

DEFERRED ITEM

**Cllr J Johnson,
Cllr M Lawrence &
Cllr K Perry
GREAT WYRLEY**

16/00392/FUL

Mr John Clee

97 Walsall Road, Great Wyrley WS6 6LD

Siting of a caravan within the rear garden.

1. SITE DESCRIPTION AND PLANNING HISTORY

See Appendix A

2. APPLICATION DETAILS

See Appendix A

3. POLICY CONTEXT

See Appendix A.

4. CONSULTATION RESPONSES

See Appendix A.

5. APPRAISAL

The application was deferred as more information was requested in respect of the applicant's personal circumstances, and the requirement for the caravan to be situated in the rear garden of the dwelling for residential purposes.

5.1 The key issues are:

- Special personal circumstances

5.2-5.8 See Appendix A

5.9 Special personal circumstances

5.9.1 The applicant has submitted a supporting statement and doctors letter which confirms that a member of the applicant's family has a serious medical condition which would justify the need for additional accommodation. The applicant's household is currently at full capacity and additional accommodation is required for an unwell member of the family who requires the support of the applicant for attendance at medical appointments etc. The provision of a caravan on site for a temporary period would assist in this matter whilst a more permanent resolution could be found.

6. CONCLUSION

6.1 The proposals accords with all of the various policies applicable in this instance and the applicant has demonstrated that the proposed occupiers would remain safe in the event of a flood. I therefore recommend that the application be approved, allowing the temporary use of a caravan for residential purposes on the site to support the special personal circumstances described.

7. RECOMMENDATION

Delegate APPROVAL to the Team Leader of Minor Applications to issue the decision on completion of a satisfactory Unilateral agreement. Should this not be completed by 29th January 2017, the application will be refused.

Subject to the following condition(s):

6. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be removed in its entirety at the end of a period of two years from the date of this approval.

Reasons

6. Permission has only been granted because of the special personal circumstances of the applicant.

Appendix A

16/00392/FUL

Mr John Clee

GREAT WYRLEY

97 Walsall Road Great Wyrley Walsall South Staffordshire WS6 6LD

Siting of a caravan within the rear garden.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

The application site is a roughly triangular piece of land located off Walsall Road, Great Wyrley and extends to an area of 0.3 acres. The site is occupied by a detached hipped roof bungalow with hardstanding and a wall with railings to the frontage. There is also a detached flat roof outbuilding/garage located to the east of the dwelling and there are a number of mature trees within the garden, some of which are covered by a Tree Protection Order. The site is located within a largely residential area albeit there is a telephone exchange located to the rear.

1.2 Planning History

1977, Proposed kitchen, bathroom, lounge extension and garage, approved [77/01099]

1981, 3 or 4 bedroom detached house with integral garage, refused [81/01044]

2000, conservatory, approved [00/00931/FUL]

2005, residential dwelling, withdrawn [05/01076/OUT]
2006, residential dwelling (resubmission of 05/01076/OUT), refused [06/00035/FUL]
2014, dropped kerb to form new access, approved [14/00494/FUL]
2014, Enforcement Enquiry, closed [14/00285/UNCOU]
2016, Enforcement Enquiry, closed [16/00010/UNCOU]

2.0 APPLICATION DETAILS

2.1 Proposal

It is proposed to site a single caravan within the rear garden to be located to the eastern portion of the site. The caravan would measure approximately 6.4m in length, 2.4m in width and 2.13m in height and would be located on an existing area of hardstanding. The block plan submitted indicates that the caravan would have a dedicated vehicular access point and parking area which already exists to the northern side of the frontage. The caravan would be used by a member of the applicant's family as a self-contained residence.

3. POLICY CONTEXT

3.1 Within the Development Boundary

3.2 Core Strategy

Policy H1: Achieving a Balanced Housing Market

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space About Dwellings Standards

3.3 National Policy

National Planning Policy Framework (NPPF)

Chapter 10: Meeting the challenge of climate change, flooding and coastal change

4. CONSULTATION RESPONSES

Parish Council [Expired 17/06/16] No comments received

Councillor Perry [13/09/16 & 31/10/16] I wish to call in the application. There are no special circumstances to allow for this caravan to be used as living accommodation and there has been previous enforcement activity on the site.

County Highways [10/06/16] No objection subject to condition requiring details of the parking /turning area.

Arboricultural Officer [Expired 17/06/16] No comments received

Environment Agency [18/10/16]:

In light of the additional information received, we are now in a position to remove our objection to this application.

We have received confirmation that the occupiers of 97 Walsall Road have signed up to the Environment Agency's Flood Warning Service and a copy of the personal flood plan and are now in a position to remove our objection.

