

16/00985/FUL

Mr And Mrs N Amphlett

**Cllr Edwards, Cllr
Hingley, Cllr Williams
KINVER**

Grey House, Dark Lane, Kinver, DY7 6JD

**Proposed development for the erection of ten dwellings
(resubmission of 15/00917/FUL)**

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application site relates to a plot of land that is affiliated with the property Grey House. The plot forms part of the residential curtilage and is part of the amenity/garden area and is considered to be greenfield land. The plot measures 0.69ha and extends approximately 31m to the west, 31m to the north and 85m to the east of the property. The site benefits from a crescent driveway that provides two access points onto Dark Lane.

1.1.2 The sites abuts Dark Lane to the west, the neighbouring property Millstone House and a private driveway to the north, the neighbouring property Pine House and a residential garden area to the east, and to the south the site abuts the neighbouring properties The Red House, Georgian House and no.5.

1.1.3 Where the site abuts no.5 to the south there is a vertical drop to this property of approximately 6.8m. This is also true where the site abuts the property Pine House to the east. The rear of no.5 and the front of Pine House face, what can only be described as, a sandstone 'cliff edge'.

1.1.4 There are two large outbuildings opposite the flank wall of the property at the end of the driveway, comprising a brick garage with a corrugated roof and a wooden former stable block. There is extensive vegetation on the site that includes a hedgerow and a line of trees that are under a Tree Preservation Order (TPO) adjacent to the road, a line of conifer trees along the northern boundary and mature trees binding the site to the east and south. The levels of the site are fairly consistent from the west to the north, but to the rear of the property the land slopes down steeply eastward to the far boundary by approximately 10m.

1.1.5 Coming into Dark Lane from Hawthorne Way the road is narrow and only sufficient for a single vehicle to enter/exit. The road does then open up more to allow vehicles to pass each other at certain points; with the road only serving 11 residential properties.

1.1.6 The immediate streetscene comprises detached properties on large plots that face the road on one side, and are traditional in appearance with pitched roofs. On the opposite side of the road is a large field that gives a semi-rural impression amongst this village setting.

1.2 Relevant Planning History

1.2.1 2015, Amendment to planning application 15/00917/FUL for the revision of the scheme from the erection of 10 dwellings to 16 dwellings, Refused (15/00917/FUL)

1.3 Pre-application Discussions

1.3.1 Discussions have taken place.

2. APPLICATION DETAILS

2.1 This application is a resubmission of the previous application 15/00917/FUL that was refused by delegated powers on the 20/07/16. A single reason for refusal was given:

The proposal fails to accord with the Council's affordable housing requirement of 40% for ten or more dwellings on greenfield land in Main Service Villages. The Council is committed to improving housing affordability in the District and will seek to secure this type of housing. As a result, this proposal contributes to/represents unsustainable development and is contrary to policies CP6, EQ13 and H2 of the adopted Core Strategy and the National Planning Policy Framework.

2.1.1 The scheme as proposed by this application is for the erection of 10 detached dwellings on the amenity/garden area of Grey House that would involve the demolition of the two large outbuildings. The development would wraparound the existing property and a new access road would be inserted through the site.

2.1.2 It should be noted that an amended site layout plan (100 P) was submitted on the 30/11/16 that substituted plots 4 and 10 from the larger 4 bed houses to the smaller 2 bed bungalows. This has lessened the scale of development by providing more smaller units and as a result of this the description of the application was simplified from:

Proposed development for the erection of 1 no.2 bed bungalow, 3 no.3 bed dwellings and 6 no.4 bed dwellings (Resubmission) Major Development

To:

Proposed development for the erection of ten dwellings (resubmission of 15/00917/FUL)

2.1.3 As this change did not materially change the application from how it was originally submitted (still 10 dwellings proposed in the same locations) and resulted in a lesser scale of development (two larger properties substituted for bungalows) it was not deemed necessary to formally re-consult neighbours on the application again. The new plans were made available on the Council's website for public viewing and comments received from neighbours over the whole course of the application were still considered and taken into account as part of this report.

2.1.4 The proposed dwelling mix of the development would comprise:

Plot no.	House type	No. of units	Overall percentage	Gross internal floorarea (sqm)
1, 4 & 10	Bungalow – 2 bed	3	30%	204.6
3, 5 & 8	House – 3 bed	3	30%	318.9
2, 6, 7 & 9	House – 4 bed	4	40%	475.2
Total		10	100%	998.7

2.1.5 A bungalow (plot 1) would be erected adjacent to Dark Lane and there would be a cluster of four properties at the northern end of the site (plots 2-5) comprising a bungalow, two 3 bed and a 4 bed house. To the eastern and southern end of the site there would be a linear row of five properties (plots 6-10) comprising three 4 bed houses, a 3 bed house and a bungalow at the far end.

2.1.6 The existing crescent drive would be 'broken' with one access point to serve the existing property and the other access point to serve plot 1. A new access road would be inserted in-between that would serve the new properties via two cul-de-sacs and there would be a turning head towards the end of the new road.

