreed with the local authority, shall be available for use, when necessary, for damping down to prevent excessive dust beyond the site boundary.
7. Road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.
8. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
9. Screening, to be agreed with the local authority, shall be provided as necessary to protect sensitive receptors from exposure to excessive noise.
10. Consideration must be given to the location of noisy activities and noise generating equipment to protect noise sensitive receptors.



### Lighting

11. Lighting to areas such as car parks, pathways, land, buildings, internal communal areas and stairways should be of a design and positioned not to cause a light nuisance to any neighbouring properties. Glare from any lighting must be kept to a minimum.

Reference should be made to the extant Government Guidelines [www.gov.uk/guidance/light-pollution](http://www.gov.uk/guidance/light-pollution)

### Drainage

12. It is noted that the application form does not provide detail of the existing or proposed drainage system for the disposal of foul waste and surface water. If permission is to be granted, the applicant MUST ensure that there is adequate surface and foul water drainage to the site and that this does not adversely affect any existing systems.
13. Drainage plans should be submitted to the local planning authority for approval.

### **County Highways**

10th May 2024

#### Comment on Information Submitted:

Comments should be read alongside the previous comments on 08.03.2024 unless there is a significant change to the scheme. I welcome the amendments to the accessible car parking spaces in response to my comments and this would seem like an improvement to me. Although I take on board that this reduces the total spaces, the scheme was already providing ample car parking provision, exceeding the car parking standards, so there would be no objection from the highway authority, especially as there is ample room within the site to provide additional car parking provision if needed.

Form X comments and conditions which still apply to the application from the 08/03/2024:

#### Recommendations:

I have no objection subject to the following being secured via condition;

#### Conditions:

1. 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 to a minimum width of 4.2m and completed.
2. 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.
3. The garage indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without the express permission of the Local Planning Authority.
4. The development hereby permitted shall not be commenced until details of the 2.4m X 43.0m visibility splays have been submitted to and approved in writing by the Local Planning Authority.

The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development commencing.

Reasons:

1. In the interest of highway safety and to comply with Staffordshire County Council requirements for a vehicular access crossing.

2-4. In the interest of highway safety and to comply with the principles set out in the National Planning Policy Framework.

Informative:

The existing dropped crossing to the site shall be reconstructed to a minimum width of 4.2m. Please note that prior to the access being reconstructed, you require a Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link 'vehicle dropped crossings' which includes a 'vehicle dropped crossing pack' and an application Form.

<http://www.staffordshire.gov.uk/transport/staffshighways/licences>.

### **National Highways (Highways England)**

12th April 2024

Referring to the consultation on a planning application dated 05 April 2024 referenced above, in the vicinity of the M54 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) Offers No Objection (see reason Annexe A)

Highways Act 1980 Section 175B is/is not relevant to this application.

### **Contributors**

***Planning Officer comments: Please note that a number of contributor responses were received before there was clarity over the proposed use of the development. The comments received after the re-consultation and clarification of the proposed development are below:***

There have been 4 objections, summary of the objections:

- Isolated location – outside of main service village
- Lack of amenity for residents
- Increased traffic
- Required widening of access
- Disabled parking spaces not policy compliant
- Lack of ambulance space
- No noise assessment
- Disturbance – traffic and shift change over
- Fall-back position only relevant to size of the building and not the use
- Loss of privacy - increase the amount of people coming into the area including staff, contractors, and delivery companies.

- Impact character of the area
- Pollution
- Parking over spill onto highway
- Applicant has not engaged in consultation with neighbours

***Planning Officer comments: Please note that a number of contributor responses were received before there was clarity over the proposed use of the development. The comments received before the re-consultation and clarification of the proposed development are below:***

There have been 10 objections, summary of the objections:

- Impact on ecology
- Drainage concerns - history of drainage issues, and the additional strain from a new development could exacerbate these problems
- Noise and Light Pollution
- Disturbance
- Increased Traffic and Insufficient Parking
- Over-commercialisation of Springhill Lane
- Impact of the Hydrotherapy Pool
- Adverse impact to the character of the area
- Green Belt location
- Situated on narrow rural road – sections without footpaths and limited lighting
- Description of application not clear
- Amount of hardstanding proposed unclear – no landscaping plan
- Access into the site is at a slope. Given that residents may be wheelchair bound, is the access at an appropriate gradient? Existing and proposed levels need providing.
- Given that the proposal will house vulnerable people, some of which with disabilities, an ambulance space would be required in case of emergencies.
- Delivery space would also be required.
- It is also observed that no disabled spaces, covered cycle spaces, refuse storage or staff changing facilities are shown.
- No public transport opportunities available to the site and no immediate facilities nearby.
- Transport Statement that is support by a parking management plan and Travel Plan.
- Lack of opportunities for independence of the residents.
- Unsustainable and isolated development
- Lack of consultation for previous application 23/00221/FUL
- Loss of privacy
- Pollution as a result of additional traffic
- Impact of the construction period
- Description of development does not entirely reflect what is being proposed
- Reliance on the of the 'fallback position' of the permission 23/00221/FUL, but having a C2 use rather than C3. Could represent inappropriate development in the Green Belt and 'very special circumstances' would need to be presented as per para 152 of the NPPF and to satisfy Policy GB1.

#### **4. APPRAISAL**

The application has been referred to a planning committee meeting as the proposal represents in inappropriate development in the Green Belt, contrary to Local Plan Policy GB1 and Paragraph 154 of the NPPF.

**4.1 Policy & principle of development**

**4.2 Layout, design & appearance**

**4.3 Access, parking & highway safety**

**4.4 Residential Amenity**

**4.5 Ecology & biodiversity**

**4.6 Arboriculture**

**4.7 Other Issues**

**4.8 Human Rights**

**4.1 Policy & principle of development**

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

4.1.2 Core Policy 1 and the adopted Sustainable Development Supplementary Planning Document (SPD) aim to direct development to the most accessible and sustainable locations in accordance with the Settlement Hierarchy. The Settlement Hierarchy classifies villages as Main Service Villages, Local Service Villages and Small Service Villages and the very small villages in the District are classified as Other Villages and Hamlets. In order to support and achieve sustainable communities in South Staffordshire the majority of development and service provision is to be focused on the Main Service Villages. Policy H5 states the council will support the provision of specialist housing accommodation providing they are located within a sustainable location and considered suitable by virtue of its size and scale in relation to the existing village and its services.

4.1.3 Ensuring that developments facilitate the use of sustainable modes of transport and are in a sustainable location are two closely linked issues. To reduce car usage development should have acceptable walking access to services, facilities and recreational opportunities as well as be well connected via public transport. Core Policy 11 seeks to ensure that accessibility will be improved, and transport choice widened, by ensuring that new development is well served by a choice of transport modes, including public transport, footpaths and cycle routes to provide alternatives to the use of the private car and promote healthier lifestyles. In shaping a sustainable future for South Staffordshire it is important to ensure that development is directed to the most accessible and sustainable locations to reduce wherever possible the need to travel and improve the general level of accessibility to facilities and services. Paragraph 114 of the NPPF requires that consideration should be given to the opportunities for sustainable transport modes and safe and suitable access to a development site.

4.1.4 Throughout the application a number of concerns have been raised from both the Parish Council and from local residents that the site is not located within a sustainable location and that the area lacks a number of the required facilities to service such a development. The site is within established ribbon development which extends from the Springhill area of Wolverhampton. There is a footpath and lighting from the site to Springhill but with a 70m section which is narrow and without a footpath. The nearest amenities to the site would be located approximately 1km away to the east across the boundary in the neighbouring authority of Wolverhampton. The walking time to these facilities would be approximately 15 minutes from the site. The site already benefits from planning permission for an identical replacement building for use as a residential dwelling under planning permission reference 23/00221/FUL. The use of the building for C2 use as defined within the application would be unlikely to result in vehicle movements materially higher than from the occupation of the building by a large extended family. As residents would remain within the building for the duration of their stay there would be no reliance on external facilities and any provisions such as food supplies to service the development would be provided by delivery twice weekly in a manner akin to domestic online grocery shopping. The main vehicle movement would be from employees who are likely to arrive by car but access via bike or public transport and walking is also feasible in this location.

4.1.5 In conclusion, whilst the site is outside the development boundary of a main service village, it is within established residential ribbon development with reasonably good access to nearby services. As a result, the proposal is considered to be in an accessible and sustainable location in accordance with Core Strategy Policy CP1.

