

**21/00867/FUL
MINOR**

Mr Gavin Sherratt

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DUNSTON AND COPPENHALL**

Land Adjacent To The Old Vicarage Old Vicarage Lane Dunston ST18 9AD

Proposed four bedroom detached self build family home with double garage.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The site comprises the area immediately southeast of The Old Vicarage, a characterful building with some heritage value, now subdivided into three sizeable two-storey dwellings, each with its own garden. The site is separated from The Old Vicarage's garden by close-boarded and post-and-rail fences, hedges and a line trees.

1.1.2 To the south and east of the application site are fields. The boundary between them and the site comprises a hedge of height similar to that on the opposite boundary, along with barbed wire fencing for a short distance close to Old Vicarage Lane.

1.1.3 The fields to the rear (east and south) drop away gradually towards the M6. The site itself is level, though set somewhat lower than The Old Vicarage itself, which stands above its own gardens.

1.1.4 Old Vicarage Lane is single-carriageway and paved until the gated driveway of 1 The Old Vicarage, after which it becomes a gravel track demarcating the headland of the fields to the rear of The Old Vicarage and culminating in those on the opposite side of the motorway. The site itself is accessed via a gated track, currently overgrown.

1.2 Planning History

1998 Dwellinghouse and garage, Refused, 617/98

2002 Outline permission for dwellinghouse and double garage, Refused on grounds that there was insufficient justification to depart from the normal policy of restricting development in the Open Countryside. The subsequent appeal was dismissed.
02/01474/OUT

2018 Erection of bungalow, Refused against officer recommendation, allowed on appeal
18/00472/OUT

2018 Erection of bungalow (resubmission), approved 18/00949/OUT

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Planning permission is sought for a two-storey detached dwelling with detached double garage.

2.1.2 Amended plans have been submitted during the course of the application reducing the amount of glazing within the front elevation. This was in response to officer concerns that

the proposals would not be sympathetic with its surroundings which comprise the adjacent characterful building and rural landscape setting of the site.

2.1.3 The proposed dwelling would be set back 57m from the site access at Old Vicarage Lane. The proposed garage would be halfway between the entrance to the site and the proposed dwelling which is located further to the rear of site. The proposed garage would measure 7.3m x 6.3m, and 5m in height with a pitched roof. The rear garden would measure 16m in length and 213sqm in area.

2.1.4 The main part of the dwelling would measure 8m in length and 10m in width, 8m to the ridge of the main roof and 5m to the eaves. A single window is proposed in the north elevation at the first-floor level. The south elevation contains windows and entrance door (to the utility room) at the ground floor and two windows at the first-floor level. A single storey front extension is proposed with a mono pitched roof.

2.1.5 A two-storey gable end extension is proposed to the front and rear of the proposed dwelling. The front extension would measure 4.3m in width and 4.2m in length with a gable roof set 1.1m below the main ridge of the dwelling but with matching eaves height. The rear projection would measure 4.3m in width and 5.5m in length. The gable roof would be set 0.7m below the main ridge of the dwelling with a matching eaves height. Windows are proposed in the south elevation at the first-floor level. No windows are proposed in the north elevation on the gable end extensions.

2.1.6 A single storey rear extension is proposed to the rear which has a flat roof and would be flush with the side wall of the main dwelling and the rear of the two-storey gable extension.

2.1.7 Internally the dwelling would contain a kitchen, dining and living areas at the ground floor and 4 bedrooms at the first-floor level.

2.1.8 The dwelling would be positioned leaving a 1.1m gap to the north side boundary of the site and a 2.5m gap to the south side boundary.

2.1.9 Proposed materials include red brick walls, grey plain roof tiles, grey windows and grey doors.

The applicant has submitted the following documents with the application:

- o Design and Access Statement
- o Arboricultural Report (July 2021)

3. POLICY CONTEXT

3.1 The site is located within the Open Countryside beyond the West Midlands Green Belt. It is within 8km of Cannock Chase SAC.