2.1.7 The design of the properties is of traditional appearance with pitched roofs and brick detailing under the eaves. Some of the properties would have stone headers and cills around the fenestrations, with some featuring soldier courses. Other design features include bay windows and front facing gables that provide visual breaks and prevent a monotonous appearance. All the properties would have off-road parking with all of the 3 bed and most of the 4 bed houses having integrated garages.

2.1.8 The vast majority of trees and hedgerows on the site would remain. The only vegetation being removed would be a small tree to the front where the new road would go through and part of the hedgerow adjacent to the road in order to accommodate plot 1; but the majority of this hedgerow would remain. Additional hedgerow planting is proposed along the eastern and southern boundary, and there would be numerous new tree planting around the site.

2.2 Agent Submission

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

- Planning Design and Access Statement
- Lifetime Homes Statement
- Arboricultural Report

- Ground Investigation Report
- Mining and Ground Stability Datasheet
- Flood Risk Assessment
- Energy Statement
- Table confirming gross floorarea of dwellings (received 30/11/16)

3. POLICY CONTEXT

3.1 The main body of the application site is within Kinver Development Boundary, with a small proportion of the land adjacent to Dark Lane being in the West Midlands Green Belt. The far eastern end of the site, where the land slopes down, is partially in Flood Zones 2 and 3.

3.2 Core Strategy Development Plan Document, December 2012:

Core Policy 1 - The Spatial Strategy for South Staffordshire

GB1 - Development in the Green Belt

EQ1 - Protecting, Enhancing and Expanding Natural Assets

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

EQ5 - Sustainable Resources and Energy Efficiency

EQ7 - Water Quality

EQ8 - Waste

EQ9 - Protecting Residential Amenity

EQ11 - Wider Design Considerations

EQ12 - Landscaping

EQ13 - Development Contributions

H1 - Achieving a Balanced Housing Market

H2 - Provision of Affordable Housing

EV11 - Sustainable Travel

EV12 - Parking Provision

3.3 National Planning Policy Framework (NPPF), March 2012:

This sets out the national overarching aims for planning with a presumption in favour of sustainable development. Development that is sustainable should be favoured, without delay, and should be seen as a golden thread running through both plan-making and decision-taking. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para 79-92: Protecting Green Belt Land

Para 47-55: Delivering a Wide Choice of High Quality Homes

3.4 National Planning Practice Guidance (NPPG), 2013

This online planning practice guidance created by Government was set-up with the aim of making planning guidance more accessible and to provide assistance in the decision making process.

Para 001 (Reference ID: 45-001-20140306):

Why should planning authorities be concerned about land stability?

Para 002 (Reference ID: 45-002-20140306):
Is dealing with land stability issues solely a planning issue?

Para 031 (Reference ID: 23b-031-20160519):
Are there any circumstances where infrastructure contributions through planning obligations should not be sought from developers?

3.5 Housing Market Assessment (2012)

3.6 Deregulation Act 2015

4. CONSULTATION RESPONSES

4.1 Consultee comments

Cllr H Williams (11/11/16): requested that the application is presented to planning committee.

Kinver Parish Council (08/12/16):

Recommend Refusal on the grounds that:-

The development is in breach of Core Strategy 2 (Protecting and Enhancing the Natural and Historic Environment) and Core Strategy 9 (Enhancing the Rural Environment).

This is a gross overdevelopment of the site. The house on plot no 10 will tower above the cottages below and is too close to the edge of an unstable high sand stone cliff. The cottages below will be majorly overlooked and have already experienced significant landslides in 2009, 2014 and 2016.

There are grave concerns over a similar situation happening again; as there was a major land slide in Mill Lane, only a few years ago, which is close to this area. In addition there are caves at the back of each of the cottages at the bottom of the Cliff, one of which goes back some 15 feet into the cliff face. This needs to be examined fully on a survey before any development should be considered. Mortar bees have also burrowed into the soft sandstone cliff face, making it erode even faster.

There are 35 allocated parking spaces for the site, some of these spaces are allocated as garages this is insufficient for parking for 3 and 4 bedroom dwellings that potentially have 3-4 cars and visitors parking.

The sewage system is ancient in this area. All sewers would need to be renewed before any further development should be considered.

The access lane (Dark Lane) is totally inadequate to the site for the proposed increased number of vehicles and visitors vehicles. It has a very narrow, single track access, with no overtaking bays or any possibility to make passing places. The start of this part of Dark Lane is on a blind corner, leading to Hawthorne Way, with no give way road markings to

inform drivers who has right of way. Many near misses have already taken place on that junction. The increased volume of traffic will exacerbate this further.

Further pressure will be put on the already narrow road of Church Hill, leading through to Cookley Lane, which is also a black spot on the main road leading to Dark lane.

Dark Lane is also a very busy access road for many. Walkers going to and from the canal and village; horse riders, as Dark Lane is a bridle path from the village to Whittington and is also a favourite route for Group cyclists.

If planning officers were to approve these plans then we would recommend the existing conifer hedge (that is marked for removal on the plans) should not be allowed as it is a good natural screen to stop the houses in Redwood Road seeing the development. The trees should be pruned rather than removed.