### **Green Belt**

4.1.6 The site is located outside of a defined development boundary within the Green Belt. Here for the purposes of Policy CP1, the Green Belt will be protected from inappropriate development and proposals will be considered in light of other local planning policies and the policy restrictions relating to Green Belt in the NPPF.

4.1.7 The first step is to establish whether the development constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) 2023. Paragraph 152 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 as set out within Paragraphs 154 & 155 of the NPPF.

4.1.8 This is reiterated within Policy GB1 of the Core Strategy, which outlines exceptions to inappropriate development, which includes the replacement of an existing building providing the new building is not materially larger than the building it seeks to replace. The Green Belt and Open Countryside SPD defines "materially larger" as a maximum enlargement of between 10 and 20 percent of the existing external floor area, calculated cumulatively. However, both the adopted SPD and paragraph 154(d) of the NPPF are clear that replacement buildings must also be within the same use which is not the case here. Where proposals provide for a material change of use of the site policy GB1(d) requires that "the works or use proposed would have no material effect on the openness of the Green Belt or the fulfilment of its purposes".

4.1.9 The existing building is a bungalow that has an external floor area of approximately 87 square metres with no living accommodation at first floor. The site also has 2 no small outbuildings located in close proximity to the dwelling, with open surrounding land to the side and rear elevations. The proposals propose a replacement building with a floor area of 427.7 square metres (341.35 square metres at ground floor and 86.35 square metres at first floor) with 2 no larger replacement outbuildings. The main replacement building results in an increase of around 390% above the existing structure and would therefore have a material effect on the Green Belt conflicting with Core Strategy Policy GB1(d).

### **Impact on the openness of the Green Belt.**

4.1.10 The NPPG provides guidance on factors taken into account when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to:

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

4.1.11 The building is located within an established ribbon/cluster of development fronting Springhill Lane. The proposed replacement building and outbuildings represent a material increase in the built-up area of the site in terms of both floor area and the scale and massing of the building. The siting of the proposed buildings increases the sprawl of the built-up area within the site, extending closer towards both side boundaries. That said, the site is located within an established residential area and is enclosed by built development on all sides. Dwellings on this side of Springhill Lane are generally large buildings, set within spacious plots, one of which being the

existing care home to the east of the site. As such, the proposals would reinforce the existing pattern of development and would have a limited impact on the visual openness of the Green Belt due its setting within the existing ribbon and with existing dwellings to the rear. The proposed use is unlikely to result in a noticeable increase in activity to that of the extant planning approval for a large family dwelling.

4.1.12 Notwithstanding this, the proposals would result in a degree of reduction to the openness by way of the additional built form within the curtilage which is detrimental to the purposes of including land in the Green Belt, contrary to policy GB(d) of the adopted core strategy. For the reasons above, it is considered that the level of harm to the openness of the Green Belt would be limited.

#### **Very Special Circumstances.**

4.1.13 Paragraph 153 of the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Given that the proposal is inappropriate development in the Green Belt, there would need to be 'Very Special Circumstances' put forward in support of the application to justify approval.

4.1.14 The applicant's case for very special circumstances centres around the existing planning permission for a replacement dwelling that was granted under application reference 23/00221/FUL. This application itself was supported based on a case for very special circumstances that related to the extensions which could lawfully be carried out through a combination of the permitted development fall-back (which has been confirmed with Lawful Development Certificates) for side and rear extensions and a first-floor roof extension (21/01024/LUP, 21/0113/LHSHLD, 21/01298/LUP and 21/01126/BUHOEX). In assessing this application, the planning officer concluded that "the proposed replacement dwelling, and erection of domestic outbuildings is more or less an exact replica of the PD Fallback position but excluding the strategic gaps between the larger householder extensions" attaching significant weight to this material consideration in the granting of the planning permission.

4.1.15 In providing justification for this application, the applicant now contends that the replacement building, and outbuildings are identical in both floor area, scale, massing, design and siting to those recently approved save for a few minor changes to the building's internal layout. The building would therefore have no further harm to the openness of the Green Belt than the existing building approved under application 23/00221/FUL, a matter to which is afforded significant weight.