3.2. South Staffordshire Core Strategy 2012

Core Policy 1: The Spatial Strategy

Policy OC1: Development in the Open Countryside beyond the West Midlands Green Belt

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

Policy EQ1: Protecting, Enhancing and Expanding Natural Assets

Policy EQ2: Cannock Chase Special Area of Conservation

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

Core Policy 3: Sustainable Development and Climate Change

Policy EQ9: Protecting Residential Amenity
Appendix 6: Space about dwellings standards
Core Policy 4: Promoting High Quality Design
Policy EQ11: Wider Design Considerations
Policy EQ12: Landscaping
Core Policy 6: Housing Delivery
Policy H1: Achieving a Balanced Housing Market
Core Policy 11: Sustainable Transport
Policy EV11: Sustainable Travel
Policy EV12: Parking Provision
Appendix 5: Car parking standards
District Design Guide Supplementary Planning Document, 2014
Green Belt and Open Countryside Supplementary Planning Document, 2018
Sustainable Development SPD, 2018

3.3 National Planning Policy Framework 2021 (NPPF)

Section 5. Delivering a sufficient supply of homes
Section 8. Promoting healthy and safe communities
Section 9. Promoting sustainable transport
Section 12. Achieving well-designed places

3.4 National Planning Policy Guidance

3.4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

4. CONSULTATION RESPONSES

Councillor: No comments received (expired 17/10/2021)

Penkridge Parish Council: No comments received (expired 17/10/2021)

Arboricultural Officer (received 12.10.2021) *Having reviewed the application and supporting information I can confirm that no tree of significant value will be lost or damaged as a consequence of the proposed development.*

There are several semi and early mature broadleaf species trees located along the northern boundary of the site. However, these are of generally poor quality, with the only significant specimen being an early mature Ash at the eastern end of the site. This tree is showing signs of decline, possibly through Ash Dieback and is unlikely to recover.

Therefore, none of the trees on site warrant being a material constraint to development; consequently, I have no objection to the proposal nor any recommendation for tree related conditions.

County Highways (received 18.10.2021) *There are no objections on Highway grounds to the proposed development subject to conditions.*

Notes to Planning Officer.

- i). The proposed development is located off an unadopted part of Vicarage Lane so therefore this conditional recommendation is based only on the impact on the public highway.*
- ii). This site was visited on Thursday 7th October 2021.*

Natural England (received 11.10.2021) NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Cannock Chase Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

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

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's advice on other natural environment issues is set out below.

Internationally and nationally designated sites

The application site is within close proximity of the Cannock Chase Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

The SAC is notified at a national level as the Cannock Chase Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - Cannock Chase SAC - No objection - Appropriate Assessment undertaken

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions., providing that all mitigation measures are appropriately secured in any permission given.

Cannock Chase SSSI - No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Severn Trent (received 05.10.2021) *As the proposal has minimal impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied.*

Site notice (expired 20/10/2021)

No neighbour comments received (expired 19/10/2021)

5. APPRAISAL

5.1 The application is to be heard at Planning Committee as the proposal is contrary to Policy OC1 of the Core Strategy.

5.2 Key Issues

- Principle of the development
- Impact on the character of the site and wider streetscene
- Impact on neighbouring amenity
- Highways/Parking
- Cannock Chase

5.3 Principle of the development

5.3.1 The property is within the Open Countryside beyond the West Midlands Green Belt. Policy OC1 sets out four categories of new building that 'will normally be permitted' in the Open Countryside, but the proposed development does not fall into any of them. It is therefore contrary to Policy OC1. The proposal also conflicts with Core Policy 1 as it is outside the settlement hierarchy. The settlement hierarchy is where growth is directed because it is the most accessible and sustainable location for it.