If there are any landslides as a result of planning permission being given who would be responsible for damages for the properties that may be affected?

Regeneration and Housing (05/12/16):

Affordable housing

Policy H2 requires that in Kinver, a main service village, developments of 10 units or more will be required to make an affordable housing contribution. On greenfield land, this would be the equivalent of 40%. However this requirement must be weighed against the Planning Practice Guidance which now states that developments of 10 units or less should not be required to make affordable housing contributions.

Housing mix

Policy H1 encourages the provision of more 2 and 3 bedroom homes across all market areas of the district in order to produce a better balanced housing market. The policy goes on to state that mix on new developments should also reflect local need as identified in the Housing Market Assessment. In this case, in terms of market housing, the HMA indicates Kinver to have a substantial shortfall of 2 bedroom homes, and an oversupply of both 3 and 4 bedroom properties.

The amended mix now provides 3 x 2 bedroom homes. From a strategic housing point of view, an additional 2 bedroom property would be preferred to reflect local need (to provide 4 in total), however it is acknowledged that the new mix is an improvement on the previous. The reduction in 4 bedroom homes is also preferred due to the imbalance of property size already evident in the local housing market.

Policy H1 supports the provision particularly of homes to meet the needs of the district's ageing population, therefore the inclusion of an additional 2 bungalows (bringing it to a total of 3 on the site) is also welcomed.

Local Plans (05/12/16):

This is an amended proposal to a recently submitted application for the construction of ten dwellings on a site at Dark Lane, Kinver. The amended proposal seeks to increase the number of 2 bed bungalows included within the scheme from one to three reducing the number of 4 bed properties to be constructed from six to four.

Principle of development

As previously noted the general principle of this proposal is accepted.

Local Plan Comments

The decision to amend the mix of dwelling types to increase the number of 2 bed properties in the scheme is welcomed. It is suggested that this will better address the concerns previously expressed concerning the need for new developments to contribute to a better balance in the mix of housing, with a particular need identified in Kinver for more 2 bed properties.

Conclusion

The proposed amendment to the mix of housing types is welcomed and supported. It is considered that the scheme now better reflects the identified need within the District for a more balance mix of housing types with a particular emphasis within Kinver for an increase in the availability of 2 bedroom properties.

Building Control (30/11/16):

I do not believe there is an issue with Plot 9 and 10 in relation to sandstone face subject to observations in section 6.8 of Spillman Associates report being observed.

Arboricultural Officer (expired 28/11/16)

County Highways (05/12/16): *no objection subject to conditions:*

1. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.

2. The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

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

4. The development hereby permitted shall not be brought into use until the visibility splays shown on drawing No.100 P have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

5. The development hereby permitted shall not be commenced until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:

-Parking area within the site curtilage for the use of site personnel, operatives and visitors.

-Loading and unloading arrangements for plant and materials.

-Storage area of plant and materials used during the construction of the development.

-Wheel wash facilities.

The approved Construction Traffic Management Plan shall thereafter be implemented prior to any works commencing on site.

6. The development hereby permitted shall not be brought into use until the following off-site highway works details have been submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved plans:

-Erection of appropriate signage warning of pedestrians in carriageway

-SLOW road markings

-Extension of existing footway into Dark Lane

School Organisation Team (25/11/16): *no education contribution requested*

Environmental Protection (21/11/16): *no comment.*

Staffordshire Fire and Rescue Service (08/11/16): *standing advice given.*

County Flood Risk Team (29/11/16):

During the previous consultation for this site we requested some further detailed information on the proposed drainage, which was provided in an email (24/05/2016) from Emma Sharpe. Provided this is still valid for the current application then the proposed drainage is acceptable and we would have no further comments to add.

An email from the applicants agent dated 28/11/16 confirmed that this is still true.

Natural England (11/11/16): *no comments.*

Police (11/11/16): *standing advice given.*

County Ecologist (11/11/16):

Having viewed the photos I think that risk of bats in these buildings is low due to structure. Therefore bat survey is not required. I suggest an informative stating that if bats or evidence of bats is found during demolition work should be suspended and the bat helpline 0345 1300 228 should be contacted for advice. Demolition should take place outside of the bird breeding season unless preceded by a breeding bird survey that demonstrates that no breeding is present. In particular birds may nest in the ivy on the brick garage building.

Environment Agency (01/12/16):

The Environment Agency has no objections to the proposed development.

County Planning (07/12/16): *no objection.*

Severn Trent Water (expired 28/11/16)

Waste Management Unit (expired 28/11/16)

4.2 Public Representations

In total 17 objection letters were received raising the following issues:

- *Access into Dark Lane is inappropriate, narrow and will increase highway danger*
- *No footway into Dark Lane, increasing danger to pedestrians*
- *Impact upon protected species particularly bats*
- *Height and mass of the dwellings is out of keeping with the locale*
- *The surrounding properties are large detached houses and these properties would not be in keeping*
- *Part of the site is within the Green Belt and the engineering works need to demonstrate very special circumstances*
- *Drainage not adequate to support more dwellings*
- *Over-development of the site*
- *Construction traffic would impact on the locale*
- *Would cause overlooking onto neighbouring properties*
- *The construction of the development may cause subsidence or sandstone rock fall, particularly plot 10 which is close to the edge, impacting upon neighbours on lower ground.*
- *The narrow track to the north of the site is unsuitable for access to the new properties*

A site notice was posted on the lamp post opposite the site and on a lamp post outside the entrance road (expired 28/11/16). A newspaper advert was also published in the Express and Star (expired 29/11/16).