4.1.16 As it has already been determined that the use pattern associated with the use of the building for C2 use would not be significantly different from the occupation of the site by a large extended family (which given the scale of the replacement dwelling one could reasonably expect occupation on such a scale), the application would result in no material increase in harm to the Green belt than a situation whereby the existing building was replaced under application 23/00221/FUL. If the extant permission were implemented, planning permission could then be sought to change the use of the site to a C2 use that is likely to be policy compliant in relation to Policy GB1C(f) 'changes of use of land'.

4.1.17 However, as the proposals have been found to have an impact on the openness of the Green Belt and significant weight has been afforded to the fallback position achieved under application 23/00221/FUL which in itself was supported on the basis of a permitted development fallback position, the removal of permitted development rights for extensions for the new buildings would be reasonable and necessary as the application involves the trade-off of multiple extensions to the existing house, which together have created the foundation for the case of very special circumstances.

4.1.18 The application would also allow for the provision of specialist housing accommodation of which there is an identified need for throughout the district on a previously developed site in line with policy H5 of the adopted core strategy, with no material impact on visual openness or material increase in activity on site.

4.1.19 For the reasons stated above, it is considered that there are ‘other considerations’ that clearly outweigh the harm to the Green Belt. Very special circumstances have therefore been demonstrated in accordance with NPPF paragraph 153.

#### **4.2. Layout, Design and Appearance**

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

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

4.2.3 Paragraph 135 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:

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

4.2.4 The application site is located within a mixed street scene. To the north of Springhill Lane properties are predominately detached dwellings all of a similar scale, period and design with relatively small separation gaps between them. To the south, the dwellings immediately neighbouring the host building all vary considerably in scale, materials and design giving a very varied street scene. The existing building is considerably smaller than most of its surrounding counterparts and does not hold any significant architectural merit so there are no objections in principle to its replacement.

4.2.5 The design proposed mirrors the form and design of the existing approval with a few minor changes to the fenestration to support the revised internal layout. Given the presence of other similar two storey detached buildings within the street scene, the proposals would be in keeping with the scale of the surrounding buildings, with facing brickwork proposed to complement the existing street scene. To this end, a condition could be secured on any approval granted, to ensure the materials are appropriate and in keeping with the surrounding buildings.

4.2.6 Concerns have been expressed about the suitability of the location and appearance of commercialisation of the existing residential area. However, the building immediately adjacent to the site to the east is already a residential care home and the building will retain the same outward appearance as the replacement dwelling already approved on this site. Furthermore, owing to the scale and nature of the use, there will be no significant

material changes in the outward appearance of the site, to the extent where it would appear over-commercialised, or out of keeping with the surrounding uses.

4.2.7 On this basis, it is considered that the proposed development would respect the scale and materials of the surrounding development and would not result in an incongruent feature within the street scene. The proposals are therefore considered acceptable under policy EQ11 of the adopted core strategy.

### **4.3. Access, Parking & Highway Safety**

4.3.1 Paragraph 114 of the NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 115 goes on to state that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

4.3.2 Paragraph 109 of the NPPF seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

#### **Off Street Car Parking**

4.3.3 Appendix 5 of the Core Strategy provides guidance on the Council's off street car parking requirements for new development. For C2 developments the standards require 1 space per 3 beds for staff and patient parking and 1 space per 2 beds for visitor parking. As the proposal provides for a 8 bed C2 facility this would generate a requirement for 7.no parking spaces which the applicant has been able to demonstrate on the submitted block plan (2.no of which are accessible spaces) in addition to the 3.no spaces provided in the detached garage outbuilding.

#### **Highway Impact and Vehicular Access**

4.3.4 During the application process concerns have been expressed by both the Parish Council and local residents that the site is located on a rural lane that is unsuitable for larger vehicles, with a minimal width. Expressing concerns around an increase in traffic and lack of sufficient parking within the site. Whilst concerns have been raised about a potential increase in the number of large vehicles using the lane, particularly ambulances the applicant has confirmed that none of the residents would require any day-to-day medical visits or treatment and therefore there would be no regular attendance of such vehicles over and above what would be expected for an ordinary domestic residence of this size. Moreover, the highways officer has raised no concerns with the application subject to the widening of the existing site entrance and the provision of the required visibility splay, which can be secured by condition on any approval granted herewith and the parking provision is considered adequate and in line with the standards required under appendix 5 of the adopted core strategy. On this basis, there are no highways issues arising, as a result of this application.