5.3.2 Planning application Ref 18/00472/OUT was for the erection of a bungalow on this site. The application was refused by Members due to the conflict with Core Strategy OC1. However, the decision was overturned on appeal. The inspector considered that the lack of a 5 year housing supply in the district rendered policy OC1 out of date in line with paragraph 11d and footnote 8 of the NPPF which states that planning permission should be granted in these circumstances unless, 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. The inspector concluded that, when assessed against the NPPF the proposals were in a sustainable and accessible location, would contribute to housing supply and that there would be only very limited environmental harm caused to the essentially open and rural character of this countryside location.

5.3.3 The outline permission above, and subsequent permission 18/00949/OUT on this site for the erection of a bungalow are extant. The time limit for approval of reserved matters is 18th April and 20th March 2022 respectively. Following approval of reserved matters for either outline permission, the applicant would have two years to implement the permission.

5.3.4 I consider that the appeal decision and fall-back position of being able to implement the above permissions is sufficient justification for accepting that, as long as they remain

extant, similar proposals for 1 dwelling on this site are also acceptable in principle subject to consideration of detailed matters.

5.3.5 The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) placed a legal duty on authorities to keep a register of individuals and associations of individuals who want to acquire serviced plots of land and required them to have regard to this when carrying out planning functions.

5.3.6 The applicant has confirmed that the property would be a self-build family home. I have therefore given this element some weight in the consideration of the planning application as the local authority is subject to duties under sections 2 and 2A of the Act to have regard to this and give enough suitable development permissions to meet the identified demand.

5.4 Impact on the character of the site and wider streetscene

5.4.1 Core Strategy Core Policy 4 states, the Council will expect all development proposals to achieve a high quality of design of buildings and their landscape setting... and meet the following requirements... b) to respect and enhance local character and distinctiveness of the natural and built environment including opportunities to improve the character and quality of the area and the way it functions'

5.4.2 Core Strategy Policy EQ11 states, 'Development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness...in terms of volume, scale, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area'.

5.4.3 Policy EQ4 states 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. 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.

5.4.4 The proposed dwelling is located adjacent to a small cluster of dwellings along Old Vicarage Lane. The nearest dwelling, The Old Vicarage, is a characterful dwelling with some heritage value, although it is not a listed building. The proposed dwelling would be in close proximity to the Old Vicarage and so it is considered that the proposed dwelling should respond to existing character of the immediate locality, also recognising the site is in a rural location.

5.4.5 The overall size and form of the dwelling is similar to nearby dwellings. The amended drawings have removed the extensive glazing within the two-storey gable extension and replaced with traditional fenestration. The blank side elevations are somewhat detrimental to the design quality. However, I consider that the overall design adequately responds to its environment, and the use of traditional materials will be key to ensuring the proposal does not have a detrimental effect.

5.4.6 In conclusion, I consider that the proposal is in accordance with Core Strategy policies CP4, EQ4, EQ11, and Design Guide SPD.

5.5 Impact on neighbouring amenity

5.5.1 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.

5.5.2 The proposed two storey dwelling would be approximately 40 metres from the nearest habitable room window and there are no directly facing windows to neighbouring properties. There are also a number of mature trees between the proposed dwelling and dwellings to the west which provide screening. There is one window at the first-floor level within the north elevation which serves an ensuite bathroom. It would be prudent for it to be obscure glazed to avoid any future privacy issues.

5.5.3 The proposed garage would be located approximately 9m from The Old Vicarage. The garage would measure 5m in height to the ridge of the pitched roof and 2.8m to the eaves. I consider that the distance to the nearby property, the size of the garage with pitched roof sloping away from the closest boundary and screening in-between would avoid any issues of overdominance or loss of daylight for neighbours. I consider therefore that there would be no harmful impacts to the amenity of neighbours.

5.5.4 With regard to occupier amenity, the proposals comfortably exceed the SAD standards for garden space, side access and internal space standards for a 4-bedroom dwelling. The positioning and size of windows allows sufficient daylight and allows privacy of the occupants.

5.5.5 In conclusion, I consider that the proposals would not harm the amenity of neighbours or occupants and is therefore in accordance with Core Strategy Policies EQ9 and EQ11.