5. APPRAISAL

5.1 The application was called into Planning Committee by Councillor H. Williams and is contrary to policy H2.

5.2 Key Issues

- Principle of development
- Impact on the Green Belt
- Design and layout
- Housing mix
- Affordable housing
- Impact on the landscape
- Impact on the highway
- Ground stability
- Ecology
- Impact on neighbouring dwellings
- Amenity of future occupiers
- Flood risk
- Representations

5.3 Principle of development

5.3.1 A small proportion of the site where it abuts Dark Lane is in the Green Belt. The majority of the application site is within Kinver Development Boundary and Kinver is identified as a Main Service Village within Core Policy 1. As one of the main service villages, it will be one of the main focuses for housing growth.

5.3.2 The site forms part of a residential curtilage and is part of the garden area for the host dwelling Grey House. The NPPF encourages local authorities to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area. However, in this instance, because of its large size, arrangement and that it is not closely surrounded by residential dwellings on all sides; it is not a typical rectangular garden area that one would normally associate with a residential property. Subject to other considerations, the proposal is not considered to be 'garden grabbing' where a property has been ad-hoc inserted in a rectangular garden area down a residential street.

5.3.3 Part of the site that fronts onto Dark Lane is within the Green Belt; and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristic being its openness and permanence.

5.3.4 Where the site is within the Green Belt, there would be engineering works to lay the entrance/exit point of the access road and a footpath to the front of plot 1. The access road would have a depth of approximately 4m into the Green Belt with the footpath having a depth of approximately 2.2m. Policy GB1 permits engineering operations and the NPPF considers these works not to be inappropriate development, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

5.3.5 It is therefore considered that the principle of the development is acceptable subject to further considerations below.

5.4 Impact on the Green Belt

5.4.1 The Green Belt serves five purposes as defined in the NPPF. They are:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.4.2 The entrance/exit point of the access road and the footpath for plot 1 would not cause sprawl of a large built up area or cause the merging of towns; complying with the first and second purpose.

5.4.3 The site does not form part of the countryside as it is part of a residential curtilage and is not within a historic town; complying with purposes three and four.

5.4.4 Regarding the fifth purpose, the engineering works does not involve any buildings and would not impact upon urban regeneration.

5.4.5 Where the proposal is sited in the Green Belt it is not in conflict with the five purposes of including land within it. The engineering works would be 'flat' along the ground and it is considered that there would be no material impact upon the openness and permanence of the Green Belt.

5.5 Design and layout

5.5.1 Policy EQ11 seeks high quality design and Policy EQ12 states that the landscaping of new development should be an integral part of the overall design.

5.5.2 The application site is situated at the southern end of Kinver and is over 400m away (as the crow flies) from the historic High Street and over 200m from the conservation area (as the crow flies). The immediate streetscene is characterised by detached properties on large plots that are traditional in appearance with pitched roofs. Amongst the wider pattern of development, there is a row of terrace properties at the end of Dark Lane to the south and to the north on Redwood Road there are detached houses and bungalows that are closely spaced together. The surrounding properties around the application site are relatively modern and of varied appearance.

5.5.3 The proposed development would be a mix of detached bungalows and two storey houses. The design of these properties would be traditional in appearance incorporating pitched roofs with brick detailing under the eaves. Some of the properties would have bay windows and gable

frontages which would assist in providing variation when looking at the development. Stone cills and stone / soldier course headings would be used on the fenestrations, and there would be canopies over the front doors. It is considered that the scale and design of the development is acceptable and reflects the general appearance of surrounding properties. Additionally, because of its distance from the High Street, it would not detract from this historic area.

5.5.4 In terms of the pattern of development, the building line along the streetscene is varied where the Grey House (host dwelling), The Red House and Georgian House follow a reasonably consistent line. Moving past these properties towards the top of the lane, the dwellings Millstone House, Cornborough and The Cottage are sited further forward from the host dwelling, and each of these properties are sited further forward from one another respectively.

5.5.5 Plot 1 (which is a bungalow) is sited closest to Dark Lane at a distance of 4m and follows the same relative building line as Cornborough and The Cottage, but it would be ahead of Millstone House and the host dwelling. Although this property would 'jut' forward from its neighbours, because it would be a bungalow, it would not appear overly dominant or incongruous. Additionally, this property would have a large side garden from the north facing flank wall at a minimum width of 10m and from the south facing flank wall there would be the access road. Therefore, the streetscene would not be compromised by this property because it would have a spacious plot, reflecting the neighbouring properties, and be single storey that follows a similar building line to two nearby properties.