### **4.4. Residential Amenity**

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

4.4.2 Objections have been received from the occupiers of the surrounding residential dwellings on the grounds



of the location of the development and its suitability for this use, the increase in traffic and pollution arising there from, lack of parking provision, the impact on the Green Belt and ecological impacts. These issues have already been addressed elsewhere within this report and as such, will not be considered any further within this section. A number of objections have also been raised from both neighbouring property owners and from the Parish Council on the grounds of a detrimental impact on surrounding residential amenity as a result of increased noise and disturbance, a loss of privacy to neighbouring properties and drainage concerns.

4.4.3 The main potential for noise and disturbance would be at staff change over times and as residents arrive and depart. The former of which will take place 3 no. times per day at 7am, 2pm and 10pm lasting for around 30 minutes. The number of staff on site will vary depending on the care needs of the residents but will not exceed 8 staff members on rare occasions should 1:1 staffing be required for all residents. At staff change over times there will therefore be on average 6 members of staff on site (increasing up to 16 members of staff on rare occasions) for a short period of time. Outside of these periods few additional movements would be generated as residents would not have visitors and would remain within the home for the duration of their stay due to their needs. Noise from vehicle movements would therefore be most noticeable at the staff changeover times. It is considered that due to the number of vehicle trips, and the spacious size of the plot and location of parking spaces, there is unlikely to be any harmful impact on neighbour amenity with regards to noise and disturbance. It is also noted that, if the extant permission for a replacement dwelling were implemented, a large family could create a similar amount of noise and disturbance through daily occupation.

4.4.4 As an average, 6.no of vehicles on site would not be a significant increase over and above that expected with a large dwelling house especially when visitors are taken into account which would not be regulated in an ordinary domestic situation. It is acknowledged that the upper limit of 16 cars could potentially be detrimental to surrounding amenity, if this were on a regular basis, however, this would not be commonplace for the development and would only occur in rare circumstances and therefore, this alone would not warrant the refusal of the application. That said, a condition will be imposed to limit the number of residents on site to a maximum of 8 to ensure that the use of the site does not escalate without due consideration being given to neighbouring amenity impacts.

4.4.5 As discussed, the proposed hours for staff changeovers would be limited to the hours between 7am and 10pm. These hours are not considered to be unsociable or likely to cause undue disturbance to neighbours and no staff change overs are proposed during the night. Notwithstanding the above, a condition could be imposed to ensure that staff change over periods or deliveries would not take place outside of the specified hours to protect surrounding residential amenity.

4.4.6 To consider the impacts of the proposed building itself, there are sufficient separation distances from all surrounding neighbouring dwellings to ensure there will be no undue loss of light, overbearing, overshadowing, overlooking, loss of privacy or loss of outlook as a result of the replacement buildings. Furthermore, the proposal does not infringe the council's normal space about dwellings standards as outlined in appendix 6 of the adopted core strategy.

4.4.7 Finally, concerns have been expressed around the drainage proposed for the site, given the existing issues within Springhill Lane. Whilst the foul drainage mechanism is unknown at this stage, the installation of any such system like a septic tank will be covered by building regulations with mechanisms in place to ensure the installation and capacity of such is sufficient to support the development and prevent any detrimental impacts arising there from. Furthermore, the site is located within flood zone 1 and given the scale of the development it is likely to have a minimal impact on the local drainage network.

4.4.8 In addition to the above, the council's Environmental Health team have been consulted and have not expressed any concerns with the proposals subject to conditions to protect neighbouring amenity during construction, limit any potential for light nuisance and to ensure adequate drainage is in place. As such, the

proposals are considered acceptable under policy EQ9 and appendix 6 of the adopted core strategy subject to the inclusion of the above mentioned conditions.

#### **4.5. Ecology & Biodiversity**

##### **Protected Species and Biodiversity**

4.5.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation (Natural Habitats, &c.) Regulations 1994 implement two pieces of European law and provide for the designation and protection of ‘Special Protection Areas’ (SPAs) and ‘Special Areas of Conservation’ (SACs), together with the designation of ‘European Protected Species’, which include bats and great crested newts. The Countryside and Rights of Way (CROW) Act 2000 compels all government departments to have regard for biodiversity when carrying out their functions. Finally, The Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts. Policy EQ1 states that permission will be granted for development which will not cause harm to sites and/or habitats of nature conservation or species which are under threat.