5.6 Highways/Parking

5.6.1 Core Strategy Policy EV12 states that the Council will require appropriate provision to be made for off street parking in development proposals in accordance with adopted parking standards. These are set out in Appendix 5 and require 3 spaces for 4-bedroom dwellings.

5.6.2 The submitted Block Plan shows sufficient space to accommodate parking to the front of the dwelling in accordance with Policy EV12 and Appendix 5. Details can be demonstrated via a condition requiring details of soft and hard landscaping.

5.6.3 Regarding access, Staffordshire County Highways do not object to the proposals subject to a condition that the development shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans. In conclusion, the proposals would provide sufficient parking and are unlikely to cause highways issues in accordance with Core Strategy Policy EV12.

5.7 Cannock Chase SAC

5.7.1 The application site lies within the 0-8km zone of influence for the Cannock Chase Special Area of Conservation (SAC) and therefore requires mitigation due to the impacts of the additional recreational use of the SAC. Policy EQ2 of the Core Strategy states that development will only be permitted where it can be demonstrated that it will not be likely lead directly or indirectly to an adverse effect upon the integrity of the Cannock Chase SAC.

5.7.2 Natural England have been consulted on this application and consider that without appropriate mitigation the application would have an adverse effect on the integrity of Cannock Chase SAC. In order to mitigate these adverse effects and make the development

acceptable, mitigation should be secured for the recreational impacts on Cannock Chase SAC, by means of the Strategic Access Management & Monitoring Measures (SAMMM).

5.7.3 The development lies within the 0-8km zone of payment and would not significantly alter the scale of development currently planned for within the 0-15km zone of influence. Therefore, the Cannock Chase SAC - Planning Evidence Base Review (2017) suggests that any likely significant effects to the Cannock Chase SAC can be avoided or mitigated through the provision of £232 per net residential dwelling proposed towards the measures outlined in the SAMMM.

5.7.4 Provided that the application proposes to secure £232 per net residential dwelling through a satisfactory legal agreement, the proposed development would deliver sufficient mitigation and avoidance measures to prevent an adverse in combination effect on the integrity of the Cannock Chase SAC. The applicant has submitted a draft Unilateral Agreement and has confirmed they are willing to pay the required mitigation contribution. As a result, the proposal would likely have no adverse impact on the integrity of Cannock Chase SAC in accordance with Policy EQ2 of the Core Strategy, subject to satisfactory completion of the Unilateral Agreement.

6. CONCLUSIONS

6.1 There is an extant permission for a dwelling to be built at this site. Whilst it is recognised that this permission is for a bungalow, for the reasons given in this report, it is not considered that the erection of a two-storey dwelling would give rise to any undue harm on the character of the Open Countryside in this location. The application is for a single self-build dwelling to which I have attributed some weight. The proposal is unlikely to have a detrimental impact to the amenity of neighbours or the occupiers of the proposed dwelling and would not be harmful to the character of the adjacent dwelling, The Old Vicarage, and also the wider rural landscape setting, in accordance with Core Strategy Policies CP4, EQ4 and EQ11, Design Guide SPD and Section 12 of the NPPF. There are no highways or ecology concerns. I am therefore recommending that the application be approved, subject to conditions.

7. RECOMMENDATION - DELGATE APPROVAL TO DEVELOPMENT MANAGEMENT MANAGER Subject to Unilateral Undertaking

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: 001 Location Plan received 13.08.2021, 005 Rev A Proposed Garage Plans and Elevations received 23.09.2021 and, 002 Rev B Block Plan and Site Plan, 003 Rev B Proposed Floor Plans, 004 Rev A Proposed Elevations received 20.12.2021
3. No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. 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.

5. 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).
6. The proposed driveway shall be made of porous materials or shall drain to a porous location within 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 safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
4. In the interest of highway safety.
5. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
6. In the interests of sustainable design in accordance with policy EQ7 Water Quality

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.



Land Adjacent To The Old Vicarage, Old Vicarage Lane, Dunston, Staffordshire ST18 9AD