5.5.6 The plots 2 and 3 are a pair of detached houses that follow the same building line as the host dwelling and The Red House. The proposed houses face into the site and measure a minimum distance of approximately 34m to the lane. The rear of these properties would be largely screened from the streetscene by Millstone House and the existing TPO trees. Part view of these properties could be achieved from the front of the host dwelling, but considering the distance to the lane, these houses would be well absorbed within the streetscene and would not appear out of place.

5.5.7 The remaining properties, plots 4-10, would be sited towards the rear of the site. Plots 4 and 5 would be a minimum distance of approximately 63m from the lane, with plots 6-10 being approximately 45m away. Views of these properties would be largely screened by the host dwelling and The Red House. The existing mature vegetation that includes the TPO trees on the site and other existing vegetation that the host dwelling and the neighbouring property benefit from would also screen the development. Considering the screening in place and the distances of the dwellings to the lane, there would be no material impact upon the streetscene and would not detrimentally impact upon the character of the area.

5.5.8 The pattern of development to the northern, eastern and southern ends of the site (plots 2-10) comprises linear rows off two cul-de-sacs with the properties spaced a minimum distance of 2m apart. Although this

does not reflect the immediate streetscene where the existing properties are on spacious plots, this part of the development does not need to strictly relate to the surrounding built form because it would be relatively isolated in its own sense as it would not be in full view from the lane.

5.5.9 However, notwithstanding this, the proposed dwellings are considered to be on spacious plots as far as modern developments are concerned. The properties would not be 'crammed' together and there would be a sense of openness with the dwellings sufficiently spaced apart, and the site is not considered to be 'over-developed'.

5.5.10 Also, there is a row of terrace properties at the end of the lane and a varied pattern of house types that are spaced closely together to the north on Redwood Road. The pattern of development is varied and the proposed properties would not appear out-of-keeping but will have a sense of relationship to the built form of the immediate surrounding area; complying with EQ11.

5.5.11 The majority of the vegetation would remain on the site including the TPO trees to the front and the conifer trees along the boundary to the north. Along the eastern boundary the mature trees would also remain and an additional hedgerow would be planted along this boundary that would also run along the southern boundary. Numerous additional trees are also proposed to be planted around the site.

5.5.12 Vegetation proposed to be removed would involve 18m of hedgerow to the front in order to accommodate the access road and the bungalow as part of plot 1, which will have its front wall in-line with the remaining hedgerow; and a small tree to the front of the host dwelling to accommodate the access road. It is considered that the part removal of the hedgerow and the tree is acceptable as the majority of the vegetation around the site would remain and additional tree planting is proposed. The proposed removal of vegetation would not detrimentally impact upon the character of the area and the proposed planting would lead to landscape benefits; complying with EQ12. To ensure an appropriate landscape scheme is delivered, a landscape condition has been imposed.

5.5.13 Policy EV11 seeks sustainable forms of transport to service developments and Policy EV12 seeks appropriate off-road parking in-line with the maximum parking provision as set in Appendix 5: Parking Standards.

5.5.14 The proposed dwellings fall within Kinver Development Boundary which is served by public transport, and the site is a short walk to the High Street. Dark Lane has no footpath where it leads to Hawthorne Way and pedestrians moving along this lane currently walk on the road (although an extension to the existing footpath is recommended - refer to para 5.9.1). Future occupiers would need to walk approximately 80m to the footpath on Hawthorne Way then onto the High Street. On balance, this distance is not too great to conclude that the development is in an unsustainable location. This is because this is the existing situation of the lane and pedestrians are familiar with this arrangement, particularly as the lane currently serves 11 residential properties. Additionally, the 80m

distance is shorter than the majority of the existing dwellings and far less than the distance from the terrace houses at the bottom of the lane which are at a distance of over 180m away. It is therefore considered that the proposal is in a sustainable location that is within an existing residential locale, complying with EV11.

5.5.15 All the dwellings would have off-road parking provision that meets the maximum parking standards set in Appendix 5; complying with EV12.

5.5.16 Policy EQ5 encourages new residential developments to achieve minimum carbon standards. An Energy Statement has been submitted with the application that recommends energy efficiency measures over and above those required by building regulations, including the installation of solar panels. However, although these energy efficiency measures are welcomed and will reduce carbon dependency, the recommendations in this report would prove difficult to impose since the Deregulation Act 2015 came into force. This Act relaxes locally set energy efficiency standards and directs these matters to be dealt with by building regulations for developments involving dwellings.

5.6 Housing mix

5.6.1 Policy H1 seeks to deliver a wide choice of high quality homes and to encourage the provision of 2 and 3 bed dwellings in all housing market areas. The housing mix should be informed by the Housing Market Assessment (HMA) which meets the needs and aspirations of the local community; and it is expected that new housing should be built to meet Lifetime Homes Standards.

5.6.2 The proposal is to provide 60% 2 and 3 bed properties, which is the majority of the development. Within the HMA there is a demand for 2 bed open market dwellings. There would be a total of three 2 bed bungalows which constitutes 30% of the development; recognising the requirement of the HMA.