4.5.2 To comply with the guidance contained within Paragraphs 9, 180 and 186 of the NPPF and the Council’s biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

4.5.3 Due to the Local Planning Authorities obligation to “reflect and where appropriate promote relevant internal obligations and statutory requirements” (Paragraph 2 of NPPF) and the requirement, under paragraph 174 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (along with emerging advice within the Draft Environment (Principles and Governance) Bill 2018); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, Paragraph 180 of the NPPF, requires that “opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity”.

4.5.4 A baseline ecology and bat and bird surveys have been submitted as part of the application which proposes precautionary mitigation measures should the works proceed to limit any potential impacts. The ecologist has raised no objections to the proposal subject to conditions being added to any approval for bat and bird boxes, lighting specifications and to allow for gaps in any boundary treatments to allow hedgehogs to traverse the site. In view of the above and subject to the inclusion of the conditions detailed above, there are no objections under policy EQ1 of the adopted core strategy.

#### **4.6. Arboriculture**

4.6.1 Paragraph 186 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District’s natural environment, whilst Policy EQ4 states that “The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved”.

4.6.2 The proposal would include the removal of seven Category C trees which are defined as being of low

quality. However, a landscape scheme can be secured by condition to ensure sufficient replacement planting occurs on site. No objections have been raised by the council's Arboricultural Officer and as such there is no conflict with policies EQ4 and EQ12 of the adopted core strategy.

#### **4.7. Other Issues**

4.7.1 The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires Local Planning Authorities to agree with the applicant, the text of any pre-commencement conditions, prior to the determination of any application. To that end, the pre-commencement conditions have been agreed in discussion with the applicants' agent.

#### **4.8. Human Rights**

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

### **5. CONCLUSIONS**

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

5.2 Whilst the proposals would result in a change of use of the land that has been found to have a material impact on openness, the very special circumstances advanced clearly outweigh the limited harm the proposal will cause to the openness of the Green Belt, delivering a specialist housing need within the district. It is not considered that the proposals would cause harm to either visual or residential amenity. There would be no material harm to neighbouring amenity and there would be no adverse effect on the street scene. The development also raises no material concerns in relation to parking or highway safety. The proposal is therefore considered compliant with both national and local planning policy and associated guidance.

RECOMMENDATION - APPROVE Subject to Conditions

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

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

3. No development shall take place until the existing trees, shrubs and hedges on the site have been protected by fencing constructed in accordance with BS 5837:2012 (trees in relation to design, demolition and construction - recommendations) and as detailed within the submitted Arboricultural Impact Assessment (August 2022) unless agreed in writing by the Local Planning Authority. The fencing shall be retained throughout the development of the site in the approved positions.

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4. Prior to the commencement of development (excluding demolition) details of 2.4m X 43.0m visibility splays for the site's vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The approved visibility splays shall be provided prior to the first use of the development hereby approved and thereafter kept free of all obstructions to visibility, over a height of 600mm, above the adjacent carriageway level, for the life of the development.
5. 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.
6. Prior to the commencement of development above slab level, full details shall be submitted to and approved in writing by the Local Planning authority of a bat and bird box scheme including the details of integrated bat and bird boxes on the care home building. The scheme must include a minimum of 2no. integrated bat boxes and 2no. integrated bird boxes and must detail locations, models, number and aspect of species-specific measures including any ongoing maintenance requirements.

The agreed scheme will be installed in full prior to the first use of the care home and shall thereafter be retained for the life of the development.

7. Within one month of works commencing on site 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.

CONDITIONS to be complied with PRIOR to the first occupation:

8. Prior to the first occupation of the development hereby approved details of all boundary treatment around and within the site shall be submitted to the Local Planning Authority for approval. The approved boundary treatment shall be built/erected prior to the first occupation of the site and shall thereafter be retained in the approved form and position throughout the life of the development. All fences installed as part of the proposed development must include a 13x13 cm gap at the base of barriers between gardens and around the perimeter of the site so that all garden space is accessible for hedgehog.
9. Before the development hereby approved is occupied/brought into use, all the buildings shown to be demolished/removed shall be demolished and the materials arising therefrom permanently removed from the site.
10. 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 to a minimum width of 4.2m and completed in accordance with the approved plans and retained throughout the life of the development.
11. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans, and shall thereafter be retained for the life of the development.