The proposed caravan is to be used by a family member of the occupiers of 97 Walsall Road, therefore safe refuge can be provided within that property and safe access to Walsall Road, located in Flood Zone 1, could be used in a flood event. We would strongly advise that the occupiers of the caravan are evacuated in receipt of a Flood Alert from the Environment Agency.

In addition, the personal flood plan states that the caravan will be bolted down to the existing concrete base to ensure it does not move and cause an obstruction to flows in the event of a flood.

We strongly recommend that a condition is imposed on any planning permission requiring the provision of a Flood Warning and Evacuation Plan for the development, which should include an appropriate method of flood warning and evacuation to ensure the safe use of the development in extreme circumstances.

County Flood Risk [Expired 14/07/16] No comments received

Neighbours [Expired 17/06/16] No comments received

5. APPRAISAL

5.1 The key issues are:

- Principle of the development
- Impact upon residential amenity
- Occupier amenity
- Flood Risk
- Parking/Access
- Cannock Chase SAC
- Impact upon the character of the area

5.2 Principle of development

The site is within the development boundary and in a predominantly residential area. The principle of residential development is therefore acceptable providing the proposals comply with other relevant policies from the Core Strategy. Policy H1 states that a wide choice of new homes is required to meet the needs of residents and to contribute to mixed and sustainable communities.

5.3 Impact upon residential amenity

Policy EQ9 requires that the amenity of nearby residents is taken into account when considering development proposals. The nearest residences are located 25m (No. 103 Walsall Road) and 30m (No 93 Walsall Road) away and would be screened from the development by existing boundary treatments. With there

being sufficient separation distances from existing neighbouring occupiers and given that the proposed caravan is single storey only, it is considered that there would be no adverse impacts to neighbours in terms of outlook, loss of light or loss of privacy as a result of the proposal.

5.4 Occupier Amenity

The proposal would generally meet the Council's Space about Dwellings standards as there is ample rear garden space for both the existing dwelling and the proposed caravan, with a rear garden length of around 20m.

5.5 Flood Risk

The application site falls within Flood Zone 3 as shown on Environment Agency flood maps. Following submission of a Flood Risk Assessment and Personal Flood Plan the Environment Agency have removed their initial objection to the development. Whilst caravans are considered to be vulnerable to extreme flood events when located within flood zones, the applicant has signed up to the Environment Agency Flood Warnings Service. Therefore in the event of an extreme flooding event the proposed occupier, who is a family member, would have adequate warning to take refuge within the main dwelling on the site or within a part of the site with lower flood risk. In addition the applicant has confirmed that the caravan would be anchored down to ensure no movement in the event of a flood. It has been demonstrated to the satisfaction of the Environment Agency that all future occupiers would remain safe in the event of a flood therefore all concerns regarding potential flood risk have been addressed and the proposal complies with the requirements of Chapter 10 of the NPPF.

5.6 Parking/Access

The existing dwelling already benefits from two vehicular access points and associated parking areas, one on each side of the frontage. Appendix 5 sets out the parking standards and the area of hardstanding available for parking would easily meet these requirements and the County Highways Officer has no objections to the proposal.

5.7 Impact upon Cannock Chase SAC

The application site lies within the 0-8km zone of influence for the Cannock Chase Special Area of Conservation (SAC). Any application which involves a net dwelling increase within the 0-8km zone of influence of the SAC is required to provide mitigation in the form of a charge for any additional dwellings proposed. Accordingly, the applicant has entered into a Unilateral Agreement which would be invoked should the development receive approval.

5.8 Impact upon the character of the area

Core Strategy Policy EQ11 requires that proposals contribute positively to the street-scene in terms of scale, volume, massing and materials. The proposed caravan is modest in size when considered in the context of the host dwelling and would be largely screened from public view by the existing dwelling and outbuilding/garage to the frontage. It is therefore considered that there would

be a neutral impact upon the character of the area as a result of the proposal thereby complying with Policy EQ11.

6. CONCLUSION

The proposals accord with all of the various policies applicable in this instance and the applicant has demonstrated that the proposed occupiers would remain safe in the event of a flood. I therefore recommend that the application be approved.

7. RECOMMENDATION:

Delegate APPROVAL to the Team Leader of Minor Applications to issue the decision on completion of a satisfactory Unilateral agreement. Should this not be completed by 15th January 2016, the application will be refused.