5.6.3 Within the submitted Lifetime Homes Statement, it is stated that the proposal has been designed to recognise Lifetime Homes principles. In addition to this the three bungalows would provide a greater variety of housing stock for the District and particularly appeal to the elderly demographic; complying with H1.

5.7 Affordable housing

5.7.1 Policy EQ13 seeks planning contributions from developers in order to achieve sustainable development which includes the provision of affordable housing. Policy H2 seeks to secure the provision of affordable housing and proposals for 10 or more dwellings within Main Service Villages (which Kinver is) should deliver 40% affordable dwellings on greenfield land.

5.7.2 However, the NPPG has its own criteria as to when planning obligations should be sought on housing developments which has legal effect following the Court of Appeal (13/05/16) and states:

"Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area)."

5.7.3 As the proposal is for less than 11 units and has a combined gross internal floorarea of 998.7sqm, an affordable housing contribution will not be sought for the development.

5.8 Impact on the landscape

5.8.1 Policy EQ4 seeks to protect the rural character and local distinctiveness of the landscape that should be maintained and enhanced where possible.

5.8.2 The majority of the application site, although considered to be greenfield land, is within a development boundary on the end of an urbanised locale and does not form part of a rural landscape.

5.8.3 Clear views to the rear of the site cannot be achieved from Dark Lane. Some glimpses of the rear of the site can be achieved to the east over the River Stour on Horse Bridge Lane. However, these views are at a distance of over 180m away (as the crow flies) and are largely compromised by existing mature vegetation that provides screening. Additionally, these views are into the development boundary and thus any development would not compromise rural character or local distinctiveness; complying with EQ4.

5.9 Impact on the highway

5.9.1 County Highways have reviewed the application and raised no objection subject to conditions. One of the conditions relates to off-site highway works in order to alleviate road safety concerns that include:

- The creation of a 2m wide footway at the junction of Dark Lane / Hawthorne Way;
- New SLOW road marking at the junction; and
- New 'Pedestrian in Carriageway' sign on the new footway

5.9.2 The recommended highway improvement works will improve the existing access arrangement into Dark Lane, and thus the proposed development would not give rise to an increase in highway danger to both pedestrians and vehicles. The proposed highway works will make the access point into Dark Lane safer for everyone, benefitting existing and future users of the lane.

5.10 Ground stability

5.10.1 Concerns have been raised over the stability of the sandstone that the development would be constructed upon, particularly towards the neighbours to the south of the site who face a 'cliff edge' (refer to para 1.1.3).

5.10.2 The NPPG states that the effects of land instability may result in landslides, subsidence or ground heave. The planning system should minimise the risk and effects of land stability, ensure development are not placed in unstable locations without precautions and to bring unstable land back into productive use. In dealing with land that may be unstable, the planning system should work alongside, inter alia, building control.

5.10.3 A Ground Investigation Report and Mining and Ground Stability Datasheet was provided with the application. This information was passed to our Building Control department who raised no concerns over the proposed development as long as the observations made in the report are taken into account. The Ground Investigation Report has therefore been included as part of the approved plans condition to ensure it is adhered to.

5.10.4 It is therefore considered that the scheme would not increase the risk of land stability and would not place undue risk upon the public or to human health.

5.11 Ecology

5.11.1 Policy EQ1 will support development that does not cause significant harm to habitats of nature conservation, together with species that are protected or under threat.

5.11.2 Natural England and the County Ecologist were consulted as part of the application and they both raised no objection to the scheme. The County Ecologist considered the two large outbuildings to have a low risk for bats and the majority of vegetation on the site would be retained.

5.11.3 It is therefore considered that the proposal would not have a detrimental harm upon protected species, complying with EQ1.

5.12 Impact on neighbouring dwellings

5.12.1 Policy EQ9 seeks to protect the amenity of nearby residents and Appendix 6: Space About Dwellings Standards provides guidance on privacy and outlook distances.

5.12.2 To the north is the property Millstone House that measures a distance of over 13m from the flank wall to plot 1, with the rear of the house measuring over 21m to plots 2 and 3. These distances are considered sufficient to protect the amenity of this neighbour by way of loss of privacy, loss of light or overbearing impact.

5.12.3 Plots 7, 8 and 9 would be to the rear of The Red House at a distance of over 29m; with the bungalow at plot 10 being approximately 18m to Georgian House but would not directly face this property. Considering the overall distances of the proposed dwellings and the scale / orientation of plot 10, there would be no material detrimental impact upon the amenity of these two neighbours by way of loss of light, loss of privacy or overbearing impact.

5.12.4 To the north of the site are properties on Redwood Road that benefit from garden lengths of over 27m and would face the flank walls of plots 3 and 4. The length of the gardens provide sufficient distance to prevent undue impact upon residential amenity of these neighbouring dwellings, and there is an existing mature conifer trees along the boundary that would cause a screening effect.

5.12.5 To the east the primary front wall of the property Pine House would face the rear of plot 4 at a distance of over 21m. Additionally, the new properties would be sited on higher ground than the neighbouring property with potential views going over the top of this house; therefore not comprising the privacy of this neighbour's garden area.