All other CONDITIONS to be complied with:

12. The following shall be adhered to in order to safeguard nearby residences from undue disturbance during development:
- a) All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 1.00pm Saturdays and not at all on Sundays or Bank holidays.
  - b) Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 1.00pm Saturdays and not at all on Sundays or Bank holidays.
  - c) Vehicles should not leave engines idling at any time.
  - d) There should be no burning on site.
  - e) All demolition materials shall be removed from site and properly disposed of.
  - f) Facilities, to be agreed with the local authority, shall be available for use, when necessary, for damping down to prevent excessive dust beyond the site boundary.
  - g) Road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.
  - h) Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
  - i) Screening, to be agreed with the local authority, shall be provided as necessary to protect sensitive receptors from exposure to excessive noise.
  - j) Consideration must be given to the location of noisy activities and noise generating equipment to protect noise sensitive receptors.
13. Within 1 month of any development commencing on the site 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).
14. Any external lighting at the site must comply fully with the specifications detailed below:
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
  - LED luminaires should be used due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.
  - A warm white light source (2700Kelvin or lower) should be adopted to reduce blue light component.
  - Column heights should be carefully considered to minimise light spill and glare visibility. This

should be balanced with the potential for increased numbers of columns and upward light reflectance as with bollards.

- Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered - See ILP GN01
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.

Any external lighting to areas such as car parks, pathways, land, buildings, internal communal areas and stairways should also be of a design and positioned not to cause a light nuisance to any neighbouring properties. Glare from any lighting must be kept to a minimum. Reference should be made to the extant Government Guidelines [www.gov.uk/guidance/light-pollution](http://www.gov.uk/guidance/light-pollution)

All external lighting shall be installed in accordance with the above specifications and shall be maintained thereafter, for the life of the development, in accordance with the specifications.

15. The garage indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without the express permission of the Local Planning Authority.
16. The store room outbuilding hereby approved shall be used only for storage purposes ancillary to, and in connection with, the use of the site as a respite care home.
17. The change of use hereby approved shall be for a care home for young adults (aged 18-65) for respite care (Use Class C2) only and no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any other subsequent equivalent order.
18. Staff changeover periods and deliveries shall only take place between the hours of 07.00am to 10.00pm at any time.
19. There shall be a maximum of 8 residents on site at any time.
20. The premises shall retain the appearance of a private dwelling and no signs (other than one business or trade plate complying with the requirements of Class 2B of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 shall be displayed without the express consent of the Local Planning Authority.
21. 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
  - e. Schedule 2 Class AA - enlargement of a dwellinghouse by construction of additional storeys
  - f. Class AC - new dwellinghouses on terrace buildings in use as dwellinghouses
  - g. Class AD - new dwellinghouses on detached buildings in use as dwellinghouses.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy and the National Planning Policy Framework.
4. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
5. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
6. To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
7. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
8. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy and to prevent harm to species of principal importance in accordance with Policy EQ1 of the adopted Core Strategy, the biodiversity duty within the Natural Environment and Rural Communities Act 2006 (as amended) and the National Planning Policy Framework.
9. To control the use of permitted development rights that could undermine the decision and conflict with Policy GB1 of the adopted Core Strategy and the National Planning Policy Framework.
10. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
11. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
12. 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.
13. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
14. To prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy and the National Planning Policy Framework.
15. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
16. 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.

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17. 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 and the National Planning Policy Framework.
18. 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 and the National Planning Policy Framework.
19. 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 and the National Planning Policy Framework.
20. 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 and the National Planning Policy Framework.
21. 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 2023.

Highways informative: The existing dropped crossing to the site shall be reconstructed to a minimum width of 4.2m. Please note that prior to the access being reconstructed, you require a Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link 'vehicle dropped crossings' which includes a 'vehicle dropped crossing pack' and an application Form.  
<http://www.staffordshire.gov.uk/transport/staffshighways/licences>.