Subject to the following condition(s):

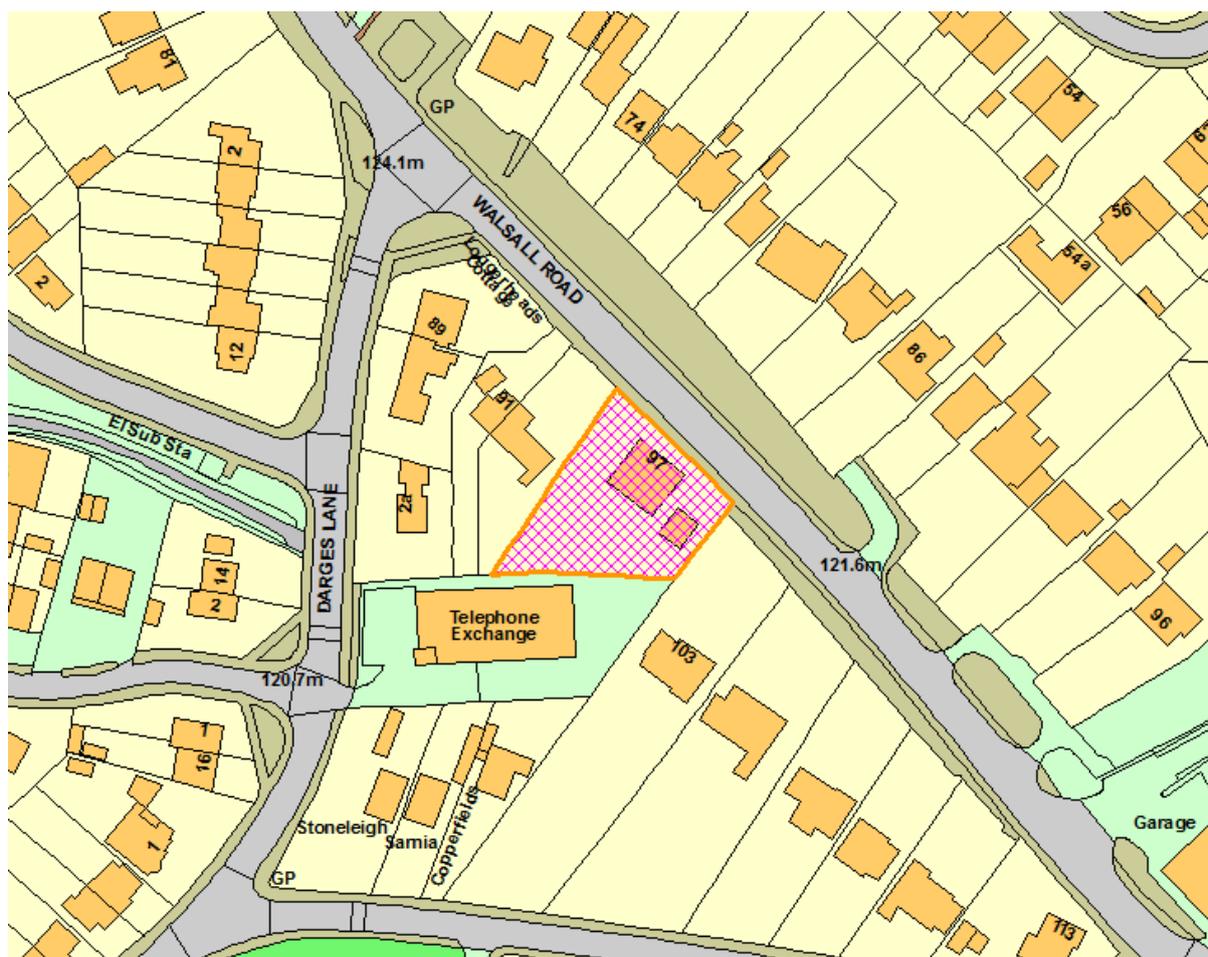
1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings - block plan received on 26th April 2016.
3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Michael Lambert Associates dated 4th August 2016, and the Personal Flood Plan received on 13th October 2016.
4. The development hereby approved shall, prior to occupation, be anchored securely down to the ground and shall be secured as such for the lifetime of the development.
5. The residential caravan hereby approved shall only be occupied by relatives, dependants or members of the household staff of the occupants of the family unit occupying the existing main dwelling on the site.

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 prevent danger or damage from flooding by the adjacent watercourse in accordance with policy EQ7 of the adopted Core Strategy.
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5. In order to define the permission and to avoid doubt.

Proactive Statement

The Council has considered the application submitted and negotiated amendments to the proposal which have resulted in the application being considered to be acceptable in accordance with the reasons for granting planning permission above. In reaching this decision the Local Planning Authority has therefore complied with paragraphs 186 and 187 of the National Planning Policy Framework, 2012.



97 Walsall Road, Great Wyrley WS6 6LD