5.12.6 To the east there is a residential garden area abutting the site. The nearest proposed property towards the rear of the site would be plot 10 at a distance of over 18m from the boundary and the furthest property plot 6 would be over 45m away. Although these distances are sufficient to prevent a material loss of privacy, the proposed properties would be on land approximately 10m higher than this garden area. However, the boundary is well screened by mature trees thus further preventing any material loss of privacy, and an additional hedgerow is proposed to be planted along the boundary to further increase the screening effect.

5.12.7 To the south, plot 10 would be sited approximately 9.4m from the shared boundary with no.5, and approximately 19m to the property itself. Plot 10 would be sited on ground approximately 6.8m higher and have its flank wall facing the rear of this neighbour; with three windows on the flank wall serving a kitchen and lounge. Views from these widows, because of the levels difference, would be over the roof of no.5. Views from the first floor of no.5 would only likely see the roof of the proposed dwelling because it will be a bungalow. It is therefore considered there would be no undue overbearing impact, loss of privacy or loss of light.

5.12.8 The impact of the development has been considering against the surrounding neighbours, and it is considered that there would be no material loss of amenity; complying with EQ9 and the privacy / outlook distances of Appendix 6.

5.12.9 A condition recommending a Construction Traffic Management Plan has been imposed to ensure that the amenity of the surrounding road network and neighbouring properties is protected during the construction process.

5.13 Amenity of future occupiers

5.13.1 Appendix 6: Space About Dwellings Standards of the Core Strategy provides general guidance on privacy and outlook standards as well as garden spaces.

5.13.2 The host dwelling, Grey House, would maintain a garden area with a maximum depth of over 20m. This property would face the front of plots 6 and 7 at a distance of over 29m. The garden area is considered to be sufficient to serve the occupiers of the host dwelling and the distance to

the new dwellings is sufficient to prevent any overbearing impact, loss of light or loss of privacy.

5.13.3 The proposed dwellings would achieve the minimum garden length and area standards as set in Appendix 6. It is therefore considered that sufficient amenity will be provided for future occupiers. Additionally, the new dwellings would achieve the minimum space standards between facing windows and therefore safeguard future residential amenity.

5.13.4 All the properties would have side access to rear gardens allowing for refuse and recycling storage; complying with policy EQ8.

5.14 Flood risk

5.14.1 Policy EQ7 states that developments will be permitted where they do not have a negative impact on water quality. The far eastern end of the site, where the land slopes down, is partially in Flood Zones 2 and 3.

5.14.2 A Flood Risk Assessment was submitted with the application. The Environment Agency held no objection to the proposal and the County Flood Risk Team commented that the proposed drainage is acceptable. It is therefore concluded that the proposal would not have a negative impact on water quality complying with EQ7.

5.15 Representations

5.15.1 All comments received have been addressed.

6. CONCLUSION

6.1 The proposal is for 10 dwellings comprising a variety of property types within the development boundary where the principle of development is supported. Where the site is within the Green Belt there would be no material undue impact upon openness; and the overall design, layout and mix of the scheme is considered acceptable. No detrimental impact would be caused upon the wider landscape and additional planting is proposed. The stability of the land has been considered as has potential flooding with no concerns raised. There would be no detrimental impact upon the amenity of neighbouring residents or upon future occupiers. The application is therefore recommended for approval complying with policies CP1, GB1, EQ1, EQ4, EQ5, EQ7, EQ8, EQ9, EQ11, EQ12, H1, EV11 and EV12 and the National Planning Policy Framework.

7. RECOMMENDATION APPROVE

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 and surveys:
 - 100 P
 - 200 A
 - 300 Working Elevations & Section
 - 300 Working Plans
 - 400 Working Elevations & Section
 - 400 Working Plans
 - 500 Working Elevations & Section
 - 500 Working Plans
 - 600 Working Elevations & Section
 - 600 Working Plans
 - 7773
 - BP
 - Section Line (on single A4 sheet)
 - Flood Risk Assessment
 - Ground Investigation Report
3. Before the development commences 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.
4. No existing trees, shrubs or hedges on the site or its boundaries shall be lopped, topped or cut down without the prior consent of the Local Planning Authority. If any existing trees, shrubs or hedges are cut down or die, they shall be replaced with the same species (unless otherwise agreed with the Local Planning Authority) within the next available planting season and shall be maintained to the satisfaction of the Local Planning Authority.
5. Before the development commences the existing trees, shrubs and hedges on the site shall be protected by fencing constructed in accordance with BS5837:2012 in positions to be agreed with the Local Planning Authority which shall be retained throughout the development of the site in the approved positions.
6. Vegetation removal shall only be conducted outside of the bird breeding season (March-August inclusive) with any removal within this time to be preceded by an ornithological survey.
7. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

8. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.
9. The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.
10. The development hereby permitted shall not be brought into use until the access drives, parking, servicing and turning areas have been provided in accordance with the approved plans.
11. The development hereby permitted shall not be brought into use until the visibility splays shown on drawing No.100 P have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
12. The development hereby permitted shall not be commenced until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
 - Parking area within the site curtilage for the use of site personnel, operatives and visitors.
 - Loading and unloading arrangements for plant and materials.
 - Storage area of plant and materials used during the construction of the development.
 - Wheel wash facilities.