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

Development Low Risk Area Standing Advice - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Informative: The applicant's attention is drawn to The Town and County Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be



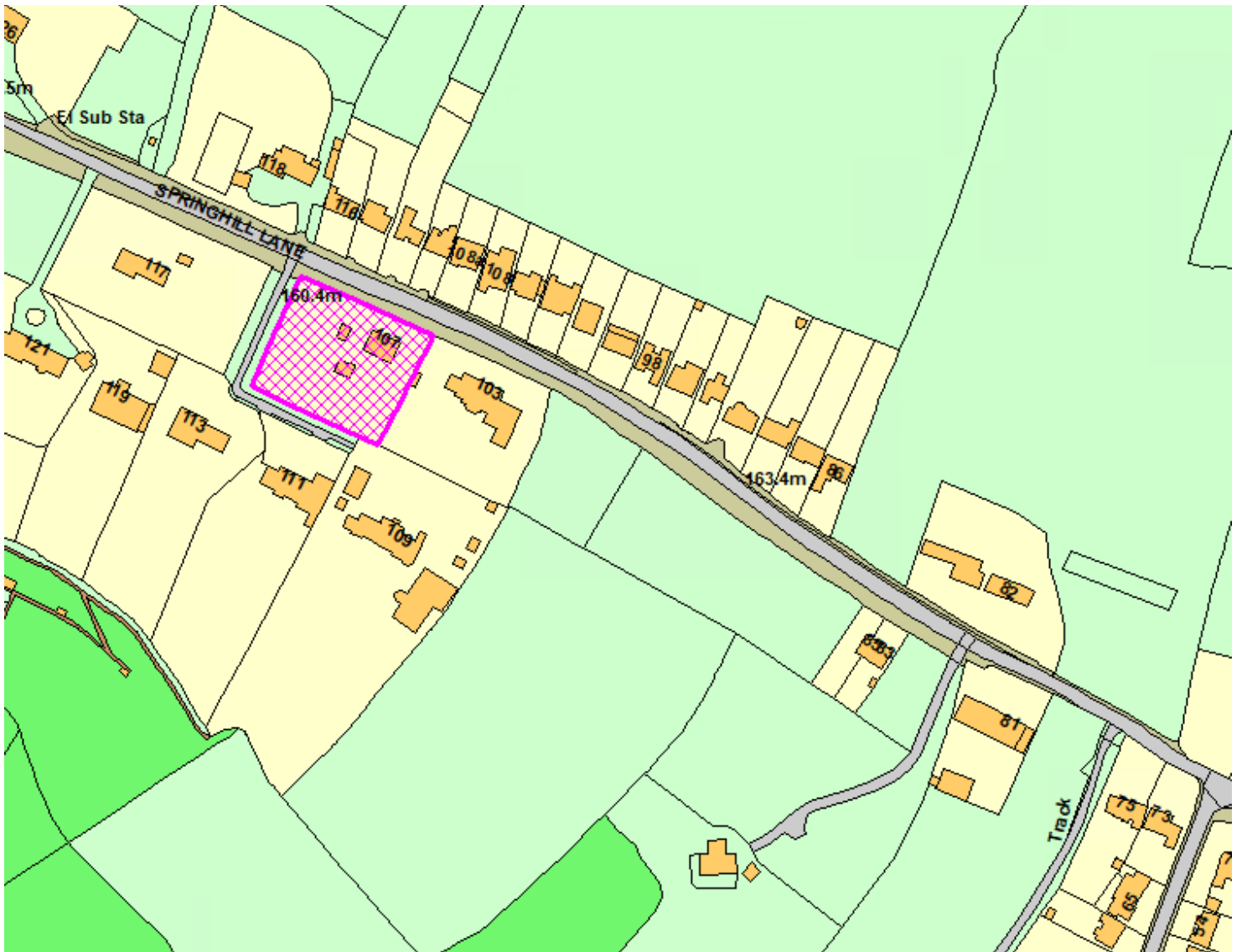
**Rebecca Potter – Planning Assistant: Planning Committee 18th June 2024**

noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.

**Plans on which this Assessment is based:**

Plan Type	Reference	Version	Received
Proposed Plans and Elevations	527-3200	A	14 February 2024
Location Plan	527-3000		1 December 2023
Arboricultural Survey			5 January 2024
Proposed Site Plan	527-3100	D	8 May 2024
Proposed Plans and Elevations	527-3250	C	8 May 2024

**Report prepared and recommendation made by: Rebecca Potter**



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