The approved Construction Traffic Management Plan shall thereafter be implemented prior to any works commencing on site.
13. The development hereby permitted shall not be brought into use until the following off-site highway works details have been submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved plans:
 - Erection of appropriate signage warning of pedestrians in carriageway
 - SLOW road markings
 - Extension of existing footway into Dark Lane

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policies EQ11 and EQ12 of the adopted Core Strategy.
4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
5. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy.
6. To avoid any adverse impact upon ground nesting birds in order to comply with policy EQ1.
7. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
8. In the interest of highway safety.
9. In the interest of highway safety.
10. In the interest of highway safety.
11. In the interest of highway safety.
12. In the interest of highway safety.
13. In the interest of highway safety.
14. Pro-active Statement

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (2012) the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the adopted Core Strategy (2012).

15. INFORMATIVES

Ecology

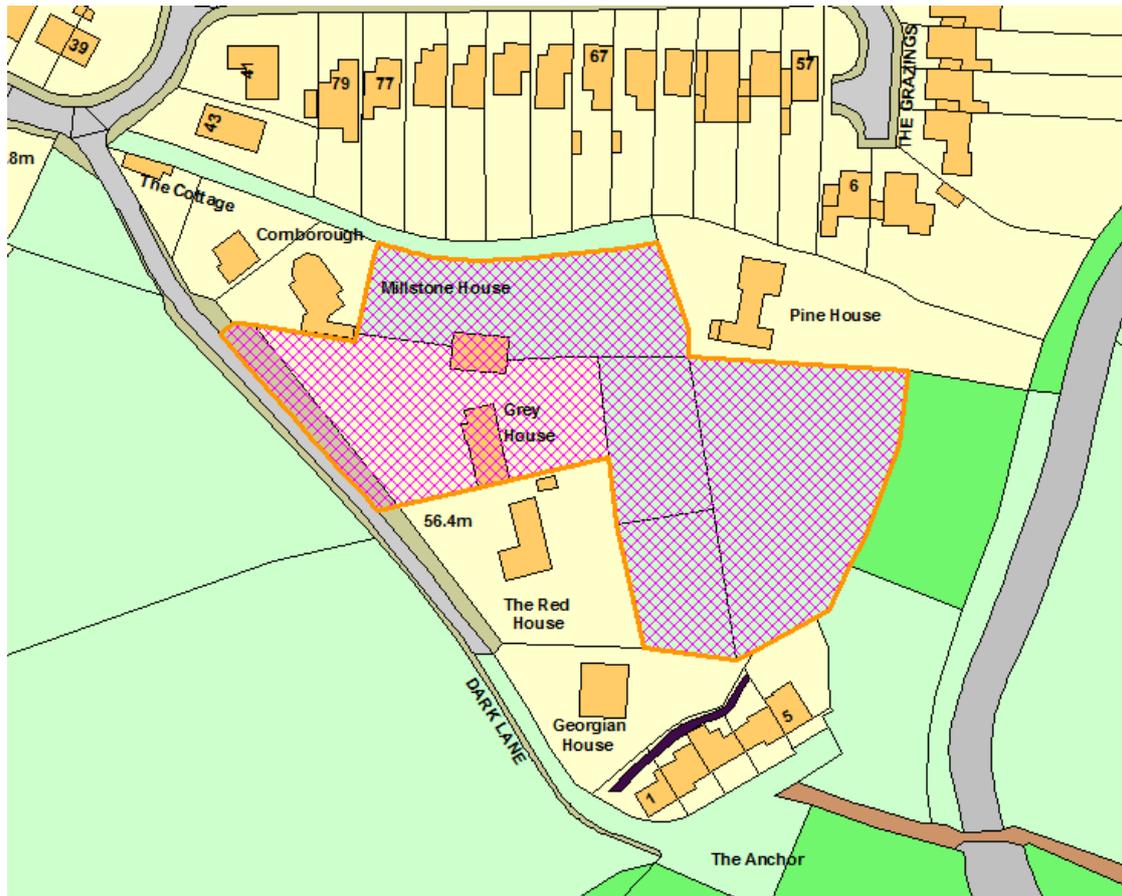
If bats or the evidence of bats is found during demolition work, work should be suspended and the bat helpline 0345 1300228 should be contacted for advice.

County Highways

i) The access and off-site highway works shall require a Minor Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County

Council in respect of securing the Agreement. The link below provides a further link to a Minor Works Information Pack and an application Form for the Minor Works Agreement. Please complete and send to the address indicated on the application Form which is Staffordshire County Council. Network Management Unit, Staffordshire Place 2, Tipping Street, Stafford. ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

ii) Although the proposed development is to remain private, this consent will require approval under Section 7 of the Staffordshire Act 1983 and exemption under Section 38 of the Highways Act 1980. The development shall remain private in perpetuity and must be maintained by a Maintenance Management Company. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.



Grey House, Dark Lane, Kinver, DY7 6JD